Appendix B: Draft EIR Notice of Availability (NOA) and Comment Letters
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NOTICE OF AVAILABILITY FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE TRAILS AT SANTIAGO CREEK PROJECT

TO: All Interested Parties

HEARING LOCATION: City of Orange City Hall, Weimer Room, 300 East Chapman Avenue, Orange CA 92866

PUBLIC HEARING: To be determined, separate noticing will be given for public hearings.

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for the Trails at Santiago Creek project. City of Orange Planning case numbers:

- General Plan Amendment No. 2018-0001
- Zone Change No. 1286-18
- Development Agreement No. 0005-18
- Environmental Review No. 1857-18

PROJECT LOCATION: The project site is located at 6118 East Santiago Canyon in the City of Orange, County of Orange, California. The project site is the current location of a materials recycling and backfilling operation.

NOA COMMENT PERIOD: The City invites you to submit written comments describing your specific environmental concerns on Environmental Review No. 1857-18. Written comments are desired at the earliest possible date, but due to the time limits mandated by State law, your response must be received no later than 45 days after receipt of this notice. The Notice of Availability (NOA) public comment period begins on February 23, 2018 and ends on April 9, 2018 by 5:30 pm. Please send your written comments to the City staff contact identified above and please include your name, address, and contact information in your correspondence.

CEQA LEAD AGENCY:
Agency: City of Orange, Community Development Department, Planning Division
Address: 300 E. Chapman Avenue, Orange, CA 92866

AGENCY CONTACT:
Robert Garcia, Senior Planner
Email: rgarcia@cityoforange.org
Phone: (714) 744-7231

PROJECT APPLICANT: Milan REI X, LLC, a California Limited Liability Corporation.

PROJECT DESCRIPTION: The proposed project would establish a specific plan consisting of: a 40.2-acre Greenway/Santiago Creek open space environment in the north portion of the site, a 20.5-acre Grasslands/Open Space element in the eastern portion of the site abutting the adjacent Reserve residential neighborhood, and a 8.3-acre Managed Vegetation area along the north facing slopes of the Santiago Creek. A Single-Family Detached Residential parcel, consisting of 129 units, is proposed in the south-central and southwestern portion of the site abutting the adjacent County-owned vacant parcel west of the project site. The residential neighborhood will be accessed from Santiago Canyon Road across from Nicky Way. The proposed Project includes extensive remediation of bad soils conditions left as a byproduct of the former mining operation. This will necessitate the import of approximately 700,000 cubic yards of new clean materials and the export of approximately 400,000 cubic yards of silty soils. The blend of imported materials will be based on the recommendation of the project's soils engineer and will include asphalt, concrete, rock and soil to be mixed in with the materials found onsite currently.

SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS: The City has determined that the proposed project would require the preparation of a DEIR. As permitted by Section 15060(d) of the State CEQA Guidelines, an initial study has not been prepared. Potentially significant environmental effects that would be evaluated in the DEIR include:

- Aesthetics, Light, & Glare
- Hazards & Hazardous Materials
- Recreation
- Agriculture Resources and Hydrology/Water Quality
- Land Use & Planning
- Transportation & Traffic
- Forestry Resources
- Mineral Resources
- Tribal Cultural Resources
- Air Quality
- Population & Housing
- Cultural Resources
- Biological Resources
- Public Services
- Greenhouse Gas
- Geology & Soils
- Noise
NOTICE OF AVAILABILITY FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE TRAILS AT SANTIAGO CREEK PROJECT

Cultural Resources

Utilities & Service Systems

Unless specific comments are received during the NOA public comment period that indicates a potential for the project to result in significant impacts for the following issues, they would not be addressed in the DEIR:

- State Scenic Highways
- Septic & Alternative Wastewater Disposal Systems
- Airports
- Private Airstrips
- Seiches, Tsunamis, or Mudflows
- Division of an Established Community
- Aviation Noise
- Displacement of Persons or Housing
- Air Traffic Patterns

AVAILABILITY:
Copies of the Environmental Impact Report are available for public review at the following locations (and online at http://www.cityoforange.org/292/Project-NoticesRelated-Environmental-Doc):

**City of Orange**
Community Development Department, Planning Division
300 E. Chapman Avenue
Orange, CA 92866

City Clerk
300 E. Chapman Avenue
Orange, CA 92866

**Orange Public Library and History Center**
407 E. Chapman Avenue
Orange, CA 92866

**El Modena Branch Library**
380 S. Hewes Street
Orange, CA 92866

**Taft Branch Library**
740 E. Taft Avenue
Orange, CA 92865
B.2 - Public Agency Comment Letters
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April 9, 2018

Mr. Robert Garcia
City of Orange
Planning Division
300 E. Chapman Avenue
Orange, CA 92666
rgarcia@cityoforange.org

Subject: Comments on the Draft Environmental impact Report for the Trails at
Santiago Creek Project, Orange, CA (SCH# 2017031020)

Dear Mr. Garcia:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced draft Environmental Impact Report (DEIR) for the Trails at Santiago Creek, dated February 23, 2016. The Department provided comments on the Notice of Preparation (NOP) for the project in a letter dated March 22, 2017. The following statements and comments have been prepared pursuant to the Department’s authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code § 2050 et seq.) and Fish and Game Code section 1600 et seq. The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of Orange (City) is a non-participating landowner under the Central/Coastal Orange County NCCP/Habitat Conservation Plan (HCP).

The 109-acre project area is located at 6118 East Santiago Canyon Road within the City, east of State Route 55 and west of State Route 261. The project, which has a history of surface mining and materials recycling, will develop 129 single-family homes on 40.2 acres, leaving the remaining 69 acres as open space with recreational trails. A portion of Santiago Creek, which contains perennial flow, runs through the project area. This riparian area has been documented to support least Bell’s vireo (Vireo bellii pusillus), which is listed as endangered under CESA and the federal Endangered Species Act (ESA). Coastal California gnatcatcher (Polioptila californica californica), which is a state species of special concern and ESA listed-threatened, is located in the upland portions of the project area.

Our primary concerns regarding the DEIR include the City’s interpretation of coverage under the NCCP/HCP, management of mitigation obligations, impacts to remaining open space, and impacts to least Bell’s vireo. We offer the following comments and recommendations to assist the City in avoiding or minimizing potential project impacts on biological resources.

1. The DEIR indicates that 0.27 acres of permanent impacts and 0.34 acres of temporary impacts to southern cottonwood-willow riparian forest would occur “off site” for geotechnical slope stabilization (page 3.4-53). Based on the information provided in the DEIR and Exhibit 3.4-8, it is unclear how “off site” is defined and whether these impacts would occur within the

Conserving California’s Wildlife Since 1870
project parcel or if they would encroach on the adjacent parcel. The proposed project is adjacent to the NCCP/HCP Reserve system and impacts that extend beyond the project parcel boundary may impact Reserve habitat. We recommend the final EIR clarify whether "off site" impacts associated with geotechnical slope stabilization would occur outside of the project parcel boundary and if the project would impact Reserve habitat. This project is not a covered activity under the NCCP/HCP, and any impacts to the Reserve system would likely require a minor amendment to the NCCP/HCP, which would include coordination and approval from the Reserve landowner/manager, the Department, and the U.S. Fish and Wildlife Service, as well as mitigation that maintains or increases the functional value of the Reserve.

2. The DEIR incorrectly states that impacts to NCCP/HCP covered species are addressed through implementation of the NCCP/HCP and focused surveys or mitigation measures for these species are not required (page 3.4-39). For a non-participating landowner with land in a signatory jurisdiction, regulatory coverage for "Identified Species" is only extended to the landowner if they elect to use the Mitigation Fee option provided by the NCCP/HCP (page II-405 of NCCP/HCP). Since the Mitigation Fee is not being used for this project, we recommend the final EIR be amended to include data from comprehensive surveys in order to identify all potential project impacts to sensitive species, a thorough analysis and discussion of these survey results, and a mitigation measure or measures that avoid or minimize those impacts.

3. Mitigation measures BIO-2b, BIO-3, and BIO-4 reference the potential for mitigation to occur at an off-site agency-approved mitigation bank or through an in-lieu fee program, such as that operated by the Santa Ana Watershed Authority (SAWA). The only certified, Department-approved mitigation bank whose service area extends to the project site is Soquel Canyon Mitigation Bank. Currently, this bank does not have the creation credits necessary to accommodate the Department's policy of "no net loss" of either wetland habitat values or acreage, nor does it sell species-specific credits (i.e., least Bell's vireo credits). Regarding in-lieu fees: the in-lieu fee program available through the NCCP/HCP for non-participating landowners only applies to Coastal Sage Scrub Identified Species and cannot be used to mitigate for impacts to riparian habitats (NCCP/HCP pg. II-163 and II-405); furthermore, participation in SAWA's invasive species removal in-lieu fee program would also fail to meet the Department's no net loss policy for wetland habitat values. The Department requests that BIO-2b, BIO-3, and BIO-4 are amended to reflect this information.

4. With respect to defensible space, identified in the DEIR as PA-C: Managed Vegetation, the final EIR should fully describe and identify the location, acreage, and composition of defensible space within the proposed project footprint. Please ensure that any graphics and descriptions of defensible space associated with this project comply with Orange County Fire Authority (or other applicable agency) regulations and requirements. The City, through their planning processes, should ensure that defensible space is provided and accounted for within proposed development areas, and not placed in adjacent open space or conservation lands. The Department requests that the EIR be amended to include a thorough discussion of the following elements:

a. If fuel modification zones are being proposed as mitigation to offset impacts associated with the project; and
b. if conserved open space is also proposed to serve as defensible space. Please note that lands proposed to be managed for defensible space purposes will have lower conservation resource value as they require in-perpetuity vegetation management.

5. The Department is concerned that the DEIR did not take into account the impacts of recreational trails on surrounding habitat value. Impacts on wildlife as a result of recreation include wildlife fleeing in response to recreationists. This can result in energetic and physiological costs, temporal and/or spatial displacement from preferred environments or otherwise suitable habitats, reductions in reproduction rates and population levels, and ultimately an alteration in species composition and diversity (Hammitt et al. 2015). Because of this, the Department considers trails and trail use to be part of the project’s impacts, and as such it should be included in the calculation of the project’s impacts to habitats and species. We recommend that direct, indirect, and cumulative impacts to wildlife from recreational trail use be analyzed in the final EIR. This analysis should include a mitigation measure or measures that bring impacts of trails on biological resources below a significant level. We also request that any on-site mitigation for project impacts take into account the degradation of habitat value from trail recreation.

6. Mitigation measure BIO-2c(8) indicates that brown-headed cowbird (Molothrus ater) traps shall be installed and maintained for five years (page ES-20). Given that one of the goals of the City’s General Plan is to provide efficient and accessible equestrian transportation, and the DEIR states that the project is consistent with that goal (page 3.10-15), the Department is unclear as to why cowbird trapping will be temporally limited. Equestrian use is known to attract brown-headed cowbirds (Borgmann and Morrison 2010); these birds parasitize sensitive avian species including least Bell’s vireo. Because of the permanent equestrian infrastructure associated with the project, equestrian use within the vicinity of least Bell’s vireo habitat can be anticipated, and this could result in increased brown-headed cowbird parasitism. Accordingly, we recommend the final EIR address this potential impact and amend the mitigation measure such that it calls for an ongoing manure management receptacle/maintenance plan, as well as an ongoing cowbird trapping plan. The mitigation measure should identify the entity that will be responsible for incorporating this guidance into any applicable homeowner’s association Declaration of Covenants, Conditions, and Restrictions.

7. The DEIR discusses light and glare in terms of Aesthetics, but does not address window glare in relationship to biological resources; specifically, bird strike is not addressed. Avoidance of bird strike, a direct impact to which migratory species are particularly susceptible, can be achieved through incorporation of “bird safe” elements in architectural design. Elements such as glazed windows, well-articulated building facades, and minimal nighttime lighting are encouraged to reduce collisions of migratory birds with buildings. Large flat windows, reflective glass, and transparent corners are strongly discouraged. The Department, therefore, recommends that the final EIR include a discussion and analysis as to whether or not the addition of structures adjacent to a known bird refugia has the potential to significantly increase bird strike. We also recommend that the Project Description be amended to incorporate recommendations as described in Standards for Bird Safe Buildings (San Francisco Planning Department 2011) and that a mitigation measure be incorporated into the final EIR if appropriate.
8. Given that a proposed plant palette is absent from the DEIR, the Department would recommend the City to use native plants in their landscape design. Use of native plants in landscaping not only avoids spread of invasive species, but also provides additional benefits such as the attraction of native pollinators and reduced water consumption. Therefore, the Department recommends that appropriate native plants should be used to the greatest extent feasible in landscaped areas. The applicant should not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas adjacent to and/or near native habitat areas. Exotic plant species not to be used include those species listed on the California Invasive Plant Council’s (Cal-IPC) Invasive Plant Inventory. This list includes (but is not limited to) the following: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom.

9. The Polyphagous and Kuroshio shot hole borers (ISHBs) are invasive ambrosia beetles that introduce fungi and other pathogens into host trees. The adult female (1.8-2.5 mm long) tunnels galleries into the cambium of a wide variety of host trees, where it lays its eggs and propagates the Fusarium fungi species for the express purpose of feeding its young. These fungi cause Fusarium dieback disease, which interrupts the transport of water and nutrients in at least 58 reproductive host tree species, with impacts to other host tree species as well. With documented occurrences throughout Southern California, including Santiago Oaks Regional Park east of the project area, the spread of invasive shot hole borers (ISHBs) could have significant impacts in local ecosystems. Therefore, with regard to ISHBs, we recommend the final EIR include the following:

a. a thorough discussion of the direct, indirect, and cumulative impacts that could occur from the potential spread of ISHBs as a result of proposed activities in the final EIR;
b. an analysis of the likelihood of the spread of ISHBs as a result of the invasive species’ proximity to above referenced activities;
c. figures that depict potentially sensitive or susceptible vegetation communities within the project area, the known occurrences of ISHB within the project area (if any), and ISHB’s proximity to above referenced activities; and
d. a mitigation measure or measure(s) within the final EIR that describe Best Management Practices (BMPs) that bring impacts of the project on the spread of ISHB below a level of significance. Examples of such BMPs include:

e. significance. Examples of such BMPs include:

i. education of on-site workers regarding ISHB and its spread;
ii. reporting sign of ISHB infestation, including sugary exudate ("weeping") on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen), to the Department and UCR’s Eskalen Lab;
iii. equipment disinfection;
iv. pruning infected limbs in infested areas where project activities may occur;
v. avoidance and minimization of transport of potential host tree materials;
vi. chipping potential host materials to less than 1 inch and solarization, prior to delivering to a landfill;
vii. chipping potential host materials to less than 1 inch, and solarization, prior to composting on-site;
viii. solarization of cut logs; and/or
ix. burning of potential host tree materials.
Mr. Robert Garcia  
City of Orange  
April 9, 2018  
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Please refer to UCR’s Eskalen lab website for more information regarding ISHBs:  

We appreciate the opportunity to comment on the DEIR for this project and to assist the City in  
further minimizing and mitigating project impacts to biological resources. We request that a  
written response our comments be provided in the final EIR, as required per CEQA Guidelines  
section 15088(d). If you have any questions or comments regarding this letter, please contact  
Jennifer Turner, Environmental Scientist at (858) 467-2717 or jennifer.turner@wildlife.ca.gov.

Sincerely,

[Signature]

Gail K. Sevrens  
Environmental Program Manager  
South Coast Region

cc: Johnathan Snyder, U.S. Fish and Wildlife Service  
Scott Morgan, State Clearinghouse

Literature Cited

Borgmann, Kathi L. and Michael L. Morrison. 2010. Factors influencing the frequency of nest  
parasitism by Brown-headed Cowbirds in the northern Sierra Nevada. Western North American  
Naturalist: Vol. 70, No. 2: Article 1. Available at  
https://scholarsarchive.byu.edu/wnan/vol70/iss2/1.

Hammit, William E., David N. Cole, and Christopher A. Monz. 2015. Wildland Recreation:  

San Francisco Planning Department. 2011. Standards for Bird-Safe Buildings. San Francisco,  
CA: City of San Francisco. Available at http://www.sf-  
planning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards_for_Bird-  
March 9, 2018

Sent via USPS and
email: rgarcla@cityoforange.org

Mr. Robert Garcia
City of Orange
Community Development Department, Planning Division
300 E Chapman Avenue
Orange, CA 92866

Subject: First Review of the Draft Environmental Impact Report (SCH No. 2017031020) for The Trails at Santiago Creek Specific Plan and associated Development Agreement, General Plan Amendment, and Zone Change in Orange

Dear Mr. Garcia:

City of Irvine staff has reviewed the Draft Program Environmental Impact Report (EIR) for the subject project. The proposed project is a specific plan generally located at the northeast corner of N. Cannon Street and E. Santiago Canyon Road at 6118 East Santiago Canyon Road in the City of Orange on 109-acres as follows:

- A 40.2-acre Greenway/Santiago Creek open space environment in the northern portion of the site;
- A 20.5-acre Grasslands open space element in the eastern portion of the site abutting the adjacent Reserve residential neighborhood;
- A 8.3-acre Managed Vegetation area along the north facing slopes of the Santiago Creek; and
- A single-family detached residential parcel of 129 units in the southern portion of the site accessed from Santiago Canyon Rd across from Nicky Way.

Based on the review of the Draft EIR, City of Irvine staff would like to provide the following comments:

1. It is atypical to modify the existing baseline condition to represent more traffic on the roadway when that additional traffic did not exist at the time that traffic counts were taken (i.e., time of the NOP in 2017). By increasing traffic volumes in the existing baseline condition to account for trips that occurred seven years prior (in 2010), there would appear to be an under-representation of the
increase in traffic caused by the proposed project. With the forecasted Year 2022 analysis and the Year 2040 build-out analysis relying on percentage growth of these "modified" existing conditions to represent future baseline conditions, would these future year analyses similarly under-represent increases in traffic caused by the project?

2. MM TRANS-5: There appears to be inconsistency related to the configuration of outbound lanes at the project driveway (i.e., Santiago Canyon/Nicky Way/Project driveway). Listed in the improvements at this location are two conflicting outbound lane improvements: one bullet describes one outbound lane (i.e., shared left/through/right) and another bullet describes two outbound lanes. Based on the outbound traffic volumes during the peak period, it appears two outbound lanes (one dedicated left-turn lane, one shared through/right-turn lane) may work best.

Thank you for the opportunity to review and comment on the proposed project. Staff would appreciate the opportunity to review any further information regarding this project as the planning process proceeds. If you have any questions, I can be reached at 949-724-6395, or by email at mchao@cityofirvine.org.

Sincerely,

Melissa Chao
Senior Planner

cc: Kerwin Lau, Manager of Planning Services
    Bill Jacobs, Principal Planner
    Sun-Sun Murillo, Supervising Transportation Analyst
April 4, 2018

Mr. Robert Garcia, Senior Planner  
City of Orange, Community  
Development Department/Planning Division  
300 E. Chapman Avenue  
Orange, CA 92866

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE TRAILS AT SANTIAGO CREEK PROJECT

Mr. Garcia,

Thank you for affording the City of Villa Park the opportunity to review the Draft Environmental Impact Report (DEIR) for the Trails at Santiago Creek Project in the City of Orange. The City has closely reviewed and evaluated the contents of the DEIR and in response, prepared the following comments and questions for your consideration. We would greatly appreciate your focused attention to these comments and questions and look forward to your timely responses to them.

DEIR

- Public outreach and development of Pre-Development Agreement (PDA) did not include the City of Villa Park. Note Section 8 – City of Villa Park was not consulted in preparation of DEIR.
- DEIR proposes widening of Santiago Canyon Road east of Cannon Street. Santiago Road extension is Villa Park Road. Villa Park Road is a primary four-lane arterial in the Master Plan of Arterial Highway (MPAH). The modifications to increase traffic on Villa Park Road will not be supported, as there are no rights-of-way to widen the roadway to six lanes. Note that the sand and gravel operation has been dormant since September 2015. As part of site remediation, operation will resume per PDA.
- Off-site impacts, especially along Villa Park Road in the City of Villa Park, were not analyzed and therefore the impacts on Villa Park Road were neglected. Sensitive land uses along Villa Park Road (residential, school) were not identified.
- Existing conditions of the area in the City of Villa Park potentially impacted by construction project, including noise, traffic, and air quality were not identified.
- No NOP comments received from the City of Villa Park, nor did the City of Villa Park staff attend Scoping Meeting.
- Source(s) of import fill and locations for disposal of waste fill were not identified. This is key in identifying off-site construction-related traffic, noise, and particulate (Diesel Particulate Matter (DPM) and PM 10) and other air quality impacts.
Noise

- Identification of impacts and mitigation measures limited to project site. Impacts on the City of Villa Park, especially along Villa Park Road, were not addressed. (see Exhibit 3-12.1)
- Existing noise impacts and project construction and long-term impacts in the City of Villa Park were neglected. Existing noise levels in these areas may exceed standards and construction and project-associated traffic may exacerbate these levels.

Traffic

- The study area was limited to City of Orange boundary. This is inadequate and requires expanding the study area westerly to the SR-55 freeway. 3.16.1 states that regional access to the site is provided via SR-55 and SR-241. Access to the site from SR-55 is through the City of Villa Park.
- The proposed project generates 1,228 trips per day.
- Based on the Traffic Report, 23% of the project traffic would be on Villa Park Road, therefore, the intersections and roadway segments along Villa Park Road and Santiago Boulevard must be included in the analysis and evaluated.
- The distribution assumption of the project of 23% is too low since the closest neighborhood retail is located at the intersection of Santiago Boulevard and Wanda Road.
- No traffic counts were conducted along Villa Park Road, even though 23% of the project forecasted traffic was determined to be on Villa Park Road.
- Traffic analysis neglected the City of Villa Park (see Exhibit 3.16.1). Expand analysis to include Villa Park Road through the City of Villa Park, including analysis during school traffic periods. Also factor in cumulative projects identified in Table 3.16-7.
- The Traffic Report utilized traffic counts at the project site existing driveways dated October 2010. Since the existing land use on the site is no longer operable, no adjustments to the traffic forecast should be taken.
- Potential construction period and permanent traffic impacts in the City of Villa Park and at Katella/SR-55 interchange and mitigation were neglected.
- Potential impact on school pedestrian traffic in the City of Villa Park was not addressed.
- Potential impact of Project on fire services provided to the City of Villa Park from OCFA Station 23 was not addressed. OCFA Station 23 was not identified in Exhibit 2-2, Local Vicinity Map.
- Identify load restrictions on Cannon Street north and south of Project Site.
- The Traffic Analysis only addressed import of 223,000 cubic yards of fill to the site – not the 1.1 million cubic yards as identified in the DEIR. It appears that this analysis failed to address the full traffic construction impacts of the proposed project.
- Section 3.3 of the Traffic Analysis addressed pedestrian circulation. However, it did not address pedestrian circulation in the City of Villa Park, which includes student pedestrian traffic along and across Villa Park Road.
April 4, 2018
Mr. Robert Garcia, Senior Planner
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- The Traffic Analysis did not identify source(s) of fill material or location(s) of disposal facilities. How can traffic be analyzed without knowing where it is coming from or going to?
- The Traffic Analysis should assess traffic and congestion impacts resulting from failure to extend Jamboree Road to the SR-91 and cumulative impact of the proposed project.
- According to the Traffic Report, the projected 2040 buildout daily traffic volume is 37,400 on Villa Park Road. This is above the acceptable capacity for level of service (LOS) “C”, which is 30,000 vehicles per day.
- LOS “C” is the minimum acceptable condition that should be maintained on a daily basis on all roadway segments within City of Villa Park.
- The Traffic Report ignored the impacts on road segment and intersections within the City of Villa Park.

Hazards and Hazardous Materials
- 129 DU to be constructed in the most western portion of property, adjacent to the County property (Note: County property is a closed solid waste landfill with active landfill gas (methane) extraction due to off-site migration). Landfill gas migration extended to residences on the south side of Santiago Canyon Road and OCFA Station 23. Proposed residential construction is very close to the landfill. Has the County determined that existing landfill gas extraction system will adequately protect proposed project and are they aware of potential liability?

Grading and Earthwork
- Proposed project would necessitate import of approximately 700,000 cubic yards of new clean materials and export of approximately 400,000 cubic yards of silty soils, a total of 1.1 million cubic yards of material. Average dump truck capacity is between 10 and 14 cubic yards. Based on this capacity, the grading operation would generate between 78,000 to 110,000 round trips.
- No truck route was identified to analyze the impact of the truck traffic generated by the grading operation.

City of Villa Park Requested Mitigation
- Revise the traffic analysis to expand the study area to include the City of Villa Park street network up to SR-55.
- Provide improvements to mitigate the traffic impacts on Villa Park Road to maintain acceptable level of service (LOS) “C”.
- Identify waste disposal location and fill import site(s) southeast of Project Site to reduce construction-related traffic, noise and dust impacts on residential neighborhoods in the City of Villa Park. Restrict construction traffic to Chapman Avenue/SR-55/Hewes Street, Cannon Street, and Santiago Canyon Road/Chapman Avenue/Jamboree Road/SR-241
April 4, 2018
Mr. Robert Garcia, Senior Planner
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- Prohibit use of waste disposal and fill import traffic through the City of Villa Park. Also prohibit construction traffic (cement trucks and other building materials and equipment) through the City of Villa Park.
- The magnitude of heavy truck traffic suggests potential impact on local arterial highways. Request bond to repair any road damage during construction.

Should you have any questions, or if you require additional information concerning the comments and questions provided herein, please contact the undersigned at (714) 998-1500.

Sincerely,

[Signature]

Rayvald F. Pascua
Planning Manager

cc: City Council
City Manager
City Engineer
City Building Official
City Attorney
March 20, 2018

Mr. Robert Garcia  
Senior Planner  
City of Orange  
Community Development Department, Planning Division  
300 East Chapman Avenue  
Orange, California 92866  
Rgarcia@cityoforange.org

ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE TRAILS AT SANTIAGO CREEK PROJECT (SCH# 2017031020)

Dear Mr. Garcia:

The Department of Toxic Substances Control (DTSC) has reviewed the subject EIR. The following project description is stated in the EIR: "The Trails at Santiago Creek Specific Plan proposes the transformation of a rock and concrete materials recycling and backfilling operation to an environmentally enhanced, ecologically friendly open space environment embracing a well-planned and attractive single-family detached residential neighborhood. The EIR will evaluate the development of 129 dwellings on approximately 40.2 acres of the 109-acre site. The majority of the project site (63.2%) is intended for the enhancement and preservation of the natural greenway/open space and Santiago Creek environs (40.2 acres), as well as re-establishing open grasslands in areas that has been denuded by the project site's history of commercial operations (20.5 acres), and open space/managed vegetation (8.3 acres), totaling approximately 69 acres. Recreational trails will provide public access to the enhanced revegetated interior of the site."

Based on the review of the submitted document DTSC has the following comments:

1. The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.
2. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).

3. If planned activities include building modifications/demolitions, lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations.

4. If the site was used for agricultural or related activities, residual pesticides may be present in onsite soil. DTSC recommends investigation and mitigation, as necessary, to address potential impact to human health and environment from residual pesticides.

5. DTSC recommends evaluation, proper investigation and mitigation, if necessary, on onsite areas with current or historical PCB-containing transformers.

6. The EIR states, "The proposed Project includes extensive remediation of bad soils conditions left as a byproduct of the former mining operation. This will necessitate the import of approximately 700,000 cubic yards of new clean materials and the export of approximately 400,000 cubic yards of silty soils. The blend of imported materials will be based on the recommendation of the project's soils engineer and will include asphalt, concrete, rock and soil to be mixed in with the materials found onsite currently." The site should be properly characterized and remediated prior to implement any development activities. In addition, excavated soil should be sampled prior to export/disposal. If the soil is contaminated, it should be disposed of properly in accordance with all applicable and relevant laws and regulations. In addition, if the project proposes to import soil to backfill the excavated areas, proper evaluation and/or sampling should be conducted to make sure that the imported soil is free of contamination.

7. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
Mr. Robert Garcia  
March 20, 2018  
Page 3

If you have any questions regarding this letter, please contact me at (714) 484-5380 or email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,

[Signature]

Johnson P. Abraham  
Project Manager  
Brownfields Restoration and School Evaluation Branch  
Site Mitigation and Restoration Program – Cypress

cc: Governor’s Office of Planning and Research (via e-mail)  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
State.clearinghouse@opr.ca.gov

Mr. Dave Kereazis (via e-mail)  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
Dave.Kereazis@dtsc.ca.gov

Mr. Shahir Haddad, Chief (via e-mail)  
Schools Evaluation and Brownfields Cleanup  
Brownfields and Environmental Restoration Program - Cypress  
Shahir.Haddad@dtsc.ca.gov

CEQA# 2017031020
April 5, 2018

Robert Garcia, Senior Planner  
City of Orange  
Community Development Department  
300 East Chapman Avenue  
Orange, CA 92866

Re: Notice of Availability – DEIR The Trails at Santiago Creek Project

Dear Mr. Garcia:

Irvine Ranch Water District (IRWD) has received and reviewed the Draft Environmental Impact Report (DEIR) for the Rio Santiago Project. IRWD offers the following comments.

IRWD wishes to again reiterate the comment provided in its June 12, 2013 and March 31, 2017 comment letters. While this project is not specifically within IRWD jurisdiction, a portion of this project is within the former Carpenter Irrigation District area which was annexed by IRWD. As the successor water district to Carpenter Irrigation District, a thorough review of any IRWD rights over the Rio Santiago/Trails at Santiago Creek Project area should be conducted by the project proponent before a final map is processed. The appropriate actions as to the disposition of any IRWD rights should be coordinated through IRWD’s Planning and Technical Services Division. Please contact IRWD’s Right-Of-Way Agent, Ray Thatcher, at (949) 453-5602 to address this issue. Additionally, prior to development plan submittal and approval, the developer shall coordinate with IRWD’s Planning and Technical Services Division to develop a technical memorandum or Sub-Area Master Plan Addendum for this project. Please contact Eric Akiyoshi, Principal Engineer at (949) 453-5552 to further discuss this requirement.

IRWD appreciates the opportunity to review and comment on the DEIR. If you have any questions or require additional information, please contact the undersigned or Jo Ann Corey, Environmental Compliance Specialist at (949) 453-5326.

Sincerely,

[Signature]

Fiona M. Sanchez  
Director of Water Resources

Cc: Eric Akiyoshi, IRWD  
Ray Thatcher, IRWD  
Jo Ann Corey, IRWD
April 6, 2018

Mr. Robert Garcia, Senior Planner
Planning Division, Community Development Dept.
City of Orange
300 E. Chapman Ave.
Orange, CA 92866

Dear Mr. Garcia

Subject: DEIR for The Trails at Santiago Creek Specific Plan (SCH # 2017031020) Located East of Former Villa Park Disposal Station, SWIS # 30-CR-0020, City of Orange

The Orange County Solid Waste Local Enforcement Agency (LEA) has completed review of DEIR for the proposed Trails at Santiago Creek. The proposed open space/recreational/residential development (Project) will be located immediately east and north of former Villa Park Disposal Station (Landfill). Below is a list of the LEA’s concerns and comments.

1. Trail A: As shown in Exhibits 5 and 2-9, recreational Trail A would extend westerly into the southern portion of the Landfill. Please ensure that Trail A alignment does not encroach onto the Landfill. Further, construction of Trail A should not impact any of the existing landfill gas (LFG) extraction wells, pipelines, and monitoring probes.

2. Mitigation Measure HAZ-2a:
   
   A. The DEIR should refer to proposed enclosed – rather than occupied – structures.

   B. Please clarify further “The proposed occupied structures shall be situated strategically to allow for future remediation of any potential landfill gas migration”. For example, will there be a minimum distance of open space (i.e. buffer zone) between nearest enclosed structure and the Landfill boundary line dedicated for any future remediation work? If so, what will that distance be?

   C. In addition to the vapor intrusion abatement measures listed, the LEA recommends i) utility trench dams and conduit seal-offs, pursuant to California Code of Regulations, Title 27 (27 CCR), Section 20939(c) http://www.calrecycle.ca.gov/Laws/Regulations/Title27/ch3sb4b.htm#Article6. LFG can migrate in the subsurface through utility trenches and conduits; ii) methane gas sensors under the slab for each enclosed structure within 1,000 ft of the Landfill, and iii) indoor methane sensor with audible alarm in any common-use enclosed structure (e.g. clubhouse) within 1,000 ft of the Landfill (see 27 CCR Section 21190(g) http://www.calrecycle.ca.gov/Laws/Regulations/Title27/ch3sb5.htm#Article2.
3. **Santiago Canyon Road:** To improve vehicle circulation, the DEIR (page 2-42) proposes to “Widen and restripe the north side of Santiago Canyon Road approximately 4 to 6 feet from the easterly project boundary to the existing free-right turn lane at Cannon Street...”. Existing LFG monitoring probes MP-7A, MP-8A and M-9A within Santiago Cyn. Rd. Right-of-Way should be protected in place.

4. **Detention Basin:** In Drainage Impact Analysis (page 3.9-22), the DEIR discusses proposed drainage system serving the Project directing runoff to “a 3.7-acre foot capacity stormwater detention basin in the western portion of the site”. Design, construction, operation and/or maintenance of the detention basin should not enhance the potential of stormwater infiltration into buried waste in the nearby Landfill. Water contacting buried solid waste exacerbates LFG generation, among other adverse environmental impacts.

To further discuss any of the above feedback, the LEA is available to meet with the City of Orange and Project Applicant. Alternatively, the LEA can be contacted via e-mail (oabu-shaban@ochca.com), or phone (714) 433-6271.

Finally, please keep the LEA apprised of all future notices regarding the Project.

Sincerely,

Ossama “Sam” Abu Shaban, RCE, RME, BCEE, CPP, QEP  
Senior Civil Engineer  
Solid Waste Local Enforcement Agency  
Environmental Health

cc:  Glenn Young, CalRecycle  
Cindy Li, SARWQCB  
John Arnau, OC Waste & Recycling  
Anthony Martinez, OC LEA  
Kathy Cross, OC LEA
April 5, 2018

Robert Garcia, Senior Planner  
City of Orange  
Community Development Department  
300 E. Chapman Avenue  
Orange, CA 92866  

Subject: Draft Environmental Impact Report for Trails at Santiago Creek Specific Plan  

Dear Mr. Garcia:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Trails at Santiago Creek Specific Plan. The County of Orange offers the following comments for your consideration.

**OC Public Works – Environmental Resources**

It is recommended the following be addressed in the Draft EIR to address potential downstream impacts to Santiago Creek and the Santa Ana River in Orange County:

1. Description of project characteristics with respect to water quality issues, such as project site location in a given watershed, site acreage, known soil contamination, known groundwater contamination, and anticipated change in percent impervious surface area.

2. Identification of receiving waters. The EIR should identify all downstream receiving waters that may receive contributory runoff from the project site.

3. Description of the sensitivity of receiving waters. The EIR should identify Areas of Special Biological Significance, water bodies with Total Maximum Daily Loads (TMDL), and Clean Water Act Sec. 303(d) listed impaired water bodies.

4. Characterization of potential water quality impacts from the proposed project and identification of the anticipated pollutants to be generated by the project.

5. Identification of downstream hydrologic conditions of concern that may be affected by project-related changes in runoff volume and velocity; sediment load, makeup or characteristics; reduced infiltration; and/or increased flow, frequency, duration, and peak(s) of storm runoff.


7. Assessment of project impact significance to water quality.
8. If a proposed project has the potential to create a major new stormwater discharge to a water body with an established TMDL, the EIR should consider quantitative analysis of the anticipated pollutant loads in the stormwater discharges to the receiving waters.

9. Analysis of the cumulative impacts of the proposed project together with past, present and reasonably anticipated future projects.

10. Mitigation to reduce identified impacts to a level of insignificance or, if that cannot be accomplished, inclusion of all reasonable and feasible mitigations for identified impacts.

11. Identification specifically whether or not the project qualifies as a Priority Development Project under the city's municipal stormwater permit (Board Order R8-2009-0030), or instead is a Non-Priority Project which would require preparation of a Non-Priority Water Quality Project Plan.

If you have any questions regarding these comments, please contact Matt Tucker at (714) 955-0669 in OC Environmental Resources; or Ashley Brodkin at (714) 667-8854 in OC Development Services.

Sincerely,

[Signature]

for
Richard Vuong, Manager, Planning Division
OC Public Works Service Area/OC Development Services
300 North Flower Street
Santa Ana, California 92702-4048
Richard.Vuong@ocpw.ocgov.com
April 9, 2018

Robert Garcia, Senior Planner  
City of Orange  
Community Development Department  
300 East Chapman Avenue  
Orange, CA  92866

SUBJECT: Comments on the Draft EIR for the Trails at Santiago Creek Specific Plan

OC Waste & Recycling (OCWR) has the following comments on the Draft Environmental Impact Report (EIR) for the Trails at Santiago Creek Specific Plan (i.e., project):

Public Health and Safety - Hazards/Landfill Gas – Proximity of Project Homes Immediately Adjacent to Former Villa Park Refuse Disposal Station

As was stated in OCWR’s March 29, 2017 comment letter on the Notice of Preparation (NOP) for the proposed project (See attached comment letter which is hereby incorporated by reference), the project would be located directly east of the 17-acre former Villa Park Refuse Disposal Station, which is owned and maintained by the County of Orange and was operated by the County from 1962-1966. OCWR, as the solid waste landfill department for the County of Orange, is responsible for the ongoing maintenance and monitoring of the site in order to ensure the public’s health and safety. Environmental control and monitoring systems at the site include a landfill gas collection and flaring system, landfill gas monitoring probes, groundwater monitoring wells and perimeter surface water collection channels. In addition, OCWR maintains the landfill cover to prevent ponding, erosion and differential settlement. State and local agencies that monitor the site include the California Regional Water Quality Control Board - Santa Ana Region (RWQCB), South Coast Air Quality Management District (SCAQMD) and the County of Orange Health Care Agency/Local Enforcement Agency (LEA).

The former Villa Park Refuse Disposal Station will be located immediately adjacent to the project’s development area D, which will have up to 129 single-family homes. Since a development plan/tract plan exhibit was not included in the Draft EIR, it is impossible to determine what buffer, if any, will exist between the refuse boundary and the closest homes immediately to the east. We believe your Draft EIR is inadequate without a more clear description of the number, and location of homes that will be located in project development area D.

We also have the comments and questions:

1. The Human Health Risk Analysis Lacks Sufficient Detail.

The human health risk analysis (Health Analysis) that was included as part of the air quality section concluded that there would be no significant human health risks associated with locating project homes in close proximity to the former Villa Park Refuse Disposal Station. However the Health Analysis lacks sufficient detail to determine proposed home locations. Without detail regarding home locations, we feel there is insufficient information to make the air quality finding you have made in the Draft EIR. The Health Analysis also lacks sufficient detail regarding the modeling assumptions used for the anticipated distance between the closest home and the perimeter of the former landfilling area.
2. Mitigation Measure Haz-2a Lack Sufficient Detail

Mitigation Measure Haz-2a states that “the proposed occupied structures shall be situated strategically to allow for future remediation of any potential landfill gas migration.” What does this statement mean and will this be possible if the closest homes are located on the western property line of the project site, directly adjacent to the edge of waste from the refuse mass of the former Villa Park Refuse Disposal Station? Will the project grading plan, which was also not included in the Draft EIR, require grading into the refuse mass? If so, will this result in impacts to the landfill gas collection system, groundwater monitoring wells, and/or the surface water collection system? What steps will the project applicant take to ensure that this does not occur?

Mitigation Measure Haz-2a also states, “Prior to issuance of building permits for dwelling units in areas of the project site where vapor intrusion has the potential to occur, the applicant shall prepare and submit plans to the City of Orange identifying vapor intrusion abatement measures for trichloroethylene (TCE) and methane. Areas where vapor intrusion has the potential to occur are those identified in the Phase II Environmental Site Assessment.” OCWR reviewed the Phase II Environmental Site Assessment in its entirety and a development plan/tract plan exhibit for the project, showing the location of all 129 single-family homes, was not included. OCWR therefore reiterates its recommendation (from OCWR’s March 29, 2017 comment letter) that all occupied structures located within 1,000 feet of the former Villa Park Refuse Disposal Station, be equipped with structural mitigation to prevent landfill gas accumulation underneath and inside the occupied structures.

For all occupied structures located within the 1,000 foot radius, mitigation should include the following structural controls for each new structure: (1) a geomembrane between the slab and the subgrade, (2) a permeable layer with venting pipe between the geomembrane, and (3) automatic methane gas sensors with audible alarms in the permeable layer and inside the structures.

The City of Orange, as the CEQA Lead Agency for the project, should include the Mitigation Measure above in the Final Mitigation Monitoring and Reporting Program for the project, and the Mitigation Measure as a mandatory Condition of Approval for the project, and mandate that this structural mitigation be reviewed and approved by the LEA. It should be noted that homes that were built in other communities adjacent to closed landfills have these same structural features incorporated into their design to prevent the potential for landfill gas accumulation underneath and inside the homes.

3. Disclosure Statement – Proximity of New Homes to Former Villa Park Refuse Disposal Station

The following comment was included in OCWR’s March 29, 2017 comment letter on the NOP for the project, but was not included as a Mitigation Measure in the Draft EIR: “OCWR recommends that a verbal disclosure of the proximity of the former Villa Park Refuse Disposal Station be made during the earliest phase of the showing of homes to prospective buyers. This verbal disclosure would be in addition to the written disclosure provided to the homebuyers when purchasing the home. OCWR also recommends that each property deed also require verbal as well as written disclosures to future buyers or renters of the home’s location near the former refuse disposal station.” OCWR further recommends that the City of Orange require the above mitigation measures as a Condition of Approval for the project.

4. Draft EIR Does Not Include a Surface Water Drainage Exhibit

The Draft EIR does not contain a surface water drainage exhibit. A surface water drainage exhibit should be prepared and presented in the Responses to Comments which shows how surface water
runoff from the project will be conveyed and controlled. The exhibit and accompanying narrative should clearly indicate how surface water runoff will be controlled and conveyed so that there are no impacts to the landfill final cover or the existing groundwater monitoring wells.

5. Erroneous Description of Potential Future Use at the Former Villa Park Refuse Disposal Station

The Draft EIR, Section 2.1.3 – Surrounding Land Uses, page 2-11, states: “Furthermore, a memorandum prepared by the County dated May 9, 2017 outlines a proposal to develop a temporary shelter initiative to offer shelter, cot and sanctuary facilities in a safe location to any homeless person who chooses accommodations from the outdoors.” The County has no plans to develop either a temporary or permanent homeless shelter at the former Villa Park Refuse Disposal Station. The site will continued to be maintained and monitored as a former landfill use by OCWR.

6. Failure to Provide a Grading Plan

The Draft EIR does not contain a grading plan. Provision of a grading plan will allow OCWR to consider impacts to better understand the potential impacts as it relates to the Villa Park Refuse Disposal Station.

OCWR appreciates the opportunity to provide comments to your Draft EIR for the Trails at Santiago Creek Specific Plan. It is very important that the additional information requested above be provided in your Response to Comments to allow the County, and other interested parties to more fully comment on your Draft EIR.

Sincerely,

[Signature]

Jeff Arobus, Environmental Services Manager

Cc: Jeff Southern, Deputy Director, Waste Management Operations
April 6, 2018

Mr. Robert Garcia
Senior Planner
City of Orange Community Development Department
Planning Division
300 East Chapman Ave
Orange, CA 92866

Subject: **Notice of Preparation of a Draft Environmental Impact Report for the Trails at Santiago Creek Project**

Dear Mr. Garcia:

The Orange County Transportation Authority (OCTA) has reviewed the Draft EIR for The Trails at Santiago Creek Project. The following Active Transportation comments are provided for your consideration:

1. Consider modifying the legend for Exhibit 2 (in the Preface, not listed in Table of Contents) which indicates "existing traffic conditions" since the text in the preface indicates the proposed project will "...widen Santiago Canyon Road and restripe Cannon Road..." The use of "red" coloring on the exhibit also appears to convey traffic congestion, which is not limited to the locations highlighted depending on the time of day.

2. DEIR Exhibit 2-9 shows proposed project Trails A-G and the text on DEIR Page 2-31 indicates "Trails are proposed to be unpaved (decomposed granite or similar) in keeping with the natural setting." We are supportive of opportunities for the residents and visitors to be provided with active transportation opportunities. We would encourage modification of the terminology to clarify that "bike" users would likely be casual and recreational users (such as mountain bikers), as some readers may believe the "bike" trails are all-weather paved facilities that can serve commute, utilitarian, as well as recreational trails.

3. DEIR Exhibit 2-9 shows proposed project Trails A-G. The linkage of the Class I bikeway under Cannon Road connecting to the current northerly terminus of the Santiago Creek Class I Bikeway is desired. If the proposed project does not provide connection to the current Class I bikeway, then a gap will exist between the trailhead and the proposed development. Please clarify if the proposed project will connect to the existing Santiago Creek Class I Bikeway or if that remaining segment will need to be implemented by others.

4. DEIR Page 2-42 indicates the following regarding pedestrian circulation: "Lastly, there are existing public sidewalks of both the east and west sides of
Cannon Street." Consider revising the text to clarify sidewalks are not provided on Cannon Street south of the bridge over Santiago Creek. The pedestrian circulation on the west side of Cannon Street is provided via a multi-use path (Class I) that serves both pedestrian and bicycling activity. Sidewalks are not provided on the east side of Cannon Street between the Santiago Creek bridge and Santiago Canyon Road. Refer to the language utilized on Page 3.16-87 which indicates there are "no existing sidewalks along the Villa Park Landfill frontage."

5. DEIR Page 2-42 discusses the "Santiago Creek Bike Trail" along the north boundary of the site, we recommend the text be modified to indicate this is an unpaved trail and does not serve all-weather conditions. A Caltrans defined Class I (off-street) bikeway includes an all-weather pavement type.

6. DEIR Page 3.16-16 discusses existing bicycle and pedestrian facilities. We recommend the document identify the trailhead provided at the northerly terminus of the Santiago Creek Trail where Santiago Creek crosses under Cannon Street. The trailhead provides a gravel parking lot and is designated as the "Santiago Creek Bike Trail Parking Entrance."

7. DEIR Page 3.16-87 indicates the Class I Santiago Creek Bike Path would be extended through the project site to Santiago Oaks Regional Park. However, DEIR Page 2-31 indicates "Trails are proposed to be unpaved (decomposed granite or similar) in keeping with the natural setting." The Caltrans Highway Design Manual Figure 1003.1A and Page 1000-10 defines the pavement for a Class I Bikeway (Bike Path) as a paved "all-weather riding surface". Additionally, the City of Orange Bicycle Master Plan (2001) provides standards for bikeways and identifies a surface material of "asphalt concrete" for Class I bike paths. Since the proposed project does not plan to provide a paved, all-weather surface, the proposed project appears to conflict with Impacts stated under TRANS-7 on Page 3.16-86.

8. DEIR Page 3.16-87; if the proposed project does not provide a Caltrans-defined Class I bikeway along Santiago Creek traveling easterly of Cannon Road along the project site, then the project appears to conflict with the following policy documents:

- City of Orange Bicycle Master Plan (2001) which identifies a paved Class I bikeway on the "Proposed Routes" map through the project site
- County of Orange Major Riding & Hiking Trails and Off-Road Paved Bikeways map which identifies a proposed off-road paved bikeway through the project site
- OCTA Commuter Bikeways Strategic Plan (2009) Map 1.1 which identifies a Class I (off-road paved bikeway) proposed through the project site
9. DEIR Page 3.16-87 indicates the proposed project will maintain Class II bicycle lanes on Santiago Canyon Road and Cannon Street. DEIR Page ES-4 indicates "The Property Owner proposes to widen Santiago Canyon Road and restripe Cannon Road prior to the occupancy of any housing units." Please clarify if the project will maintain the Class II bicycle lanes when discussing the improvements to Cannon Street to ensure the public understands the bicycle lanes will not be displaced by the project. Class II (on-street bicycle lanes) are identified in the following policy documents:

- City of Orange Bicycle Master Plan (2001) which identifies a Class II (on-street bike lane) on Cannon Street on the "Proposed Routes" map in the project vicinity
- OCTA Commuter Bikeways Strategic Plan (2009) Map 1.1 which identifies an existing Class II (on-street bike lane) on Cannon Street in the project vicinity

We appreciate the opportunity to provide input on this project. Should you have any questions or need additional information, please feel free to contact me via phone at (714) 560-5907 or by email at DPhu@occta.net.

Sincerely,

Dan Phu
Environmental Programs Manager
Orange County Transportation Authority (OCTA)
April 9, 2018

Mr. Robert Garcia, Senior Planner
Planning Division
Community Development Department
City of Orange
300 East Chapman Avenue
Orange, CA 92866

Dear Mr. Garcia:

Subject: Draft EIR for The Trails at Santiago Creek Project, SCH #2017031020

The Orange County Water District (OCWD, the District) appreciates the opportunity to review the Draft EIR for The Trails at Santiago Creek Project.

OCWD was established by the State of California in 1933 to manage the Orange County Groundwater Basin. Water produced from the basin is the primary water supply for approximately 2.5 million residents in Orange County. OCWD maintains and operates facilities in the cities of Anaheim and Orange to recharge surface water into the groundwater basin. Santa Ana River baseflows and stormflows as well as Santiago Creek flows are a significant source of the water supply used to recharge the basin.

The proposed project involves the development of 129 single family dwellings on approximately 40 acres of the 109-acre-site, with the remaining area proposed as natural greenway and open space. The area of the proposed project is generally located upstream of the Santiago Basins, OCWD-owned basins operated for groundwater recharge. Water in Santiago Creek and water diverted from the Santa Ana River to Santiago Basins through OCWD recharge facilities are percolated into the Orange County groundwater basin.

We understand that the proposed project includes installation of BMPs to manage stormwater on-site and that the project does not include use of infiltration facilities. We would appreciate a confirmation that infiltration of storm water is not proposed on the site or adjacent properties. In the event that, at some future date, infiltration BMPs are considered, potential water quality impacts to groundwater would need to be evaluated, especially impacts from infiltration from the site to the former Villa Park Landfill site.
Please note that concerning on-site infiltration, the Orange County MS4 permit sets minimum requirements for structural infiltration BMPs to protect groundwater resources and the Technical Guidance Document provides that infiltration activities should be coordinated with OCWD to ensure protection of groundwater quality.

OCWD's land downstream from the project site is subject to erosion due to water flow in Santiago Creek. OCWD is concerned that development of the site could increase stormwater runoff and increase erosion of OCWD-owned property downstream or other public properties downstream of the site. We are pleased that the draft EIR includes descriptions of measures to ‘...meter the outflow from the site to below predevelopment levels’ (page 3.9-22 of the draft EIR) and ‘...the proposed storm drainage system would slow, reduce, and meter the volume of runoff leaving the project site and ensure that downstream storm drainage facilities are not inundated with project-related stormwater.’ OCWD requests that the EIR discuss the operations and maintenance of the stormwater Best Management Practices and features of the storm drainage system that will be implemented to ensure that increased stormwater runoff from the site does not occur.

If you have any questions regarding these comments, please contact Greg Woodside at 714-378-3275 (gwoodside@ocwd.com). Thank you for the opportunity to submit these comments.

Sincerely,

Michael R. Markus, P.E., D.WRE, BCEE, F.ASCE
General Manager
Santa Ana Regional Water Quality Control Board

TO: Robert Garcia, Senior Planner
City of Orange Community Development

FROM: Keith Person
Regional Salt and Nutrient Coordinator
SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD

DATE: March 28, 2018

SUBJECT: ENVIRONMENTAL IMPACT REPORT FOR THE TRAILS AT SANTIAGO CREEK PROJECT

Dear Mr. Garcia,

We appreciate the Notice of Availability for the Draft Environmental Impact Report for the Trails at Santiago Creek Project dated February 23, 2018.

As stated in the report, the location of the project is adjacent to the Villa Park Landfill, which leads to some concerns. We would like to know more about the location of the storm drain facilities discussed in Appendix G. Specifically, we want to ensure that this project does not introduce surface water run-on or adjacent to the Villa Park Landfill to the west of the proposed development. Excessive run-on onto or directly adjacent to the landfill could lead to impacts to the landfill cover and the infiltration of surface water into the refuse resulting in leachate generation and potentially contaminating groundwater beneath the site. If you have any questions regarding this memo, please feel free to contact me.

WILLIAM RUH, CHAIR | HOPE A. SMYTHE, EXECUTIVE OFFICER
3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/antarct
April 9, 2018
Via E-mail: rgarcia@cityoforange.org

Robert Garcia, Senior Planner
City of Orange
300 East Chapman Avenue
Orange, CA 92866

Subject: Notice of Availability for the Draft Environmental Impact Report (SCH# 2017031020) for the Trails at Santiago Creek Project

Dear Mr. Garcia:

The Transportation Corridor Agencies (TCA) has reviewed, and is pleased to submit these comments on the Notice of Availability for the Draft Environmental Impact Report (SCH# 2017031020) for the Trails at Santiago Creek Specific Plan (Project) at 6118 East Santiago Canyon, in the City of Orange (City). The proposed Project includes the establishment of a specific plan consisting of: a 40.2-acre Greenway/Santiago Creek open space environment in the north portion of the site, a 20.5-acre Grasslands/Open Space element in the eastern portion of the site abutting the adjacent Reserve residential neighborhood, and an 8.3-acre Managed Vegetation area along the north facing slopes of the Santiago Creek. A single-family detached residential parcel, consisting of 129 units, is proposed in the south-central and southwestern portion of the site abutting the adjacent County-owned vacant parcel west of the project site. The proposed project includes remediation of soils on the site with the export of approximately 400,000 cubic yards of silty soils and import of 700,00 cubic yards of new clean materials. The Project site is bounded on the north by Mabury Ranch, on the east by the Reserve, on the south by East Santiago Canyon Road, and on the west by a vacant site and Cannon Street. Development of the proposed Project would require approvals from the City, including, but not limited to, a General Plan Amendment, Zone Change, Development Agreement, and other ministerial permits such as grading and building permits.

The Project is within the Foothill/Eastern Transportation Corridor Agency Fee Program Area Zone B and will require collection of Development Impact Fees as a condition of issuing building permits pursuant to the Major Thoroughfare and Bridge Fee Program adopted in 1988. As such, TCA requests to be kept on the City’s distribution list and looks forward to receiving all future notices, the EIR, along with any other forthcoming documentation for the Project. TCA appreciates the opportunity to provide input to your planning process. If you have questions or require additional information, please do not hesitate to contact me at 949.754.3487 or via email (vgomez@thetollroads.com).

Sincerely,

Virginia Gomez,
Environmental Planner

CC: Document Control
B.3 - Private Party Comment Letters
Addison Adams
1634 River Birch Circle
Orange, CA 92869
addison@adamscorporatelaw.com
(310) 339-6574

April 9, 2018

Mr. Robert Garcia, Senior Planner
City of Orange
Community Development Department, Planning Division
300 E. Chapman Avenue
Orange, CA 92866
rgarcia@cityoforange.org

Re: Draft EIR – The Trails at Santiago Creek

Dear Mr. Garcia,

I am submitting this comment letter regarding the draft Environmental Impact Report dated February 23, 2018 for the Trails at Santiago Creek Specific Plan (the “DEIR”). I live in The Reserve and my backyard overlooks the property site. I watched through my kitchen window as the piles of crushed concrete and dirt were created a few years ago. That nuisance activity was terrible and caused me to get personally involved. I was fortunate to be asked to join the Liaison Committee to meet with the developer regarding a possible new development proposal. I have attended many meetings over the past few years with the members of the committee to discuss possible development of this site. The new consultants have been pleasant to work with and the current proposal is significantly better than the last proposal.

Nuisance Abatement: My number one interest in any development proposal for this site is permanently terminating any further rock crushing and sand and gravel operations, while at the same time replacing it with a reasonable solution that the adjacent neighborhoods will not come to regret in the future. When the stockpiling operations ramped up a few years ago following denial of the Applicant’s prior proposal, Rio Santiago, the constant beeping of trucks and bulldozers absolutely ruined the peace and tranquility of the area, and the piles they created are a blight on the area. This should never have been allowed to happen. Thankfully, these
activities have been curtailed these past couple of years. For that, my neighbors and I are grateful. I believe such activity is illegal and should be stopped. This proposal would permanently abate that activity, and to that extent is welcomed.

**Lack of Consensus:** My original hope for the liaison committee was that the Applicant would discuss and hammer out the details of a project that could be supported by OPA, The Reserve, and Mabury Ranch. Although this proposal reflects significant progress, it is frustrating that this hasn’t happened. For example, the Pre-Development Agreement proposed 150 homes. This was opposed by OPA, Mabury Ranch and The Reserve last year. Nevertheless, that was the proposal. The current proposal of 129 homes is also opposed. When are we going to get down to discussing a project that will avoid community opposition?

**OPA Comment Letter:** I have read the 34-page comment letter dated April 5, 2018 on behalf of OPA from its counsel Shute Mihaly & Weinberger LLP and agree with the comments made therein. The DEIR seems woefully deficient and cannot be approved without revision and recirculation, even if objections to the number of homes were somehow removed.

**Positives of the DEIR.** There are a lot of concepts in the DEIR that I like. Specifically, I like the location of the planned housing development. I am okay with the size of the 40 acres of planned housing development. I really love the concept of open space and greenway along the creek. I love the concept of a network of trails along the creek and creating linkages and access from all sides of the property. I support opening the creek to public access, landscaping the creek and adjacent areas with native trees and plants, and creating a trail network with linkages to other existing area trails. I love that the proposal includes funds to pay for landscaping and trails on the open space areas.

**Negatives of the DEIR:** The main thing I dislike about the DEIR is that it is opposed by OPA, and for good reasons. OPA is not wrong in pointing out the problems with the DEIR, the proposal, the disregard of existing planning documents, and the lack of any specificity regarding the project the Applicant seeks approval to build. I adopt those comments as my own.
Remediation: I would like the City to make sure that the creek and surrounding open space areas are cleaned up and put back to a natural state (free of hazardous mining debris and waste) as part of any approval of this project. The open space portions, including the creek, need to be cleaned up of any harm caused by the mining operations and other historical uses of the site. I don’t see this included in the DEIR.

Maintenance and Care: I would love to see this section of Santiago Creek turned into an extension of Santiago Oaks Regional Park, cared for and maintained by OC Parks as part of the regional park system in the area. This will assure the trees and plants will be maintained, the trails cared for, and the creek properly managed in perpetuity. In order to have a long-lasting greenway and public enjoyment of the site, I believe a permanent steward such as OC Parks is necessary. This is not included in the DEIR.

Trail Connectivity. There is a parking lot at the head of the Class I bike trail adjacent to the site across Cannon to the west. There is currently no path for bike trail users to cross Cannon to access the project and its proposed trail system. I would like to see a trail installed underneath the bridge where Cannon spans Santiago Creek connecting the bike trail and parking lot on the west of Cannon to the anticipated trail system proposed for this project on the east of Cannon. I would also like to see bridges crossing the creek at both the west and east ends of the site. The trail system should connect Santiago Canyon Road on the south to Mabury Ranch on the north, and of course all the trails should connect to the Mabury Ranch trail which leads into Santiago Oaks Regional Park along the north side of the creek. Ultimately, I would like to see another bridge crossing at the entrance to Santiago Oaks Regional Park so that trail users coming from the Mabury Ranch trail could cross the creek to Windes and access the park entrance, Ranger Station and Nature Center. Making provision for parking and trail access on the former dump on the corner of Cannon and Santiago Canyon Road would seem to be smart planning. I don’t see these issues addressed in the DEIR.

View Impairment: The stockpiles of dirt are currently impairing the view across the site from Santiago Canyon Road, from Mabury Ranch, The Reserve, greater Orange Park Acres, Jamestown, and The Colony. The stockpiles of dirt need to be
removed or smoothed out. Any project proposal needs a grading plan and height restrictions to determine elevations and whether the project would impair views. The DEIR has no discussion of view impairment, grading elevations, or building height restrictions.

**Going Forward**: I am hopeful that the developer will meet with the Liaison Committee and discuss the scope of the project in earnest, with a goal of making changes to the DEIR in order to resolve community opposition to a modified development proposal. It is my hope that a compromise can be found that allows a development to be approved without significant community opposition. In the meantime, the DEIR should be rejected as currently drafted.

Thank you for your attention to these comments to the EIR for the Trails at Santiago Creek.

Best regards,

Addison Adams
My name is Heather Allen and as someone who thoroughly enjoys horseback riding at OPA, I just want to let you know that I think it would be a terrible disservice to build track homes where the horse trails currently are located. Residents are happy the way the community is now. Please keep it that way and say no to the DEIR permanently damaging the beautiful horse neighborhood.

Thank you,

Heather Allen

562-331-3033
Robert,

My name is Scott Armstrong.

1347 N. Catalina St
Orange, CA 92869
949 279 4451

I live across the street from the Milan proposed 129 unit development. The first thing I want to point out is that our neighborhood has no Park of any kind whatsoever. The closest useable greenbelt area is at Linda Vista Elementary school and is not always open.

I see the proposed map indicates a greenway, organic garden and/or community center. Park, playground, sports courts? Not a mention in any report. I have no idea what the city is thinking but we need playgrounds and sports courts for our kids to be able to walk to and not be run over by all the additional traffic that this 129 unit project is going to create.

The DEIR does not make mention of traffic impacts? Between 7:00am- 8am every morning during the work week when I need to make a right turn out of Jamestown onto Santiago Canyon Road there is always a backup in traffic. The DEIR MUST take this into consideration in the report, what will the traffic backup be like during peak traffic hours? Same thing happens almost every night between 4:30-6:30pm on Santiago Creek making a right turn onto Cannon Street. 129 additional houses and up to 240 additional houses is unacceptable.

I could not find a Plat map or a proposed Tract map showing where each house would be located? What is this community going to look like when completed? I don't want to see a huge Block wall blocking the hills when I leave my community. Will there be a greenbelt set back from Santiago Canyon?

I have children living in my household and a mining operation will undoubtedly have left some chemicals and other hazardous materials in and around the operation. I don't want my kids or myself and my wife to be exposed to these hazardous materials. The report States they will be exporting 400,000 cubic yards of soil and importing 700,000? Just this operation will be a nightmare on the residents in the neighborhood. The dirt, dust, potential hazardous materials being sent into the air to affect our kids lungs? How is Milan planning on mitigating these potential issues? Are they planning on compensating the residents for a year or two of awful conditions, awful traffic due to truckers? A park with playground, sports courts, ball fields would be a great way to offset these issues.

The DEIR talks about Milan creating trails and greenway open spaces but doesn't state who is paying for the maintenance? So am I, the tax payer, going to have to not only live thru the nightmare, potential hazards to my kids but then have to pay to maintain these trails while Milan makes a tidy profit? Up front looks like a really bad deal for the Orange Taxpayers.

Since the OPA specific plan only gives Milan 25 1 acre units why have they not considered moving the Single family zoned acres from the North side of the creek down to the rock quarry area. A Like for Like switch. 25 Single Family residences in this area would not cause traffic problems, there would not be 700,000 and 400,000 cubic yards of dirt having to be exported and imported (not as much) and the rest of the area left as open space or turned into park, tot lots, sports courts, ball fields which the city desperately needs in this area.

As a Homeowner, I would like to have the Rock Quarry turned into a park, tot lot, ball fields, sports courts etc. I also understand that Milan is not going to give up its ownership without making a profit. I'm sure Milan has done a study on what the 1 acre parcels would sell for. If they are entitled to 25 1 acre parcels and the parcels would sell for $800k to $1M. Milan also would make money on the development of the dwellings. Maybe give them an additional 5 acres so they can build 30 homes, there has to be a profit in there somewhere.

As it stands right now, my wife and I do not want this proposed housing tract accepted. There needs to be more in depth studies done on the hazardous materials, who is paying for the trails and maintenance, why is there not a
park/ playground/ ball fields/ sports courts included, a more in depth traffic study, an actual tract/ plat map showing where these proposed houses would be built, a drawing showing what these houses would look like from the street (what am I going to be looking at?), and serious thought about changing the zoning, why should we (citizen of Orange) allow more houses on smaller lots.

Scott W Armstrong
1347 N Catalina Street
Orange, CA 92869
949 279 4451 cell
ArmstrongScottW@AOL.com
Dear Ron,

After reading the Draft EIR for the Sully Miller property it does not conform to the surrounding area. Issues of traffic on Santigao Canyon and Cannon are not specific enough to solve the existing problems of traffic backed up almost every weekday evening from 3-7 p.m. is gridlocked taking several cycles of the lights to go from before Windes/Meads to Cannon a distance of less than a mile can take 15-20 minutes. Mornings have the traffic from Hewes to past Meads gridlocked.

The issues of the old mining operations and the restoration of the land after mining have not been done. Then there is the issue of the methane gas migrating from the old landfill.

There needs to be a better EIR to address all the real issues with this property.

Kathy Ashford
1758 Windes Dr.
Orange (city resident not county)
My name is Antoinette Baker and my family lives within the confines of Orange Park Acres. The recent proposal submitted by yourself and your colleagues is vague. I do not support ANY tract homes being built on the property at all. I don't care how much of a profit you'll stand to obtain. This is our unincorporated community, we all take great pride in our homes and our neighborhood. Please reconsider you proposal and the amendment. The least you could do is provide some clarity.

Antoinette Baker
597 N Turnabout Rd
Orange Ca 92869
(714) 244-9845
Mr. Garcia

I’d like to start by thanking you for being the point of contact for our community in this matter. I am sure it is not an easy position so I thank you! As a resident in the Orange Park Acres community I felt it was necessary to share my reasons for why this proposal will damage our neighborhood. 1. TRAFFIC- the existing traffic passing through orange park blvd or surrounding streets is already a nightmare. In the afternoons most residents know that if you need to be somewhere chances are its going to take awhile. Typically Wednesday-Friday afternoons traffic backs up from E. Santiago Canyon Rd clear past our home at the stop sign on the corner of meads and Orange park blvd and sometimes clear up to chapman because Santiago is backed up from cannon all the way up to almost Irvine Park. To possibly add more vehicles to the already chaotic area will be a huge mistake and a danger to neighbors who enjoy riding their horses, walking their dogs, etc. 2. ANIMALS- Our neighborhood as I am sure you already know is filled with loving families and their animals. This construction can cause many problems for animals dust, NOISE, debris all have serious affects on horses and livestock. I know first hand the dangerous construction noise can cause. We are contractors ourselves and we put an addition on our home. During the construction process it became obvious we were putting many horse back riders in danger by cutting, nailing, pounding etc while people were riding by. Out of respect for them any time we saw a rider approaching we would shut down all noise to let them pass. This will for sure not happen during the construction of these proposed projects which will have a huge impact on the way we as well as our neighbors live. 3. OPEN SPACE- as many are aware there is not much open space left in southern California and what bit is left is being developed more and more causing more congestion and pollution. Our neighborhood does not need more homes it needs more open spaces for our families to come together and enjoy. For our children to learn and play. 4. ROAD CONDITIONS- Our roads in the area are already abused enough during normal day to day wear and tear. The amount of large trucks that these projects will require not only to haul dirt but to remove debris and deliver materials will destroy our roads. In my opinion you’re talking 100,000 or more trips to complete projects of this size. Imagine the impact these trucks will have not only on our roads but on the residents surrounding. Trucks driving in and out constantly spooking animals, blocking roads, blocking drivers, bicyclists and horse back riders. We as a community do not feel as though our lives are being taken into consideration by the people wanting to develop this area and so we feel the need to be heard. I could go on and on for hours about the negative impact this project will have on our community but I am sure others have already touched on the points I have not. I greatly appreciate you taking the time to hear us out and hope that you will help us maintain the beautiful community we live in!

Thank you!

Brad Banks
10806 Meads Ave
Orange Ca 92869
714-422-7233

Thanks,

Brad Banks
Project Manager
CONFIDENTIALITY NOTICE: This e-mail contains confidential information and is intended only for the individual named. If you are not the named addressee, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately if you have received this e-mail by mistake and delete this e-mail from your system. E-mail cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses.
This is a bad idea for the people of OPA and surrounding neighborhoods. We already have so much traffic coming thoughts community with disregard to our speed limit. People taking Orange Park blvd. as an alternative way when Santiago blvd is back up which is most of the time. please think about it. Thank You Debra Banks
All of us in Mabury Ranch have concerns about the plans for the Trails@Santiago Creek development. It's not that we are bad neighbors but we purchased our homes because of the open undeveloped areas nearby. We even put up with the terrible traffic and accidents on Canon every morning and evening so we could live here. Being retired, I feel imprisoned in my home at least 3 hours a day when access to our neighborhood is so impacted by the current traffic. It can take me 20 minutes to get from Jamboree and Chapman back home when it should only take 8 minutes.

I am only in favor of no more than 25 homes added to the south side of the creek if there is also a gated access road built into our neighborhood so we can partially avoid the mile or two back up on Serrano in the morning and Santiago Blvd in the evening. A gated access road that would continue TAFT into our neighborhood would also help relieve some of the Canon traffic. The plan for 129 homes is completely unrealistic.

I encourage everyone to keep with the spirit of Orange and provide a community farmland, a farmer's market and family gathering and play areas on this side of town. At least those of us who live on Santiago, Canon and Chapman will have a place to go and decompress from all of the "unplanned" motorcycle, traffic noise and constant airplane noise pollution that has been allowed to increase unabated over the years.

I hope you will represent us in this effort.

David Bogardus
6144 E. Teton Ave.
Orange, CA 92867
Robert Garcia

From: Jerry Bohr <jerry.bohr@socal.rr.com>
Sent: Monday, April 2, 2018 9:55 PM
To: Robert Garcia
Subject: Trails at Santiago Creek Draft Environmental Impact Report - Comments

I'm Jerry Bohr, a resident of OPA since 2015. I live at 20611 E Amapola Ave, Orange, CA

My wife and I moved into this area to live in an equestrian community with our horses. We always look forward to having more places to ride. After review of the DEIR for the Sully Miller - Santiago Creek plan, the trails A and F shown on the map are dead ends. These trails stop at the old dump site. The plan should link these trails as well as provide a crossing of the creek near Canyon Street to connect with trails C and D, which are also dead ends. It is frustrating that the plan states that no horses are to be allowed on trails that lead into the residential area. Other areas of OPA have horses riding down the streets when there are no trail ways. It seems the owner/planner wants to ignore the equestrian nature of this area.

I found the general plan is lacking information. It stated 129 units, but shows no tract map of the layout. It states the 40 acres should be re-zoned, which would allow up to 240 units. This is rather dense population. It seems the owner/planner wants to turn this site into high density, equestrian loathing property owners. These people don't need to live here. There are many metro areas in Orange County where these people can live without horses. The owner/planner should use the land according to the 1973 OPA Specific Plan, the 1975 East Orange Community Plan. The re-zoning or zone transfer should not be allowed. I recommend the owner/planner analyze Alternate E submitted by the Liaison Committee.

If you have questions or would like more thoughts, please feel free to contact me via email or phone, 714-654-3892.

Thanks,
Jerry Bohr
April 8, 2018

Robert Garcia – rgarcia@cityoforange.org
Senior Planner, City of Orange

RE: Sully Miller Development – Trails at Santiago Creek

Dear Mr. Robert Garcia,

After review and thoughtful consideration of the DEIR for Trails at Santiago Creek Development Project, I request the City of Orange does NOT authorize this project. Below are just a few preliminary concerns I have with the proposed project:

1. Traffic: The traffic data in the DEIR is misrepresented. The Sphere of Influence should be expanded. Analysis should be current and needs to take into account 240 units and the proposed grading. The impacts of importing 700K cubic yards of soil and exporting 400K cubic yards of silty soil are not known nor are the hauling routes, which will require approximately 73,000 truck trips. As you are well aware, the current traffic on Santiago Canyon/Cannon is reaching epic proportions. A few miles can take up to 30 minutes to complete. In our formerly serene neighborhood, the current situation is unbearable. Adding additional homes would only exacerbate the issue. Per the OC Register (5/7/2014) the intersection at Jamboree and Chapman is THE most dangerous and deadly intersection in Orange County. I would hate to think the Orange City Planners are accepting and/or comfortable that their decision on this development may be a fatal one. Additional traffic light is not a solution nor a mitigation. We need a solution that takes motorist out of this path and onto alternative routes, out of our neighborhoods.

2. Traffic Alternatives: In doing additional research, it appears that Jamboree Road was initially slated to continue through to Weir Canyon. Per Ed Knight, former Community Development Director, this extension was in the OC Master Plan of Arterial Highways and in the City of Orange General Plan (OC Register 8/21/2013). On November 5, 2005, the City approved the East-Orange Planned Community, Santiago II. They also approved to STOP this extension citing they no longer felt this was needed. However, the Santiago II development of approx. 1180 homes is slated to be adjacent to Peters Canyon on Jamboree, and south of Irvine Lake between Jamboree and the Transportation Corridor. This site is to be developed in 2019, again causing additional congestion and health and safety concerns.

2a. Traffic Alternatives: Perhaps Sully-Miller and/or City can also approach the owners of the transportation corridor and propose adding an additional exit (or two) off the Toll Road. Currently Santiago is the last exit prior to the 91 Freeway. Again, the current lack of alternatives is causing additional traffic and congestion.
3. The city appointed Liaison Committee submitted ALTERNATIVE E as being a reasonable and rational alternative. That plan should be analyzed.

4. Maps throughout the document are inconsistent with prior maps from city staff reports, parcel maps and historic maps. These maps need to be reviewed for accuracy and re-submitted.

5. Zoning – Zone change should not exceed the existing entitlement for those acres. It violates the Orange Park Acres Specific Plan, a precedent that the OPA community cannot support. The OPA Plan, The Santiago Creek Greenbelt Plan and the East Orange Plan all designate this site as open space. There is no project description or Tentative Tract Map for the proposed project and therefore there is no way to analyze aesthetics, style of homes, noise, lighting, air quality, etc.

Sincerely,

Michael Bonnaud
Orange Park Acres Homeowner
April 8, 2018

Robert Garcia – rgarcia@cityoforange.org
Senior Planner, City of Orange

RE: Sully Miller Development – Trails at Santiago Creek

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Sincerely,
Kathy Spain Bonnaud
Orange Park Acres Homeowner
Mr. Garcia,

I believe our community voiced concerns last time we went down this road and frankly other than a slight mention of such, our comments went un-noticed in this recent DEIR. Clear to me that this developer is only in it for the zone changing, future development that is not consistent with our community, and the bottom line of said developer.

With that said I realize that the city council can only do so much at this point but I see no reason to continue the process of this DEIR as there are so many flaws but the main issue is that there are many false statements with regard to traffic (past, present, and future), the flawed design of suggested "improvements" in traffic flow, right turn only lane (this already exists and traffic is a nightmare), the removal of a long protected OPA specific plan that includes a portion of this development (if we continue to develop every last space in our county there is no where people can go to get away from wall to wall buildings and concrete-not to mention the impact on wildlife and natural species), the absolutely insane idea that housing anyone in a flood zone, fire zone, next to a methane field, on top of a mined property-this is just stupid, the idea that since time has passed from when all this area was designated as the space it currently is can be rezoned based upon a desire to turn it into something else (money is the bottom line here) goes against the very reason it was designated the way it was from the beginning-isn’t that why we have master plans and specific plans in the first place?, the report is devoid of any suggestions of what beyond "housing" is envisioned in the changing of zoning-how can we even offer input if we don’t know what the plan is aside from numbers? and how can you as planner base your decisions of the plan if you do not know if it would be consistent with this community?, if there is development as this DEIR suggests it would seem to reason that clearing 20 feet of silt and bringing in base would amount to an astronomical increase in construction traffic in an area that is already insanely impacted with traffic.

I am not sure how many of council or the developer witnessed the traffic nightmare that occurred with the Canyon2 fire last Oct. Many locals and some non-locals were stuck in their vehicles for over an hour on Cannon and Santiago Canyon (not to mention in the surrounding streets-there are videos and pictures of this available) while the fire raged through this very area. Had the wind not died down as quickly as it did and also change direction, many people would have likely lost their lives WHILE SITTING IN TRAFFIC. Or if this development goes forward with housing, people in their homes would have burned. I believe the state is already looking at changing the housing "fire zone safety" from one mile to five based upon the tragedies our state experience this past fall. There is no way this proposed new development would come near that safety zone.

I also must say that this developer has offered sweeteners to the community in exchange for getting what they want, I am not moved by this negotiation at this point as the DEIR as it currently exists is not one to take seriously. I am willing to take a look at something with concrete suggested planning including elevations and specifics of said proposed sites but I don’t even think we are at that point. The quantity of housing suggested is not within what our community has protected, does not take into account the SAFETY of all traveling the roads in this area, and is a rushed attempt at sneaking in a plan that will forever change the protected space it has been.

Please reject this DEIR and tell the developer that this is not a plan.

Toni Bradley
20112 Hillside Dr
Orange, CA 92869
Orange Park Acres
Mr. Robert Garcia  
Senior Planner  
City of Orange  
Community Development Department  
Planning Division  
300 E. Chapman Avenue  
Orange, CA 92866

Subject: Trails at Santiago Creek DEIR

Dear Mr. Garcia:

I am submitting this letter to neither express support nor lack of support for the proposed Trails at Santiago Creek Project. The lack of several significant and procedural details leads to making it difficult, if emotion is set aside, to being able to conclusively draw any conclusion as to the merits and impacts of this proposed project on the surrounding communities. So with that in mind I request that responses be provided to the following questions which should hope to clarify procedurally the approval or denial of this project and its merits and impacts.

1. From my memory of the “Sully Miller” property when Fieldstone was proposing 2001 to develop the property consisted of at least ten separate parcels. It is my understanding that Milian REI X has acquired all ten of these parcels whereas Fieldstone had not. Has Milian REI X consolidated these multiple properties into on single property now? If not will the planning process require separate resolutions for any proposed land use and zoning change on each individual property? If so can each individual property be treated separately for approval and not having to be submitted for approval at the same time?

2. The designated land use and underlying zoning for the “Sully Miller” property varies per the multiple documents which prescribe land use and zoning. There appear to be four documents which have the prescribe land use and zoning as follows:
   - City of Orange General Plan – 2010: This General Plan designates the area North of Santiago Creek in the “Sully Miller” property as low density residential and the area South of Santiago creek as a resource area.
   - City of Orange General Plan Amendment 2-93 / Zone Change 1146-93 / Tentative Tract Map 14747 – 1993: This General Plan Amendment designates the designates the area North of Santiago Creek in the “Sully Miller” property as low density
residential with a zoning of R-1-8 and approved a tentative tract map for 25 residences.

- **East Orange General Plan – 1975**: This General Plan designates the area South of Santiago Creek in the “Sully Miller” property as a regional park and does not cover the area North of Santiago Creek.
- **Orange Park Acres Specific Plan – 1973**: This Specific Plan designates the Eastern area South of Santiago Creek in the “Sully Miller” property as open space but does not address the Western area South of Santiago Creek nor the area North of Santiago Creek in the “Sully Miller” property.

There appears to be some consistency between these four documents. Would amendments to the 2010 General Plan, the 1975 East Orange general Plan, and the 1973 Orange Park Acres Specific Plan be required for approval of the proposed project? Can you confirm that Tentative Tract Map 14747 has expired and for any homes to be approved for the area North of Santiago Creek in the “Sully Miller” property a new tract map would have to be submitted for approval? It is my understanding and confirmed by data in the 1973 East Orange Specific Plan that two thirds of the area designated as Orange Park Acres is actually in unincorporated Orange County while only one third of the land is within the City of Orange’s boundaries. Looking at the Orange Park Acres Plan it would appear that this plan covers all of Orange Park Acres and thus those portions which do not lie within the City of Orange boundaries. Can the City of Orange dictate land use and zoning in areas that are not part of the City of Orange?

3. The submitted DEIR for the subject project does not include any proposed tentative tract maps. Stated in the DEIR is that there is a maximum of 129 residents proposed. If this DEIR is approved will that approval be for a maximum of 129 homes or will the zoning densities govern which could allow for more than 129 homes?

4. The DEIR shows that of the 60% of the 109 acres of the “Sully Miller” property would be preserved as “open space”. The DEIR does not address who would own and maintain this “open space” which would have improvements made to it including trails and a bridge across Santiago Creek. The natural agency to own this “open space” would be the County of Orange as an extension of Santiago Oaks Park. Can you confirm that discussions are taking place for the transfer of this “open space” land to some agency such as the County of Orange and that as part of that transfer and endowment would be set up for the maintenance of that “open space”?

5. Appendix G of the DEIR, Hydrology and Water Quality reports that per the FEMA Flood Plan Maps the proposed project would be out of the 100 year flood plan. Can you indicated what would be the average house slab elevation and you can you provide a
cross section through the property that extends from Mabury Avenue through Santiago Canyon Road thus showing what portions of these new residences if approved would be seen from the residents living on Mabury Avenue?

6. Appendix E of the DEIR, Geotechnical Reports, contains the geotechnical reports from the previously submitted project, the 2014 Rio Santiago Project. The report in Appendix E indicates that approximately 2,248,200 cubic yards of material will be over excavated from the silt ponds created during the mining operations years ago. This includes all materials required to restore the project site. Once removed, the material will be spread and dried on the project site. The material will then be mixed with imported materials. A total of 1,100,000 cubic yards of material will be imported to the site. The imported materials include concrete, asphalt, rock, and soil. The imported materials will be crushed on-site. A total of 3,348,200 cubic yards of material, both over excavated and imported to the project site, will be blended during the backfilling operation. The current DEIR indicates that only 700,000 cubic yards of materials will be imported to the site and that 400,000 yards would be exported meaning trucking of 1,100,000 cubic yards to and from the site. The numbers in the body of the DEIR conflict with the numbers in Appendix E. Please clarify this conflict so an accurate figure of how many truck trips to and from the site for soil import and export can be determined.

7. Page 3.16-19 of the DEIT indicates that the trip generation numbers contained in this section were developed based on the methodology contained in the 9th Edition of Trip Generation published by the Institute of Traffic Engineers (ITE). The data contained here indicates that AM peak hour exiting trips are 73 and PM entering trips are 81 for the 129 residences. It is common knowledge that due to housing costs that most residences are occupied by two wage earners. As such it would seem that AM peak exiting and PM peak entering trips would be closer to 258. Please provide the input used in this methodology to develop the number of peak exiting and entering trips.

I have many more specific questions on the details of this project but if these major questions above could be answered it would go along ways towards providing clarification as to the merits and impacts of this project and then ultimately my being able to either provide my support or lack of support for this project.

Respectfully submitted,

[Signature]

Thomas A. Broz
Robert Garcia

From: Jean Buckley <jeanbuckley10@gmail.com>
Sent: Monday, April 9, 2018 3:37 PM
To: Robert Garcia
Subject: current DIER

I strongly feel that this DIER must be revised. Jean Buckley, 20122 E Clark Ave, Orange, 92869. Thankyou
Robert Garcia

From: Lucy Busby <castlehopper@yahoo.com>
Sent: Saturday, March 24, 2018 8:34 PM
To: Robert Garcia
Subject: Comments on DEIR: Sully Miller : The Trails at Santiago Creek

Mr. Robert Garcia,

As Orange homeowners since 2000, we have concerns regarding the DEIR report for the Santiago Creek project.

First of all, it violates the Orange Park Acres Specific plan and the East Orange Community Plan. We believe the area in question needs to remain open space and if not, it needs to follow the equestrian and 1 acre plots that are characteristic for this area. We moved here, from another part of Orange, because of the nature and openness of this area. Our home values are largely based on our location and the look and feel of OPA and this part of Orange. Why must we change that, when there are other areas in Orange designated for higher density? The Area of Sulley Miller should adhere with what the original plan for the area was adopted for and keep it that way. We are losing so much to development in all parts of Southern California, that areas like ours are a hidden gem that is valuable to the City of Orange and helps set us apart from other cities.

Second, there is no project description or Tentative Tract Map for the project. We would like to see what the homes and the area would look like. Without a use plan, then we feel it would be difficult to forecast impact on environment.

Third, the traffic information seems to misrepresented or based on older traffic data. Traffic is already a nightmare in this area (Santiago Canyon Rd, Cannon St, and Serrano Ave). We already limit our use of Santiago Blvd due to the excessive traffic. By adding another 129 - 240 homes would just make congestion worse.

Lastly, we moved here because of the proximity to open space and with houses that were not right next to each other. We have beautiful night skies from lack of street lamps. We moved just a couple of miles away from our old home to find a completely different space. We have so much nature around, birds that are not like any we have seen at our past Orange home. We hear frogs a night and many other things that make it so peaceful to live here. And the quiet is the best part, adding more people will just make it more noisy and drive the wildlife further away.

Please review this plan and see the many inconsistencies and items that will hurt rather than help our part of the city. A corporation should not be able to take away or change what the people voted to keep.

Thank you for your time reading our comments.

Todd and Lucy Busby
1489 North Portsmouth Circle
Orange, CA 92869
castlehopper@yahoo.com
April 8, 2018

Robert Garcia, Senior Planner  
City of Orange, Planning Division

Re: Draft Environmental Impact Report for the Trails of Santiago Creek

Thank you for the opportunity to comment on the above-mentioned project. We are concerned that, in addition to impacts to natural resources, the project has the potential to impact CA-ORA-369 and possibly buried portions of CA-ORA-1172. The sites which, are situated along Santiago Creek, are part of a Native American traditional cultural landscape. Given the cumulative losses of archaeological sites, sacred sites, and traditional cultural landscapes in Orange County, these cultural resources are of significant value to the Juaneño/Acjachemen tribal community.

We understand that based on archaeological testing, CA-ORA-369 does not appear to be significant. This determination is based on the outdated idea that the only value of an archaeological site lies in the scientific information it may contain. Retrieve that and it is ok to destroy the site. This thinking does not take into consideration the fact that archaeological sites have cultural and religious values for Native Americans and these values can only be mitigated by avoidance and preservation.

There is also the possibility that buried portions of CA-ORA-1172 extend within the project area, as well as other buried cultural deposits. Adoption of the City appointed Liaison Committee’s Alternative E would provide more open space and thus, more protection for cultural and natural resources. Therefore, we object to the DEIR and request that consideration be given to Alternative E.

Sincerely,

[Signature]

Patricia Martz, Ph.D.  
President
Dear Mr. Garcia:

On the radar again is a request from Milan Development for a zoning change for the parcel colloquially known as the former Sully Miller site. As 37 year residents of the city of Orange, we strongly oppose a zoning change which would allow eight homes per acre, which is a direct conflict with the Orange Park Acres Specific Plan and the East Orange Community Plan.

It is unbelievable to me that the Planning Commission would even consider approval of a plan that does not include a tentative tract map. Effectively, you have nothing to evaluate!

Finally, the potential addition of 240 units on this site, would add insurmountable traffic problems to a corridor that is already overburdened. Have you ever driven west on from Jamboree to Canon on Santiago between 4:30 and 6:30 pm? The additional turning lanes described would alleviate virtually nothing given the problems already in existence.

Again, we strongly oppose this proposed zone change. Please do not undermine the quality of life that exists in East Orange with changes that are inconsistent with our zoning values.

Respectfully,

Jane Canseco
7204 E. Pony Court

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Mr. Robert Garcia  
Senior Planner  
City of Orange  
300 E Chapman Avenue  
Orange, Ca 92866  

via email  

Subject: The Trails at Santiago Creek DEIR Comments  

Dear Mr. Garcia:  

As a professional engineer for over 40 years, I have helped prepare and have reviewed many environmental documents. I hesitate to call the document prepared for the subject project a "draft Environmental Impact Report". The report is poorly written, lacks detail, and is flawed on many levels. While they are too numerous to mention, a few significant flaws are listed below.  

The plan violates the Orange Park Acres Specific Plan and East Orange Community Plan which designate this site as open space. Any rezoning proposal is a non-starter, period. The document has no project description, so how can any viable environmental analysis be made? While the document says housing would be limited to 129 homes, the proposed rezoning would allow up to 240. Any analysis of environmental impact must address the maximum density allowed, not an arbitrary number as proposed. Many of the maps that are included in the document are incorrect and inconsistent with maps on record.  

The significant environmental impacts of importing over 700,000 cubic yards of soil, and exporting another 400,000 cubic yards and the associated more than 70,000 truck trips are not evaluated. The traffic impacts alone would be staggering, let alone the noise and dust. Traffic impacts also do not adequately address current traffic conditions, which construction traffic and new residential developments would exacerbate.  

Because this site was used as a mining operation, per the SMARA Act of 1975, a reclamation plan must be prepared. This document ignores this fact. Similarly there is no plan to remediate the open space along Santiago Creek. There are several endangered species as well as riparian habitat that may be impacted by any development work in the area, which is not addressed as required by CEQA.  

As a long-time resident of Orange and a board member of the Orange Park Association I strongly urge the City to reject this document, and to request a complete and through environmental analysis of a specific project, or alternative.  

Sincerely,  

James A. Cathcart
City of Orange,

While I have not personally studied the DEIR for Trails at Santiago Creek I have read the letter sent by OPA's legal team sent to the City of Orange on OPA's behalf. I will not repeat each of their concerns for you other than to state that I trust the people who have studied the DEIR on behalf of OPA and as a resident and home owner in OPA I too share their same concerns.

Please do not accept the DEIR as it currently stands and require the developer to revise it in such a way as it does not do damage to our OPA community and the City of Orange. We have a lot to be proud of in our city spanning from the charming character of Old Town to the rustic life and open spaces in OPA and East Orange. Please work with the developer to ensure the DEIR will protect and/or enhance our city.

Thank you,
Eric Christiansen
April 4, 2018

Robert Garcia

Dear Robert Garcia,

This letter is regarding our concerns regarding the proposed construction project on the former Sully Miller site, now known as the Trails at Santiago Creek, if I am not mistaken. My wife, young daughter, and I live in the community of Mabury Ranch and have great concerns regarding the proposed building project to add potentially 129 homes. I also understand that around 1,000 new home are being planned by Santiago and Jamboree, which will only escalate the numbers of cars that use our local streets surrounding the area in question. Traffic is already horrendous at certain times of the day and any additional homes will only make the conditions worse. During the recent fire, the Canyon Fire 2, traffic was grid-locked making it nearly impossible for us to evacuate quickly along with countless others in our surrounding neighborhoods. If there are potentially 129 new homes that use the same streets, I am very concerned about the safety of the area whenever the next evacuation needs to occur.

I know that the environmental impact report lists their proposal to change the lines on Cannon and Santiago, however I do not see how this will improve the traffic flow as adding an additional lane did not really seem to help as much as everyone was hoping on Cannon.

We are also very concerned about the traffic and noise that may flow through our quiet neighborhood if the project connects to Mabury Ranch. People already do not stop for stop signs in our neighborhood and line the street of Mabury to use the existing trails. This is a very dangerous practice and I am concerned about this increasing, especially if the site connects to our existing neighborhood.

In summary, we, along with many of our neighbors, would definitely oppose any construction of new homes that connect our neighborhood of Mabury Ranch and the new development.

Thank you for taking the time to read our thoughts and concerns.
Sincerely,

Jeremy Clark
Rebekah Clark
Mara Clark

Sent from my iPad
Dear Robert Garcia

I am writing about the Environmental Impact Report (EIR) for the Trails at Santiago Creek. This EIR should not be approved! Because of the significant environmental impacts this project would create, there should be a deeper, more accurate study of the alternatives that could minimize the harmful effects. The City of Orange Sully Miller Liaison Committee has effectively detailed the issues impacting this site. Please DO NOT reward the EIR that they have found to be inaccurate, incomplete, and inconsistent with an A for approval!

Patricia Clossen
20462 Amapola Ave.
Orange, CA 92869
714 639 9160
To Whom it may concern:

I am a resident of Orange, and our household is strongly opposed to the above captioned project.

Of primary concern are traffic and environmental impact.

We already have impossible traffic surrounding this area. The addition of 129 homes (200 more cars in and out of this area daily) is not feasible. The morning and evening traffic on Cannon and Santiago already create impossible back-ups. More cars and more traffic lights will only make it worse; much, much worse. This proposal cannot be allowed to proceed.

The wildlife and the environment has already been so badly, negatively impacted by surrounding home construction and this would only serve to further push out the natural habitat. Coyotes are coming into neighborhood yard looking for food, it's so bad, and so many people are losing their pets to this problem we've created. This will certainly make it worse. Experts have predicted that small children may be attacked next if we don't curb this problem.

Regards,

Doug
Douglas Cohen
7020 E Horizon Dr
Orange, CA 92867

C: (714)381-2284 call-or-text

Trails at Santiago Creek DEIR | Orange, CA
Mr. Garcia,

I am concerned about the DEIR for The Trails at Santiago Creek. The DEIR appears to be very vague in the description of what the project will be, and I did not see a Tentative Tract Map, or any type of map that will show exactly what the developer intends to build. It concerns me that if the requested zoning changes were to take place, they could present a negative impact to Orange Park Acres and East Orange in terms of increased traffic, a greater impact on current open space and East Orange infrastructure.

I currently have to drive to Yorba Linda to take care of my aging father 2 to 3 evenings per week, I leave my house at 5:15 p.m. to arrive at 6:00 p.m. This would normally be a 20 minute drive, but the traffic in the past year has increased so much it is now taking me 45 minutes. When I leave my house, I take Orange Park Blvd to turn left on Santiago Canyon Road. Santiago Canyon Road is often so backed up, I cannot get into the right lane, which means I need to cut in front of the line of cars turning right on Cannon, I have seen, illegal right turns on to Cannon and road rage due to this traffic condition. I am aware that there would be an additional right turn lane added, however I question that with a zoning change that would allow up to 240 additional residential units that this will take care of the traffic issues. I also question the traffic data used, as I know locals will now cut through the James Town housing development to avoid the Santiago Canyon Road traffic, so was this taken into consideration? Orange Park Blvd. had now become a cut though road for commuters trying to avoid traffic on Chapman Ave. did the the traffic data used also examine additional cut through traffic from the proposed zoning change? I have seen the small windy road of Amapola be used as a cut through when there has been heavy traffic on Santiago Canyon Road, this road becomes very dangerous when used as a cut through.

Also, it concerns me that a project would be allowed to have construction from January 2019 to January 2021, which would mean 3 years of additional traffic on Santiago Canyon Road.

I urge the City of Orange Planning Department to examine this DEIR very carefully, and to keep the current zoning in place!

Thank you,

Carol Cora
7621 E. Saddlehill Trail
Orange, CA.
April 9, 2018

Dear Mr Garcia,

This is to oppose the development of the old Sully Miller property as it is currently proposed. I understand how the city would like to see that property change for the better, but considering the history regarding this developer and what this community holds dear, the city should be working extra hard to make sure all "T"s" are crossed and 'l"s" dotted for realistic outcome of this project.

There are many people that can explain better than I, the problems with the current proposal, so I will ask that you look to those for the resolution to this conflict. Remembering and understanding please, what this community stands for, and is willing to fight for based on what was written long before any of us lived here.

Sincerely and appreciatively yours,

Cindy Cousine
As an OPA resident, I am concerned that the area has too much influence in the decisions made by the city. I view the OPA board as bullies whom fight everything, even those that would benefit the city and many others. I think the Sulky Miller site as an eyesore that should have been developed decades ago. If we can get better traffic management, some open space and underground utilities, it would be a wonderful improvement for All to enjoy. Pleas ignore the noise, yelling and threats and get it done.

Greg Cygan
747 N rodeo circle
Orange
Tom Davidson
6122 E. Santiago Canyon Road
Orange, CA 92869

Mr. Robert Garcia, Senior Planner
300 E. Chapman Avenue
Orange, CA 92866

Re: DEIR-The Trails at Santiago Creek

Mr. Robert Garcia

Thank you for the opportunity to comment on this project.

This DEIR represents over two years of collaborative efforts on the part of a liaison group comprised of representatives from Mabury Ranch, The Reserve, Orange Park Acres and the developer’s representatives. The preface of this document shows how well the liaison group has worked with the developer’s representatives. Everything has been “put on the table”. Past differences and bad feelings between neighbors and the developer have been buried. These meetings have been very productive and the developer’s representatives have been more than willing to discuss any and all possibilities. But, there is much more work to do.

The DEIR has left many questions that must be answered and dealt with in order for this to go from a questionable project to a project that works for all.

The following addresses my concerns;

1- The Orange Park Acres Specific Plan (OPASP) cannot be extinguished. It has historically been part of this site and must be included in the project.

2- The East Orange General Plan (EOGP) should not be extinguished and must be part of this plan.

3- The fact that there is no specific plan for this project makes it impossible to discuss. A specific plan must be made for the public to ascertain what is being proposed.

4- There is no tentative tract map. This makes it impossible for the public to see what is being proposed.

5- The Sphere of Influence (SOI) states that the surrounding properties adjacent to this project are all R-1-8. This is a false and misleading statement. Fully one-third of the properties in the SOI are 1 acre or larger. And, all the neighborhoods that are zoned R-1-8 have many lots that are much larger than 8,000 square feet. This project needs to conform to existing neighborhoods.

6- The traffic proposal is insufficient. The restriping of Santiago Canyon Road and Cannon needs to go all the way to Serrano Avenue with a dedicated right turn only lane from Cannon Street onto Serrano Avenue that does not stop. This would more than offset any additional traffic generated by said project.
7- SMARA. The DEIR states that the mining operation ceased in 1995. This puts this property in a status that has been denied by previous property owners for decades. There must be a site reclamation plan for this property.

8- Trails- There needs to be two crossings of Santiago Creek in this project. One crossing needs to be at the east end of the property closest to Santiago Oaks Park. The other bridge needs to be at the west end near the Cannon Street Bridge and connect to the trail segment under Cannon Street and connect with the Mabury Ranch Trail as well as the staging area on the west side of Cannon Street. Trail connections need more discussion to include connection to existing trails.

9- Acquisition of Ridgeline property, the moving of the Brandman Arena and open space should not be tied to any permit or occupancy requirements. These should result upon city councils final approval.

10- Grading, Landfill- There is no timeline for how long this will take- see #11

11- Project Implementation- DEIR states construction would begin in 2019 and be completed in 2021. This is simply unrealistic. With the amount of material that needs to be imported and exported there is simply no possible way this timeline can be reached. This alone encompasses; grading plans, SMARA, a tentative tract map, material import/export. This is why property acquisition and project implementation cannot and should not be tied to any permits or occupancy permits.
General Comments

There is a possible win for our communities, the City of Orange, and the developer with this project and that is;

The city has an opportunity to gain 50 plus acres of recreation space.

There is an opportunity for more passive open space with an extension of Santiago Oaks Park with no homes built north of Santiago Creek.

There is a possibility for tennis or other like activity to return to Ridgeline

There is a possibility for golf in some form to return to Ridgeline

OPA could have a horse arena with trails that connect to the existing trail system.

There are many possible benefits with this project. None of these benefits can be realized without a collaborative effort from the developer, the city and the neighbors.

The developer is attempting to bring a project forward that has so much potential for the area neighborhoods and for the City of Orange and its citizens. There is a potential for everyone to win with this project, but the DEIR must be amended or changed so that long respected plans, OPASP, EOOG, and the Santiago Green Belt Plan are included to a satisfactory point that works within this project. This must include a tentative tract map and a specific plan that honors and includes the existing plans above. There seems to have been a rush to bring this DEIR forward. In that rush there are too many unanswered questions and loose ends that need to be resolved.

Let’s get to work and bring a project and DEIR forward that has benefits to all.

Respectfully submitted,

Tom Davidson

Sent via email
I am a resident of East Orange residing at 8316 E. Woodwind Ave. The purpose of this email is to share my concern over the development of the former Sully Miller property. I am in opposition to the proposed plan. The submitted DEIR appears to be incomplete and not a suitable project for the surrounding area. There are inconsistencies throughout the entire DEIR. Former dealings with this developer have uncovered his lack of honesty and compassion for our community.

I encourage the City to not accept this DEIR and have the developer rethink his plan according to the two Specific Plans. I

Thank you for your time,

Char Davis
Robert Garcia

From: Larry Day <larryday@pacbell.net>
Sent: Monday, April 9, 2018 2:00 PM
To: Robert Garcia
Subject: DEIR for Sully Miller project

Robert Garcia, Senior Planner
Dear Robert, as a Citizen of Orange for the past 56 years, I pray you take my words to heart. Take this DEIR and shove it back into the hands of the Developer that gave it to you. Tell him or her to bring it back with more Substance. It appears that they want to be on Record without doing any Legwork in order to get the City's approval or their Passive recognition of this Project; with Maximum Developer upside (PROFIT) at Project Minimum Expense. They want "Historical Significance" so they can shove this Project on to some other investor in the Future showing some guarantee, or likelihood of Success. They aren't willing to spend the Time and Effort to put a Project together that will benefit the City and the Projects Neighbors.....Robert I AM the CITY, and you hold the keys to the Future of my Neighborhood. Take your position Seriously and deal with this Developer Seriously DENY his request and send him home to do some HOMEWORK!
1. DENY his request for a General Plan Amendment! NO. 2018-0001
2. Deny his request of a Zone Change No. 1286-18
3. Require him to Provide a Development Agreement NO. 0005-18
4. Deny him an Environmental Review No. 1857-18 until He provides the "WHY" this project is good for the Community and its Neighbors,
   the "HOW" & "When" this Project is targeted; and the How Many Rules and Regulations have to be amended or eradicated to allow for its success ie Zone changes, General Plan Amendment, OPA Specific Plan obliteration ."Who" this Project will effect! How Many Rules and Regulations have to be amended or eradicated

Robert send this group packing...they've wasted alot of our Time, and Energy and Resources. They refuse to meet the Neighbors half-way. DO WHATS GOOD FOR US ....We are the CITY OF ORANGE....We'll be here long after they're gone. "Sully Miller"s going to take a lot more effort with less upside, than this Developer has in MIND. And We don't want to be Left with others Mistakes having to clean up mess's someone in CITY Hall is making on our Behalf, or Worse "Having to Live with the ERRORS of a City Hall that believed more in the DEVELOPER (and his LESS than TRUTH FULL VISION ) than they did in the CITIZENS that contested that Vison....
Yours Truly

William 'Larry' Day
20211 Amapola Ave
Orange, CA 92869
714-552-2483 (mobile)
I am a resident of Broadmore Park and OPA. I believe the new DEIR is not in the best interest of the environment, traffic and the well being of the people currently residing in this area. I urge you to vote against the proposal. Joy DeGroot
Mr. Robert Garcia,
Senior Planner
City of Orange

Dear Mr. Garcia,

Please do not approve the Draft Environmental Impact Report (DEIR) as submitted by Milan Capital to build 129 homes on the former Sully-Miller property in East Orange. I agree with the liaison committee comprised of residents of Orange Park Acres, Marbury Ranch, and The Reserve that the plan is lacking in important details and fails to address legitimate concerns regarding the impact of the proposed development.

I am not supportive of any plan that would void the Specific Plan (1973) and the East Orange Community Plan. Rezoning this property for the potential building of up to 240 homes is not acceptable to me. The disruption and continuing degradation of the life style we sought when buying in East Orange in 1984 will only be worsened by such a project being approved.

The "current cut-through traffic" in OPA and its surrounding area is presenting a real threat to the safety of our residents and our equestrian lifestyle. Future development will only worsen this condition.

Respectfully submitted,

Richard Dobson
1510 N. Stallion St.
Orange, CA 92869
714-357-0871
I live in OPA and recently attended the Town Hall Meeting. The presentation and follow-up conversations were very enlightening regarding the Sully Miller Santiago Creek project. I would like to see the property developed within the OPA Plan and was hopeful that would happen. However, I found it very disturbing that the DEIR allows for a wide variance in number of homes to a maximum of 240 units. This is in clear violation of the 1973 OPA Plan and I do not support it.

Ron Doyle
20372 Acre
Orange, CA 92869
M: 714.501.2199
E: ron.doyle@wblight.com

Good evening Robert,
I recently was made aware of the 129 homes that are proposed to be built at the Santiago creek development. How is the city and the developer going to address the traffic impact? We are already impacted by traffic from outside our area.
It is insane that it takes me 20 to 30 minutes to go from Orange Park ave in Marbury ranch to Cannon every morning already. Much less how long it takes to get to Chapman after I get on Santiago.... How can we add more traffic to this area?
I get it a developer bought some property here. It was a gravel yard.
The city of Orange owes it to its residents to do the right thing.
I would appreciate an answer as to how the traffic impact will be addressed?
Thank you
Steve Ducolon
6534 E. Smokey Ave
Orange Ca 92867
Lund-Iorio Inc.
Sent from my iPhone
Good morning Robert,
As a resident of Mabury Ranch I am extremely concerned about the proposed development at the Sully Miller site. This is zoned as open space and our city doesn’t have enough as it stands.

Traffic in this area is already terrible and there are many traffic accidents without adding any homes. How are they addressing the traffic issues?

I see many wild animals in this area some that are probably endangered. How are the issues with the wild and some endangered animals that live and move through this area?

Thank you
Steve Ducolon
6534 E. Smokey Ave
Orange Ca. 92867
Good afternoon Robert,
I had sent you an email earlier with some of my concerns but had no reply so I am sending you another email. Sorry I'm sure you are busy.
As a resident and homeowner in Maybury Ranch I am extremely concerned about this proposal and the DEIR.

The Project is inconsistent with the City of Orange's General Plan. The Project is inconsistent with the Orange Park Acres and East Orange Plans. The DEIR's analysis of project alternatives is legally inadequate.

The DEIR fails to adequately analyze and mitigate the project's impacts on biological resources, impacts to wildlife, wetlands, streambeds and riparian habitat and tree removal. I see wild animals here all the time I question if some might be endangered has that been addressed?

The DEIR fails to adequately analyze and mitigate the project's traffic impacts and roadway safety impacts and construction-related air quality impacts. Traffic in this area is already unsafe and needs to be addressed before any new projects are approved.

The DEIR fails to adequately analyze and mitigate the project's impacts on hydrology, water quality, storm drainage and flooding impacts. This is a flood zone are they crazy? Not to mention our drinking water flows down Santiago creek to the reservoir. I question if Milan hasn't already changed the quality.

The DEIR's flawed project description does not permit meaningful public review of the project. The project description fails to acknowledge the full amount of development that could occur as a result of the project. The DEIR must consider other feasible alternatives capable of avoiding or substantially reducing the Project's significant environmental impacts. The DEIR relies on an inaccurate baseline in its analysis of Alternatives 1 and 2, the "No Project Alternatives."

The Project description is unstable and lacks essential information. The DEIR's analysis of and mitigation for the impacts of the proposed project are inadequate. The DEIR fails to analyze and mitigate the Project's Land Use impacts.

APPROVAL OF THE PROJECT WOULD VIOLATE CALIFORNIA PLANNING AND ZONING LAW. THE DEIR VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Steve Ducolon
6534 E. Smokey Ave
Orange Cu 92867
To: Robert Garcia, Senior Planner, City of Orange
Re: Draft Environmental Impact Report (DEIR) for the Sully Miller property
Date: April 8, 2018

I will make this short and to the point. The Draft Environmental Impact Report (DEIR) for the Sully Miller property (AKA: Trails of Santiago Creek) needs to be thrown out because it will negate the OPA Specific Plan (1973) and the East Orange Community Plan (1975). Please keep it as open space. We have enough traffic in this area already. We are long time residents of Orange (1972).
Thank you for your attention to this matter.
Steve & Jane Eimers
7127 E. Suffolk Circle
Orange, CA 92869
(714) 538-1942
My husband Brian and I have lived in Orange for over 45 years now and are opposed to the new Sully Miller proposal for 129 homes to be built on this site. This would have a horrible impact on our already horrendous congestion we deal with daily in our area.

We’ve been residents of Mabury for over 30 years and before that we lived on the corner of Hoover and Wanda for 15 years. We’ve experienced the need to move from our Hoover home due to the widening of Wanda years ago and because of the increase of accidents and traffic in that area.

Over the 30 years we’ve been in Mabury we’ve been inundated with more traffic, horns, emergency vehicle sirens and traffic jams with the widening of Serrano and Cannon streets.

Subjecting us to additional vehicles and longer traffic delays, in our area due to this proposal of over 129 more homes, would be a very negative impact to us.

We hope the city of Orange will not accept this new proposal of 129 homes to be built on the Sully Miller area. Please look at The coalition’s plan of 25 homes instead.

Donna & Brian Elliott  
1962 N Isle Royale Circle  
Orange, CA 92867  
C - 714 231-7819
April 9, 2018

Sonya Evans
20169 Hillside Drive
Orange, Ca
92869
Cell: 714 944 8743

I've lived in Orange Park Acres for just a few years but have come to really appreciate the equestrian character and charm of OPA. There's no place like it. That's why I'm shocked with the recent Trails at Santiago Creek proposal for the Sully Miller site. It is lacking in many respects:

1. No project is identified.
2. The equestrian character is eliminated.
3. The density is not aligned with OPA Plan.
4. There is no reasonable argument to triple the acreage to 40 acres when only 12.6 acres are zoned for houses.
5. There is no reasonable argument to increase density when only 25 homes were approved in 1993.
6. The reasonable alternative (E) that the community agreed on was disregarded.
7. The impacts of truck trips to move dirt and increased traffic are not identified accurately.
8. The zoning requested would allow up to 240 houses and not analyzed.
9. It ignores the vision of plans and expectations of people have had for this site for nearly 40 years.

Why someone would buy a property without the right to build and then expect homeowners to go along with their programs is ridiculous. There are so many violations that it is best to redraw this application, listen to the people and design something that fits in our community and respects our plans.

Please confirm that you have received this email, I look forward to your response,

Sonya Evans
Robert Garcia Senior Planner,
City of Orange: RGarcia@cityoforange.org,
Phone: (714) 744-7231

As a resident of Orange I am very interested in the planning of Sully Miller. The Trails of Santiago Creek proposal is just as bad as the Fieldstone and Rio Santiago projects. I agree with the assessment of those who have been working closely on this effort. I also agree that the following are some of the negative impacts and flaws of the Draft Environmental Impact Report:

**Land Use** - Violates the Orange Park Acres Specific Plan (1973) and East Orange Community Plan (1975). Extinguishes the Orange Park Acres Specific Plan, a precedent that the OPA community cannot support. The OPA Plan, The Santiago Creek Greenbelt Plan and the East Orange Plan all designate this site as open space. There is no project description or Tentative Tract Map

**General Plan Amendment** - The proposed Low Density Residential (LDR) General Plan Amendment (GPA) could allow for a maximum of 240 units. Analysis should be done for 240 units.

**Zoning** - Transferring of the development rights on the 12.6 acres zoned R-1-8 north of the creek should not exceed the existing entitlement for those acres.

**Maps** - Maps throughout the entire document are inconsistent with prior maps from city staff reports, parcel maps and historic maps.

**Tentative Tract Map (TTM)** - Without a tract map here is no way to analyze aesthetics, style of homes, noise, lighting, massing, air quality, etc. There is no project description.

**Mitigation** - Mitigation cannot be defined if there is no project to analyze.

**Grading** - The impacts of importing 700,000 cubic yards of soil and exporting 400,000 cubic yards of silty soil are not known nor are the hauling routes, which will require approximately 73,333 truck trips.

**Traffic** - The traffic data is misrepresented. Sphere of Influence (SOI) should be expanded. Analysis should be done for 240 units and include truck trips for grading.
Mining Activities - Per the Surface Mining and Reclamation Act of 1975 (SMARA) a reclamation plan must be included.

Open Space - There needs to be a remediation and an ongoing maintenance plan

Project Implementation - The phasing of the proposal is fuzzy. The DEIR claims construction would begin in January 2019 and the project would be completed by January 2021. It is not realistic.

Alternatives - The City appointed Liaison Committee submitted Alternative E as being a reasonable and rational alternative. It was overwhelming supported by the community. The DEIR ignored the plan and failed to analyze it. Instead the DEIR proposal extinguishes the OPA Plan & equestrian lifestyle and replaces it with 129 tract homes on 40 acres.

It’s unfortunate that the developer is in such a predicament having wasted so much time and money. That cannot be our concern. They knew when they bought the property there were no rights to build south of the creek. They made a risky investment and now they have to own up to their mistakes. Our community should not have to compromise because they gamble. The Trails of Santiago Creek is a non-starter and should be denied by our planning commission and city council.

Regards,
Arlene Finke
2662 N. Villa Real Dr.
Orange, CA. 92867
Phone: 714-360-9000
Hollis W. Fitz  
7712 E Santiago Canyon Road  
Orange CA. 92869  
4/9/2018

City of orange – Planning Division  
300 East Chapman Avenue  
Orange, CA 92866

RE: Proposed Santiago development (Sully-Miller Property)

Dear Sir:

I live on Santiago Canyon Road and I am concerned about the proposed Santiago Development (Sully-Miller), because of the following:

1. It will increase traffic (more noise, more accidents, more pollution).

2. The development will further degrade our rural environment.

3. The development is not in keeping with the zoning in the Orange Park Acres Specific plan that has been fought for and affirmed over the years, currently zoned for residential one acre lot size and no high density developments.

4. Any change in the Orange Park Acres Specific Plan, sets a bad precedent for any future developments.

Thank you for your consideration in this matter.

Sincerely,

Hollis W. Fitz
Mr. Garcia,

The proposed DEIR is a mess. Please do not let this land developer ruin the community I have lived in for 38 years. I am a second generation resident of Orange. I have a 3 year old and if do anything in Orange we have to leave an extra 15 minutes early to get there because the traffic on Santiago canyon Blvd is so bad. There need s to be a new traffic study done looking at 240 houses on the property as well as when there are the new homes on jamboree and chapman.

The grading is also a huge issue. How 73,333 trucks not going to disrupt traffic and ruin the street. Who is going to pay for the re-paving and how long will the re-paving project take?

These communities need to have open space for our kids and animals. Don’t let this developer change what has been in existence for the last 90 years in this community. Open space, trails and rural neighborhood feel

Thanks
Chris flathers

973 N Orangetree Ave
Orange CA 92867

20181 E Frank Ln
Orange CA 92869
Robert Garcia

From: Joy Fletcher <joy.fletcher@att.net>
Sent: Monday, April 9, 2018 10:09 AM
To: Robert Garcia
Subject: NO ON DEIR Sully Miller property

Please vote NO and again read the negative impact and flaws. I bought my home about 4 years ago because of the area and already there have been changes i.e. A huge mountain of waste on the property facing me as I drive down Yellowstone to my property. One would have thought at least it could have leveled it off a bit a made it a little more presentable. Also I greatly object to the amount of traffic caused during the changes made on all of the streets in our tract and surrounding streets if receives a ok.
Joleen joy fletcher
6209 Bryce
Orange,ca 826668
Sent from my iPhone
April 6, 2018

Mr. Robert Garcia  
Senior Planner, Planning Division  
City of Orange  
300 East Chapman Ave.  
Orange, CA 92866  

RE: Draft EIR, Trails at Santiago Creek Specific Plan

Dear Mr. Garcia,

This letter is in response to the review of the DEIR. In the Preface the Developer states that modifications, reductions, and/or changes to the project are stated in comments 1 through 6. These additions and changes to the project are very attractive and represent many hours of negotiation between the city, developer and the community. This is all good but the Pre – Development Agreement (PDA) as referenced doesn’t state them and should be amended to capture these additions and changes. A full commitment should be transparent. It would be nice to see A Draft Developers Agreement that should be made available for review prior to the Final EIR certification.

I have some additional concerns and would like to state them for response in the DEIR process that follow the community’s concerns. Please find below a list of my concerns.

The following are some of the negative impacts or flaws contained in the DEIR.

1. **Land Use** - Violates the Orange Park Acres Specific Plan (1973) and East Orange Community Plan (1975). Extinguishes the Orange Park Acres Specific Plan, a precedent that the OPA community cannot support. The OPA Plan, The Santiago Creek Greenbelt Plan and the East Orange Plan all designate this site as open space. A preliminary project description or Tentative Tract Map should be presented for review by the public to get a better understanding of the developers plan.

2. **General Plan Amendment** - The proposed Low Density Residential (LDR) General Plan Amendment (GPA) could allow for a maximum of 240 units. Analysis should be done for 240 units.

3. **Zoning** - Transferring of the development rights on the 12.6 acres zoned R-1-8 north of the creek should not exceed the existing entitlement for those acres.

4. **Maps** - Maps throughout the entire document are inconsistent with prior maps from city staff reports, parcel maps and historic maps.
5. **Tentative Tract Map (TTM)** - Without a tract map there is no way to analyze aesthetics, style of homes, noise, lighting, massing, air quality, etc. There is no project description.

6. **Mitigation** - Mitigation cannot be defined if there is no project to analyze.

7. **Grading** - The impacts of importing 700,000 cubic yards of soil and exporting 400,000 cubic yards of silty soil are not known nor are the hauling routes, which will require approximately 73,333 truck trips.

8. **Traffic** - The traffic data is misrepresented. Sphere of Influence (SOI) should be expanded. Analysis should be done for 240 units and include truck trips for grading.

9. **Mining Activities** - Per the Surface Mining and Reclamation Act of 1975 (SMARA) a reclamation plan must be included.

10. **Open Space** - There needs to be a remediation and an ongoing maintenance plan

11. **Project Implementation** - The phasing of the proposal is fuzzy. The DEIR claims construction would begin in January 2019 and the project would be completed by January 2021. It is not realistic.

12. **Alternatives** - The City appointed Liaison Committee submitted **Alternative E** as being a reasonable and rational alternative. It was overwhelming supported by the community. The DEIR ignored the plan and failed to analyze it. Instead the DEIR proposal extinguishes the OPA Plan & equestrian lifestyle and replaces it with 129 tract homes on 40 acres.

Sincerely,

Michael A. Forkert
Comments and questions regarding the draft environmental impact report for The Trails at Santiago Creek.

At the scoping meeting, the developer proposed five alternative development plans. What is the disposition of the other plans outside of this DEIR?

The proposed development calls for a general plan amendment as well as re-zoning. Why, then, does the developer claim that there is no land-use impact?

Should rezoning be granted, what are the guarantees that other acreage won't be developed at a future time? The developer does not address who or how the remaining open space will be maintained or for how long it will remain as open space.

The proposed development would reduce open space by approximately 73 acres with no proposed mitigation. The reduction of open space is a community loss. Mitigation should be required.

The developer states they will remove 400,000 cubic yards of silt and import 700,000 cubic yards of dirt. Using 30 cubic yard capacity trucks, that equates to 36,667 truck trips or 100 truck trips per day for a year not sighted in the DEIR.

With no tentative tract map it is impossible to evaluate the aesthetics impact of the proposed project on the surrounding communities.

The aesthetics component of the proposal does not address solar panels which may produce unwanted glare in surrounding and existing neighborhoods, especially those at a higher elevations.

The air quality component of the proposal states the addition of a soil stabilizer to reduce dust, etc. What is the chemical composition of that stabilizer and what impact will it have on both existing plant and animal populations?

The DEIR does not adequately address impacts to the viewscape of existing communities.

The traffic component states the desire to widen Santiago Canyon Road by a lane, but within a few hundred yards or less as SCR becomes Villa Park it will be reduced by a lane creating a traffic bottleneck at a slightly different point, so what is the actual relief or mitigation?

The SCR/Cannon intersection is currently impacted such that weekday morning and evening commuters often have to wait through two, and occasionally through three, signal changes before proceeding. The addition of another signal on SCR only yards to the east of this intersection will only compound the issue.
The developer has not included a reclamation plan under the guidelines of the Surface Mining and Reclamation Act of 1975. Surrounding communities are entitled to know what and amounts of contamination exist.

There appears to be consideration of constructing a trailhead at the south end of the intersection of Mabury Avenue and Yellowstone and perhaps a designated parking configuration at that point, yet no consideration of traffic impacts on these two streets within Mabury Ranch. There is already some illegal dumping on the subject property in this area. What will be done to prevent more frequent dumping should this area be opened to public access?

The wildlife impacts and mitigation component appears to be insufficient. The DEIR does not appear to address water fowl: egrets, lesser egrets, herons, mallards, wood ducks and many other species having been sighted on this property by neighboring residents on a continual basis. These populations utilize Santiago Creek the entire length as it cuts through the subject property. Coyotes are definitely denning on this property. Neighbors have spotted pups in tow and have continually seen adults carrying prey onto the site. Although it is doubtful that bobcat(s) is/are living on the site, they have been spotted often enough that there can be no doubt it is within the hunting territory. The developer proposes several trails throughout the remaining open space, hence there will be increased human/wild species contact. What is the City’s policy when this inevitable contact occurs and hikers/bikers are injured? If that policy is to rid the area of such predatory animals one way or another, what is the impact on the rabbit and other varmint populations?

Why does the developer propose to criss-cross the remaining open space with trails? Who will maintain them? At what cost?

Finally, why is the City considering any development of this site or any other at this time? Southern California is drought prone. The area received what may be only a reprieve during the winter of 2017/18 of what may be a long-term multi-decade drought. Additional development will only add to the issues facing the City and the Metropolitan Water District.
Robert Garcia

From: Ann and Bob Forbes <abforbes@att.net>
Sent: Wednesday, March 14, 2018 8:07 AM
To: Robert Garcia
Subject: Mabury Ranch/Milan REI X

Please hit reply so I will know you have received this. Thank You

We live in Mabury Ranch, we have lived here 17 years. We know there is will always be change....it should be for the better though. The change that is being planned for the Sully Miller property should not continue. There are some many reasons, we feel that:
The traffic in the area is out of control here 'already'.
Look back at the recent fires. Not only could we not get out in a timely manner, those that were out took hours to get back for elderly family member, children and etc.
By adding 25 to 129 homes we'll be locked down with just the resident population alone to say nothing of the other traffic.
Also the thought of building on the Mabury side of the creek is ridiculous. It would become another cut through for outside traffic. We do not need more traffic.
We are asking that IF this plan goes through it be limited in the small number of the homes.
If we have not made ourselves clear on this matter....do contact us.

Thank You
Robert and Leslie Ann Forbes
6518 E Yosemite Ave
Orange, Ca 92867
Dear Mr Garcia,

I have grave concerns about the City of Orange approving the vaguely worded proposal Milan Development has provided to citizens and The City representatives for the Sully Miller site.

1. This is the same developer who wrote a letter that threatened residents of Mabury Ranch and Orange Park Acres that he would build a five (5) story wall of dirt if we did not approve his plans. Voters ignored his threats and voted to keep the property as open space. The developer subsequently built his walls of dirt. This dirt mountain was supposed to be temporary. It was never used for I-5 freeway rebuilding as the developer indicated as justification that the dirt was temporary and necessary. He further threatened to add roughly 30 home above Santiago Creek within the Mabury Ranch development. This small area of land continues to be up for grabs in his development plans.

2. The residents of Orange Park Acres sued this developer over his intended plans to build homes on the former Ridgeline Golf Course property. This case went to the California Supreme court for resolution. The courts ruled upheld that the golf course was indeed open space. In January of this year, we were notified the developer was again threatening to develop the property based on what they considered was a technicality (loophole) in the court's decision.

3. Here we are again with a developer who does not keep his word. He lets the property show signs of neglect with the torn barriers. He harasses and ignores people he wants as neighbor's. He provides a description of a project that is intentionally vague and limits meaningful public review. Not to mention that violates California Planning and Zoning Laws. Is this someone The City of Orange wants to partner with? I DO NOT WANT THIS PROPOSED VAGUE DEVELOPMENT ON LAND THAT SHOULD REMAIN OPEN SPACE!!!

4. Representatives of Mabury Ranch and Orange Park Acres have been engaged in meetings with this developer for years and the outcome is that only a vague plan has been presented. And Orange Park Acres will receive the Ridgeline Property for their horse arena. And the former arena may be developed at a later date with additional homes. It does not seem that this developer has any intention of honoring any commitments. Mabury Ranch continues to remain at risk for additional development of homes.

5. Years ago, The City disapproved a dog park on this land because of it's proximity to the former Villa Park Landfill. Home's would have to be outfitted with methane gas meters. What has changed?

6. We disagree completely with the DEIR's projection of the impact of traffic on surrounding areas. Santiago Canyon Road and Cannon Roads are significantly impacted by traffic like never before. It can take 1/2 hour or longer to travel westbound on Santiago Canyon Road up Cannon to the entrance to Mabury Ranch at Mt McKinley Ave from Jamboree Road in the evening rush hour. This is before the 1500 home development planned for the Jamboree/Santiago Road development. Santiago Canyon Road from Cannon through Villa Park was grid locked during the fires in October as residents of east Orange fled their homes midday. What. Would have happened had the fires started at night when ALL residents of east Orange were home?

7. Orange Park Association's legal team submitted a comprehensive letter to The City and we concur with the all of concerns and information contained in that letter.

8. We have been residents of Mabury Ranch for 30 years. When we purchased our view home on Mabury Avenue, we were told the gravel mining operation would end soon, and the land would become a park or golf course. When Sully-Miller could no longer mine gravel, they converted to a gravel crushing operation. This operation continued un-
permitted for years after the permits expired, and The City failed to enforce the expired permits. Now we have had to look at mountains of dirt for years because of the unchecked use of the land by Milan Development. Enough is enough! The City officials need to be advocates of its citizens and not a ruthless developer.

9. We have actively been involved in watching this property and proposals to develop it since Fieldstone became interested in developing this property. It's time The City stopped entertaining proposals to develop the property and permanently make the property open space. How much more time, money and energy must be spent on this issue. The voters said make it open space. Now do it!

Sincerely, Carla and Tom French

5905 E Mabury Ave
Orange, CA 92867
714-321-0516

Sent from my iPad
April 8, 2018

Robert Garcia, Senior Planner
City of Orange
300 E. Chapman Avenue
Orange, CA 92866

Via E-Mail to RGarcia@cityoforange.org:

RE: “Trails at Santiago Creek” Draft EIR

Dear Mr. Garcia:

Friends of Harbors, Beaches and Parks (FHB) is an Orange County nonprofit organization with a stated mission to protect natural lands, waterways and beaches. In addition to our coalition of some 80 conservation and community groups, FHB has more than 5,000 individual members who support our regional work. We are writing you concerning the City’s Draft EIR for the proposed “The Trails at Santiago Creek” project (formerly "Rio Santiago") in the City of Orange.

The entire project property is a flood plain for Santiago Creek and also sits downstream of two antiquated earthen dams. In addition to periodic flooding, the acreage is subject to inundation in the event of a dam failure. The site’s 110 acres depicted on FHB’s “Green Vision Map” is not simply "hoped for" open space; it is a vital buffer zone allowing the creek to naturally meander and overflow its terraces without threatening life or property. Without that buffer, the creek becomes a liability for whoever has responsibility for it. That’s why FHB opposes any development that ignores the historic nature of the watershed.

As we noted in our comments to you on the Notice of Preparation for this latest proposal, we have the following comments that we believe are pertinent to the proposed project:

General Plan: The developer’s proposal to amend the City’s General Plan for much of the site from Resource Area (RA) to Residential conflicts with the City’s existing plan designations for Open Space in the adopted East Orange General Plan and the Orange Park Acres Specific Plan. Consideration of such a dramatic amendment of the long-standing intentions for the site should involve analysis of various alternatives selected from community meetings and resident suggestions. A single scoping meeting on March 16, 2017 after the developer has submitted a formal application as well as a failure to consider the community’s preferred alternative appears to demonstrate minimal interest in any community concerns and conflicts with the spirit and intent of the California Environmental Quality Act (CEQA).

Zoning and Designations: The Draft EIR (DEIR) does not adequately address the proposed intensification of the site and does not address the significant impacts to the adjacent community. As comments from the Scoping Meeting demonstrated, the proposed project’s scale, intensity and design is a matter of great concern with members of the adjacent residential community.

Page 1 of 3
The Draft EIR should have included:

a) No Statements of Overriding Consideration (SOCs). Any project in such a critical location should be designed to avoid SOCs. SOCs are essentially admissions that a developer is unable to avoid significant impacts to a community from their proposed project.

b) The DEIR vaguely states that 40 acres will be developed with 129 units, but no tract map or design parameters are disclosed. The site would need to be rezoned as there are no entitlements where development is proposed. The following project requests are discretionary actions:
   i) General Plan Amendment
   ii) Zone Change
   iii) Development Agreement which has NOT been made public
FHBP urges the City to reject this DEIR and as the project description for these dramatic proposals is inadequate and appears to be in conflict with the Specific Plan, General Plan, community standards and interests.

c) Analysis of Potential Significant Impacts: Among the issues that should have been addressed with appropriate analysis in the DEIR, the following potential environmental impacts are of great concern -
   i. Grading and Construction Impacts
   ii. Long Term Visual Impacts
   iii. Light and Glare Impacts
   iv. Air Quality Impacts
   v. Noise Impacts
   vi. Hydrology and Water Quality Impacts (including dam inundation, urban runoff, and flooding)
   vii. Traffic Impacts (including intersection capacities, turn pocket stacking and parking)
   viii. Greenhouse Gas Emissions Impacts
   ix. Cumulative Impacts (Aesthetics, Air Quality and Traffic)

The understating of the intensity of development in the DEIR is in conflict with State regulations. FHBP urges the City to reject this DEIR for its failure to adequately address these many issues.

d) A full analysis of compliance with the Sustainable Communities Strategy should have been included in the DEIR. FHBP urges the City to reject this DEIR for this failure in responding to State law.

e) All reasonable alternatives (including the community preferred Alternative E) should have been adequately analyzed as the DEIR is woefully deficient. There also appears to be deferral of any open space and trail management analysis in the DEIR. FHBP urges the City to reject this DEIR for this failure in responding to State law, the Specific Plans and community interests.
f) Existing land use plans should not be amended or eliminated to accommodate this proposed project. The DEIR should have adequately analyzed and compared the Specific Plans and General Plan for compatibility with the project proposal. In addition, the DEIR barely describes the relationship to the proposed project with Santiago Creek. As the prime geographic feature of the vicinity, the lack of detail on any proposed streambed alterations and impacts to riparian habitat and wildlife is staggering. There is also a huge void of required and relevant information on water quality impacts that should have been included in the DEIR. FHPB urges the City to reject this DEIR for this failure in meeting these regulatory requirements.

g) Hazards — both natural hazards due to the site being in a waterway with documented extraordinary flooding; and man-made hazards due to the nearby landfill containing unknown materials, and the recent years of un-supervised fill of unknown materials on the site. There are also public safety issues related to the flood inundation zone along the creek and the structural integrity of the earthen dams upstream. FHPB urges the City to reject this DEIR for this failure in responding to these critical public health and safety issues.

Only 12.6 acres have been designated for housing with the remainder 96 acres designated as permanent open space by four land use planning documents dating back to the 1970s. FHPB believes that those plans should be adhered to, and that the creek cannot be isolated for preservation while the neighboring land is developed. To protect the developer's property rights, the 25 homes that were approved on the tentative tract map in 1993 could be sited in an area that does not conflict with the flood zone.

We urge the City to admonish the project proponent and reject the project proposal as inadequate and inappropriate for the needs of the City of Orange. Thank you for the opportunity to comment on this matter.

Sincerely,

Michael Wellborn, President
Friends of Harbors, Beaches and Parks

PO Box 9256
Newport Beach, CA 92658
Hello Sir,

As a member of this community I urge you to ensure the developers engage in DETAILED business transactions. I understand they have reduced the number of proposed home to be built to 129, but it is not nearly what was asked by the residents in the community. I would even be willing to increase the number, from the OPA request, to 55-60 homes. This would ensure open space is kept, which to me is most important.

Respectfully,

Roberta Granek
6050 E Jack Pine Ln
Orange, CA 92869
714-941-9033
Rgranek@yahoo.com

Sent from my iPad
Mr. Garcia,
As much as I would like to see the eye sore at the Sulley Miller site turned into a more neighborhood friendly project I think the current proposal as it sits now is not acceptable. The DEIR for Trails at Santiago Creek seems incomplete and has no real outline of the actual project proposed. The DEIR seems to be based on a theoretical vague project so I do not see how it can be considered to have addressed the possible negative impacts. Without a specific project plan how can there be a DEIR. I have seen a few other large projects like this developed in Orange and before the DEIR is created there has been a very detailed layout of the project, including a plot plan and layout of the structures. There are a lot of moving parts to building on this site that must be approved by multiple agencies. Without prior approval for a detailed development plan from all entities involved it seems premature to grant such dramatic zoning and general plan change. I think the developer needs to provide more detailed plans of the exact project so all the agencies can be sure their requirements are met. The request for R1-8 is not appropriate for the area and it seems like a zone of R1-12 would actually fit the proposed project more accurately. Perhaps more importantly the proposed project does not fit the current area plan developed by the neighborhood. I attended a meeting of local residents the other night and it was clear they do not wish to see the plan they created changed so dramatically. I do hope the groups involved can come to an agreement of some kind so that the unique natural features of the area can be shared with more people.

Carol and Dan Graupensperger
2029 N Shaffer
Orange
Dear Robert
How come we are here again?
The OPA plan is clear and consistent with the facts and opinions of Orange! We have won at the Ca supreme court already to prove the plans legitimacy.
Please do the right thing... end this request that the DEIR is trying to push. Keep our equestrian lifestyle alive.
Thank you
Michelle Gregory

The Jones Victorian Estate
Elegant hospitality since 1881!
Cel 714-343-1964
As a local resident, I am OPPOSED to this development. There were many unaddressed issues that seemed to be purposely left out by the developer.

--
Carrie Hale
20132 East Clark Ave.
Orange, CA 92869
714-222-1546
Dear Mr. Garcia,

I'm writing to you today as a long time resident in Orange and Mabury Ranch homeowner. One of the main reasons my family moved to the East Orange area was to get out of the congestion and crime in the West Orange area. After over 14 years in Mabury Ranch we have seen increased crime and traffic congestion in our neighborhood. At rush hour it is gridlock along Santiago and Cannon where I can't get into my neighborhood without waiting in miles of traffic forever. With the increased traffic there are more and more criminals in our neighborhood like we have never seen before. It's becoming to a point that I feel unsafe in my neighborhood and fed up with the traffic that it is becoming a less desirable place to live. With that said, this proposed development will be absolutely the worse case scenario for our neighborhood. Not only will there be more congestion, but the fragile environment creek, animals ect....will be affected with this proposed building. This is not a good fit for this open space more houses and cars...this should stay a more rural area and open space to fit the surrounding neighborhood.

Thank you for taking close consideration for those living in this area and a huge negative impact this will create on the surrounding neighborhoods and environment. Please do the right thing and say "NO" to this development.

Sincerely,

Kelly Herbeck
6121 E. Shenandoah Ave.
Orange
Barbara Higgins-Dargahi
20062 E. Chapman Ave.
Orange, CA. 92869

I say No.
Please find a better plan.
Thank you
Robert Garcia, senior planner, City of Orange.

Dear Robert,

I am so surprised Milan has not learned from the Ridgeline and Rio Santiago experiences. We have a strong community spirit and expect our lifestyle to be honored. Half of the Sully Miller property is in Orange Park Acres yet zero of the proposal reflects equestrian. Our OPA Plan is wiped out and replaced by tract housing. Historic plans that have been adopted for the site have been completely ignored. Moreover, we have not idea what they are proposing except that they want zoning for low density houses on 40 acres. They claim 129 units but really it could grow to 240 units. There is no way to accurately gage the impacts. The traffic study is outdated. There is no way the city should approve this proposal. Please listen to the people and deny their request.

Sincerely,
David Hillman
20402 Amapola
Orange, CA. 92869
giddyap@att.net

Sent from my iPhone
Dear Robert Garcia,

I've followed the Sully Miller site and various proposals over the years. There's a reason why nothing has been built there to date. The self-inflicted damage the developer has caused to the site in the last 10 years is shameful and now they expect us to bail them out. Have them build north of the creek. If they don't want to build there negotiate those property rights elsewhere on the property. I personally liked the Alternative E plan that was presented at the NOP meeting last year. Why they ever bought the property in the first place is the mystery question. The Trails at Santiago Creek plan is a non starter as it violates our plans, impacts traffic and simply has too many unknowns. It is impossible to get a handle on what they are proposing let alone the impacts it will have. No need to waste everyones time, again! Tell them no.

Thank you for your time,

Barbara Hillman
4317 E. Fairhaven Ave
Dear Robert Garcia,

Sometimes it is better to nip something in the bud, quickly. This is one of those times. Trails at Santiago Creek sounds nice but the proposal doesn't deliver what the community wants. I just read the Sentry article, "Revised hosing plan for Sully Miller ignores neighbors' concerns and snubs land use mandates". This is exactly my sentiment. Why do they keep wasting our time? Many of us spoke loud and clear at the NOP meeting. There are so many problems with this site, traffic, environmental, trucking soil in and out. Only more problems will be created if 129 houses are approved. I understand they have a right to build 25 houses. Why they would request 100 more is just ridiculous. I could only image trying to evacuate 129 more houses in a fire. I vote that they be required to stick to our plans. They knew what they were going in.

Please deny this application.

Best regards,
Charles Hillman
4317 E. Fairhaven Ave
Robert Garcia

From: Robert Hoff <roberthoff@parkpennies.com>
Sent: Tuesday, March 27, 2018 11:25 AM
To: Robert Garcia
Subject: “Sully Miller”

Robert Garcia, Senior Planner, City of Orange; RGarcia@cityoforange.org

Hello Mr. Garcia,

First, thank you for your endless efforts in finding a mutually agreeable solution to the “Sully Miller” property over all these years.

Although not everyone will agree, I feel varying points of view can all be valid based on individual life experience, education, and goals. I respect their choices as well as the rights and wishes of the property owner. As a 38 year resident of Mabury Ranch, a 30+ year real estate broker, a Certified Financial Planner... I welcome the opportunity / offer to turn the blighted “Sully Miller” property into a neighborhood asset of family homes.

For me, “Alternative E” is very agreeable if the property owner feels it is fair to him. Personally, I would like to see homes similar to those in the adjacent “Reserve” neighborhood. However, 129 homes or less in the “Alternative E Residential Area” would seem to me a meaningful compromise on the part of the property owner given the size of the “potentially developable area”. I can’t help but think that an improved creek, trails, landscape, compatible single family homes, would greatly enhance the appeal, value, and quality of this highly visible area of Orange.

PS I understand the property owner has offered some funds to neighboring communities in exchange for their agreement to his proposal. The very busy / high visibility north east corner of Cannon and Villa Park Road (the old landfill location) welcomes / is seen by many of thousands of visitors to Orange each day. In my opinion, the corner would greatly benefit from even minimal landscaping to screen the methane gas recovery equipment etc. Possibly the inclusion of California Pepper or Eucalyptus trees with simple supporting landscape, as part of the developer’s plan, would win over some additional local residents as well as adding value to the developer’s proposed project?

All the best,

Robert A. Hoff
6036 East Teton Ave.
Orange, CA 92867
Dear Mr. Garcia,

As residents of Orange Park Acres, we are extremely concerned about the various ways the DEIR for the Trails of Santiago Creek (Sully Miller) and the vaguely identified and proposed development of said property will alter and impact our community. These concerns include, but are not limited to, density, traffic, noise, air quality and aesthetics.

Our community leaders have outlined the impacts and flaws of the DEIR as follows:

- **Land Use** - Violates the Orange Park Acres Specific Plan (1973) and East Orange Community Plan (1975). Extinguishes the Orange Park Acres Specific Plan, a precedent that the OPA community cannot support. The OPA Plan, The Santiago Creek Greenbelt Plan and the East Orange Plan all designate this site as open space. There is no project description or Tentative Tract Map.

- **General Plan Amendment** - The proposed Low Density Residential (LDR) General Plan Amendment (GPA) could allow for a maximum of 240 units. Analysis should be done for 240 units.

- **Zoning** - Transferring of the development rights on the 12.6 acres zoned R-1-8 north of the creek should not exceed the existing entitlement for those acres.

- **Maps** - Maps throughout the entire document are inconsistent with prior maps from city staff reports, parcel maps and historic maps.

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- **Open Space** - There needs to be a remediation and an ongoing maintenance plan.

- **Project Implementation** - The phasing of the proposal is fuzzy. The DEIR claims construction would begin in January 2019 and the project would be completed by January 2021. It is not realistic.

- **Alternatives** - The City appointed Liaison Committee submitted Alternative E as being a reasonable and rational alternative. It was overwhelming supported by the community. The DEIR ignored the plan
and failed to analyze it. Instead the DEIR proposal extinguishes the OPA Plan & equestrian lifestyle and replaces it with 129 tract homes on 40 acres.

We implore you to revisit and support the March 3rd, 2017 Alternative E submitted by the City-appointed Liaison Committee as an alternative to the DEIR. We believe Alternative E would strike a balance between the developer’s property rights and the rights of the surrounding communities. It is very important to us that the historic planning documents be honored and the character of the rural area be preserved.

Thank you for your consideration and your service to the community.

Respectfully,

Vickie and George Homer
10542 S. Morada Drive
Orange, CA 92869
408-483-5895 (Vickie)
From: Donna Hooker <chrishook@me.com>
Sent: Friday, April 6, 2018 8:41 AM
To: Robert Garcia
Subject: DEIR for Milan/OPA

D. Christine & Jay Hooker, 1415 N Mustang Ave., Orange. (Formerly, we lived on Chapman)
714 299-9662
As long time OPA residents, we are AGAINST the latest Milan Proposals.

Milan Development is the king of Bait & Switch, of changing names, descriptions, & maps, all the while omitting proper mitigation for any of their projects in our area.

Milan has desecrated our community, with literal mountains of waste material, dirt & dust, making the most unsightly mix of shredded fencing, a plethora of weeds, truck traffic which will expand exponentially in order to clean up their own mess. The gall with which they have operated in creating their own problems has shown their lack of appreciation for what exists in this community. OPA is unique, beautiful and tranquil. Milan shows no respect for what has existed from OPA beginnings and how it remains now. From their beginning here, Milan has shown sustain for community views. How easy would it have been for them to work with the existing plan, with the city, county and OPA extended community to enhance what was here? Rather than complying with current zoning and planning, set in place years ago, they want to redesign, again, existing rules and regulations on a broad scale while presenting incomplete maps, mitigation plans, accurate traffic impacts, improper EIR plans and long term maintenance proposals, and on and on it goes. They want what they want and every project proposal that they have put forth has shown their disregard for City planning, for neighborhood preservation and for the community directives brought forth by our representatives. They have wasted millions of dollars, your incalculable City time and the communities time & attention and for what? Shame on Milan for yet another poorly executed proposal.

It is their responsibility to confirm to existing, in-place rules and plans, not redesign them all for only their own benefit, and with omissions galore, yet again.

With regard to the current Milan proposal?

NO! WE ARE 100 % AGAINST THIS PLAN!

Signed,
Chris & Jay Hooker
As a 30 year resident of Orange Park Acres I would love to see a well designed equestrian community built along the creek and Santiago Canyon Road. I have also watched as that intersection leading from the 241 and 261 freeways has led to increasing burdens on surrounding Villa Park and Orange Neighborhoods. I now leave my house on Meads Ave at 4:30 to pick up grandchildren in Anaheim Hills by their 6:00 deadline. This is ridiculous.

As an equestrian the safe crossing of Santiago Canyon road and access to the parks is extremely important. These are not considered or well detailed.

Equally important is the one acre parcel minimum approved by the OPA specific plan and our City of Orange General Plan. These plans recognize the unique character of our equestrian lifestyle which quite frankly is unsafe for motorists and riders if not respected. People will get hurt or worse get killed if traffic increases. Equestrians, pedestrians, cyclists, and motorists have all perished on Santiago Canyon Road. It will never be free of danger. But if you ignore the facts surrounding this project and increase these risks without careful scrutiny this would be reckless. The reasons behind the current 1 acre per Home land use designation are far reaching and protect not just a lifestyle but the safety of a community that owns large animals and rides horses on a daily basis. They expect you to protect their safety and it will be blood on your hands if you ignore them.

Cordially
Sarah Huff
(714) 865-1188

Sent from my iPhone
Sent from my iPhone

Begin forwarded message:

From: Sarah Huff <hhuffbcj@gmail.com>
Date: April 8, 2018 at 8:10:36 PM PDT
To: RGarcia@cityoforange.org
Subject: Trails at Santiago Creek

As a 30 year resident of Orange Park Acres I would love to see a well designed equestrian community built along the creek and Santiago Canyon Road. I have also watched as that intersection leading from the 241 and 261 freeways has led to increasing burdens on surrounding Villa Park and Orange Neighborhoods. I now leave my house on Meads Ave at 4:30 to pick up grandchildren in Anaheim Hills by their 6:00 deadline. This is ridiculous.

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Sincerely
Mark Huff
10831 Meads Ave
Orange, Ca 92869

(714) 244-8010

Sent from my iPhone
Mr. Garcia, I live in Orange Park Acres (OPA)(address below). I submit these comments in response to the Draft Environmental Impact Report (DEIR) for the Trails At Santiago Creek project (Project). Please include me as an interested party for all future notices regarding this Project.

To start with, I want to express my disappointment that the DEIR fails to reflect the extensive two-year efforts of the liaison committee to find common ground on this Project. Nor does it contain many of the most important aspects of the Notice Of Preparation (NOP) documents and the Pre-Development Agreement (PDA). To say the community was surprised with the DEIR’s content (and lack of content) would be an understatement.

As to the specific problems with the DEIR, they are numerous. I have reviewed the April 5, 2018 letter sent by Shute Mihaly & Weinberger on behalf of OPA and I concur with all of its statements. To highlight a few:

1. The DEIR, without justification, attempts to alter, and even extinguish the OPA Specific Plan and other plans within the Project site, in the name of higher density.

2. The DEIR provides no real project to analyze. Other than blanket statements regarding 40 acres of zoning and 129 homes somewhere in those 40 acres, there are no details of what the project will be.

3. The DEIR’s purported traffic mitigation fails to consider accurate and comprehensive traffic data.

These and the many other defects and deficiencies in the DEIR not only fail honor the progress made by the liaison committee, they leave the DEIR vulnerable to attack under CEQA by any interested party. I believe that if a party were to challenge this DEIR with a CEQA lawsuit, a court would easily invalidate it. I do not want this to happen, but if this DEIR is not withdrawn, amended, and recirculated, there may be no choice.

I believe continued negotiations between the developer and the liaison committee can lead to an acceptable project. The DEIR’s current version certainly contains some positive elements for the community. The parties are not that far apart—a new DEIR that keeps the positive elements, remedies the defects and deficiencies identified by OPA, and contains specifics regarding the proposed development in a framework of an acceptable number of homes in acceptable locations is within reach. I encourage the developer to resubmit a proposal that meets those needs.

Thank you

Donald Bradley
20112 Hillside Drive
Orange, CA 92869
d.bradley@mpglaw.com
Mr. Robert Garcia  
Senior Planner  
City of Orange  
300 East Chapman Avenue  
Orange, California 92866

Dear Mr. Garcia:

Thank you for the opportunity to respond to the DEIR.

I am the Chairman of the Orange Park Association ("the Association") Traffic Committee, by way of introduction. Most of my comments will be directed at the matter of traffic in and around Orange Park Acres ("OPA"). Before I take on that discussion, I have some observations about the DEIR in general and other matters that affect the jewel that is OPA.

First, **some general comments on the DEIR**

1. I find the document to be poorly constructed, highly repetitive and deliberately incomplete and displaying a complete misunderstanding of the OPA community, its heritage and its needs.
2. In addition, it is filled with half-truths, misconceptions, misunderstandings and a few down-right fabrications.
3. The community spoke loudly about its needs and wants at the NOP session last year. It appears that the community was ignored.
4. I don’t understand what the construct of a deal (the Ridgeline property, the Arena, etc.) has to do with an Environmental Impact Report.
5. The proposal ignores Plan E as presented by the Association at the NOP meeting. The developers have had Plan E in their hands for years.
6. With the below in play and more coming, it’s difficult to believe that the project can begin in January 2019, a few months in the future.
7. There is no Tract Map in the document. The developers are asking the community to buy a “pig in a poke.” 129 homes are suggested by the document. However, the project as described can expand to 240 homes. Who do you trust?
8. I recommend highly that the DEIR not be certified and that it be returned to Milan and FirstCarbon Solutions with a firm request to **return with a DEIR that respects OPA, its 90-year heritage and its lifestyle.**

Now, on to the matter of the **mining situation on the property**

1. The Grant Deed on the property, as conveyed to Milan/JMI, has the stipulation that no mining or aggregate manufacturing is to be done. I presented the deed to the City Council when the *Rio Santiago* project was appealed. *No action has been taken by concerned parties.*
2. There is no mention of the 100-year-old mine being abandoned. I must conclude that it is not. I believe that the mining operation needs to be
concluded and closed formally before any housing development can take place on the property. I believe that current state of the law requires the property to be returned to its original condition.

3. It is never mentioned that Milan/JMI, the property’s previous owners, the City of Orange or the County of Orange followed the procedures outlined in the Abandoned Mines Preliminary Assessment Handbook regarding the closing of a sand and gravel mining operation.

4. The California Department of Conservation Abandoned Mines Lands Unit ("AMLU") also is not mentioned. There are 22,730 sites in the state that have yet to be inventoried. Omission and ignorance of laws is not excuse.

5. I can conclude that this omission is deliberate because it opens a can of worms that the developer does not know how to handle, is disinterested in handling, or is trying to skate by a requirement.

6. This DEIR cannot possibly be certified or approved with a loose thread of this type hanging freely in front of the City of Orange staff.

7. Federal law is at play here and the consequences to the City of Orange can be huge. The consequences to OPA can be equally great.

So much for the condition of the land, now on to Santiago Creek

1. I cannot understand from the DEIR whose responsibility Santiago Creek will become if the property is allowed to be developed per the DEIR. It’s equally unclear what that responsibility amounts to. This is an open item since the Rio Santiago project.

2. Handy Creek is wet year around now. Urban runoff from Santiago Hills 1 is known to be causing the situation. Now vegetation is clogging the creek; the vegetation is being fed by unnatural water sources and residential fertilizers. The creek has begun to change its character and is being dammed at several locations. It’s not at all clear what is going to be done about this situation.

3. The water runoff will lead itself to the water containment pit between Katella Avenue and Bond Street. The water in the containment pit seeps into the aquifer and is eventually delivered through much of Orange County. This can be a huge health risk.

4. Once again, I cannot help but believe that this omission is deliberate because it opens a can of worms that the developer does not know how to handle, is disinterested in handling, or is trying to skate by a requirement.

5. This DEIR cannot possibly be certified or approved with a loose thread of this type hanging freely in front of the City of Orange staff.

6. Again, federal law is at play here and the consequences to the City of Orange can be huge. The consequences to OPA can be greater.
My next comments are directed at the insanity of placing any number of homes next to a toxic, methane producing landfill

1. Back to the tract map for a moment. It appears from the DEIR drawings that some number of homes will be located within 1000 feet of the landfill at Santiago Canyon Road and Cannon Street.
2. Once again, because there is no tract map for the project, it's unclear how many houses that will be.
3. Returning again to the Rio Santiago project of a couple of years ago, the methane problem was recognized and dealt with in a manner that was deemed unsatisfactory by the community, the Association, the City of Orange Planning Commission and the City Council. It seems to me that the developers are incapable of learning from past failures. Return the DEIR to the developers and demand better.

After my diatribes on everything non-traffic, let me turn to Traffic, the most damning part of the DEIR

1. I want to preface my remarks with a few comments and personal experiences about Santiago Canyon Road ("SCR")
   a. I have lived near Meads/Windes and SCR for almost 45 years. SCR has changed dramatically since during that time – as might be expected with the growth of east Orange.
   b. I drive SCR daily, particularly in the morning towards Chapman Avenue. It's not uncommon to have vehicles travelling in excess of 65 miles per hour in congested traffic making lane changes that are inappropriate for the road.
   c. In the evening, traffic in the opposite direction is gridlocked for all intents and purposes. The traffic path is from the 91 freeway to the Orange County Fire Authority most evenings and the condition lasts for several hours.
   d. THE PROPER MEDIATION FOR TRAFFIC ON SCR IS TO REMOVE MOST OF THE PASS-THROUGH TRAFFIC FROM THE ROAD. The proposed changes in the DEIR DO NOTHING TO AFFECT THAT KIND OF CHANGE. The developers may see the increased traffic as a "drop in the bucket," in reality it is "pouring water on a drowning man."
   e. The condition above (c.) has raised itself to the level that the Association has asked the Orange City Council to investigate the causes of the gridlock with the objective of understanding what is needed for correction. The study is expected to be completed in the coming 2 – 3 months. This condition has become life threatening and is destroying the lifestyle of OPA. NOTHING MUST BE APPROVED FOR THIS DEIR UNTIL THE STUDY HAS BEEN COMPLETED. City staff should not be working at odds with each other.
   f. In the past several months there have been at least two deaths on the road, both near the intersection of Meads/Windes and SCR.
   g. Two years ago, the Orange County Register in a front-page headline declared the Chapman/Jamboree/SCR intersection the most
dangerous in Orange County. Further research divulged that the “intersection” was far wider than the headline proclaimed and extended to a radius that included SCR and Cannon Streets.

2. The DEIR makes no reference to the accident rates on SCR. A large and dangerous oversight.

3. The concept to restripe portions of SCR to six (6) lanes is equally dangerous and counter to highway safety. Vehicles travelling at the speed noted in b) in smaller lanes and making lane changes as they do now are prime candidates for a higher accident rates. The community cannot and will not tolerate this increased risk.

4. The other projects affecting traffic fails to include the Sheldon project recently approved by the OC Board of Supervisors. That project is located on Newport Boulevard near the Santiago Hill area. It’s difficult to believe that the DEIR contributors have missed it.

5. In general, the radius of concern for traffic is far too small.

6. It’s unclear to me that the impact of traffic from Rancho Santiago Community College has been identified and integrated into the study.

7. Item 3.16.1 – there is on street parking on SCR between Orange Park Boulevard (“the Boulevard”) and Meads/Windes on the south side of the road.

8. Item 3.16.1 – The Boulevard is not given enough attention in the study. Currently, traffic is being directed onto the Boulevard by navigation systems such as Waze, Google Maps and the like.

9. It’s unclear how the proposed right turn from the Boulevard to SCR can be accomplished with the space available. I must add that there is an approved change to that intersection that resulted from an agreement with Salem Lutheran Church. That change and the proposed DEIR change might be incompatible. More research that the developers failed to uncover.

10. The DEIR completely ignores equestrian traffic, the backbone of CPA lifestyle.

11. The DEIR completely ignores bicycle traffic and pedestrian traffic in the area.

12. The Santiago Hill II (“SHII”) traffic study is referenced quite often in the DEIR. The study is flawed in that it ignores traffic changes on the Boulevard and predicts little to no changes on SCR.

   a. The SHII study states clearly that the Chapman/Prospect intersection will be gridlocked.

   b. The SHII study states clearly that most of the traffic from SHII will use Chapman Avenue.

   c. As soon as the Chapman drivers discover that SCR and the Boulevard will remove them from the gridlock, the traffic on those two roads will increase dramatically. The Boulevard is not equipped to handle more traffic. An effort of the Association’s Traffic Committee recently resulted in the speed limit on the Boulevard being reduced to 35 miles per hour, a result that took several years to accomplish. No one in the community wants to see more traffic and faster traffic on a road that hosts equestrians, bicyclists and hikers.

13. The same effect will happen for the drivers from the Sheldon project.
14. Some of the data used in the DEIR traffic study is several years old and is no longer valid.
15. There is no definition of what times the "peak traffic hours" are, as represented by the DEIR. It's important to note that on weekends and holidays the traffic makeup on SCR and the Boulevard is completely different and is being ignored.
16. The DEIR does not compute annual traffic increases as the compounding effect that it is – thus the longer-term traffic situation is understated, in some cases significantly.
17. When one considers that the number of houses on the property can be as high as 240 and the traffic analysis is purported to be for 129 houses, the impact of the traffic on OPA can be understated by a factor of two or more.
18. It's not clear what the impact of moving old earth out of and new earth into the project is. A simple math calculation tells us that 10's of thousands of truck trips are needed. If that is true, the impact on peak hour traffic is unimaginable. Much more understanding of the phenomenon is needed.
19. In general, the assumptions made in the traffic forecast are unquestionably optimistic.
20. I spent considerable time with the traffic distribution pattern diagrams. To make a complex finding simpler, there is traffic that appears at locations where it seems impossible for it happen – and the same can be said of traffic disappearing.
21. The light at Nicki Way – something needs to be done there, project or not. It's impossible to enter or exit that road during peak traffic hours. The same can be said of Hunters Way, Jamestown and Amapola. However, having signals at Cannon, Nicki Way, the Boulevard and Mead/Windes – a distance of perhaps 1.5 miles – will only lead to driver frustration and accelerated speeds after Meads/Windes into what is now called "Deadman's Curve." Keep in mind the number of accidents on this portion of the road in the last few years. Refer also to the study that the Association has requested. Another signal may not be the right answer or necessary.
22. It's unclear (how often have I said this???) how far the restriping is planned in the direction of Chapman/Jamboree. Nothing can be worse, in my opinion, than to have a 6 lane SCR shrink suddenly to 4 lanes soon after the Meads/Windes intersection – at a point where drivers are accelerating their vehicles after desiring 4 red lights. Please do not misunderstand me – the idea of a 6 lane SCR is something my neighbors and I abhor and will never support.

Mr. Garcia, thanks for paying attention to my critique of the DEIR. I can write ad nauseum on this matter. I think that you're getting my meaning at this point. Nonetheless, in summary, I think that whoever paid for the DEIR got very little in return. I am offended that Milan and its support team would present this to city staff, city management, and the OPA community. The document is a disgrace, should not be certified by city staff and must be returned to its authors with appropriate comments to be more realistic, thorough and responsive to the community's needs.
(not signed and transmitted by email)

Peter Jacklin
1436 N. Stallion Street
Orange, California 92869
Dear Mr. Garcia,

For the issues, concerns and negative impacts listed below the current DEIR for Trails of Santiago Creek must be rejected. We need to reach a resolution that respects the integrity of the planning process and maintains the character of the project property and its surroundings. We will need to insist that our plans are followed and our equestrian community is respected.

Respectfully,
Vernon F. Kowitz
7725 E. Sandberg Lane
Orange, CA 92869
714-225-5747

THE DEIR VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

- The DEIR's flawed project description does not permit meaningful public review of the project.

- The project description fails to acknowledge the full amount of development that could occur as a result of the project.

- The Project description is unstable and lacks essential information.

- The DEIR's analysis of and mitigation for the impacts of the proposed project are inadequate.

- The DEIR fails to analyze and mitigate the Project's Land Use impacts.

- The Project is inconsistent with the City of Orange's General Plan.

- The Project is inconsistent with the Orange Park Acres and East Orange Plans.

- The DEIR fails to adequately analyze and mitigate the project's impacts on hydrology, water quality, storm drainage and flooding impacts.

- The DEIR fails to adequately analyze and mitigate the project's impacts on biological resources, impacts to wildlife, wetlands, streambeds and riparian habitat and tree removal.

- The DEIR fails to adequately analyze and mitigate the project's traffic impacts and roadway safety impacts and construction-related air quality impacts.

- The DEIR's analysis of project alternatives is legally inadequate.

- The DEIR does not analyze a reasonable range of alternatives and the analysis of the DEIR's "No-Project" alternatives is deficient.
• The DEIR relies on an inaccurate baseline in its analysis of Alternatives 1 and 2, the "No Project Alternatives."

• The DEIR must consider other feasible alternatives capable of avoiding or substantially reducing the Project's significant environmental impacts.

• The DEIR must be recirculated.

**APPROVAL OF THE PROJECT WOULD VIOLATE CALIFORNIA PLANNING AND ZONING LAW.**
The following are some of the negative impacts or flaws contained in the DEIR.

• **Land Use -** Violates the Orange Park Acres Specific Plan (1973) and East Orange Community Plan (1975). Extinguishes the Orange Park Acres Specific Plan, a precedent that the OPA community cannot support. The OPA Plan, The Santiago Creek Greenbelt Plan and the East Orange Plan all designate this site as open space. There is no project description or Tentative Tract Map.

• **General Plan Amendment -** The proposed Low Density Residential (LDR) General Plan Amendment (GPA) could allow for a maximum of 240 units. Analysis should be done for 240 units.

• **Zoning -** Transferring of the development rights on the 12.6 acres zoned R-1-8 north of the creek should not exceed the existing entitlement for those acres.

• **Maps -** Maps throughout the entire document are inconsistent with prior maps from city staff reports, parcel maps and historic maps.

• **Tentative Tract Map (TTM) -** Without a tract map here is no way to analyze aesthetics, style of homes, noise, lighting, massing, air quality, etc. There is no project description.

• **Mitigation -** Mitigation cannot be defined if there is no project to analyze.

• **Grading -** The impacts of importing 700,000 cubic yards of soil and exporting 400,000 cubic yards of silty soil are not known nor are the hauling routes, which will require approximately 73,333 truck trips.

• **Traffic -** The traffic data is misrepresented. Sphere of Influence (SOI) should be expanded. Analysis should be done for 240 units and include truck trips for grading.

• **Mining Activities -** Per the Surface Mining and Reclamation Act of 1975 (SMARA) a reclamation plan must be included.

• **Open Space -** There needs to be a remediation and an ongoing maintenance plan

• **Project Implementation -** The phasing of the proposal is fuzzy. The DEIR claims construction would begin in January 2019 and the project would be completed by January 2021. It is not realistic.

• **Alternatives -** The City appointed Liaison Committee submitted Alternative E as being a reasonable and rational alternative. It was overwhelming supported by the community. The DEIR ignored the plan and failed to analyze it. Instead the DEIR proposal extinguishes the OPA Plan & equestrian lifestyle and replaces it with 129 tract homes on 40 acres.
Dear Mr. Garcia,

I am a resident of Orange Park Acres and a voting constituent. I do not approve of the DEIR in the Orange Park community as it extinguishes the OPA plan and equestrian lifestyle, which is very important in our community.

I appreciate you taking the time to read my concerns.

Thank you,
Dr. Diane Kelley
April 8, 2018

Mr. Robert Garcia
Senior Planner
City of Orange

Dear Mr. Garcia:

As Orange Park Acres celebrates their 90th birthday we still have Milan Capital trying to undo what makes our community so special, the OPA Plan. The Trails at Santiago Creek proposal should be rejected. Not only does the DEIR fail to describe the project they want approved, it completely ignores our OPA Plan. There are no provisions for horses. Rather than proposing an elegant equestrian community they have opted for just another housing tract with minimal details.

Alternative E was a good plan and had widespread community support. People liked it and thought it was very fair.

This document represents complete disregard for those that represent our neighborhoods, those that attended the 2016 NOP meeting and those that sent in their comments. We gave the developer clear direction of what we wanted to see – Alternative E. That plan wasn’t even analyzed. Our community is dedicated to protecting the rural character of our area and we expect our concerns to be incorporated in this project especially since a zone change is required.

The outdated data and lack of information makes it virtually impossible to analyze the traffic, truck hauling trips and safety impacts such as methane gas, dam inundation, fire response and safe passage. It’s impossible to understand how the creek will be treated which affects the waterway, wildlife and the biology. We simply cannot assess these impacts with the information provided, which is a clear violation of state law. There is no choice but to deny this project and start over.

Sincerely,

Katrina Kirkeby
20171 Hillside Drive
Orange, CA 92869
(714) 514-5896

P. S. Please confirm this email was received.
April 8, 2018

Robert Garcia
Senior Planner
City of Orange

Dear Mr. Garcia:

Milan refuses to listen, again.

A year ago March many of us walked out of the scoping meeting wondering if we would be forced to do a referendum on the Trails of Santiago Creek project. It was impossible to figure out what the developer was planning. The audience was irritated and many felt it was a waste of time. Nevertheless, people took the time to express their thoughts verbally and in writing.

With the release of Environmental Impact Report it is obvious the developer was not listening and it appears simply doesn’t care about our community. A year later we still have no idea of what is planned. What we do know is that there is no entitlement to the 129 homes they are proposing. What we have learned is that only 25 homes were approved in 1993 north of the creek. That is important information they failed to disclose. From the 1993 tentative tract map you can see their claim that they could put 92 houses in that area is bogus. I find it amusing that Milan conveniently forgot to disclose that information.

The community put forth a reasonable and thoughtful plan, Alternative E. It was completely ignored in the DEIR. The long-standing OPA plan was conveniently deleted in favor of tract housing.

There is one fatal flaw after another in the environmental document from outdated traffic analysis to lack of data for biological resources. Planning a bunch of tract houses in a dam inundation zone, next to a former dump site that emits methane gases that is right next to a creek without essential information is totally irresponsible. The creek flow is critical but we cannot gage safety because there’s no plan.

The developer inherited all the problems, obstacles, and liabilities by purchasing this property and has made one bad decision after another. Bad business decisions should not be rewarded and taxpayers should not bail them out. It’s time for Milan to move on and mitigate their losses. The city should not entertain this project.

Please acknowledge you received this email.

Sincerely,

Bob Kirkeby
Wow that many homes on that property!!! Impact on traffic in that area will be horrific!!! It already is with people speeding thru to get to 91!!! This area has seen nothing but hills built up, deer killed and the overall beauty depleted!!! Sorry you politicians always do what is best for the vote!!!

Love, A-M

Sent from my iPhone
Traffic congestion is going to be horrendous!!! The amount of cars cutting through to pick up 91 is awful and they cant wait cut off everyone to get on Serrano!!! You dont live here so you dont experience it!!! Another deer killed, lack of police, constant speeding!!! Im tired of officials not acknowledging what residents put up with due to popular vote!!!

Love, A-M

Sent from my iPhone
Mr. Garcia,

I am against the DEIR that was released February 23. The plan is deficient in many ways. It is not complete and transparent. It vaguely states that 40 acres will be developed with 129 units but no tract map or design parameters are disclosed. The site would need to be rezoned as there are no entitlements where the development is proposed. Sounds like Ridgeline all over again. This same developer was unscrupulous in his failed attempt to rezone Ridgeline, he hired "goons" to disrupt the signature process for validating the referendum, his consultant lied about having community support and ignored the traffic issues.

I live about Santiago Canyon Road and witness the congestion every morning and evening. I feel for the people who drive in it everyday. There will need to be additional traffic lights put in and if only 1 is added it will still mean there will be a traffic light every 1200' in that stretch of the road. We will cause even greater backups if not gridlock.

I am asking that the city honors the Orange Park General Plan and does not approve this DEIR and approves Alternative E that is a reasonable and rational alternative. It is overwhelmingly supported by the community.

Regards,
Ken Kribel
OPA
Nick Lall
6231 E. Mabury Ave.
Orange Ca. 92867

Robert Garcia, Senior Planner
City of Orange
Community Development Department
300 E. Chapman Avenue
Orange, CA 92866
rgarcia@cityoforange.org

Re: Draft Environmental Impact Report

Dear Mr. Garcia,

Thank you for the opportunity to comment on the DEIR for the proposed Trails at Santiago Creek project.

I am a member of the City Council appointed Liaison Committee, as well as an informal group comprised of communities surrounding the proposed project site and a representative of my community Mabury Ranch. However, I am writing today as an individual and a homeowner that is directly impacted by the proposed development.

I believe the above-mentioned groups as well as individual communities and individuals have addressed the multitude of concerns with the draft EIR. I would like to address issues regarding the impacts to Mabury Ranch that may not have been mentioned.

The impacts of having permanent open space adjacent to Mabury Ave. is very attractive to me. Unfortunately, it will be attractive to many others as well. Traffic and parking impact/mitigation along Mabury Ave. needs to be addressed. There is no mention in the DEIR about this nor is access to this area discussed. Looking at the impacts of full to no access from Mabury Ave needs to be a part of any study regarding this project.

Another area of concern is dust control. This is from both the standpoint of development generated dust issues as well as dust should the concrete recycling and dirt stockpiling be resumed. Air quality has been adversely affected by current operations.

Thank you for your consideration of these issues.

Nick Lall
Dear Mr. Garcia,
I am writing in regard to the current DIER for the Trails at Santiago Creek Project. The DIER must be revised as it contains incomplete and inaccurate information. Here are just a sampling of the details:

1. It violates the Orange Park Acres Specific Plan and East Orange Community Plan. It extinguishes the Orange Park Acres Specific Plan, which we cannot support.

2. The proposed low Density Residential (LDR) General Plan Amendment (GPA) could allow for a maximum of 240 units and the analysis must be done for the maximum allowed units.

3. Traffic data is completely misrepresented. In addition to the burden of the additional traffic after the project is complete, the Sphere of Influence (SOI) should be expanded. Analysis should be done for 240 units and include truck trips for grading.

4. Grading-The Impact of importing 700,000 cubic yards of soil and exporting 400,000 cubic yards of silty soil are not known nor are teh hauling routes, which will require approximately 73,333 truck tips. Our streets and side community streets cannot handle this additional traffic. It is dangerous to our equestrian lifestyle.

5. Zoning-Transferring of the development rights on the 12.6 acres zoned R-1-8 north of the creed should not exceed the existing entitlement for those acres.

6. Maps throughout the entire document are inconsistent with prior maps from city staff reports, pacel maps and historic maps.

7. Tentative Tract Map (TTM)-without a tract map there is no way to analyze aesthetics, style of homes, noise, lighting, massing, air quality, etc. There is NO project description

8. Mitigation cannot be defined if there is no project to analyze.

9. Per the Surface Mining and Reclamation Act of 1975 (SMARA), a reclamation plan must be included.

10. The DIER fails to adequately analyze and mitigate the project's impacts on biological resources, impacts to wildlife, wetland, streambeds and reparian habitat and tee removal.

11. The DIER fails to adequately analyze and mitigate the project's impacts on hydrology, water quality, storm drainage and flooding impacts.

Approval of this project would violate California Planning and Zoning Law. I implore you to request a revised DIER so the true impact of this project can be reviewed.

My family has lived in Orange Park Acres since 1965 and we value our community and preserving the equestrian aspect and lifestyle.

Sincerely,
Laurel Maldonado-Wykes
The OPA Plan Equestrian Lifestyle was established to preserve this area and the Zone change will permanently damage our communities that we are passionate to preserve.
April 8, 2018

Robert Garcia, Senior Planner
City of Orange
Community Development Department
300 E. Chapman Avenue
Orange, CA 92866

garcia@cityoforange.org

Re: Comments regarding the DEIR for the Proposed Trails at Santiago Creek

Robert,

For more than two years I have been one of two representatives, representing Mabury Ranch on the Liaison Committee appointed by the Orange City Council and the Neighborhood Coalition Group initiated by the applicant, Milan’s representative, Frank Elfend. We have met in good faith in an effort to determine a development plan that would be agreeable to all parties. I was extremely disappointed to see in the Trails at Santiago Creek DEIR that the Neighborhood Coalition’s plan “E” (25 homes south of Santiago Creek) was not included. As a result, the statement (p.#ES-2, paragraph #3)-that the applicant “worked together (with the Neighborhood Coalition) to establish a framework for an appropriate land use entitlement” is completely false. We were never given any feedback on our Neighborhood Coalition plan “E.” The applicant asked us for other suggested uses for the site. We recommended a farmer’s market, organic gardens, facilities for 4H activities, trails and parking for hikers using the trails. The only recommendations included in the DEIR is trails. The applicant filled the remaining acres with more homes. I believe the applicant was using these meetings to make it appear as if he was working with surrounding neighborhoods, but in fact was just padding his billable hours and had no intention of seriously considering any of the suggestions offered.

There are so many other inaccuracies contained in the DEIR, I do not feel it can be considered. They are:

1) Traffic
Traffic is the biggest issue for Mabury Ranch homeowners. My 15-mile daily commute to Irvine by way of Jamboree, Santiago Canyon Road and Cannon Street takes 1 hour. Traffic backs up on Santiago Canyon Road east of the Reserve. The traffic generated from ANY new homes will make the situation worse. The traffic plan in the DEIR is not adequate. The restriping of Santiago Canyon Road and Cannon needs to go all the way to Serrano Avenue with a dedicated right turn lane from Cannon to Serrano that does not stop. This is the price the City of Orange must pay for not pushing through the Weir Canyon expansion to Serrano. Most of the vehicles clogging up Cannon are heading to Anaheim Hills. Even with these enhancements, a large development such as 129 homes would have a larger impact than a net increase of 542 car trips as stated in the DEIR. The national average sets it at more than 1,200 net car trips per day.
2) **Zoning**

There are 12.6 acres zoned R-1-8 north of the Santiago Creek. On May 18, 1993 the city Council approved a General Plan Amendment (GPA 2-93), Zone Change and Tentative Tract Map to allow the 12.6-acre site north of the creek to be subdivided for a **25 dwelling unit development** (see Resolution No. 8182 and Tract Map No. 14747). The Neighborhood Coalition is united in its stance that no building should be north of the creek. While Mabury Ranch appreciates the applicant's proposal to move all homes south of the creek, we cannot accept a development that is 5 times the number of homes allowed within current zoning.

3) **Hazardous Materials**

The impacts of the re-grading and re-compaction of soils south of the creek are not known nor are the hauling routes. There will be impacts to importing 700,000 cubic yards of soil and exporting 400,000 cubic yards of silty soil, which will require approximately 73,333 truck trips. The DEIR fails to analyze these impacts: traffic, noise, emissions, air quality, soil disturbance and toxins. The dirt should be balanced on the site.

4) **No Tract Map**

There is no tract map therefore there is no way to analyze the aesthetics, impacts of noise, lighting, massing or air quality. This is key to Mabury Ranch since we are an adjacent property.

5) **Incorrect Maps**

The maps are incorrect. Exhibit 2-5 “Surrounding Properties with Lot Sizes under 10,000 sq. ft.” includes a red circle with properties, including the Reserve that have lot sizes **far greater** than 10,000 square feet. Many homes in Mabury Ranch have lots sizes greater than 10,000 square feet. The project needs to adhere to the surrounding neighborhoods. There is also a discrepancy in the maps throughout the entire document. They are inconsistent with prior maps from city staff reports, parcel maps and historic maps. The open space area in the Fieldstone project was 26 acres now it is shown as 16 acres. The creek has been changed. The boundaries for the East Orange General Plan and OPA Plan have been changed. Maps need to reflect the proper boundaries.

6) **Mining Activities**

The DEIR states that mining activities ceased in 1995. The Surface Mining and Reclamation Act of 1975 (SMARA) governs this site. The DEIR states, “that mining activities occurred on-site from 1919 until 1995 and consisted of surface mining of sand and aggregates.” As such, SMARA needs to be adhered to and a reclamation plan must be included.

7) **Open Space – Who maintains it?**

The DEIR identifies 60.5 acres as unmanaged open space, including Santiago Creek. The proposal includes $5,100,000 in funds for landscape and trails, but there is no indication of how or who will maintain the creek and the remaining open space once the money runs out. This is a concern for Mabury Ranch since we are an adjacent property.
8) **Violates Previous Plans that Call for Open Space**

This proposal violates the Orange Park Acres Specific Plan and East Orange Community Plan and is not consistent with the General Plan. According to the DEIR, approximately 97 acres of the applicant’s proposed project falls within the boundaries protected by these plans and is currently designated as permanent passive open space.

The developer has no existing right to develop Sully Miller as proposed. For this development to move forward, the landowner needs to have his property rights enhanced, through “up-planning” and “up-zoning. The City has full discretion under the law to deny this request for enhancement. Because the City’s general plan and zoning never allowed for this residential development, the developer has no legitimate expectation that these approvals would be granted.

There is a potential with this development for everyone to win – the developer, the surrounding neighborhoods and the citizens of the City of Orange. For this to happen the scope of the project (# of homes) needs to be substantially decreased. In addition, the DEIR needs to be amended to correct the deficiencies including the addition of a tract map, the correction of historical maps, true mitigation effects due to increased traffic and the large number of trucks hauling hazardous materials, as well as who will have the responsibility of maintaining the open space when the proposed funds run out.

I have appreciated the opportunity to serve on the City’s Liaison Committee and the Neighborhood Coalition Group. I am cautiously optimistic that the applicant will now enter into **legitimate** negotiations with our neighborhoods to determine a solution that we can all live with.

Thank you,

Stephanie Lesinski
Mabury Ranch
6618 E. Waterton Ave.
Orange, CA 92867
slesinski@yahoo.com
Mr. Garcia,

As a homeowner in Orange's Mabury Ranch neighborhood, I am writing to express my concerns over the Proposed Trails at Santiago Creek. The only home building I am in favor of would be for 25 homes SOUTH of the creek. Any more homes in this proposed development area are way too many. Infrastructure problems and effects on the environment are just two factors. But the biggest, most obvious concern is traffic. That whole area is already bogged down by insufficient roadways. And any additions such as a merge lane or other small improvements will literally do nothing to improve the situation. It is idiotic to add any more than 25 homes (or really any homes at all). The logjam will only get worse.

Finally, I will not even begin to list my concerns with the inadequacies of this project's DEIR. Suffice it to say it is incomplete on so many levels as to be an insult to the surrounding neighborhoods in this area.

Thank you for allowing me to voice my concerns. I would also ask for a confirmation that you have received my email...

Sincerely,
Frank Lesinski
6618 E Waterton Ave.
Orange, CA  92867

Sent from my iPhone
Hello,

My name is Kimiya Leuteritz and I live at 11411 Orange Park Blvd in OPA.
I would like to express my concern regarding the DEIR that is in front of you for review.
It fails to mitigate the Land Use impacts of the project.
It's most definitely inconsistent with the City's General Plan as well as the OPA and East Orange Plans.
It does not adequately analyze nor does it adequately mitigate the traffic impact.
Please do not accept this DEIR.
Thank you for your time.
Mr. Garcia:

This email should serve as my questions and comments regarding the Draft Environmental Impact Report for the Trails at Santiago Creek.

- Why did the City choose not to analyze Alternative E as presented by the City-Appointed Liaison Committee?

- I would ask that the City uphold its existing land use on the site, specifically the 1973 Orange Park Acres Specific Plan and the 1975 East Orange Community Plan.

- Since the proposed General Plan Amendment could allow for a maximum of 240 units, that is what the DEIR should analyze – the impacts of 240 units.

- If the city chooses to transfer the development rights on property north of the creek, the entitlements should match those existing development rights and not exceed them.

- The City should require a tentative tract map and a specific project to be analyzed.

- More specificity is needed regarding the traffic data – particularly as it relates to the truck trips to haul the hundreds of thousands of cubic yards on and off the site.

In summary, I would ask that the City reconsider the recommendation of its appointed Liaison Committee and immediately include Alternative E in its environmental review as that alternative has community support and would mitigate the risk of another project in our city that is delayed by years of combative legislative and legal remedies.

Thank you kindly for your consideration of my comments.

Brian Lochrie

brianlochrie president
communicationsLAB
701 e chapman ave, orange ca 92866
p: 949.215.5539 c: 949.294.8269

Any views or opinions presented in this email are solely those of the sender and do not necessarily represent those of the company. Employees of the company are expressly required not to make derogatory statements and not to infringe or authorize any infringement of copyright or any other legal right by email communications. Any such communication is contrary to company policy and outside the scope of the employment of the individual concerned. The company will not accept any liability in respect of such communication, and the employee responsible will be personally liable for any damages or other liability arising.
Hello Robert... I have received the “Trails at Santiago Creek Project” draft for “Environmental Review No. 1857-18” and will want the following comments regarding the report content entered into the response comments record:

To whom it may concern:
In general, I cannot see how any productive analysis can be made without a plan provided of what will be specifically constructed. I understand that it is too early to discuss colors of homes, architecture and the like, but knowing the density, layout, lot size, proposed number of occupants derived from the info, etc. would be necessary to formulate any productive comments. I see no way to interpret “40 acres being developed with 129 units” without a tract map or any design information provided.

The traffic that will be generated from the development, as described by the report, cannot possibly be net negative. Adding cars and transportation that would be needed to support 129 units cannot possibly be a positive contribution to the already overburdened Santiago Canyon Road which borders the project and is the only way in and out. Adding a lane as the report outlines adjacent to the project and expecting an overall positive effect is pure fantasy. Plain and simple, many more cars will be put on Santiago Canyon Road and impact the traffic in both directions far past the projects boundaries.

Without entitlements for housing (which currently is not in place) what’s the point here?? In addition, the proposed 129 units are in complete conflict with the existing Orange Park Acres Specific plan which governs more than half of the 109 acre site. No consideration or alternative has been proposed for the specific plan as if it did not exist or the drafter of the report was unaware of the requirements the plan entails.

The report has an “Air of Assumption” that the community will trade away traffic congestion, the requirements of the OPA Specific Plan and the reliance on the developer to do the right thing (without first knowing) for the community to obtain the Ridgeline property and funds for trail/arena improvements. Although this issue needs to be addressed, if the Mara Brandamond Arena will be used as a bargaining chip, the trade outlined by the report is only another fantasy and has no significance in gaining approval of the report. Relinquishing the OPA sphere of influence over 56 acres of the proposed project won’t happen.

In summary, without a specific description of the proposed project that complies to the OPA Specific Plan and addresses how housing entitlements would be gained, I see no way for the report itself to come to any accurate conclusions for development in a positive way, making all other studies and proposals about the parcel moot. I would ask that the report be rejected and that the developer provide specific information addressing the points I have outlined. At this point, the report is so generalized, meaningful analysis could not be possible.

Sincerely,
Mark Maize

On Apr 4, 2017, at 9:20 AM, Robert Garcia <rgarcia@cityoforange.org> wrote:

Mr. Maize,

Thank you for your comments on the Trails at Santiago Creek. Now that the public comment period for the NOP has ended, your comments will be forwarded to the environmental consultant who will be working on the Environmental Impact Report (EIR).
Regards,

Robert Garcia
Senior Planner
City of Orange
(714) 744-7231

Please be advised that City Hall is closed every other Friday. For your convenience, please check the City website at www.cityoforange.org for the calendar of working/closed days.

From: Mark Maize [mailto:mmaize@corbinreeves.com]
Sent: Thursday, March 23, 2017 3:09 PM
To: Robert Garcia <rgarcia@cityoforange.org>
Subject: Trails At Santiago Creek Project Draft EIR

Dear Mr. Garcia... My name is Mark Maize and I was born in Orange 66 years ago and have resided here my entire life. My current residence has been in Orange Park Acres since 1995 and I wanted to take this time to bring to your attention my concerns regarding the proposed Trails at Santiago Creek Project. Please address the following issues in your upcoming Draft EIR:

1) Orange Park Acres has been keep as rural as possible since it’s inception both from a legal planning sense and the desires of the citizens of Orange. Old Town has it’s character, tracts of homes in Orange have theirs, the Eichler tracts are now being recognized to be preserved, business areas have theirs and OPA’s Equestrian life style is the focus at that location. Just like Old Town and all the others, please focus on keeping what OPA was intended to be...Rural/Equestrian estates surrounded by open space.

2) Regardless of what layout the current plan turns into, work within the currently allowed zoning and Specific plans already in place, such as OPA Specific and Orange General Plans.

3) Base any housing study in the report on a maximum of 25, 1 acre residential equestrian home sites.

4) Address the flood plan mitigation adequately regardless of the development content plan.

5) Address the methane gas traveling from the recovery site west of the development into the Trails at Santiago Creek site regardless of the development content plan.

6) Incorporate un-paved equestrian friendly trails throughout, that connect to the existing trail system in Santiago Oaks park and the trail leaving northwest to the Villa Park area.

7) Address the traffic in and out of the development on Santiago Canyon Road.

8) Address the Equestrian crossing which will be needed to access the trail system within the project from the south side of Santiago Canyon Road.

9) Consult with all parties from OPA, formal and otherwise on trail development.

10) Provide development which enhances and promotes the communities already existing equestrian life style such as stables, Arenas, trails, animal facilities, 4H activities, gardening and agriculture.
11) Keep the creek continuous and open with natural banks and landscaping through the middle of the project.

12) Demonstrate how mitigation of all the toxic waste left behind by the mining operation will be mitigated.

13) Focus on MAP “E” citizen plan…. this plan is the most acceptable to date to the community.

Thank you for your attention to these items… Let’s do this!!!…. The community at large will support development of the Sully Miller site, but the OPA Equestrian Life style and specific plan guidelines must be supported along the way…. 

Sincerely,

Mark Maize
3-28-19

DEAR MR. GARCIA,

I OWN HOUSES IN BOTH MABURY PARK AND ORANGE PARK ACRES. OUR NEIGHBORS IN THE COALITION "MECS" WILL LIMIT THE DEVELOPMENT OF THE "TRAILS AT JANETTE" TO NO MORE THAN 25 HOMES. TRAFFIC AT SAN MARCOS & CAMINO IS ALREADY INTENSE. WE NEED OPEN SPACE AND THE CONNECTIVITY TO THE OTHER TRAILS IN THE NETWORK.

THANK YOU FOR YOUR CONSIDERATION.

LAURIE MAHANE
1290 ORANGE PARK AVE
ORANGE, CA 92869
(714) 327-5575
Dear Mr. Garcia,

As a resident of Orange Park Acres, I find the DEIR for Trails at Santiago Creek a laughable document, as it contains so many omissions, errors, and failings. If this project were to proceed, as poorly planned as it is, it would erase all that my neighbors and I have fought to establish through the East Orange and OPA master and general plans. Do not let this happen.

I have reviewed the different developer's plans and that proposed by OPA. Alternative E is the ONLY one that makes any sense in keeping with our community's established plans and that would benefit all parties, including the greater city of Orange.

Sincerely,

Julie Maurer
7544 E Saddlehill Trail
Orange, 92869
Mr. Garcia,

The DEIR on Trails at Santiago Creek is extremely poor and Incomplete. How can there be a DEIR on a project that isn’t even described well enough to understand the proposed plan? Turn this back to the developer and let them know it is a fail! Point them to Alternative E plan and let them build something that the nearby community and everyone in Orange will appreciate and use, which will still benefit their financial goal. We need more open space, not houses.

Rick Maurer
7544 E Saddlehill Trail
Orange, 92869
Mr. Garcia,

My name is Leigh McDonough, and my husband, Chris McDonough and I are property owners at 6207 E. Mabury Avenue, Orange 92867. We purchased a home in the Mabury Ranch community in 2014. We love our neighborhood and the rural feeling, and the safe and friendly neighborhood. We love the peaceful atmosphere, the serene nights, the helpful and friendly neighbors and the unobstructed views and exposure to wildlife and untouched habitat right outside of our front porch. A large part of the motivation for our purchasing an expensive property here in Mabury Ranch as opposed to staying in our old neighborhood off of Loretta Drive was that we liked the zoning and open spaces that were protected in East Orange, and Orange Park Acres. We purchased here specifically because of the zoning that was in effect and the rural feel due to this zoning, in this part of Orange, as opposed to searching in other areas like North Tustin which also has a rural, untouched vibe.

In addition to choosing to move to this part of Orange and stay in Orange, we liked that there was so much wildlife around us and access to wonderful hiking and nature, literally in our front yard and immediately east of us in Santiago Oaks Regional park. We appreciate that there is still open space for habitat to be maintained, and a place where wildlife can flourish and thrive.

While we love living here, we recently experienced the Canyon 2 fire and were forced to evacuate our home. While this was a very stressful experience, I can’t even begin the imagine the danger that would have arisen if we had an additional 129 homes directly to the south of us to contend with during the evacuation. As you are well aware, Cannon and Santiago Canyon Roads are both a disaster to contend with in the mornings and evenings during rush hour. I cannot fathom how "re-striping" Cannon would alleviate any of the pressure that those two streets experience at peak rush hour times. It is terrifying to think about having to contend with batty a significantly higher amount of gridlock and traffic on those streets if we had any additional housing built in front of us, during a time of emergency like we had in the Canyon 2 fire. I have no doubt that the gridlock would place MANY lives at stake during a time of emergency. There is no doubt that in the future the situation will arise where we will once again have to evacuate our homes for safety due to fire hazards in this area.

I also have to wonder, when the 700,000 cubic feet of infill dirt are placed in Santiago Creek for construction of houses, what would that do to the current flood plane? Not only would Santiago Creek be significantly altered with this construction, loss of habitat and homes for the current wildlife, but I am concerned about what would happen to the houses built in that area? I would assume that they would be prone to flooding, and if that plane is raised up, that also places our homes in jeopardy.

I implore you to consider the ramifications of this build, and consider maintaining the current zoning in place for this area. From a safety standpoint, for the existing homeowners, and not having sufficient ingress and egress out of the neighborhood in times of emergencies like fire or flood. In addition to the danger that this possible construction places on the existing homeowners, I implore you to consider the inconveniences that would be brought upon with all of the extra traffic that would place a burden on existing homeowners and on infrastructure, that this area is not equipped to handle. In addition, I implore you to consider the people who are living in this neighborhood that spend a lot of money to have a certain quality of life to live in a quiet, peaceful, rural neighborhood that this construction would significantly impact and diminish our quality of life. Lastly, but certainly not least, please consider the ecological impacts of building and rezoning this area. Bringing in 700,000 cubic feet of dirt to stabilize the area, destroying the natural vegetation in the open space, and most importantly, destroying an ecosystem for the existing wildlife that calls Santiago Creek
home. I implore you to consider the danger to the people who live here, the inconvenience and lack of infrastructure or feasible infrastructure construction in the neighborhood and the destruction of our way of life here and for the existing animals that call Santiago Creek their home.

Should you have any questions or concerns, please do not hesitate to contact me via email or at (714) 914-2213.

Thank you, in advance, for your consideration in this matter.

Sincerely,

Leigh McDonough

Mabury Ranch resident
VIA EMAIL: rgarcia@cityoforange.org
HARD COPY VIA FIRST CLASS MAIL

Robert Garcia, Senior Planner
City of Orange
Community Development Department,
Planning Division
300 E. Chapman Avenue
Orange, CA 92866

RE: Comments – “Trails at Santiago Creek” Draft EIR

Dear Mr. Garcia:

I am writing in response to the Draft EIR regarding the development proposed at the former Sully Miller property along Santiago Canyon Road in East Orange. My family has lived in Orange Park Acres for 16 years. We are very involved in this unique community – we have horses and my kids are active in 4-H. I attended the March 16, 2017 and March 21, 2018 community meetings regarding the above-referenced project. At the outset, I am frustrated by a quandary: How are we, the community, expected to meaningfully evaluate and comment upon what seems to be proposed in the DEIR when the “project” is so vague? How can the community’s input possibly be meaningful at this juncture, when there isn’t even a tentative tract map? Even the “best case scenario” proposed by the owner/developer has frightening implications. The DEIR is so flawed it is a joke – it is, quite simply, an insult to the letter and intent of the CEQA process. With that huge caveat, I still have many comments and concerns. Here are some of the big ones:

1. **Respect the East Orange General Plan and the OPA Specific Plan.**

   This is an equestrian residential community with a unique character. A lot of thought, time and effort has been dedicated by a great number of people to protecting this character. **Any development that does not respect this vision would necessarily be a negative alteration of this unique environment.** For example, any development that does not maintain one acre minimum lots, or seek to encroach upon what should be maintained as open space, would violate both the letter and spirit of the community’s and the City’s vision. Many wiser minds than I are far more attuned to the legal implications of the land use issues involved. But, if from the outset the project requires a General Plan amendment and a zoning change, it tells me it is not right for our community.
2. **Listen to the Community.**

People in OPA care deeply about their community. They have lots of wisdom and many constructive suggestions that can be put to good use during the DEIR process. An infill developer out to maximize profits simply cannot have the best interests of this community, or our City, in mind. Of the five map alternatives presented at the scoping meeting last year, most versions were simply “rearranging deck chairs.” **Map E demonstrated the only thoughtful alternative.** At least some real consideration was put into the rearrangement of uses in Map E. A year later, the owner/developer has seemingly totally ignored this input from the community. If this is any indication of the owner/developer’s willingness to work with the community, I am already disappointed.

3. **Any Development of this Location is Fraught with Issues.**

I quickly run out of fingers when I start counting the potential issues and environmental impacts here: increased traffic, flood danger, methane from the adjacent landfill, seismic issues, fire danger, permanent loss of open space, damage and loss of critical riparian habitat, and further damage to community good will. Our community is still fractured -- suffering from “development PTSD” -- from the last time this owner/developer tried to make a quick buck in East Orange. This owner/developer brings a fair amount of baggage along with its poor track record of insensitivity. It is hard to begin this process all over again with any sense of hope or encouragement that this will turn into a “win-win” for all involved. There is a reason that development was tried and failed here twice before. Our remaining open space islands, or infill development opportunities, remain because they are full of insurmountable issues.

4. **The Current Degraded Condition of the Property is No Justification for a Poorly Conceived Project with Monumental Environmental Impacts.**

We are all sick of the massive “dirt pile” currently on the property. Mind you, this nuisance and eyesore was created by the property owners who are now asking the City for development concessions. This mess which embodies the current condition of the former Sully Miller property, is symbolic of the mountain of problems any proposed development of this site brings. Fixing the current conditions cannot be a justification for hasty or ill-conceived “improvements” wrought by development. I hope this was not also the owner/developer’s intent, to set this current mess up as the “No Project/No Development” alternative. There needs to be a proper reclamation plan for the old gravel pit, which is absent from this DEIR. More care and attention must be given to remediation and maintenance of the existing open space NOW, whether or not this owner/developer is ever allowed to do anything else with the property.
5. Traffic Issues Alone Should Prevent Any Consideration of this Poorly Conceived Project.

Often several times a day, I have to wade across Santiago Canyon Road during the commute hour, as I drive from Amapola Avenue to over by Lolita Street and back again, for my kids’ riding lessons or 4-H chores. A trip which should take two minutes can take 20. I routinely see traffic violations (driving on the shoulder, illegal U-turns). There is a solid river of self-absorbed commuters who pass through our neighborhood. It is even worse when there is an accident and enterprising commuters turn to Ways to find their way around. I can always tell, as suddenly a stream of cars going way too fast start flowing down Ridgeline, oblivious to the houses with blind driveways or small kids or pets. I can only imagine the nightmare the traffic will be while this project is under construction . . . or once it is fully built out. 240 units? They are kidding, right? My nightmare turned to true terror once I heard about all the dirt that would have to be moved in or out, and the number of truck trips that would entail. What was a simple trip to visit my mother in Villa Park would be tortuous.

This is a perfect example of an infill development opportunity that is poorly conceived and totally wrong for the community and City. The owner/developer has ignored or glossed over so many of the insurmountable issues that, at a bare minimum, the DEIR should be revised. I’m not a highly paid consultant or professional city planner, and even I can see the significant flaws. As such, I appreciate this opportunity to comment on the “Trails at Santiago Creek” Draft EIR and I thank you for your time and consideration.

Very truly yours,

Deborah M. Mongar
Please protect the little open spaces we all have left in our beautiful city of Orange. Thank you Lance Mora OPA Director

Sent from my iPhone
Dear Mr. Garcia,

As a 40 yearlong resident of Orange Park Acres, I have witnessed many changes to the community and many battles. In a just and fair world, we would still have the community resource of Ridgeline golf, tennis, and swim club and a large portion of the Sully Miller site would have been properly restored to open space per the state Surface Mining and Reclamation Act. Instead, an investment group was allowed to believe they could rezone and develop Ridgeline and thereby demolished its amenities. Now, despite repeated abject failure, the same group seeks to develop the mined area within the sphere of Orange Park Acres and East Orange.

I hope Milan is prepared to proceed with the greatest consideration and care to appease the people of Orange Park Acres and the surrounding communities. I think anything other than contrite cooperation in view of the toxic history that Milan hatched in this community will be met with great resistance. That cooperation includes attention to the specific and general plans for the area as well as a focus on the equestrian nature of Orange Park Acres, such as proposed in the Alternative Plan E that was completely ignored.

If Milan proceeds wisely, we can all find something to be happy about and move forward. Otherwise, we will be putting on our walking shoes.

Sharon Mulé
7401 E Saddlehill Trail
Orange, CA 92869
March 9, 2018

Robert Garcia, Senior Planner
City of Orange, Community Development Department
Planning Division
300 E. Chapman Avenue
Orange, CA 92866

Subject: Notice of Availability for the Draft EIR related to the Trails at Santiago Creek Project

Based on my review of the Traffic Impact Analysis (TIA) and Section 3.16 of the Draft EIR, I would like to provide the following comments for the subject project:

It is unclear why the existing baseline condition was adjusted to represent more traffic on the roadway when that additional traffic did not exist at the time that traffic counts were taken (i.e., time of the NOP in 2017). Adjustment of existing baseline conditions to represent a theoretical condition from seven years prior (in 2010) is unusual. By artificially increasing traffic volumes in the existing baseline condition, the analysis is representing a baseline that has more traffic than actually exists in 2017, thereby under-representing the net increase in traffic caused by the proposed project when compared against baseline conditions. The forecasted Year 2022 analysis and the Year 2040 build-out analysis rely on percentage growth of these "modified" existing conditions to represent future baseline conditions in the TIA; therefore, it would appear that the future year analyses similarly under-represent increases in traffic volumes caused by the project. Please reanalyze the Existing analysis, Year 2022 analysis and build-out year 2040 analysis to identify potential significant impacts based on unadjusted baseline conditions, and provide additional mitigation as necessary.

Comparing the differences in traffic volumes between existing conditions and "modified" existing conditions, a significant adjustment has been made to the northbound left-turn volume on Jamboree at Chapman/Santiago Canyon Rd. Please explain why this particular turn move increases so significantly from existing 83 trips to modified existing 132 trips during AM peak (a net increase of 49 AM trips) and existing 306 trips to modified existing 379 trips during PM peak (a net increase of 73 PM trips). No other locations within the study area account for such significant adjustments.

The turning movement count sheets for the intersection of Orange Park Blvd & Chapman Avenue appear to be missing from the Traffic Impact Analysis. Please provide all missing data related to this intersection's traffic volumes (baseline and with project conditions) for all study years.

MM TRANS-5: There appears to be inconsistency related to the configuration of outbound lanes at the project driveway (i.e., Santiago Canyon/Nicky/Project driveway). Listed in the improvements at this location are two conflicting outbound lane improvements: one bullet describes one outbound lane (i.e., shared left/through/right) and another bullet describes two outbound lanes. Suggest that the project require two outbound lanes (one dedicated left-turn lane, one shared through/right-turn lane) based on the volume of outbound traffic during peak period.

I appreciate the opportunity to review this Draft EIR. Should you have any questions, please call me at (949) 724-6262.

Sun-Sun Murillo
2153 Palermo Ct.
Orange, CA 92867
dear sirs,

regarding the new development proposed for the Sully Miller site, inadequacies include the following:

1) Violates two existing plans: Orange Park Acres Specific Plan and the East Orange Community Plan. Both plans, plus the Santiago Creek Greenbelt Plan, designate the site as open space.

2) As the proposed Low Density Residential General Plan Amendment could allow for up to 240 units, all analysis should be done for 240 units.

3) 12.6 acres of the site North of the creek is zoned R-108 and should not exceed the existing entitlement for those acres.

the project as proposed is detrimental to the environment and broader community for these and other reasons. surely, the City of Orange has existing zoning for a reason, and should enforce the applicant's clear adherence to it.

respectfully,

Eric Noble
Orange Park project,
I live here in Orange Park. The idea of making a tract home project is not in the best interest of the community. Why would you approve this? Is it for money? The area should be kept rural and park like. From the beginning it was suppose to be a park like situation and now with someones help it has gone to something a developer wants to make a large profit from. Well I just want you to know if you permit this I personally and my wife and kids, all five of voting age won’t be supporting you. That is not much but seven might tip the scales just enough to stop this madness.
Paul Noesser
April 9, 2018

Mr. Robert Garcia  
Sr. Planner, Community Development Dept., Planning Division  
City of Orange  
300 East Chapman Ave., Orange, CA. 92866  
Email: rgarcia@cityoforange.org  
Tele: 714-744-7231

RE: Trails at Santiago Creek Project, Draft EIR comments

Dear Mr. Garcia,

We are submitting public comments to the draft environmental impact report for the planned development of 129 housing units located in the western most area of the land identified near the intersection of Santiago Cyn Road and Cannon Road.

We are not writing to oppose the development per se; rather, we have several concerns about the project as described in the draft EIR Preface, as follows:

- The proposed widening of Santiago Cyn Rd. would further endanger public safety because there are no proven safety countermeasures considered.
- The segment of Santiago Creek Trail between Cannon Rd and Orange Park Blvd will not be improved to include paved accommodations to encourage bicycle commuting between the development and the Santa Ana River Trail Class 1.
- The location of a bridge spanning Santiago Creek bed is inconvenient for bicycle commuters.

Widening Santiago Canyon Road

Santiago Canyon Road is broadly known to be unsafe for all travelers because its design encourages high-speed vehicle travel. Indeed, wide lanes on wide roads are anathema to public safety. The draft EIR makes no mention of features such as those encouraged by the Federal Highway Administration’s toolbox of Proven Safety Countermeasures.

Details such as roundabouts and road diets would accomplish four goals: 1) significantly improve safety by slowing vehicles and reducing opportunities for intersection collisions, 2) preserve the historical context of the road, 3) reduce road noise by lowering vehicle engine rpms, and 4) preserve the rural features so essential for quality of life in surrounding neighborhoods.

Additionally, vehicular level of service metrics are now recognized nationally as unnecessary to moving large numbers of cars per unit time. To that end, were the
entirety of Santiago Cyn Road and nearby streets be converted to complete streets, i.e., those roads that safely, by design, accommodate all modes of travel and all users, vehicles would never need to stop at roundabout intersections unless pedestrians, including equestrians, were crossing. Bicycle travelers would flow through as vehicles. All users would experience significant safety improvements and traffic would move more efficiently.

We cannot more strongly recommend Proven Safety Countermeasures like roundabouts in place of roadway widening.

Class 1 Improvement to Santiago Creek Trail as traffic mitigation

Paving some fraction of the width of the Santiago Creek Trail between Cannon Rd. and Orange Park Blvd is necessary to take advantage of regional bikeway facilities, like the Santa Ana River Trail, to provide transportation alternatives to vehicular travel. Via Taft Ave., the Santiago Creek Trail head is less than 5 miles from the SART. Without paving an appropriate width of the short segment of the SCT between Marbury Ave. and Cannon Rd., that unpaved segment would disrupt continuity critical to bicycle commuters and fail to take advantage of vehicle traffic reduction. You need not pave the entire width of the SCT; rather, paving part of the width adjacent the dirt trail would suffice. For example, parts of the Peters Cyn Trail has been beautifully crafted just that way. We hope the city of Orange follows that design for the Santiago Creek Trail.

Trail bridge should be relocated to link N. Nicky Way to Yellowstone Blvd

The described location of the trail bridge makes it inconvenient for local neighborhoods between Serrano Ave. and Marbury to travel by bicycle through the proposed development to Santiago Cyn Road. We recommend building the bridge to be contiguous with Trail G, from Trail F to Trail D, rather than locating the creek crossing far to the East at Orange Park Blvd. Were the bridge to be near Trail G, that would enhance convenient access to bicycle lanes from the development and existing neighborhoods. We don’t anticipate such a change to cost more money and the benefits would encourage bicycle commuting, an important element of traffic mitigation.

We thank the city of Orange for the opportunity to comment and hope The Trails at Santiago Creek project can be of benefit to all concerned.

Sincerely,

Brenda Miller,
Founder, PEDai
2014 California APA
Advocate of the Year
Email: brenda@myfeetfirst.org
Tele: 619-787-8764
Dear Mr. Garcia,

I wanted to write you briefly about the renewed developer proposals for the Sully Miller/Trails at Santiago Creek proposal. I have lived at my current address at 5849 E. Valley Forge Drive since 2012 and have previously attended a variety of meetings of the planning commission and city council in relation to prior proposals by Milan. I was then and am now categorically opposed to Milan’s repeated attempts to develop that property for their profit and to the community’s detriment.

Firstly, I am disappointed at the lack of finality in the process where repeatedly and periodically neighbors engaged in their normal lives must mobilize to oppose an unfortunate development project (in all its iterations) and confront a developer who hopes that through to tire the community into capitulation. These issues were decided against Milan and should be put to bed by our elected officials and their agents. It should not be open to (re)discussion, political maneuvering, and public relations campaigns ad nauseam.

That said, the current proposal is defective on several fronts in my view. Firstly, that proposal again calls for an amendment to the General Plan and depends on favorable rezoning for the developer. Like many of my neighbors, I bought in this area in reliance on the general plan. The City Council and Planning Commission should protect those who acted in that reliance and the values of their properties. I feel this especially acutely because Milan, in previous iterations and with varying degrees of subtlety, suggested that the City could use its eminent domain powers to seize properties bordering Santiago Canyon road to widen that thoroughfare and make their development more practicable in its traffic impacts. Secondly, that proposal is disingenuous if not deceptive in its timelines and metrics. The project cannot conceivably be built between January 2019 and January 2021. The timeline necessarily would be more extensive. Additionally, the grading (in terms of cubic yards of earth to be moved) and reclamation activities (vaguely if described at all) are underestimated and unrealistic. What’s more, the traffic impacts are misrepresented. The sphere of influence should be expanded and the analysis should include the truck trips for grading and full number of planned or proposed units. As someone who doesn’t routinely engage in such analyses, I would simply add that Santiago Canyon road is already an extremely congested area and the City should analyze this proposal with thoroughness and realism. If it did, it would be apparent that the proposal is not a viable one.

Although I would again say I desire the finality of past decisions on this that would make it so I wouldn’t have to say anything additional, I do have much more that I would add if I had a longer opportunity. In short, I am opposed to anything that modifies the General Plan or grants a zoning variation and desire to see the space remain open space. In the alternative, Alternative E seems a reasonable second alternative within the confines of the existing, established plan.

Thank you for your time and attention.

Jason Phlaum
(949) 929-1374
5849 E. Valley Forge Drive
Orange, CA 92869
Mr. Garcia,

We have written you under separate cover about the Sully Miller/Trails at Santiago Creek proposal (See e-mail by my husband, Jason Phlaum). However, I wanted to write you separately to express that I am individually opposed to the new proposal by Milan to develop the parcel that encompasses and goes beyond the area immediately opposite my home at 5849 E. Valley Forge Dr., Orange, CA. That project unhappily revisits the earlier defeated proposals for that property. I would like to not relive the discussions and fights had there and would like the City and the Planning Commission to stick by the long-established General Plan and refuse to authorize the zoning variances required by the Milan proposal. What’s more, I oppose the new(ish) proposal on its practical merits. The proposed development grossly underestimates the timeline for development, soft pedals the traffic impacts by foreshortening the SOI and excluding truck trips for grading and downplaying the number of units, ignored the need for a reclamation plan per SMARA, does not include a mitigation plan, and seeks to depart from the open space designation the land currently has. That is not even to address errors in presentation and representation in the proposal as it uses maps inconsistent with historic, parcel and city staff maps. The plan is defective, unwanted by myself or the wider community, and revisits, zombie-like, issues that have already been settled against Milan. I am vehemently opposed to the plan as is and in almost any iteration it could take.

Feel free to contact me personally below.

Martha Guerrero-Phlaum
5849 E. Valley Forge Drive
Orange, CA 92869
(323) 253-1726
Dear Mr Garcia, my name is Peter Piferi, I live in Mabury Ranch. Besides being vaguely planned to the point the current proposal can properly be evaluated, there is absolutely no way any development on this site won't generate a negative quality of life for the current residents. I travel down Santiago Canyon Rd everyday to return from work. The current traffic is insane, sometimes backing up from the intersection of Cannon and Serrano to the Holy Seplucar Cemetery. It's not only incredibly frustrating but also dangerous with the way people cut in out of traffic. Any additional development in this area will only make the situation much worse. The traffic is mainly people working in Irvine returning to the Inland Empire, which will continue to get worse over time. The only way this project would not have a negative impact is if Jamboree was connected to the 91.

Sincerely,
Peter and Alice Piferi
6026 E. Teton Ave.
Orange, CA
Dear Mr. Garcia,

I am a resident of Maybury Ranch and I am writing you regarding the proposed plan for The Trails at Santiago Creek. I very much oppose the 129 homes that are part of the proposal. The traffic in this area is very congested at peak commute times and adding that many more homes will only add to the problem. I know widening Santiago was included in the plan, but I don’t believe that’s the answer. That just means more traffic to our beautiful rural area.

I am also concerned about the impact that 129 residences will have on the wildlife in the area. There should be more green space and less residential in the plan. I would support a plan with no more than 25 residences.

Thank you,

Jennifer Pirt
Maybury Ranch Resident

Sent from my iPad

Jennifer Pirt
Dear Mr. Garcia, as a homeowner in the "Reserve" tract, adjacent to the proposed project, I am AGAINST the proposed project proposed by Milan Capital. I do not support the zone change they are requesting. We moved to Orange Park Acres, to own horses, enjoy chickens, pigs and other livestock. The 4H program is alive and well here, and Orange Park Acres is still represented at our local Orange County Fair, winning blue ribbons for our goats, pigs, and cows. This is only possible, due to the general OPA plan, requiring homes to be on a minimum of 1 acre. This specific plan, is so precious, and so worth preserving. There are so many other places Milan could build another high density project, I don’t understand why this company considered purchasing land not zoned for their intended purpose. Our little piece of "country", needs to be preserved, and especially RESPECTED, like our old town orange, its one of the last remaining historical places, that reminds us of orange county roots. We would love to host you for our patriotic, and country 4th of July parade. You can appreciate, and understand Orange Park Acres, by coming! Also I do not leave my house between 4:30 and 6:30, due to gridlock traffic on Santiago. I cant believe the difference the 27 years I've lived here, traffic and congestion. Again I invite you over, and we can walk to the corner together, and you'll see for yourself, the awful standstill of cars. So there are many reasons not to approve this project. Thank You, Sincerely
Kim Plehn 1622 Pepper Wood Circle Orange (714) 771-7992
Dear Mr. Garcia,

I am NOT in favor of the proposed housing plan. The traffic on that street is absolutely horrible starting at 4:00 and adding more homes would only make it worse!

Please do not add to our problem and if possible work on a solution to decrease the traffic on that street every afternoon. I now plan my day around not having to go in that direction in the late afternoon.

Lastly, I am amazed that the city would allow that corner to look like the mess that it is. It is an embarrassment. Flapping covers on chain link, random trucks and cars. The very least should be a fence that completely hides that area.

Thank you for listening,

Joanne Pritts
7446 Saddlehill Trail
Orange, CA 02869
This project only has one reasonable option, that is Option E which is apparently being ignored. Any other choice goes against both the East Orange and Orange Park Acres general plan, how is this acceptable?

The traffic on Santiago Canyon Road and Orange Park Boulevard is already heavily impacted at commute times, anything other than Option E would make it a Los Angeles type disaster. Can you envision emergency vehicles trying to get through that mess? Lives will be lost. Evacuation will be near impossible.

It doesn't matter what the developer wants, all that matters is what makes sense for the community.

Thank you for taking the time to read this.

Thomas and Deborah Rapport
566 North Turnabout Road
Orange, CA 92869-2336
April 6, 2018

City of Orange
Mr. Robert Garcia, Senior Planner
300 Chapman Avenue
Orange, CA 92866

After reviewing the Draft Environmental Impact Report for the Trails at Santiago Creek, I do not see a way the City of Orange can move forward with any further consideration for this specific project. There are many areas of concern such as, but not limited to:

- The proposal is in direct violation of the existing land use on the site, specifically the 1973 Orange Park Acres Specific Plan and the 1975 East Orange Community Plan. One of the motivators for Specific Plans in this area are to protected open space. Families make decisions to move into the surrounding neighborhoods to maintain a certain quality of life. This project does not respect the previous decisions of the community and undermines what has been built and worked toward over decades of time.

- The proposed General Plan Amendment could allow for a maximum of 240 units, the DEIR needs to analyze the impacts of 240 units, nothing less.

- The lack of a tentative tract map, missing mitigation measures, details about open space and general specifics about a project make a proper analysis impossible.

- It is estimated more than 73,000 truck trips are needed to import and export dirt. This data is not represented in the DEIR traffic data.

- Significant negative impacts on the integrity and character of the surrounding neighborhood communities cannot be ignored, including access to Santiago Creek and surrounding recreational trails.

In summary, “if you can’t measure it, you can’t manage it.” The DEIR is riddled with holes, omissions, and dated data that make a proper analysis impossible. Most importantly, this project is not in line with the motto of our city, “A Slice of Old Town Charm” as it reduces the charm of OPA and the surrounding communities and goes against existing land use Specific Plans.

Respectfully,

Adam L. Duberstein
Founder, Respect Orange
Good Evening Mr. Garcia,

I am writing to you as a concerned citizen of East Orange who has lived in OPA for over 25 years. We have fought many struggles when it comes to the Sully Miller property, and now it appears that we must act again.

The current proposal once again voids the OPA Specific Plan, and East Orange Community plan and is asking for far too many dwellings at 129 proposed homes.

I know we have a liaison committee working to find an acceptable project, but this is NOT it.

The DEIR that is currently on the table is incomplete in the analysis of the zoning, traffic study, maps and mitigation measures and fails to make clear their plans for trails and open space. What is missing are the DETAILS-

It’s hard to imagine any project going in there—we cannot even get past the sight without being in bumper to bumper traffic every morning and evening during rush hour.
The line of traffic from the toll road down Santiago Canyon to turn right on Cannon is unbearable as it stands now-

Please hear our communities concerns!!!
I’m hoping you will push this back to the developer to review their DEIR-

Respectfully,
Ellen Richards
Robert Garcia

From: Bonnie Robinson <bonanddon4@gmail.com>
Sent: Monday, March 26, 2018 4:43 PM
To: Robert Garcia
Subject: Comments regarding The Trails at Santiago Creek Project DEIR

March 25, 2018

Dear Mr. Robert Garcia,

Please consider the following comments regarding the DEIR for The Trails at Santiago Creek Project.

I live in the un-gated portion of The Colony right off of Santiago Canyon Road at Jamestown and Valley Forge Drive. My backyard and kitchen are directly across the street from the gate in which the 500 daily truck trips listed in the DEIR entered the Sully Miller/Proposed Trails at Santiago Creek Project property of which the DEIR addresses.

I have several concerns:

I question how the city could certify a DEIR that is filled with inaccuracies and flaws. One, on page 2-2, states that Santiago Creek originates at Irvine Lake, which belittles its significance. It actually originates at Santiago Peak and is the largest tributary to the Santa Ana River in Orange County. The floodplain is significant and needs to be considered. A more accurate description is listed later in the report.

Another, according to the developer, is that all of the backfill or mountains of dirt, asphalt, and broken concrete which form those mini mountains along the length of the property, were brought in due to the past mining that was done in that area to stabilize the earth. I have been living in my home since 1987. The southwestern portion of the property was level ground, at least in the large area across from my home. No mining, that I know of, has taken place there in the last 30 years. Much of the mining, previous to my family’s move here was done at the quarries, now reservoirs, at Hewes and Santiago Canyon Road. Sully Miller used the eastern portion of the property in the DEIR for their sand and gravel crushing/mining. According to the Sully Miller manager who spoke up at a city council meeting a few years ago, the area was never used as a dump, in dispute of what the developer had stated in literature sent out to community members.

If one looks carefully at the wording in the DEIR, The decrease in traffic that is being touted in the proposal due to the widening and restriping would only be a decrease from what was occurring during the period when Milan’s operation was making the 686 daily trips through the gate mentioned above, not what would be as a result of the proposed development. It also doesn’t take into account the necessity to import 700,000 cubic yards of soil and the export of 400,000 cubic yards of silty soil, which would necessitate approximately 73,333 truck trips. Nor does the DEIR address the current traffic conditions from increased development in the area or the increased traffic which will likely result when Santiago Hills II and the other developments in neighboring cities are built out. An updated, more accurate traffic study needs to be included. Santiago Canyon Road is already like a freeway. I can only open my windows or enjoy my backyard for limited periods due to noise and air pollution from the current traffic conditions, this without any additional development. I can imagine how horrendous it will be for myself and my neighbors, if 73,333 truck trips must be made to accommodate the development as proposed. The more limited truck trips from Milan’s previous operation were intolerable. No matter what amount of development takes place or doesn’t at this site, Santiago Canyon Road needs to be resurfaced with a tire sound absorbing material.

When my husband and I purchased our home, we were told that the area across the street would soon be developed into a park. That is indeed, stated in the East Orange General Plan. When the Sully Miller operation
ceased, we believed that would happen. The current proposal violates the Orange Park Acres Specific Plan (1973) and the East Orange Community Plan (1975). The OPA Plan, The Santiago Creek Greenbelt Plan and the East Orange Plan all designate this site as open space. I am still waiting!

Transferring of the development rights on the 12.6 acres zoned R-1-8 north of the creek should not exceed the existing entitlement for those acres. There should be no General Plan Amendments that would change the density of the currently allowed development both from the transferred areas and the 1 acre sites as stipulated in the Orange Park Acres Specific Plan. In addition, although the proposal is currently for 129 units, if the zoning were changed to Low Density Residential as proposed, up to 240 units could possibly be built. The DEIR must include the impact of that possibility.

I’m not sure the developer has taken into consideration the construction constraints of the requirements listed in the DEIR in regards to the riparian habitat, the least Bell’s vireo, songbirds, and raptors in the developer’s timeframe for construction. In addition, I would expect that the Santiago Creek Bed be restored to its natural habitat and all restoration be done onsite, not mitigation through purchased credits offsite.

Alternative E submitted by the city appointed Liaison Committee should be analyzed. This plan is in closer alignment with current zoning and would require much less earth movement at a savings to the developer and the environment. It would also be welcomed by the surrounding communities, as would public access to a restored Santiago Creek, safe creek crossings, trails, and greater open space.

Thank you for your consideration.

Bonnie Robinson
5907 E. Valley Forge Drive
Orange, CA 92869

714-292-2762
bonanddon4@gmail.com
From: Joel Robinson <jrobinson@naturalist-for-you.org>
Sent: Wednesday, April 4, 2018 4:21 PM
To: Robert Garcia
Cc: Joel Robinson
Subject: Public Comments: Trails at Santiago Creek DEIR 4-4-2018

Importance: High

April 4, 2018

Dear Mr. Garcia,

Public Comments: Trails at Santiago Creek DEIR

1) I am opposed to the Trails at Santiago Creek proposed development. I support the preservation of the entire property as passive natural park and community agricultural open space, thus officially connecting Santiago Oaks Regional Park to the Orange County Water District (OCWD) recharge basins along the Santiago Creek floodplain. It is in the best interest of the City to respect the interests of current residents and preserve this undeveloped open space in perpetuity for the benefit of the entire community. "No build" is first choice. Alternative E is an acceptable compromise.

2) I request that the City deny approval of the DIER because it contradicts and ignores the public comments included in the NOP. The DEIR disrespects the concerns of citizens by downplaying significant impacts and ignoring the cumulative impacts brought about by existing and proposed developments within the Santiago Creek Watershed and City of Orange.

3) I request that the landowner/developer be held accountable and obligated to mitigate for the threatening/slanderous marketing campaign directed towards the community.

4) I request that the landowner/developer be held accountable and obligated to mitigate for the significant impacts (dust, truck traffic, obstructions to view, noise pollution) caused by the concrete recycling/mining/earth movement operation.

5) Appendix A: Notice of Preparation (NOP) and Comment Letters: Orange Park Association (OPA) commented, "because the NOP does not provide adequate information regarding the nature of the project and its probable environmental impacts, we respectfully request that the City revise and recirculate its NOP." I request that the City respect OPA's request and revise and recirculate its NOP.

6) 7.2.1: MM BIO-1a: 1. Please replace "On- and/or off-site restoration and/or enhancement" with "Onsite restoration and enhancement." All mitigation must be done onsite if it is to qualify as mitigation for the benefit local special status species.

7) 7.2.1: MM BIO-1a: 1. Please remove "Off-site restoration and/or enhancement may include the purchase of mitigation credits at agency approved off-site mitigation bank supporting least Bell's vireo." All mitigation must be done onsite.

8) 7.2.2: MM BIO-2: Please replace "and/or off-site restoration and/or enhancement" with "Onsite restoration and enhancement." All mitigation must be done onsite.
9) 7.2.2: MM BIO-2: Please remove paragraph beginning "If mitigation is to occur on-site and/or off-site..." because all mitigation must be done onsite. There are no suitable offsite mitigation locations that are not already receiving restoration or enhancements. There are already adequate funds directed towards mitigation restoration and enhancement projects related to other development projects.

10) 7000 acres of habitat for Least Bell's Vireo, CA Gnatcatcher and other special status species were burned within Santiago Oaks Regional Park, Irvine Regional Park, Peter's Canyon Regional Park and Irvine Ranch Open Space in the Canyon 2 Fire of 2017. This means that the proposed development site must remain undeveloped because it serves as vital habitat for special status species that are unable to secure habitat within the burned areas of the NCCP/HCP. Furthermore, the number of proposed dwellings must be significantly reduced to accommodate expanded onsite restoration and enhancements for displaced special status species.

11) My family has lived across the street from the proposed development site (Sully-Miller property) since 1987. At the time of our arrival, Cannon Street did not connect with Imperial Highway and Crawford Canyon Rd. Santiago Canyon College had not expanded. Santiago Hills Phase I began development. The Foothill Transportation Corridor did not exist. The Sully-Miller property sat vacant for over 10 years (roughly 1996 to 2008), which was appreciated by residents. Since 1987, the traffic congestion, dangerous speeding, air pollution and noise pollution have increased to unbearable levels and caused significant negative impacts to my family and other current residents living along Santiago Canyon Road. The City has not mitigated for this issue and has consistently approved road widening and road connection projects that accommodate non-residential commuters at the expense of residents. The City must mitigate for this serious issue. In neighboring Villa Park, along Villa Park Road, the speed limit has remained 40 mph with no street lamps and fully landscaped medians dividing the road. Old Towne Orange also receives favorable treatment (preservation of historic resources, safe speed limits, development restrictions, etc.), which are not extended to residents of East Orange. Please prioritize your commitments to current residents of East Orange and protect our quality of life from the negative impacts of urban sprawl.

12) The proposed development must adhere to the highest standards of environmental sustainability (LEED certification), including off-grid, natural/organic building materials, rain harvesting infrastructure, bioswales, 90% natural open space, permeable surfaces, walkable community design, public transit opportunities, 1-story limit, 450-1000 square feet floor plan limits, incorporation of equestrian infrastructure, no street lamps, no asphalt and locally appropriate native plants in all landscapes with no exceptions. The City must require and enforce a zero greenhouse gases policy that prevents the development from exacerbating the significant impacts that already exist from the mining/recycling/earth movement operation and current dangerous and polluting road conditions on Santiago Canyon Road.

13) A publicly accessible multi-use nature trail (dirt or decomposed granite) for hikers, mountain bikers and equestrians must parallel Santiago Creek, away from Santiago Canyon Road, connecting the OCWD Recharge Basins with Santiago Oaks Regional Park. This trail must mirror the trail design within Santiago Oaks Regional Park.

14) The paved Santiago Creek Bikeway must also extend through the property and connect the OCWD Recharge Basins with Santiago Oaks Regional Park.

Please provide a receipt that you have received my comments and included them in the public record. Thank you.

Joel Robinson
5907 Valley Forge Dr.
Orange, CA 92869
714-639-8480
March 25, 2018

Dear Mr. Robert Garcia,

Please consider the following comments regarding the DEIR for The Trails at Santiago Creek Project.

I live in the un-gated portion of The Colony right off of Santiago Canyon Road at Jamestown and Valley Forge Drive. My backyard and kitchen are directly across the street from the gate in which the 500 daily truck trips listed in the DEIR entered the Sully Miller/Proposed Trails at Santiago Creek Project property of which the DEIR addresses.

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from the current traffic conditions, this without any additional development. I can imagine how horrendous it will be for my neighbors and myself, if 73,333 truck trips must be made to accommodate the development as proposed. The more limited truck trips from Milan’s previous operation were intolerable. No matter what amount of development takes place or doesn’t at this site, Santiago Canyon Road needs to be resurfaced with a tire sound absorbing material.

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Alternative E submitted by the city appointed Liaison Committee should be analyzed. This plan is in closer alignment with current zoning and would require much less earth movement at a savings to the developer and the environment. It would also be welcomed by the surrounding communities, as would public access to a restored Santiago Creek, safe creek crossings, trails, and greater open space.

Thank you for your consideration.

Bonnie Robinson
5907 E. Valley Forge Drive
Orange, CA 92869

714-292-2762
bonanddon4@gmail.com
Dear Mr. Garcia,

I am a longtime resident of the Reserve. The traffic at present is so bad that when people return from work the cars are backed up from Cannon to the cemetery. We don't want any of the plans submitted. Let the owners clean up the property since they were the ones who turned it into a dump and have the city buy it for recreational purposes and green belt. We don't need more traffic. Why not make the purchase price a city bond proposal?

Howard Rothfeder
Mr. Robert Garcia, Senior Planner  
City of Orange, Community Development Department, Planning Division  
300 E. Chapman Avenue  
Orange, CA 92866  
Re: Draft EIR – The Trails at Santiago Creek

Dear Mr. Garcia,

This letter provides comments on the draft Environmental Impact Report dated February 23, 2018 for the Trails at Santiago Creek Specific Plan (the “EIR”). We appreciate this opportunity to comment on the project.

The Santiago Creek Greenway Alliance is a nonprofit charitable organization dedicated to improving public use and enjoyment of Santiago Creek. Our mission statement is:

To create a greenway and trail system along the general course of Santiago Creek and to preserve and enhance its ecological, scenic, historical and recreational resources.

We Support Creek, Trails and Open Space. We have reviewed the EIR from the perspective of our mission statement and we believe that the trail system and open space allocation described in the EIR are very supportive of our vision for the Santiago Creek Trail and Greenway. They provide a major part of the added trail needed to link the existing Santiago Creek Trail to Santiago Oaks Regional Park. In addition, the provided open space can become a very scenic element of the Greenway. For these reasons we support this project. We take no position on the many concerns regarding the housing elements of the project. However there are other concerns that we would like to comment on. They are: trail connectivity, site remediation and site care and maintenance.

Trail Connectivity and Circulation. The proposed trail plan does not include a link to the existing Santiago Creek Trail which currently ends on the west side of Cannon Street. Without this linkage, the proposed trail system will not provide its valuable addition to the Santiago Creek Trail. It will be merely an amenity to the proposed housing project. It is essential that one of the proposed trails connect to the existing Santiago Creek Trail west of Cannon and to the existing Mabury Ranch Trail on the east side of the project site.

Site Remediation. We saw little in the EIR describing any remediation steps the property owner is committing to take with respect to the creek and surrounding open space. We would like the City to make sure that the site is cleaned up and put back to a natural state (free of hazardous mining debris and waste) as part of any approval of this project.

Care and Maintenance. We would love to see this section of Santiago Creek turned into an extension of Santiago Oaks Regional Park, or other similar park, cared for and maintained by OC Parks as part of the regional park system in the area. This will assure the trees and plants will be maintained, the trails cared for, and the creek properly managed in perpetuity. In order to have a long-lasting greenway and public enjoyment of the site, we believe a permanent steward such as OC Parks is necessary.

Sincerely:

John Moore  
President, SCGA

Pamela Galera  
Vice President SCGA
Mr. Garcia,

I am writing regarding the Draft EIR for the Trails of Santiago Creek Specific Plan. While I have not had sufficient time to analyze the entire DEIR, I have read portions of it.

The property is within the City's East Orange General Plan. A portion of the property also falls within the Orange Park Acres Plan. Both such plans designate the property as open space.

Orange Park Acres is a unique enclave in Orange County in that it is an equestrian community. It is a lifestyle. Very few such neighborhoods exist in Southern California. They are precious and need to be protected, not diminished. This development will have a significant negative impact on OPA's equestrian lifestyle.

There are significant flaws and negative impacts contained within the DEIR which require that the DEIR be rejected.

- As drafted the DEIR violates both the existing OPA Plan and the existing East Orange Community Plan.

- Will require a General Plan Amendment, which said amendment will allow up to 240 units rather than the 129 units to which Milan claims it will limit the development. However, since the DEIR does not contain either a TENTATIVE TRACT MAP or PROJECT DESCRIPTION Milan could certainly increase the development to include the maximum number of units allowed for low density to 240 units. Thus, any analysis contained in the DEIR should be done for 240 units.

- Any zoning for the property should NOT EXCEED THE EXISTING ENTITLEMENT for those acres which will happen if the current development rights on the acres zoned R-1-8 north of Santiago Creek are transferred.

- The maps used in the DEIR are not the historic maps and are thus inconsistent with those maps used by the City.

- No Tentative Tract Map: Without a TTM there is no way to analyze aesthetics, architectural style, lighting, etc. There is no project description. There is no way of knowing exactly how many units Milan actually intends to build.

- Traffic Data is significantly insufficient.
  
  - There is misinformation presented in the traffic impact analysis. At 3.0 Existing Conditions the analysis states that "The posted speed limit on Santiago Canyon Road is 55 mile per hour (mph) west of Hewes Street, 45 mph between Hewes Street and Cannon Street and 50 mph east of Cannon Street." I travel those sections of road every day. These stated speed limits conflict with the actual posted speed limits on those sections of road. There is no section posted 55 mph and no section posted 45 mph at any location between Wanda (in Villa Park) and Meads in OPA.
The traffic into Villa Park and Anaheim Hills will be affected by any development in OPA and was not even considered. I personally have been on Santiago Canyon Rd. during rush hour and have had to sit through several signals at Cannon. Traffic is frequently backed up from Cannon to Meads on the west bound side of travel. The right lane is more congested than the left due to those travelers who wish turn right onto to Cannon to Villa Park, Maybury Ranch, and Anaheim Hills. The Santiago Trails development will increase that traffic.

Traffic on Orange Park Blvd. will increase. In attempt to avoid the backup on Santiago Canyon Rd., travelers will increasingly use Orange Park Blvd. as a means to get to Cannon. This increase is totally disregarded in the DEIR.

Traffic on Amapola will increase. Westbound travelers will attempt to bypass some of the traffic on Santiago Canyon by cutting down Amapola to Orange Park Blvd. Amapola is a narrow 2 lane curvy road and is not adequate to handle additional traffic. Additional traffic on Amapola would be dangerous.

There is no consideration for existing equestrian traffic and no analysis or consideration for how the increase of vehicles on the mostly two lane country roads will affect the equestrians who ride along Santiago Canyon Rd., Orange Park Blvd., Meads, Randall, Frank, Amapola, etc. every day. Analysis was done for bicycles but not for horses. This is an equestrian community, the safety of the equestrians and their horses must be considered.

- Project implementation – The DEIR claims construction would begin in January 2019 and be completed by January 2021. That is not realistic.

- The current zoning for the property is open space – it needs to stay as such.

You, as City Planner, need to ensure that the DEIR contains truthful and correct information. You need to be sure that all its i’s are dotted and t’s are crossed. That is your job. It is also you job to protect our lifestyles. We live in the City of Orange specifically because we want that lifestyle.

The City Council for the City of Orange needs to be reminded who it is supposed to serve, its citizenry. It also needs to remember that its citizenry firming REJECTED Fieldstone's earlier proposed development for this same property. It is a sad day when the citizenry must pit itself against the very officials elected to protect their rights.

Milan purchased this property knowing there was past opposition to development, knowing there would be future opposition to development and took its chances anyway on its ability to sway the City to its side against the desires and rights of its citizenry.

Thank you,

Sharon Seelert
1541 E. Taft Ave., Unit A
Orange, CA 92865

This email and any files transmitted with it may contain confidential information that is legally privileged and is intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, dissemination, distribution, or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this email in error please notify the sender by reply email or by telephone at 949 854 7000 and destroy the original transmission and its attachments without
reading or saving them in any manner.
IRS Circular 230 Disclosure: Pursuant to Internal Revenue Service Circular 230, only formal opinions satisfying specific requirements may be relied on for the purpose of avoiding certain penalties under the Internal Revenue Code. Any tax advice contained in this communication (including attachments) does not constitute a formal opinion satisfying such requirements. Accordingly, we must advise you that any such tax advice was not intended or written to be used, and cannot be used, by you or any other person as such an opinion for the purpose of (i) avoiding penalties imposed under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any matters addressed herein.
Dear Mr. Garcia -

I am opposed to the “Trails at Santiago Creek” for at least the following reasons:

1. The project violates the Orange Park Acres (“OPA”) Specific Plan, approved in 1973, and the East Orange Community Plan, approved in 1975. These longstanding land-use plans are like “compacts” with the citizens of these areas. They provide the agreement that the citizens struck with these local government agencies as to how land use would be governed. To approve a project that violates these plans is tantamount to reneging on a promise. Specific plans and community plans contain the provisions that make communities unique and sustainable, and these plans must be respected and adhered to.

2. The OPA Plan, the Santiago Creek Greenbelt Plan, and the East Orange Plan all designate this site as open space and this should be respected.

3. The Draft EIR is inadequate. For example: (i) because the proposed Low Density Residential General Plan Amendment could allow for a maximum of 240 units, analysis should be done for 240 units, (ii) maps throughout the DEIR are inconsistent with prior maps from the City of Orange, and (iii) the project is not defined, so mitigation measures cannot be analyzed.

4. The City-appointed Liaison Committee submitted Alternative E as being a reasonable and rational alternative. That plan should be analyzed.

5. Transfer of the development rights on the 12.6 acres zoned R-1-8 north of the creek should not exceed the existing entitlement for those acres.

6. The grading impacts are enormous and the truck trips (73,333) are extremely polluting.

7. The traffic data are misrepresented. The Sphere of Influence (SOI) should be expanded. The DEIR should analyze for 240 units and include truck trips for grading.

This project should not be approved as proposed. The DEIR must adequately define and analyze the project, its environmental impacts, reasonable alternatives including Alternative E, and then must be recirculated to the public for review.

Thank you for your consideration. Please include these comments in the record for this project.

Gloria Sefton
Attorney at Law
PO Box 714
Trabuco Canyon, CA 92678
Robert Garcia, Senior Planner
City of Orange Community Development Department
300 East Chapman Avenue
Orange, CA 92866
rgarcia@cityoforange.org

Re: Draft Environmental Impact Report for the Trails at Santiago Creek Project

Dear Mr. Garcia:

Our family is alarmed at the intention to utilize a flawed environmental impact report and process in the decision to approve a project that will forever change East Orange.

In multiple ways, the project description of the DEIR for the Trails at Santiago Creek is flawed. At its root it fails to analyze and mitigate the impacts on biological resources, impacts to wildlife, wetlands and other environmental factors.

As a professor of biology of the University of California and engineering business owner in Santa Ana, we vigorously object to the lack of upholding the existing plan for our community and and disregard for the environment on this decision.

As residents of Orange Park Acres. we see this cavalier plan for a massive development on the Sully Miller property as a decision that will forever alter the environment and characteristics of our community.

Sincerely,

Mark Serres, Engineer

Dr. Julia Bailey-Serres, Distinguished Professor of Plant Biology, UC Riverside
20017 Hillside Drive
Orange, CA
Exhibit E
PRE-DEVELOPMENT
AGREEMENT
BY AND BETWEEN THE CITY OF ORANGE
AND
MILAN REI X
RELATING TO 109 ACRES KNOWN AS
THE TRAILS AT SANTIAGO CREEK

THIS AGREEMENT ("Agreement") is entered into this 2, 2016, by and between the CITY OF ORANGE, a municipal corporation of the State of California ("City") and MILAN REI X, a California Limited Liability Company herein referred to as ("Developer"). Developer and City are, from time to time, hereinafter referred to individually as a "party" and collectively as the "parties". This Agreement is entered into on the basis of the following facts, understandings and intentions of the parties.

RECITALS

A. The subject of this Agreement is those certain parcels of land, consisting of approximately one hundred and nine (109) acres located in the City of Orange, diagrammed and more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference ("Property") The Property is commonly known as the Rio Santiago Project and referred to herein as the "Project Site". Developer represents that it has an equitable or a legal interest in the Project Site.

B. As further described in Recital C below, Developer and City ultimately seek to secure through i) a development plan or specific plan as defined and adopted pursuant to the City of Orange Municipal Code ("Development Plan"); and ii) a development agreement mutually negotiated by the parties pursuant to City and state law ("Development Agreement"), representing an enforceable arrangement by which Developer shall be allowed to develop residential units within a range of approximately 25 to 50 acres of the Project Site. The parties agree to evaluate and process a Development Plan and Development Agreement for the Project Site to include the development of residential housing to be considered and evaluated by the parties in accordance with the range of plan alternatives described in Exhibit "B" ("Plan Alternatives").

C. The parties agree to exert their respective best efforts to expeditiously process and agree upon a Development Plan and Development Agreement which will result in Developer benefits and burdens as generally described in the framework of Plan Alternatives. Such finally
approved Development Plan is referred to in this Agreement as the “Project”. Hereinafter any reference in this Agreement to the Project shall also mean and include the Property.

D. Developer and City understand that the benefits and burdens of the Project described in this Agreement shall only become enforceable through the Development Plan and Development Agreement and related Project land use approvals. The parties will exert their respective best good faith efforts to negotiate the terms of the Development Agreement simultaneously with the City’s review of Developer’s Development Plan application so that it may be entered into and executed by the parties at such time as a final EIR is certified and the Development Plan application is acted upon by the City. Therefore, neither City nor Developer obligates itself to benefit or burden the Project Site with the above-described Project until such time as a final EIR is certified, the Development Plan application is favorably acted upon by the City, the Development Agreement is successfully negotiated, approved and becomes binding upon the parties and all Project Approvals have not been challenged or set aside within the applicable statutes of limitation. However, if Developer so chooses, it may subject itself to the benefits and burdens of the Project without the execution and approval of a Development Agreement if such benefits and burdens have been adopted by the City in the Development Plan. Consistent with the above, nothing contained in this Agreement is intended to be interpreted as imposing an obligation upon i) the City to approve a Development Plan or to certify an EIR different than that obligation (if any) that would otherwise apply in the absence of this Agreement under the City’s general plan in place on the day this Agreement is executed; and ii) the parties to enter into a Development Agreement.

E. Developer will apply to the City for certain environmental certifications and land use approvals, permits and other entitlements relating to the development of the Project. These actions are collectively referred to in this Agreement as the “Project Approvals,” and include the following:

1. CEQA Compliance. Pursuant to the California Environmental Quality Act, the State CEQA Guidelines, and the City’s local CEQA implementing guidelines and procedures (collectively, “CEQA”), the Project and the Project Approvals will be the subject of an Environmental Impact Report (“EIR”) and any other environmental review required for CEQA compliance. The information in the EIR will be considered by the Planning Commission and the City Council as part of its consideration of the Development Plan, Development Agreement and related Project Approvals.

2. Development Plan. As described in Section 2.03 (g) of this Agreement, if a Development Plan application is submitted to the City hereunder, Developer shall prepare and submit the Development Plan, pursuant to Orange Municipal Code (“OMC”) chapter 17.26, as a single application which Plan/application shall be consistent with the provisions of this Agreement and the Plan Alternatives. If submitted, said Development Plan application shall conform to the parties’ purpose and intent as set forth in this Agreement. The parties recognize that changes to the land use plan may be reflected in the Development Plan to mitigate environmental impact which may be reflected in the EIR.
3. **Zoning/General Plan Amendment** Land use designations consistent with the Development Plan and a related General Plan amendment bringing those land use designations into conformance with the City’s General Plan shall be adopted concurrently with the Development Plan if a Development Plan is approved by the City. Such Zoning and its related General Plan amendment is collectively referred to as “Zoning” in this Agreement.

4. **Vesting Tentative Map.** The Project Approvals may include an application for a parcel map(s) or vesting tentative map(s) for the Project Site, which maps, if approved, will allow for the filing of multiple parcel or final vesting tentative maps pursuant to the provisions of the California Subdivision Map Act.

5. **Development Agreement.** As stated, it is the parties’ intent to negotiate in good faith the Development Agreement simultaneous with the City’s review of the Development Plan application (and any necessary Zoning/General Plan Amendment application) with the intent that the Development Agreement may be approved, pursuant to OMC chapter 17.44, and executed at the same time the Development Plan application is acted upon.

6. **Community Facilities District.** City and Developer will evaluate and consider the formation of a community facilities district or other financing district for future improvements and related infrastructure supporting the project upon such terms as the parties shall mutually agree.

F. In addition to the Project Approvals Developer later may make application for other land use approvals, actions, agreements, financing districts, permits or other entitlement necessary or desirable to the development of the Project (“Subsequent Approvals”), including without limitation subsequent subdivision maps, site plan approvals, Development Plan approvals, use and grading permits, lot line adjustments, sewer and water connections, design review, building permits, certificates of occupancy and the formation of financing districts. Conditions of approval to such Subsequent Approvals, if applicable, shall also be considered included in any reference to the Subsequent Approvals.

G. As used in this Agreement, the phrase “Rights and Obligations” means the entirety of the provisions of this Agreement (all the benefits, burdens and other provisions). Further, the phrase “Rights and Obligations” is comprised of term “Rights” – which is used in this Agreement to mean all of the rights and other benefits of the Agreement, and the term “Obligations” – which is used in Agreement to mean all of the duties, obligations responsibilities and other burdens of this Agreement.

H. The parties believe that, although currently designated as Resource Area under the City’s General Plan and Sand and Gravel Extraction District under the City’s zoning code, development of the Project in accordance with the Plan Alternatives will provide for orderly growth consistent with the goals, policies, and other provisions of the City’s General Plan. The parties understand that until the impacts of the Project have undergone a full and public environmental analysis, a final determination on the Project cannot be made and the City does not commit or bind itself, in any way, to approving any aspect of the Project by entering into this Agreement.
NOW, THEREFORE, in consideration of the promises, covenants, and provisions set forth herein, the parties agree as follows:

AGREEMENT

ARTICLE 1. GENERAL PROVISIONS

Section 1.01 Incorporation of Recitals. The preamble, the Recitals, and all defined terms set forth in both, are hereby incorporated into this Agreement as if set forth herein in full.

Section 1.02 Effective Date. This Agreement shall become effective upon the date upon which this Agreement is executed by Developer and by the City ("Effective Date").

Section 1.03 Term.

(a) The "Term" of this Agreement shall be determined pursuant to this Section 1.03. The Term shall commence upon the Effective Date and shall continue until the first to occur of the following:

(1) The "fifth (5th) anniversary of the Effective Date;

(2) That date that a Development Plan and/or the Development Agreement are approved, become effective (through the resolution or ordinance adopting it taking legal effect), is binding on the parties, and is not invalidated by litigation or a referendum within the applicable statute of limitations or,

(3) Immediately upon delivery of written notice to terminate this Agreement by either party.

(b) Following the expiration of the Term, this Agreement shall be deemed terminated and of no further force and effect.

ARTICLE 2. APPLICABLE LAW AND PROCESSING.

Section 2.01 Right to Applicable Law. During the Term of this Agreement any and all Project Approvals (e.g. General Plan amendment(s), Development Plan, Zoning, Development Agreement) shall be processed, considered, reviewed, acted upon (i.e., approved, conditionally approved or denied) by City pursuant only to this Agreement and the "Applicable Law" it describes.

Section 2.02 Applicable Law. The "Applicable Law" shall mean all of the following:

4

10/20/16
(a) **Laws Currently in Effect.** Those "City Laws" in force, effect and operation on the Effective Date. As used in the preceding sentence, "City Laws" shall mean and include all City laws, ordinances, resolutions, rules, regulations, policies, guidelines or any other action, whether enacted or adopted by the City, or its electorate through the initiative or referendum process related to permitted uses, density, design, improvement, construction standards, or other rules, regulations or specifications for land development.

(b) **Changes in State and Federal Law.** Those changes in City Law expressly required by state or federal laws or regulations. If the application of such changes prevents or precludes performance of one or more provisions of this Agreement, City and Developer shall take any and all such actions as may be necessary or appropriate to ensure that the provisions of this Agreement shall be implemented to the maximum extent practicable.

(c) **Processing Fees.** Those processing fees ("Processing Fees") charged by the City for the City’s administrative time and related costs incurred relating to the preparation and/or consideration of any application for Project Approvals requested by Developer which Processing Fees are adopted and in effect citywide at such time(s) said applications are submitted to the City.

(d) **Development Impact Fees.** Those development impact fees ("Development Fees") imposed, charged and collected by the City which are set forth in Exhibit "C" attached hereto and made a part hereof The Development Fees shall be adjusted annually to reflect the percentage of construction cost increase or decrease, if any, as published by the Engineering News Record Construction Cost Index published on or about the first day of June of each year. This section does not apply to any City development impact fees, capital improvement fees or other future development fees duly adopted by the City in accordance with state law and City ordinances.

**Section 2.03 City Processing of Approvals.**

(a) Upon receipt of an application accepted as complete by the City and upon payment of Processing Fees for any Project Approval meeting the requirements of Applicable Law (such applications and Processing Fees collectively referred to herein as the ("Application"), City shall commence and complete all steps necessary to act upon (approve, conditionally approve or deny) the Application including, without limitation:

(1) The notice and holding of all required public hearings; and

(2) Taking final action on the Application (approve, conditionally approve or deny) in compliance with this Agreement and the Applicable Law.

(b) City may impose conditions of approval on the Application to the extent that such conditions of approval are consistent with the law, the Applicable Law, or are necessary to make the Application consistent with or bring the Application into compliance with the Applicable Law. If City denies any such Application for a Project Approval, City must specify in writing the basis for the making such denial in order to assist the Developer in
resubmitting and ultimately seeking City approval of the requested Project Approval. Any such
denial or specified modifications shall be consistent with this Agreement and the Applicable
Law. City and Developer shall, with due diligence and in good faith, cooperate to process the
Application and City agrees to and either approve, conditionally approve or deny any
applications for Project Approvals.

d) Developer shall provide City, in a timely manner, all documents,
aplications, plans, and other information necessary for the City to carry out obligations
hereunder and shall cause Developer’s planners, engineers, and other consultants to submit to
City, in a timely manner, all required materials and documents. It is the express intent of
Developer and City to cooperate and diligently work to process and either approve, conditionally
approve or deny all Applications for Project Approvals.

(e) Processing Timelines. After application is deemed complete, City shall
review materials submitted for processing, considering and acting upon (approving or denying)
the EIR, Development Plan, Zoning and Development Agreement in a timely and expeditious
manner. City staff shall review and comment upon any applications for Project Approvals
within 30 days of submittal by Developer, provided however, nothing contained herein shall be
construed as requiring City staff to review and comment on such applications in a period of time
less than otherwise provided under state law or city ordinances.

(f) Other Governmental Permits. Developer shall apply in a timely manner
for such other permits, approvals, grants, agreements and other entitlements as may be required
by other agencies having jurisdiction over, or in connection with the development of or
provisions of services to, the Project. City shall cooperate with Developer relative to such
entitlements.

(g) Environmental Mitigation. In connection with City’s review of the Project
Approvals, Subsequent Approvals or issuance of any other permit, approval or other entitlement
that is subject to CEQA, City shall promptly commence and diligently process any and all
preliminary reviews, initial studies and other assessments required by CEQA and to the extent
permitted or required by CEQA, City shall use and adopt any environmental impact report(s)
certified for the Project, addenda thereto and other existing environmental impacts of such matter
or matters without requiring new or supplemental environmental documentation unless otherwise
required by CEQA.

(g) Development Plan Application. Developer shall make application to the
City for a Development Plan subject to this Agreement. In order to allow for proper
environmental review and land planning, the Application submitted by Developer shall describe
the Project consistent with the options set forth in the Plan Alternatives. The Development Plan
shall indicate all necessary information regarding the location, scope and detail of the proposed
benefit and/or burden of the Project, but shall recognize and indicate that its implementation may
be accomplished through the Development Agreement. However, notwithstanding the forgoing
or any provisions in this Agreement to the contrary, if Developer so chooses, it may subject itself
to the benefits and burdens of the Project without the execution and approval of a Development
Agreement, if such benefits and burdens have been adopted by the City in the Development Plan.
If a Development Plan application for the Project and/or Project Site is submitted to City during the Term of this Agreement, Developer shall prepare and submit the Development Plan as a single Application, which Development Plan Application shall encompass all or a portion of the Property, and which Plan/Application shall be consistent with the Applicable Law and the provisions of this Agreement. However, nothing in this Agreement shall be interpreted to require the submittal of any Development Plan application by Developer if it seeks to use any portion of the Project Site for uses other than those uses as set forth in The Plan Alternatives or otherwise allowed under current city law during the Term of this Agreement. Consistent with the foregoing, should Developer make application for such Development Plan, nothing in this Agreement shall be interpreted to require that such submittal include exhaustive planning text or proposals for that portion of the Project Site which is designated to be used only for uses currently allowed on the Project Site under City law. Subject to this Agreement, if submitted, said Development Plan application shall conform to the parties’ purpose and intent evidenced this Agreement.

(h) Development Agreement. Simultaneous with City’s review of the Development Plan, City and Developer will make a good faith effort to negotiate a Development Agreement that shall, if agreed upon, provide Developer with a vested right to the benefits and burdens of the Project. However, if Developer so chooses, it may subject itself to the benefits and burdens of the Project, without the execution and approval by the City of a Development Agreement. In processing and seeking approval of the Development Agreement, Developer shall comply with all of the City’s requirements as set forth in Chapter 17.44 including, without limitation, the submission to the City of a fiscal impact statement and conceptual site plans for the Project.

Section 2.04 Public Benefits

(a) Cessation of Operations and Interim Remediation of the Property. Developer has voluntarily and temporarily suspended its sand and gravel operations on the Property as of September 7, 2015 in accordance with that certain memorandum submitted to the City dated June 12, 2015 attached hereto as Exhibit “D”. Within ninety (90) days of the Effective Date, Developer will prepare and submit to the City a comprehensive stockpile reduction sequence plan (“Sequence Plan”) which may include interim grading and soil remediation which will result in a lowering of the existing sand and gravel material stockpiles on the Project Site generally in accordance with the grading of those areas of the Project Site depicted on Exhibit “E” (Interim Remediation Plan”). Developer will implement the Interim Remediation Plan in accordance with the schedule and conditions set forth in the Sequence Plan therein and Developer may, in Developer’s sole unreviewable discretion, cease implementation of the Interim Remediation Plan and recommence its sand and gravel operations at any time Developer formally withdraws its Development Plan Application in writing. Nothing contained in this Agreement shall be interpreted as a waiver, nullification or voiding of Developer’s right to conduct sand and gravel operations on the Property, or the City’s right to enforce any and all laws or regulations governing the operations on the Property.

(b) Developer will cooperate with the City to evaluate the connection/extension of the Santiago Creek Trail on the north side of the Project Site, including the identification of
possible easements on the north side of Santiago Creek that may be used for a trail connection/extension.

ARTICLE 3. DEFAULT: ANNUAL REVIEW; TRANSFER NOTICE.

Section 3.01 Default

(a) Failure or unreasonable delay by either party to perform any term, provision, or condition of this Agreement for a period of thirty (30) days after receipt of a written “Notice of Default” from the other party shall constitute a default under this Agreement, subject to extensions of time shall be given pursuant to Section 4.01 of this Agreement. Said Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time in which said alleged default may be satisfactorily cured. If the nature of the alleged default is such that it cannot reasonably be cured within such 30-day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

(b) During any period of curing, neither party shall be considered in default for the purposes of termination or institution of a legal action. If the alleged default is cured, then no default shall exist and the noticing party shall take no further action.

(c) Subject to the foregoing, after Notice of Default and expiration of the 30-day period without cure, either party, at its option, may institute a legal action.

(d) Evidence of a party’s default may also arise in the course of the regularly scheduled Annual Review of this Agreement as described in Section 3.02 of this Agreement.

(e) Failure or delay by either party in giving Notice of Default pursuant to this Section shall not constitute a waiver of any default. Any failure or delay by either party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies or deprive the party of its legal rights or right to bring a legal action which the party may deem necessary to protect, assert, or enforce any such legal rights.

(f) Notwithstanding anything to the contrary in this Agreement, the Parties agree that the sole remedy for an alleged default or breach by either party under this Agreement shall be the remedy of specific performance and that monetary damages shall be limited to the recovery of attorney’s fees, court costs and expenses of litigation for the prevailing party.

Section 3.02 Annual Review. The City shall review the extent of good faith compliance by Developer with the terms of this Agreement at least every 12 months from the Effective Date the (" Annual Review"). The City Planning Director may, in his or her sole discretion, review such good faith compliance more often than once every 12 months. At the time of such Annual Review (whether every 12 months or sooner) the Developer shall be required to demonstrate good faith compliance with the terms of this Agreement. City failure to hold such an Annual Review shall not constitute a default under this Agreement.
Section 3.03  Enforced Delay: Extension of Time Performance. In addition to specific provisions of this Agreement, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by other governmental entities, enactment of conflicting state of federal laws or regulations, new or performance which is not within the reasonable control of the party to be excused. Litigation attacking the validity of this Agreement, any of the Project Approvals, or any permit, ordinances, entitlement or other action of a governmental agency necessary for the development of the Project pursuant to this Agreement shall be deemed to create an excusable delay as to Developer. Upon the request of either party hereto, an extension of time for such cause will be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

Section 3.04  Notice of Transfer. City shall have no approval power over any transfer of all or any portion of the Property. In any such transfer, Developer shall not sever any Rights from any Obligations under this Agreement; instead, the transferee (successor interest) shall take all Rights with all the Obligations under this Agreement. Developer shall provide written notice to City (such notice given pursuant to § 4.01 of this Agreement) of its sale of all or any portion of the Property to a third party within thirty (30) days of such sale. The “sale” for the purposes of Developer providing City with such notice shall mean the recordation of a grant deed(s) relating to that sale. Failure of Developer to provide such notice shall be subject to Section 3.01 of this Agreement.

ARTICLE 4.  MISCELLANEOUS.

Section 4.01  Notices

(a) Any notice or communication required hereunder between City or Developer shall be in writing and may be given either personally, by registered or certified mail, return receipt requested. If given by such registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addresses designated below as the party to whom notice are to be sent, or (ii) five (5) days after such a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered, a notice shall be deemed to have been given when delivered to the party to whom it is addressed. If sent by facsimile transmission, a notice shall be deemed to have been given when received by the party to whom it is addressed. Any party hereto may at any time, by giving ten (10) days written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given.

(b) Such notices or communications shall be given to the parties at their addresses set forth below:
If to City, to:

City of Orange, City Manager
300 East Chapman Avenue
Orange, CA 92866

With a copy to:

City of Orange, City Attorney
300 East Chapman Avenue
Orange, CA 92866

If to Developer, to:

Milan REI X
 c/o Tivoli Capital, Inc.
888 S. Disneyland Drive, Suite 103
Anaheim, CA 92802

With a copy to:

Carmen A. Morincello, Esq.
18101 Von Karman, Suite 1260
Irvine, CA 92612

(c) A party may change its notice information by giving notice (in the form and manner required by this Section 4.01) to the other party. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted consistent with such new information.

Section 4.02 Venue. This Agreement has been executed and delivered in, and shall be interpreted, construed, enforced pursuant to and in accordance with the laws of the State of California. All rights and obligations of the parties created thereunder are performable in the City of Orange, and such City shall be the venue for any legal action or proceeding that may be brought, or arise out of, in connection with or by reason of this Agreement.

Section 4.03 Good Faith/Reasonable Action. Each party shall use its best efforts and take and employ all necessary actions to ensure that the rights secured by the other party through this Agreement can be enjoyed, neither party shall take any action that will deprive the other party of the enjoyment of the rights secured through this Agreement, and each party shall act without delay on the matters which are the topic of this Agreement.

Section 4.04 Agreement Status. The Parties understand and do not intend for this Agreement to be a statutory development agreement pursuant to California Government Code § 65864, et seq. and Orange Municipal Code § 17.44 et seq. and that the purpose and scope of this
Agreement is to establish a framework of guidelines, procedures and understandings for processing the land use entitlements for the Project.

Section 4.05 Statute of Limitations. No action or proceeding ("Action") by a person, public agency, or public or private corporation, partnership, association, organization nor other business or non-business entity other than the parties to the Agreement (or their successors) to attack, review, interpret, set aside, void, or annul all or any portion of this Agreement or the decision of the City to approve and execute it shall be maintained or allowed unless the Action is commenced and service is made on the City in accordance with the time required under applicable State law.

Section 4.06 No Third Party Rights Created. Nothing in this Agreement, whether expresses or implied, is intended to confer any rights or remedies under or by reason of this Agreement or any persons other than the parties to it and their respective permitted successors and assigns, nor if anything in this Agreement intended to relieve or discharge the obligations or liabilities of any third persons or any right of action against any party to this Agreement.

Section 4.07 Construction. This Agreement has been reviewed and revised by legal counsel for both City and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

Section 4.08 Other Miscellaneous Terms. The singular includes the plural; the masculine gender includes the feminine; "shall" is mandatory; "may" is permissive. If there is more than one signer of this Agreement, the signer obligations are joint and several.

Section 4.09 Exhibits. This Agreement consists of twelve (12) pages (excluding title page, table of contents and notarial acknowledgment pages), and five (5) Exhibits which constitute in full, the final and exclusive understanding and agreement of the parties and supersedes all negotiations or previous Agreements between the parties with respect to all or any part of the subject matter hereof. The following exhibits are attached to this Agreement and incorporated herein by this reference for all purposes:

Exhibit "A": Project Site Map and its Legal Description
Exhibit "B": Plan Alternatives (includes Alternatives A through F)
Exhibit "C": Development Fees
Exhibit "D": Memorandum Dated June 12, 2015
Exhibit "E": Interim Remediation Plan
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto as of the day and year first above written.

Dated: October 24, 2016

CITY OF ORANGE

By: Teresa E. Smith, Mayor

Approved as to Form:

Wayne W. Winthers, City Attorney

"Developer"
MILAN REI X
A Limited Liability Company

By: Milan Capital Management, Inc.

By: Christopher McDonald, Managing Agent

Its President

Dated: 11-2-16

Attest:

By: Mary E. Murphy, City Clerk

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Exhibit “A”: Project Site Map and its Legal Description
[Beneath this page]
Exhibit A

All That certain property situated in County of Orange, State of California, described as follows:

Parcel 2: Assessor's Parcel No.; 099-280-27

That Portion of Lot 2 in Block "A" of the Land of Oge and Bond, in the City of Orange, County of Orange, State of California, as per Map recorded in Book 3, Pages 430 and 431 of Miscellaneous Records of Los Angeles County, California, described as follows:

Beginning at a point North 4°57'00" West, 405.62 feet (Record North 7°07' West) from a point in the South line of said Lot 2, North 73°11'20" East, 450.38 feet (Record North 71° East, 450.582 feet) from the Southwest corner of said Lot 2; Thence North 4°57'00" West, 507.61 feet (Record North 7°07' West, 507.424 feet) to a point in the centerline of the County Road, which is distant North 84°23'30" East, 642.88 feet (Record North 82°13' East, 642.774 feet) from the West line of said Lot 2; Thence North 84°23'30" East, along the centerline of said County Road as the same existed prior to 1927, 969.25 feet (Record North 82°13' East, 969.606 feet) to an angle point in said centerline; Thence South 8°55'40" East, along said center line, 284.11 feet (Record South 11°10' East, 284.064 feet) to an angle point in said centerline; Thence South 81°15'30" West, 284.064 feet to an angle point in said centerline; Thence South 81°15'30" West, along the Southerly extension of said centerline, 25.43 feet; Thence South 37°41'10" West, 186.60 feet; Thence South 24°35'40" West, 73.40 feet; Thence South 42°25' West, 50.61 feet; Thence South 71°10' West, 151.19 feet; Thence South 50°07' West, 156.32 feet; Thence North 2°35'10" West, 102.11 feet; Thence South 61°13'50" West, 73.87 feet; Thence North 6°40'30" West, 62.38 feet; Thence South 84°09'30" West, 422.77 feet to the Point of Beginning.

Excepting therefrom, that Portion described as follows:

Beginning at an angle point in the Northerly line of that certain Parcel of Land conveyed to B. F. White and wife by Deed recorded August 10, 1954 in Book 278, Page 11 of Official Records, said point being the Northerly terminus of that certain course shown as "North 48°48' East, 92.30 feet"; Thence South 87°22'41" East, 67.90 feet to a point in the Northerly line of said Land conveyed to White; said point being located 88.60 feet North 50°07' East from the Southwesterly terminus of that certain course designated as "North 50°07' East, 156.32 feet"; Thence South 50°07' West, 88.00 feet along the Northerly line of said Land conveyed to White, to an angle point therein; Thence North 2°35'10" West, 59.61 feet to the Point of Beginning.

Also excepting therefrom that Portion of said Land lying Southwesterly of the Northerly line of the Land described in the Deed to the City of Orange, a Municipal Corporation, recorded August 22, 1991 as Instrument No. 91-453101 of Official Records.


Parcel 3: 370-041-12

That Portion of Lot 3 in Block "A" of the Land of Oge and Bond, in the City of Orange, County of Orange, State of California, as per Map recorded in Book 3, Pages 430 and 431, Miscellaneous Records of Los Angeles County, California, described as follows:

Beginning at the Northwest corner of said Lot 3 and Thence from said Point of Beginning South 17°38'30" East, along the Westerly line of said Lot 3, 281.68 feet to a point; Thence South 85°07' East, 157.75 feet to a point; Thence North 73°53' East, 146.71 feet to a point; Thence North 67°16' East, 206.30 feet to a point in the Easterly line of Land conveyed to Roy B. Willis, by Deed recorded February 4, 1921 in Book 382, Page 249, Deeds, Records of said Orange County; Thence North 17°14' West, along said Easterly line 215.70 feet to a point in the Northerly line of said Lot 3; Thence South 85°00' West, along said Northerly line, 511.81 feet to the Point of Beginning.
Parcel 4: 370-041-25

That Portion of Lot 3 in Block "A" of the Land of Oge and Bond, in the City of Orange, County of Orange, State of California, as per Map recorded in Book 3, Pages 430 and 431, Miscellaneous Records of Los Angeles County, California, described as follows:

Beginning at the point of intersection of the East line of said Lot 3 with the centerline of the County Road, as conveyed to the County of Orange by Deed recorded January 21, 1914 in Book 244, Page 258 of Deeds, Records of said Orange County;
Thence Southwesterly along the centerline of said Road, 517.25 feet;
Thence Northwesterly (North 17°56' West) 591.4 feet;
Thence in an Easterly direction to a point on the East line of said Lot 3, said point being South 17°30' East, 236.15 feet from the Northeast corner of said Lot 3;
Thence South 17°30' East, 376 feet to the Point of Beginning.

Except therefrom that Portion of said Land lying within the Land described in the Deed to the City of Orange, a Municipal Corporation, recorded August 21, 1991 as Instrument No. 91-451619 of Official Records.

Parcel 5: Assessor's Parcel No. 093-280-29 (Portion)

That Portion of Lot 2 in Block "A" of the Land of Oge and Bond, in the City of Orange, County of Orange, State of California, as per Map recorded in Book 3, Page 430 of Miscellaneous Records of Los Angeles County, California, described as follows:

Beginning at the Northeast corner of said Lot 2; and
Thence Southwesterly along the Northwesterly line of the Land conveyed by W. V. Whisler and wife, to Mrs. J. R. Fletcher, by Deed recorded April 13, 1914 in Book 248, Page 55 of Deeds, to a bolt in the center of the County Road at the Southwest corner of said Land conveyed to said Mrs. J. R. Fletcher;
Thence running Northwesterly along the centerline of said County Road, 284.10 feet, more or less, to an old pipe in the angle point in the center line of said County Road;
Thence running South 84° West, along the center line of said County Road, 597.94 feet to the Southeast corner of that Portion of said Lot 2 conveyed by B. D. Parker, a Single Man, to Chrs Seal and wife, by Deed recorded November 2, 1923 in Book 495, Page 384 of Deeds;
Thence North 39°30'15" East, 815.36 feet, more or less, to a point in the North line of said Lot 2, which point is 266.66 feet South 85° West from the Northeast corner of said Lot 2;
Thence North 85° East, 266.66 feet to the Point of Beginning.

Excepting therefrom, that Portion of said Land described as follows:

Beginning at the Northeast corner of said Lot 2; running
Thence Southwesterly along the Northwesterly line of the Land conveyed by W. V. Whisler to Mrs. J. R. Fletcher, by Deed recorded April 13, 1914 in Book 248, Page 55 of Deeds, to a bolt in the center of the County Road at the Southwest corner of said Land conveyed to said Mrs. J. R. Fletcher; running
Thence Northwesterly along the centerline of said County Road 284.10 feet to a point in the centerline of said County Road; running,
Thence in a Southwesterly direction along the center centerline of said County Road, 59.94 feet to a point;
Thence in a Northeastely direction along a straight line to a point in the Northerly line of said Lot 2, which point is South 85° West, 108.69 feet from the Northeast corner of said Lot 2;
Thence North 85° East, along the Northwestern Line of said Lot 2, 108.69 feet to the Point of Beginning.

Parcel 6: Assessor's Parcel No.: 093-280-29 (Portion)

That Portion of Lot 2 in Block "A" of the Land of Oge and Bond, as shown on a Map recorded in Book 3, Page 430 of Miscellaneous Records of Los Angeles County, California, described as follows:

Beginning at the Northeast corner of said Lot 2;
Thence Southwesterly along the Northwesterly line of the Land conveyed by W. V. Whisler et ux. to Mrs. J. R. Fletcher, by Deed recorded April 13, 1914 in Book 248, Page 55 of Deeds, to a bolt in the center of the County Road at the Southwest corner of said Land conveyed to said Mrs. J. R. Fletcher;
Thence Northwesterly along the center line of said County Road 284.10 feet to a point in the centerline of said County Road; nursing
Thence in a Southwesterly direction along the centerline of said County Road 59.94 feet to a point;
Thence in a Northeastery direction along a straight line to a point in the Northernly line of said Lot 2, which point is South 85° West, 103.66 feet from the Northeast corner of said Lot 2;
Thence North 85° East, along the Northernly line of said Lot 2, 103.66 feet to the Point of Beginning.


Parcel 7: Assessor’s Parcel No.: 370-011-18

That Portion of the South half of Section 14, Township 4 South, Range 9 West and the North half of Section 23, Township 4, Range 9 West, of the Land allotted to Paul Purula De Donalguez in the decree of partition of the Rancho Santiago De Santa Ana, recorded in Book “B” of Judgments of the 17th judicial district of California in the City of Orange, County of Orange, State of California, included within the Land described in the Deed to A. B. Heimbergen and Nedith C. Heimbergen recorded April 27, 1935 in Book 744, Page 259 of Official Records of said County, lying Southernly of the following described line:

Beginning at a 1/2 inch iron pipe at Station No. 15 as shown on a Map Filed in Book 3, Page 54 of Record of Surveys in the City of the County records of said County;

Thence South 82°50’00’’ West, 952.71 feet;
Thence South 0°10’00’’ East, 129.92 feet;
Thence South 86°54’40’’ West, 165.86 feet;
Thence South 89°48’20’’ West, 117.49 feet;
Thence North 85°36’20’’ West, 101.01 feet;
Thence North 83°42’20’’ West, 174.68 feet;
Thence South 72°11’10’’ West, 157.87 feet;
Thence South 70°15’19’’ West, 309.10 feet;
Thence South 55°03’20’’ West, 388.74 feet to an axle, which bears South 46°11’40’’ East, 549.09 feet from a 1 inch iron pipe at station 9 of said Record of Survey.

Except that Portion described as follows:

Beginning at the Northeast corner of a Tract of Land conveyed to Henry Snyder by Deed recorded January 6, 1881 in Book 77, Page 22 of Deeds, in the office of the County Recorder of Los Angeles County, California,

Thence South 83° West, 952.71 feet along the South line of said Snyder’s Land;

Thence South 102°59’99’’ feet to the Southwesterly line of the Land conveyed to A. B. Heimbergen et ux by Deed recorded April 27, 1935 in Book 744, Page 229 of Official Records, in the office of the County recorder of said Orange County;

Thence along said Southerly line North 85° East, 390.00 feet to the Southeast corner of said Heimbergen Land;

Thence North 19°45’ East, 1179.42 feet to the Point of Beginning.

Also excepting and reserving therefrom all oil, gas, asphaltum and tar, in and under said Land, 500 feet below the surface, but without the right to use the surface of said Land in connection with the development thereof, provided, however, the same shall not be construed to prohibit slant drilling operations or such other operations which in no way use or in any way affect the surface rights of said Land and which do not enter said Land at a point less than 500 feet to said surface, as excepted and resaved by Anthony B. Heimbergen and Nedith C. Heimbergen, husband and wife, in a Deed recorded November 15, 1972 in Book 10426, Page 341 of Official Records.

Parcel 8: Assessor’s Parcel No.: 370-011-21

That Portion of the Land allotted to Paul Purula De Donalguez, in the City of Orange, County of Orange, State of California, as described in the final order of partition of the Rancho Santiago De Santa Ana, which was entered September 12, 1868 In Book “B”, Page 410 of Judgments of the district court of the 17th judicial district in and for Los Angeles County, California, described as follows:

Beginning at the Northeast corner of the Land conveyed to Henry Snyder by Deed recorded January 6, 1881 in Book 77, Page 22 of Deeds, records of Los Angeles County, California;

Thence South 83°00’00’’ West, 952.71 feet along the North line of said Snyder’s Land;

Exhibit A
3 of 7
Thence South 759.99 feet;
Thence North 83°00'00" East, 665.42 feet to the Best line of said Snyder's Land;
Thence North 19°45'00" East, 844.54 feet to the Point of Beginning.

Except that Portion thereof lying Southwesterly of the following described line:

Beginning at a point on the West line of said Land distant Southerly 569.00 feet from Northwest corner thereof;
Thence North 83°00'00" East, 760.00 feet to the East line of said Land.

Also except therefrom those Portions lying within the Land described as Parcels 1 and 2, in the Deed to Standard Pacific Corporation, recorded March 9, 1981 in Book 1259, Page 594 of Official Records.

Parcel 9: Assessor's Parcel No.: 370-011-22 (Portion)

All that certain Land situated in the Rancho Santiago De Santa Ana, in the City of Orange, County of Orange, State of California, described as follows:

Beginning at the Northwest corner of Lot 2 in Block A of the Land of Osa and Bond, as shown on a Map recorded in Book 3, Page 430 of Miscellaneous Records of Los Angeles County, California;
Thence North 85° East, along the Northerly line of said Lot 1056.03 feet to a stone marked "X";
Thence South 15°39' West, 625.48 feet to a pipe in the centerline of the County Road;
Thence South 83°55' West, along said centerline, 706.16 feet to an iron bar in the West line of said Lot;
Thence North 16°24' West, along said West line 620.14 feet to the Point of Beginning.

Except therefrom that Portion of said Land lying within the Land described in the Deed to the City of Orange, a Municipal Corporation, recorded August 21, 1991 as Instrument No. 91-451618 of Official Records.

Parcel 10: Assessor's Parcel No.: 370-011-22 (Portion)

All that certain Land situated in the Rancho Santiago De Santa Ana, in the City of Orange, County of Orange, State of California, described as follows:

Beginning at the Northeasternly corner of Lot 3 in Block A of the Land of Osa and Bond, as shown on a Map recorded in Book 3, Pages 430 and 431 of Miscellaneous Records of Los Angeles County, California;
Thence Westerly along the Northerly line of said Lot, 396.7 feet to a point;
Thence Southeasterly 218.2 feet to the Northwesterly corner of the Land conveyed to J. A. Burns by Deed recorded June 23, 1923 in Book 476, Page 179 of Deeds;
Thence in an Easterly direction to a point on the East line of said Lot 3, 236.15 feet Southerly from the Northeast corner of said Lot 3;
Thence North 17°30' West, 236.15 feet to the Point of Beginning.

Parcel 11: 370-011-08

That Portion of the Land allotted to Paula Peralta De Dominguez, in the City of Orange, County of Orange, State of California, as described in the final decree of partition of the Rancho Santiago De Santa Ana, which was entered September 12, 1868 in Book "B", Page 410 of Judgments of the District Court of the 17th Judicial District in and for Los Angeles County, California, described as follows:

Beginning at a point distant South 924.00 feet and North 84°43' East, 3261.06 feet from the corner common to Section 14, 15, 22 and 23 in said allotment, said point being the Southwest corner of the Land described in the Deed to Henry Snyder, recorded January 6, 1881 in Book 77, Page 22 of Deeds, Records of Los Angeles County, California;
Thence North 83°00' West, 1000.56 feet along the boundary of said Snyder Land to a stake;
Thence South 52°15' West, 381.74 feet to a Rock;
Thence South 7°13' West, 691.22 feet;
Thence North 84°43' East, 995.15 feet to the Point of Beginning.
Parcel 12: 093-280-30 (Portion)

That portion of the Land allotted to Paula Peralta De Dominguez, in the City of Orange, County of Orange, State of California, as described in the final decree of partition of the Rancho Santiago De Santa Ana, which was entered September 12, 1868 in Book "B" Page 410 of Judgments of the District Court of the 17th Judicial District in and for Los Angeles County, California, described as follows:

Beginning at the Southeast corner of the Tract of Land conveyed to A.B. Heinsbergen and wife, by Deed recorded April 27, 1935 in Book 748, Page 222 of Official Records of said County;

Thence North 19°45'00" East, 334.88 feet along the Bysterial line of said Land to the Southeast corner of the Land conveyed to Sally Miller Contracting Company, by Deed recorded August 25, 1933 in Book 630, Page 178 of Official Records of said County;

Thence South 83°00'00" West, 665.41 feet to the Southwest corner of said Land conveyed to Sally Miller Contracting Company;

Thence Southerly 268.00 feet, more or less, along the Southerly extension of the Westerly line of said Land to the Southerly line of said Land conveyed to A.B. Heinsbergen and wife;

Thence North 85°00'00" East, 550.00 feet, more or less to the Point of Beginning.

Except therefrom all oil, gas and other hydrocarbon substances, in, under, or that may be produced from a depth below 100 feet, from the surface of said property and any part thereof, as reserved by A.B. Heinsbergen and wife, in the Deed to B.B. Miller and others, Dated June 9, 1947 and recorded July 29, 1947 in Book 1534, Page 310 of Official Records, in the office of the County recorder of said Orange County.

Parcel 13: 093-280-30 (Portion)

That portion of the Land allotted to Paula Peralta De Dominguez, in the City of Orange, County of Orange, State of California, as described in the final decree of partition of the Rancho Santiago De Santa Ana, which was entered September 12, 1868 in Book "B" Page 410 of Judgments of the District Court of the 17th Judicial District in and for Los Angeles County, California, described as follows:

Beginning at the Northeast corner of the Land conveyed to Henry Snyder by Deed recorded January 6, 1881 in Book 77, Page 22 of Deeds, Records of Los Angeles County, California;

Thence South 83°00'00" West, 925.71 feet along the North line of said Snyder's Land;

Thence South 75°39'19" feet;

Thence North 83°00'00" East, 665.41 feet to the East line of said Snyder's Land;

Thence North 19°45'00" East, 841.54 feet to the Point of Beginning.

Except that portion thereof lying Northerly of the following described line:

Beginning at a point on the West line of said Land distant Southerly 509.00 feet from the Northwest corner thereof;

Thence North 83°00'00" East, 760.00 feet to the East line of said Land.

Parcel 14: 093-280-30 (Portion) & 093-280-31

That portion of the Land allotted to Paula Peralta De Dominguez, in the City of Orange, County of Orange, State of California, as described in the final decree of partition of the Rancho Santiago De Santa Ana, which was entered September 12, 1868 in Book "B" Page 410 of Judgments of the District Court of the 17th Judicial District in and for Los Angeles County, California, described as follows:

Beginning at a point on the Northerly line of Block "A" of the "Land of Oge and Bond", as shown on a Map recorded in Book 3, Page 430 and in Book 3, Page 431 both of Miscellaneous Records of Los Angeles County, California, which said said Point of Beginning is South 85°39'00" West, measured along said Northerly line of Block "A", 170.00 feet from the Northeastern corner of Lot 2 in Block "A" of said Land of Oge and Bond,

Thence from said Point of Beginning North 58°17'10" East, 174.12 feet to an iron pipe marking the Northwesterly corner of said Land described in the Deed recorded October 30, 1917 in Book 261, Page 314 of Deeds;

Thence North 75°15'15" East, 155.00 feet to an iron pipe marking the Northeastern corner of said Land;

Thence North 87°25'00" East, 114.75 feet;

Thence North 83°48'00" East, 208.64 feet;

Thence North 61°13'00" East, 138.15 feet;
Thence North 48°35'00" East, 70.01 feet to a point in the Westerly boundary of the Land described in the final order of condemnation recorded in Book 12177, Page 499, Official Records.

Thence along the Westerly boundary thereof North 17°10'18" West, 680.78 feet to a point on that certain course shown as South 85°46' East, 256.10 feet on the Map Filed in Book 3, Page 54 of Record of Surveys said point being North 84°31'S8" West, 60.00 feet from "STA 17.A.

Thence North 84°15'38" West, 288.10 feet to station 17'

Thence South 88°24' West, 680.18 West to Station 16,

Thence South 18°43'00" West, 1030.12 feet to a point on the above mentioned Northerly line of Block "A" of the Land of Oge and Bond, said point being South 85°29' west, 627.42 feet measured along said Northerly line from the Point of Beginning;

Thence North 85°29' East, 366.72 feet along said Northerly line to the Southwesterly corner of the pump Lot as shown on a Map Filed in Book 8, Page 3 of Record of Surveys, in the office of the County recorder of said Orange County;

Thence along the boundaries of said pump Lot the following courses and distances, North 4°31' East, 30.00 feet, North 85°29' East, 30.00 feet, South 4°31' East, 30.00 feet to the Southeasterly corner of said pump Lot;

Thence North 85°29' East, 256.70 feet along the Northerly line of said Block "A" to the Point of Beginning.

Parcel 15: 093-280-07 (Portion)

That Portion of Lot 2 in Block "A" of the Land of Oge and Bond, in the City of Orange, County of Orange, State of California, as per Map recorded in Book 3, Page 430 of Miscellaneous Records of Los Angeles, California, described as follows:

Beginning at a point in the North line of said Lot, 265.56 feet South 85° West, from the Northeast corner of said Lot;

Thence South 95°59'15" West, 813.36 feet to a point in the center of the County Road;

Thence South 83°55' West, along the centerline of said County Road, 238.15 feet to the Southeast corner of that certain Parcel of Land conveyed by W. V. Whisler and wife, to Hiram Whisler, by Deed recorded November 26, 1917 in Book 305, Page 236 of Deeds;

Thence North 15°39' East, along the Southeasterly line of said Parcel of Land conveyed to said Hiram Whisler, 625.48 feet to a point in the North line of said Lot 2;

Thence North 85° West, 388.30 feet to the Point of Beginning.

Parcel 16: 093-280-07 (Portion)

The West one acre of that Portion of Lot 2 in Block "A" of the Land of Oge and Bond, in the City of Orange, County of Orange, State of California, as per Map recorded in Book 3, Page 430 of Miscellaneous Records of Los Angeles County, California, described as follows:

Beginning at the Northeast corner of said Lot 2;

Thence South 17-1/2° East, 880 feet to the center of the County Road;

Thence, along the center of the County Road, the following courses and distances: South 81-1/4° West, 407 feet;

Thence North 89° West, 375 feet; south 84° West, 930 feet;

Thence, leaving the County Road, North 15-1/2° East, 625 feet to a post on the North line of said Tract;

Thence North 85° East, 930 feet to the Point of Beginning.

Except therefrom that Portion of said Land lying Westerly of a line described as follows:

Beginning at a stone marked "X" in the North line of said Lot 2, North 85° East, 1056.03 feet from the Northwest corner thereof;

Thence South 15°59' West, 625.48 feet to a pipe in the centerline of the County Road.

Parcel 17: 093-280-17

All that Portion of Section thirteen, Township four South, Range nine West, San Bernardino Base and Meridian, in the City of Orange, County of Orange, State of California, described as follows:

Commencing at the Northwest corner of the 82.84 acre Parcel of Land described in Deed to George H. Randell, recorded April 13, 1920 in Book 338, Page 374 of Deeds, said Northwest corner being in the Southerly line of the Land belonging to the Jotham Bixby Company.
Thence North 85°29' East, along said Southerly line, being along the Northerly line of said 82.84 acre Parcel of Land 241.70 feet;
Thence North 19°18' West, 405.66 feet;
Thence North 50°15' East, 107.93 feet to the beginning of a curve concave to the Northwest, having a radius of 111.19 feet;
Thence along said curve in a Northeasterly direction 29.38 feet;
Thence North 20°14' East, 426.13 feet to the beginning of a curve concave to the West, having a radius of 173.19 feet;
Thence along said curve in a Northerly direction 104.94 feet;
Thence North 14°29' West, 403.50 feet to the beginning of a curve concave to the East, having a radius of 276.29 feet;
Thence along said curve in a Northerly direction 94.19 feet to the True Point of Beginning;
Thence continuing along said curve in a Northerly direction 45.02 feet;
Thence North 80°16' West, 45.00 feet;
Thence South 9°44' West, 45.00 feet;
Thence South 80°16' East, 45.00 feet to the True Point of Beginning.

Parcel 18: 093-280-05

That certain water well site, in the City of Orange, County of Orange, State of California, described as Parcel 1 in that certain Deed to Santiago Mutual Water Company, recorded January 13, 1939 in Book 980, Page 58 of Official Records, in the office of the County recorder of said County, lying within a Portion of Section 23, Township 4 South, Range 9 West, San Bernardino Base and Meridian, being more particularly described as follows:

Beginning at the Northeasterly corner of Lot 2, Block "A", Land of Oge and Bond, as shown on a Map thereof recorded in Book 3, Page 430 and in Book 3, Page 431 both of Miscellaneous Records of Los Angeles County, California;
Thence South 85°29' West, 406.70 feet to the True Point of Beginning;
Thence South 83°29'30" West, 30.00 feet to a point;
Thence North 4°31' West, 30.00 feet to a point;
Thence North 85°29' East, 30.00 feet to a point;
Thence South 4°31' East, 30.00 feet to the True Point of Beginning, as shown in Record of Survey Book 5, Page 3, Records of Orange County, California.

Parcel 19: 093-280-26 and 093-280-28

A Portion of those certain Parcels of Land in the City of Orange, County of Orange, State of California in Deeds recorded March 23, 1960 in Book 5160, Page 198 and February 13, 1979 in Book 13031, Page 1303 both of Official Records in the Office of the County recorder of said Orange County, being a strip of Land 55.00 feet in width, the Southerly line of said strip being more particularly described as follows:

Beginning at the Southwest corner of Lot "C" of Tract No. 13833 Filed in Book 695, Pages 21 through 24 inclusive of Miscellaneous Maps in the office of the County recorder of said Orange County, said point being on a non-tangent curve, concave to the North and having a radius of 1150.00 feet, from which corner a radial line bears North 2°26'32" East;
Thence, Westerly along said curve, a distance of 71.06 feet through a central angle of 3°32'29" to the Point of Termination.

The Northerly line of said 55 foot wide strip of Land shall be prolonged Easterly along the curve so as to terminate in the Easterly line of said Book 5160, Page 198.

Assessor's Parcel Number: 093-280-05, 07, 17, 26, 27, 28, 29, 30, 31, 370-041-12, 28; 379-011-08, 18, 21, 22.

Exhibit A
7 of 7
Exhibit “B”: Plan Alternatives (includes Alternatives A through F)
[Beneath this page]
PRE-DEVELOPMENT AGREEMENT

LAND USE SUMMARY

<table>
<thead>
<tr>
<th>Category</th>
<th>Acres (approx.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>40.0 Acre</td>
</tr>
<tr>
<td>Santiago Greenway Open Space</td>
<td>69.0 Acre</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>109.0 Acre</strong></td>
</tr>
</tbody>
</table>

ALTERNATIVE B

October 11, 2016
PRE-DEVELOPMENT AGREEMENT

LAND USE SUMMARY

<table>
<thead>
<tr>
<th>Category</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>40.0 Ac. (approx.)</td>
</tr>
<tr>
<td>Santiago Greenway Open Space</td>
<td>69.0 Ac. (approx.)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>109.0 Ac.</td>
</tr>
</tbody>
</table>

ALTERNATIVE C

October 11, 2016
PRE-DEVELOPMENT AGREEMENT

ALTERNATIVE F - EXISTING CITY OF ORANGE GENERAL PLAN

LAND USE SUMMARY *
Residential - LDR 15.4 Ac.
Residential - ESTR 7.6 Ac.
Resource Area 77.3 Ac.
Open Space 16.5 Ac.
TOTAL 116.8 Ac.

*Santiago Canyon Road
*Santiago Creek

*Residential-LDR acres per City of Orange. All other acres to be considered open space.

October 11, 2016
Exhibit "C": Development Fees

[Beneath this page]
City of Orange Development Fees

The following fees, if applicable, will be collected by the Building Division at building permit issuance.

### Transportation System Improvement Program (TSIP) Effective 09/20/2008

<table>
<thead>
<tr>
<th>Area “A”</th>
<th>Area “B”</th>
<th>Area “C”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family, Condo &amp; Townhome</td>
<td>$817.00</td>
<td>$1,445.00</td>
</tr>
<tr>
<td>Residential (per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential—Apartments (per unit)</td>
<td>712.00</td>
<td>1046.00</td>
</tr>
<tr>
<td>Hotel/Motel (per room / unit)</td>
<td>817.00</td>
<td>1,254.00</td>
</tr>
<tr>
<td>General Office (per sq. ft.)</td>
<td>1.17</td>
<td>1.66</td>
</tr>
<tr>
<td>Medical Office (per sq. ft.)</td>
<td>3.83</td>
<td>5.46</td>
</tr>
<tr>
<td>Industrial (per sq. ft.)</td>
<td>0.74</td>
<td>1.05</td>
</tr>
<tr>
<td>Retail/Commercial (per sq. ft.)</td>
<td>4.95</td>
<td>6.03</td>
</tr>
<tr>
<td>Church/Synagogue (per sq. ft.)</td>
<td>0.97</td>
<td>1.38</td>
</tr>
<tr>
<td>Hospital (per bed.)</td>
<td>1,262.00</td>
<td>1,789.00</td>
</tr>
<tr>
<td>School (per student)</td>
<td>187.00</td>
<td>185.00</td>
</tr>
<tr>
<td>Child Care (per sq. ft.)</td>
<td>8.19</td>
<td>11.97</td>
</tr>
<tr>
<td>Atypical Uses (per trip end-daily)</td>
<td>106.00</td>
<td>161.00</td>
</tr>
</tbody>
</table>

### Foothill / Eastern Transportation Corridor Agency Fee (TCA) Effective 07/01/2016-06/30/2017 Zone B – 65 to Wel Canyon Road

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>$2,850.00 per unit</td>
</tr>
<tr>
<td>Multi-Family, Apts./Condos</td>
<td>$2,803.00 per unit</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>$4.47 per Sq. Ft.</td>
</tr>
</tbody>
</table>
## Orange County - Sanitation District Fee Effective 07/01/16 - 06/30/2017

### TABLE A: CAPITAL FACILITIES CAPACITY CHARGES (CFCC)

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Rate Basis</th>
<th>Base Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial - Industrial</td>
<td>Per 1,000 square foot</td>
<td>$835.00</td>
</tr>
<tr>
<td>Low Demand</td>
<td>Per 1,000 square foot</td>
<td>$1,025.00</td>
</tr>
<tr>
<td>Average Demand</td>
<td>Per 1,000 square foot</td>
<td>$4,672.00</td>
</tr>
<tr>
<td>High Demand</td>
<td>Per 1,000 square foot</td>
<td>$9,430.00</td>
</tr>
<tr>
<td>Single Family Residential (SFR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5+ Bedrooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Bedrooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Bedrooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Bedrooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential (MFR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+ Bedrooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Bedrooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Bedrooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Supplemental CFCC for Permit Users, includes 6% cost of funds.

<table>
<thead>
<tr>
<th>Flow, gallons per day</th>
<th>$0.001888</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOD, pounds per day</td>
<td>$0.838520</td>
</tr>
<tr>
<td>SS, pounds per day</td>
<td>$0.594280</td>
</tr>
</tbody>
</table>

---

1. Provided that the minimum Capital Facilities Capacity Charge for each new connection shall be $3,710; and all calculations shall be on a 1,000 square foot, or positive fraction, basis.

2. Low Demand connections are the following categories of users: Nurseries; Warehouses; Churches; Truck Terminals; RV Parks, RV Storage Yards, Lumber; Construction Yards; Public Storage Buildings; and other facilities with wastewater, effluents, leachate and/or emissions whose flows are similar to those listed categories. Parking structures not connected to the sewer will not be charged.

3. High Demand connections are the following categories of users: Restaurants; Supermarkets; Car Washes; Coin Laundries; Amusement Parks; Shopping Centers with one or more Restaurants, or Food Court; Food Processing Facilities; Textile Manufacturing; and other discharges whose flows are similar to those listed categories.

4. All other connections are Average Demand users including: Hotels; Strip Malls without restaurants; Movie Halls without food facilities, Office Buildings, Senior Housing with individual living units without kitchens but with a common kitchen.

5. Bedroom additions are considered a change of use and a CFCC must be paid. Bedroom additions include loft additions, bonus rooms that may be used as offices, while down zones, media rooms, or bonus, or any other additions, which could potentially be used as a bedroom. The classification of these additions will be reviewed and determined by staff. Any detached building such as an addition over an existing garage for a new building with the same designation as mentioned above will not be considered in separate living unit for SFR.

6. MFR units consist of multiple units that receive one secured property tax bill such as apartments. Senior housing with individual living units that include a kitchen are considered MFR units.

7. Studio - one single room with no separating doors or openings leading to another part of the room (except for a bathroom).

8. SFR - The rates for each size of SFR and MFR are established with a 3-bedroom SFR having a base of 1.0, and all others are a relative percentage higher or lower than 1.0, depending on size of unit, as noted.
### Park Dedication and In Lieu Fee (Quintby)
(Park Acquisition Fee) 611
Residential Subdivision Developments Only
(See Park Dedication (Quintby) for Subdivision Developments)

<table>
<thead>
<tr>
<th>District</th>
<th>Density Classification (Dwelling Units/Gross Acre)</th>
<th>Density Classification (Dwelling Units/Gross Acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>≤ 6 (DU/GA)</td>
<td>≥ 6 (DU/GA)</td>
</tr>
<tr>
<td></td>
<td>$7,994.00 per unit</td>
<td>$8,894.00 per unit</td>
</tr>
<tr>
<td></td>
<td>&gt; 6 - ≤ 15 (DU/GA)</td>
<td>&gt; 6 - ≤ 15 (DU/GA)</td>
</tr>
<tr>
<td></td>
<td>$9,434.00 per unit</td>
<td>$10,469.00 per unit</td>
</tr>
<tr>
<td></td>
<td>&gt;15 (DU/GA)</td>
<td>&gt;15 (DU/GA)</td>
</tr>
<tr>
<td></td>
<td>$9,508.00 per unit</td>
<td>$10,546.00 per unit</td>
</tr>
</tbody>
</table>

### Park and Recreational Facilities Development Impact Fee
(Park Infill Fee) 510
Residential Projects Only
(See Park Dedication (Quintby) for Subdivision Developments)

<table>
<thead>
<tr>
<th>District</th>
<th>Density Classification (Dwelling Units/Gross Acre)</th>
<th>Density Classification (Dwelling Units/Gross Acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>≤ 6 (DU/GA)</td>
<td>≥ 6 (DU/GA)</td>
</tr>
<tr>
<td></td>
<td>$7,994.00 per unit</td>
<td>$8,894.00 per unit</td>
</tr>
<tr>
<td></td>
<td>&gt; 6 - ≤ 15 (DU/GA)</td>
<td>&gt; 6 - ≤ 15 (DU/GA)</td>
</tr>
<tr>
<td></td>
<td>$9,434.00 per unit</td>
<td>$10,469.00 per unit</td>
</tr>
<tr>
<td></td>
<td>&gt;15 (DU/GA)</td>
<td>&gt;15 (DU/GA)</td>
</tr>
<tr>
<td></td>
<td>$9,508.00 per unit</td>
<td>$10,546.00 per unit</td>
</tr>
</tbody>
</table>

### Library Facilities Development Impact Fee
Residential Projects Only
Applicable to All Newly Created Housing Units

<table>
<thead>
<tr>
<th>CityWide</th>
<th>Density Classification (Dwelling Units/Gross Acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less than 6 (DU/GA)</td>
</tr>
<tr>
<td></td>
<td>$742.52 per unit</td>
</tr>
<tr>
<td></td>
<td>From 6 to 15 (DU/GA)</td>
</tr>
<tr>
<td></td>
<td>$769.80 per unit</td>
</tr>
<tr>
<td></td>
<td>More than 15 (DU/GA)</td>
</tr>
<tr>
<td></td>
<td>$642.71 per unit</td>
</tr>
<tr>
<td>Land Use</td>
<td>Fee</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Detached Residential</td>
<td>$1200.00 per unit</td>
</tr>
<tr>
<td>Attached Residential</td>
<td>$601.00 per unit</td>
</tr>
<tr>
<td>College/University Dorm</td>
<td>$971.00 per unit</td>
</tr>
<tr>
<td>Group/Congregate Units</td>
<td>$2,905.00 per unit</td>
</tr>
<tr>
<td>Commercial Lodging</td>
<td>$955.00 per unit</td>
</tr>
<tr>
<td>Commercial/Office Use</td>
<td>$.595 per sq. ft.</td>
</tr>
<tr>
<td>Industrial Manufacturing Use</td>
<td>$.570 per sq. ft.</td>
</tr>
<tr>
<td>Private Hospital Use</td>
<td>$2,562 per sq. ft.</td>
</tr>
</tbody>
</table>

### Police Facility Fee

<table>
<thead>
<tr>
<th></th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>$354.89 per unit</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>$0.208 per Sq. Ft.</td>
</tr>
</tbody>
</table>

### School Development Fee

(Collected by the Orange Unified School District)

1401 N. Handy Street, Orange, CA 92867

For additional information, call (714) 628-5369
A fee for each building permit and plan check fee shall be determined based on the following fee schedule, which is based on the building valuation. The building valuation shall be determined by the Building Official and is the total value of all construction work for which the permit is issued, as well as all heliotrope, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

<table>
<thead>
<tr>
<th>Building Valuation</th>
<th>Fee Base</th>
<th>Plan Fee</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00 to $50,000</td>
<td>$22.82</td>
<td>$0.00</td>
<td>$100.00</td>
</tr>
<tr>
<td>$50,001 to $250,000</td>
<td>$68.22</td>
<td>$30.85</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>$250,001 to $1,000,000</td>
<td>$138.99</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$1,000,001 to $3,000,000</td>
<td>$200.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$3,000,001 to $5,000,000</td>
<td>$260.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$5,000,001 to $10,000,000</td>
<td>$340.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$10,000,001 to $20,000,000</td>
<td>$500.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$20,000,001 to $50,000,000</td>
<td>$680.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$50,000,001 to $100,000,000</td>
<td>$800.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$100,000,001 to $200,000,000</td>
<td>$960.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$200,000,001 to $300,000,000</td>
<td>$1,080.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$300,000,001 to $500,000,000</td>
<td>$1,250.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$500,000,001 to $1,000,000,000</td>
<td>$1,460.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>$1,000,000,001 to $2,000,000,000</td>
<td>$1,700.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Mechanical, Electrical, and Plumbing fees are calculated separately and are generally based on unit costs (see permit applications for these unit costs).

1. The plan check fee shall be 65% of the building permit fee and will be collected at the time of permit application.
2. or fraction thereof.
Exhibit "D": Memorandum Dated June 12, 2015
[Beneath this page]
MEMORANDUM

TO: Rick Otto  
City Manager, City of Orange

CC: Mabury Ranch Homeowner’s Association, The Reserve Homeowner’s Association, Theron Swain, Tom Davidson, Franklyn R. Elifand, Carmen A. Morinello

FROM: Christopher Nicholson, Milon Capital Management

SUBJECT: Rio Santiago Sand and Gravel Operations

DATE: June 12, 2015

Over the past several months, our representatives, Franklyn R. Elifand and Carmen Morinello, have met with members of the community representing the Orange Park Acres Homeowners Association (OPA), the Mabury Ranch Homeowners Association (Mabury HOA) and the Reserve Homeowners Association (Reserve HOA) (collectively herein referred to as "Community Members"). The primary purpose and focus of those meetings has been to address the current ongoing sand and gravel operations on the Rio Santiago property. More specifically, Mr. Elifand and Mr. Morinello have met with the Community Members to address questions they have concerning noise, dust, and aesthetics along Santiago Canyon Road resulting from the current operations.

In addition to addressing the current sand and gravel operations with the Community Members, we have also had general discussions regarding the long-term land use of the property. As a result of these meetings, as well as meetings with you and the Orange City Attorney’s office, we have been encouraged by the constructive dialogue that has taken place. Consequently, as a good faith gesture to encourage further constructive dialogue regarding the long-term land use for the Rio Santiago property, we have agreed to curtail and modify the current sand and gravel operations on an interim basis as follows:

1. Material imports for backfill and stockpiling will be suspended indefinitely as of September 7, 2015. This will significantly reduce and possibly eliminate a majority of the questions we have received regarding truck traffic along Santiago Canyon Road, vehicle back-up noise and dust impacts in connection with the current stockpiling operation.

2. After July 31st, the current rock crushing operations will be limited to a total of 15 consecutive business days in any six-month period. During this 15 day period there may be some import of materials, but most likely fewer than two dozen truck trips per day, and probably not for the entire 15 day period. It is our intention to give the surrounding community a minimum of two weeks notice prior to starting these operations up again. Additionally, we will work with the Community Members and the City staff to
temporarily relocate the rock crushing operation to a site on the property that will be the furthest feasible location from adjacent residences.

3. We will work with the City and others to evaluate the feasibility of applying a suitable spray-on polymer covering or sealant on the existing stockpiles with the objective of reducing the need for water usage and to provide more effective dust control.

4. We have enhanced, and are continuing to enhance the maintenance of the property frontage along Santiago Canyon Road. This includes a comprehensive ongoing plan to remove weeds and debris as well as repairing and maintaining the existing fence screens to improve the overall aesthetics of the property frontage.

5. We are exploring options to place/install temporary landscaping enhancements along Santiago Road to provide a more pleasing interface along Santiago Canyon Road.

The foregoing temporary changes and enhancements to our current operations are premised upon the establishment and continuation of our good faith collaborative effort to address the long term land use for the Rio Santiago project with full participation by the Community Members and the City of Orange together with our representatives, Franklyn Bifand and Carmen Morinello. As Mr. Bifand and Mr. Morinello have discussed with you, the City Attorney's office, and the Community Members, it is our intent to negotiate and submit for approval a Pre-Development Agreement similar to the agreement which the City previously negotiated and approved for the Del Rio Project in the City of Orange. As the City is aware, there are many similarities between the Del Rio Project planning process and the process we contemplate for the Rio Santiago project. Initiating this process with a similar Pre-Development Agreement effort is, we believe, a constructive, useful and positive land use planning tool which will help guide our subsequent comprehensive land planning process for the Rio Santiago Project which will include an EIR, Specific Plan and subsequent Development Agreement.

We are very encouraged by the progress made by Mr. Bifand and Mr. Morinello in their conversations with you, the City's planning department and City Attorney's office. Equally important, we are very encouraged with our initial conversations with the Community Members and their desire to address the Rio Santiago Project in a more collaborative, constructive and transparent manner in order to achieve the visions and goals of all parties involved. In our discussions with the Community Members, there is consensus that a more transparent and inclusive process for all concerned parties will help us achieve these goals.

We look forward to continuing the process discussed above and working with the Community Members and City staff towards a positive conclusion for the City, for our neighbors, and for us. Thank you in advance for your help in this effort.
Exhibit “E”: Interim Remediation Plan
[Beneath this page]
PRE-DEVELOPMENT AGREEMENT

SECTION A: BEFORE & AFTER
PRELIMINARY INTERIM STOCKPILE REDUCTION PLAN

August 31, 2016
RESOLUTION NO. 8182


GENERAL PLAN AMENDMENT 2-93

HANSON PROPERTIES WEST, INC.

RECITALS:

After due public hearings as required by law, the City Council of the City of Orange considered a recommendation of the Planning Commission of the City of Orange recommending, by Resolution No. PC 7-93 that certain property situated directly adjacent to and north of Santiago Creek and south of Mabury Avenue between Lassen and Orange Park Boulevards be redesignated from the resource area designation to the low density residential designation and approved said recommendation after finding and determining the hereinafter described facts. The real property which is the subject of the redesignation is more particularly described as follows:

See Exhibit "A" attached.

The City Council finds in favor of the proposed residential use of the site although it precludes mineral development, as intended by the designation as a regionally significant aggregate resource sector by the State Mining and Geology Board, based upon the following considerations:

The entire 120 acre aggregate mining property, of which 12.6 acres forms the project site, has been utilized for mineral extraction for more than 40 years and the extraction life is mostly depleted. On a regional scale, there are greater extracting opportunities elsewhere in the County.

The 12.6 acre project site is physically isolated from the rest of the mining property by Santiago Creek, thus deferring any possible mineral extraction opportunities.

Furthermore, the 12.6 acre site has not been utilized for mineral extraction due to its proximity to neighboring single family residences which, if such extraction activities were to occur, would be impacted by noise and dust associated with mineral extraction.
Upon the public hearing before the City Council, the following facts were established:

1. The irregular shaped project site is 12.6 acres in size and consists of four parcels of land: a 9.6 acre parcel, and an approximately 2.7 acre portion of a 15.6 acre parcel, which are two of several parcels that form the Sully-Miller aggregate mining property; a 0.14 acre parcel known as Lot B of Tract 9827; and the majority of a 0.18 acre parcel known as Lot A of Tract 9827. The site is located directly adjacent to and north of Santiago Creek and south of Mabury Avenue between Lassen and Orange Park Boulevards. It borders the residential neighborhood to the north commonly referred to as Mabury Ranch.

2. The applicant proposes to develop the project site for residential purposes and requests approval of the following discretionary permits. The project also requires that Tract 9827 be amended to allow Lots A and B to be part of the development site.

   A. General Plan Amendment 2-93 - to amend the Land Use Element of the city's General Plan, changing the project site's land use designation from Resource Area to Low Density Residential, 2-6 dwelling units per acre.

   B. Zone Change 1146-93 - to change the site's zoning designation from S-G (Sand and Gravel Extraction) to R-1-8 (Single Family Residential, minimum lot size requirement of 8,000 square feet).

   C. Tentative Tract Map 14747 - to subdivide the site into 25 residential parcels, ranging in lot size from approximately 8,000 to 17,000 square feet, and 3 lettered lots.

   D. Variance 1947-93 - to allow a reduction in the 80 foot minimum lot frontage requirement of the R-1-8 District.

California Government Code Section 65358 allows the City to amend its General Plan Land Use Element a maximum of 4 times a year. Orange Municipal Code Section 17.06.050 permits change to zoning classifications subject to public hearing before both the Planning Commission and City Council. Orange Municipal Code Chapter 16.08 sets forth regulations that pertain to the processing of tentative tract maps. Orange Municipal Code Section 17.92.020 allows the Planning Commission to rule on variance applications.

3. The project site slopes slightly from north to south with more significant topographic changes along the proposed development boundary, created by the incision of Santiago Creek, where portions of the embankment experience 25 to 30 foot slopes.

Reso No. 8182
4. The site has recently been cleared of most vegetation to allow for temporary agricultural activities. A few eucalyptus and other common trees are located along the northern portion of the property bordering an existing off-site recreation trail. Native vegetation exists within and along the creek bed.

5. The majority of the project site is part of the Sully-Miller aggregate mining property which generally encompasses the approximately 120 acre area north of Santiago Canyon Road and south of Mabury Avenue between Loma Street and Orange Park Boulevard (see attached exhibit A). Although this portion of the Sully-Miller property has not been mined, the sand and gravel extraction use was approved in 1950 when the property was under the jurisdiction of the County of Orange. Annexation to the City of Orange was initiated through Pre-Zone Change #370, designating the zoning of the property as S-G, Sand and Gravel Extraction District, with final annexation occurring in January, 1965 (Annexation #228). The aggregate mining operation on the property south of Santiago Creek was modified through subsequent conditional use permit approvals to allow for the replacement of two asphalt batch plants and the installation of a concrete batch plant (CUP #498 & #704).

6. Lots A and B of Tract 9827 have been recently acquired by the applicant from the Standard Pacific development company to be part of the project site. These lots are two of three lettered lots that were created through the subdivision of Tract 9827, recorded in May, 1978. All three lots, which total approximately .55 acres of land, are located along the south side of Mabury Avenue and appear to be remnant parcels created by the final alignment design of Mabury Avenue (see attached exhibit B).

7. A 50-foot wide easement traverses the site from the northern central portion to the southeastern corner of the site. The easement contains a high pressure water line, 9-feet in diameter, that is own and maintained by the Municipal Water District of Orange County (MWDOC).

8. Access to the site's future residences will be provided through the proposed extension of Yellowstone Boulevard south of Mabury Avenue. Yellowstone Boulevard and Mabury Avenue are local streets as designated by the city's Master Plan of Streets and Highways and are built to their ultimate planned right-of-way widths of 68 feet and 66 feet, respectively. At this time, access to the site may also be gained from the south via the Sully-Miller aggregate mining properties off Santiago Canyon Road by crossing at a natural ford in the creek. Once the project is developed, however, there will be no access from the south.

9. An improved recreational trail exists within the right-of-way of Mabury Avenue and borders the project site's northern boundary. The City's Draft Master Plan of Recreational Trails refers to the trail as #29 and designates it for use
by equestrians, cyclists and hikers. Trail #29 is part of the Santiago Creek trail system and provides a linkage to Santiago Oaks Regional Park.

10. The surrounding land uses include single family residences zoned R-1-8 to the north, and the remaining aggregate mining operations, which include a sand and gravel plant, a hot mix asphalt plant, and a concrete and asphalt recycling operation, zoned S-G to the south, east and west across Santiago Creek.

11. The project site is adjacent to, but not within the limits of, the Orange Park Acres Plan and the East Orange General Plan (1976 Amendment) areas. Santiago Creek is the boundary for both of these land use plans, as depicted in exhibit C. Future development proposals for the remainder of the Sully-Miller property will be governed by these plans.

12. The applicant initiated the development review process in December, 1991, with an application for a general plan amendment and zone change. These applications were placed on hold by the applicant pending the decision to concurrently process a subdivision map. In September, 1992, the applicant circulated three conceptual subdivision alternatives to the Mabury Homeowners Association for their review and comment. Some of the early issues that the applicant discussed with the Mabury residents regarded whether the proposed development should include homes that would front onto Mabury Avenue and if the proposed access to the development would connect directly with Yellowstone Boulevard. A tentative tract map application was subsequently submitted to the City in November, 1992.

13. The applicant requests a change in the site's general plan land use and zoning designations, which currently provide for sand and gravel extraction, in order to allow for a single-family residential subdivision consisting of 25 residential lots and 3 lettered lots. As indicated on the proposed tract map, the residential lots range in size from 8,600 square feet to 17,480 square feet. The lettered lots provide for the street circulation system, an emergency access, and a maintenance road within an improved slope area adjacent to Santiago Creek.

14. Approximately 120,000 cubic yards of import material is required to improve the area for development. The lowest portion of the site will be raised approximately 30 feet, and is the area surrounding lot 20. A manufactured, tiered slope (shown as Lot A) will be created along the boundary between the development and Santiago Creek. The slope area will contain a 20 foot wide maintenance road at the base of the first 2:1 slope, with the lower slope portions improved to channelize the creek's flow. Two creek improvement alternatives are proposed; either using stone rip rap or soil cement along the creek's edge. Please refer to the tract map which includes a cross section of each proposed creek improvement alternative.

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15. Access to the residential development will be provided through the extension of Yellowstone Boulevard south of Mabury Avenue. Shown as Lot C on the tract map, the extended roadway creates an internal circulation system consisting of 3 cul-de-sacs (A, B, and C Streets) that are to be designed to public street standards, constructed by the applicant and maintained by the City of Orange. The cross section for the proposed streets details 36' wide roadways with 5'5" wide sidewalks and 6'1" parkways to be contained within a 60' wide right-of-way. The street entrance to the tract is shown to have a 70' wide right-of-way to accommodate a landscaped, center median. Maintenance of the landscaped median and the parkways will be the responsibility of the future property owners through the formation of a homeowners association.

16. An emergency access (Lot B) will be provided at the terminus of the cul-de-sac detailed as Street A. This 20 foot wide emergency access links to the 20 foot wide creek maintenance road and then to Mabury Avenue. It provides for a secondary access to Street A, which exceeds 600 feet in length.

17. The site is located within an area designated as a regionally significant aggregate resource sector (Sector J) by the State Mining and Geology Board. The city's General Plan Technical Report describes Sector J as containing approximately 16 percent of the known sand and gravel resources with the region. Pursuant to Public Resources Code Section 2763, the City must prepare a Statement of Findings specifying the reasons for permitting a land use that precludes mineral development to submit to the State Mining and Geology Board for their review. In making such a Statement of Findings, the City of Orange should consider the importance of potential mining opportunities to the market region as a whole and not just the importance to the City.

18. The requested proposal involves the redevelopment of a limited portion of an area designated as a significant aggregate resource sector. Although the applicant's intent is to eventually redevelop the entire property for residential purposes, the subject proposal was initiated prior to the an overall redevelopment proposal because of several factors unique to the project site. The site's aggregate mining opportunities, if any, are limited by the residential development of the adjacent property to the north because noise and dust impacts associated with mining would have deterred such opportunities. Furthermore, the site's proximity to existing residential development and it's separation via Santiago Creek from the property utilized for sand and gravel operations, supported the proposal to redevelop the area for residential purposes.

19. The project site contains two parcels, Lots A and B of Tract 9827, that are designated as non-buildable sites. Traditionally, non-buildable restrictions are imposed to
preserve open space areas as means of conservation, and to provide for recreational opportunities, visual relief, and/or development buffering. The lots in question do not serve such purposes. They are undeveloped parcels of land that appear as remnant parcels created by the final alignment design of Mabury Avenue. By amending Tract 9827, the City will be removing the non-buildable restriction to allow for the proposed development. Justification for this action could also be supported by the recognition that the proposed tract will provide an open space area adjacent to Santiago Creek.

20. Primary issues in the development of this tract relate to Santiago Creek in regard to the proposed improvements, and the maintenance and liability responsibilities. The proposal requires the construction of creek improvements in order to stabilize the creek's embankment and to protect residents from a 100-year flood. The submitted tract map details two creek improvement alternatives. It is the City's preference to see rip rap used to improve the channel rather than soil cement. However, the improvements proposed must comply with the Orange County Flood Control District design and construction standards given that it is the City's intent for the facility to ultimately be dedicated to the County through an irrevocable maintenance easement. Improvements to the creek area also require permitting through the State's Department of Fish and Game. This State agency may have an improvement design preference as well. As a condition of approval, the applicant will be required to meet the requirements and obtain the necessary permits from the above agencies.

The tract map indicates that the improved creek may be dedicated to the County Flood Control District or the City of Orange. It is staff's understanding through discussion with the applicant's consultant that the County does not want to accept a portion of the improved creek, and prefers to wait until the entire segment of the creek through the Sully-Miller properties is improved and offered for dedication. The City of Orange, thus, needs to agree to accept responsibility for the maintenance and liabilities during the interim, until the entire segment can be improved and offered to the County.

21. The applicant is requesting a residential land use designation of "Low Density (2-6 dwelling units per acre)", which is the same as that of the adjacent residential development to the north. The proposed density of the development is 1.98 units per gross acre. The proposed development is therefore compatible with the adjacent residential development in regard to type and intensity of use and complies with the requested density designation.

22. The applicant is requesting zoning designation of R-1-8, which is the same as that of the adjacent residential development to the north and thus provides for a natural extension of the existing neighborhood. The R-1-8 District
requires that the minimum building site area for each single-family residence shall be 8,000 square feet, and the minimum lot frontage and depth shall be 80 feet, as measured at the setback line, and 100 feet, respectively. All of the proposed residential lots comply with the minimum building site area and lot depth requirements. However, 18 of the 25 lots do not provide the required minimum lot frontage.

23. Variance 1947-93 has been requested in order to allow a reduction in the 80 foot minimum lot frontage requirement. 18 lots have reduced lot frontages, as measured at the setback line. They are as follows: Lots 2, 3, 4, 5, 6, 12, 13, 15, 23, 24, and 25 have 70' of lot frontage (12.5% less than required); Lots 7, 11, and 19 have 72' of lot frontage (10% less than required); Lots 18 and 22 have 73' of lot frontage (approx. 9% less than required); Lot 8 has 75' of lot frontage (6% less than required); and, Lot 16 has 77' of lot frontage (4% less than required).

The code does offer an administrative remedy for cul-de-sac lots and lots that require a 10 percent adjustment in the lot frontage requirement. Staff, however, collectively presented the requested waivers as a variance application given the number of reduced lot frontages.

24. The zoning code currently requires lot frontages to increase proportionally with the required lot size (i.e. 60' is required for R1-6,000, 70' for R1-7,000, and 80' for R1-8,000, etc.), which standardizes development tracts by creating uniform, rectangular shaped lots. Traditional, grid-oriented neighborhoods reflect this approach to zoning standards. In the comprehensive update to the zoning ordinance, staff has proposed revising the lot frontage requirements to allow for variety in lot configurations and subdivision layouts.

The lot configurations differ from and offer more variety than the traditional, grid-oriented subdivisions as a result of the proposed "cul-de-sac" circulation system. The proposed lot frontages range from 70' to 100'. The proposed reduction in frontage from the 80' requirement does not appear to hinder access to the individual lots and no detrimental impact is anticipated due to narrow lot configurations proposed by this subdivision. The minimum lot frontage proposed is 70' which adequately provides for a driveway access and a front landscape setback area. Furthermore, the narrower lot widths are compensated by increasing lot depths, which in turn provide for more usable open space opportunities in the rear of the property.

The proposed lot configurations were somewhat constrained by providing a direct extension of Yellowstone Boulevard into the site. This constraint may have been eliminated by offsetting the entry street, but such a solution presented traffic safety concerns. Furthermore, a direct extension of Yellowstone provides a better integration between the existing residential neighborhood and the proposed
development. The applicant has informed staff that the
direct access was also preferred by the Mabury residents.

A similar variance request was included in the master tract
proposal for Mabury Ranch (Tract 9319). Variance 1424
allowed a reduction in lot frontage for 12% of the proposed
388 residential parcels.

25. Orange Municipal Code Section 17.92.020 lists the following
criteria for the approval of variance requests:

A. That any variance granted shall be subject to such
   conditions as will assure that the adjustments thereby
   authorized shall not constitute a grant of special
   privileges inconsistent with the limitations upon other
   properties in the vicinity and zone in which the
   subject property is situated.

B. That because of special circumstances applicable to the
   subject property, including size, shape, topography,
   location or surroundings, the strict application of the
   zoning ordinance is found to deprive the subject
   property of privileges enjoyed by other properties in
   the vicinity and under identical zoning classification.

26. The importation of 120,000 cubic yards of fill material will
require approximately 8,000 truck trips to the project site.
Grading and hauling operations may have an impact on nearby
residences from blowing dust, noise and increased truck
traffic. The applicant has indicated that the hauling
trucks will access the site from the south by traveling
along Santiago Canyon Road, entering the Sully-Miller
aggregate mining property and crossing the ford in Santiago
Creek. In accordance with the City's Manual of Grading,
this haul operation will require City Council approval.

27. The residential development of the site will alter the
scenic views of the adjacent residents to the north looking
southward. As discussed in the Negative Declaration, the
proposed pad elevations are slightly lower than the
elevations of the existing residences along Mabury Avenue
and the proposed construction of 1 and 2 story homes will
impact views. The R-1-8 development standards may lessened
that impact by regulating a structure's maximum height and
placement on the property. Furthermore, proposed
development standards contained in the updated draft of the
comprehensive zoning ordinance, if adopted, will regulate a
structure's bulk and mass in relationship to lot size.

28. The tract map shows lots 1-8 and 21-25 with frontage along
the proposed cul-de-sac street system and Mabury Avenue.
The applicant has indicated that no homes will front onto
Mabury Avenue, which is in response to concerns expressed to
the applicant by the Mabury residents. To further support
this concern, staff has included a condition that the access
rights to Mabury Avenue will be dedicated to the City as a
requirement of the final map approval. Furthermore, it is
likely that the development will include a perimeter wall

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along the Mabury frontage, adjacent to the existing recreational (equestrian) trail. Staff has added a condition that all perimeter walls shall be reviewed by the Community Development Department.

29. The Environmental Review Board reviewed the project several times throughout the application process. The proposed extension of Yellowstone Boulevard south, its intersection with Mabury Avenue (including the equestrian trail), and the subdivision's proposed circulation system were issues of concern that were resolved through the review process by revising the tract map or conditioning its approval. The design of Yellowstone at the entrance to the site was revised to include a landscaped median similar to the existing medians in Yellowstone north of the site. Inclusion of this design feature acts to tie the new development with the existing neighborhood, as does the direct extension of Yellowstone south of Mabury.

Staff has noted that the cross section for proposed streets A, B, and C details a sidewalk directly adjacent to the street curb and then a parkway. The existing designs of Mabury and Yellowstone include parkways between the curb and sidewalk. This feature should be continued throughout the new development, and therefore, staff has added condition 14 requiring the construction detail to be modified accordingly, and to comply with public street minimum standards for sidewalk and parkway widths.

30. The Municipal Water District of Orange County (MWDOC) owns and maintains the high pressure water line that traverses the site. Potential future maintenance and repair activities may impact property owners and may impede access to residences within the tract development; lots 1, 12, 13, and 16 would appear to be the most impacted by such activities. MWDOC retains the right to remove any facilities or improvements (such as roads, driveways and landscaping) constructed within their easement in conjunction with maintenance to the pipeline. Furthermore, removal and replacement of such facilities and improvements will be at the expense of the homeowner's association, except in the case of public improvements such as public roads and sidewalks.

31. Previous development proposals along the creek have experienced difficulty in connecting to the city's sewer system because the residential pads were designed at lower elevations than the existing sewer system. In response to the city's preference for gravity fed sewer lines rather than the installation of sewer pumps, the applicant has designed the subdivision accordingly. Lots 13 and 14 have the lowest pad elevations of the tract, that of 422.5 feet. The Mabury/Yellowstone sewer connection is at 413.26 feet, and therefore positive flows can be accomplished for the entire tract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the
City of Orange that the recommendation of the Planning Commission be upheld and that General Plan Amendment 2-93 redesignating the subject property to the low density designation be approved for the following reasons:

1. The proposed land use designation is the same as that of the adjacent properties to the north, and therefore compatible with the surrounding properties.

2. The redesignation to residential would allow for new housing to be developed in order to satisfy the goals of the General Plan's Housing Element.

ADOPTED this 18th day of May, 1993.

[Signature]
Mayor of the City of Orange

ATTEST:

[Signature]
City Clerk of the City of Orange

I hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the 18th of May, 1993, by the following vote:

AYES: COUNCIL MEMBERS: SPURGEON, BARRERA, MAYOR BEYER, COONTZ, MURPHY
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

[Signature]
City Clerk of the City of Orange

Reso No. 8182

SSH:dg

10
LEGAL DESCRIPTION

IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, CITY OF ORANGE, AND IS DESCRIBED AS FOLLOWS:

PROPOSED TRACT NO. 14747 BEING A SUBDIVISION OF A PORTION OF:

BEGINNING AT THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO HENRY SNYDER BY DEED RECORDED IN BOOK 77, PAGE 22 OF DEEDS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA; THENCE SOUTH 83 DEGREES WEST 952.71 FEET; THENCE SOUTH 509 FEET; THENCE NORTH 83 DEGREES EAST 760 FEET TO THE EAST BOUNDARY OF SAID SNYDER'S LAND; THENCE NORTH 19 DEGREES 45' EAST 566.03 FEET TO THE POINT OF BEGINNING, ALL IN TOWNSHIP 4 SOUTH, RANGE 9 WEST, SAN BERNARDINO BASE AND MERIDIAN.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN TRACT NO. 9827.

BEGINNING AT A SYCAMORE TREE MARKED "V. M.", THE SAME BEGINNING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO VICTOR MONTGOMERY BY JONATHAN WATSON BY DEED RECORDED AUGUST 12, 1875 IN BOOK 38, PAGE 326 OF DEEDS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, AND RUNNING THENCE NORTH 19-3/4 DEGREES EAST 17.87 CHAINS TO A DITCH LEADING FROM THE SANTIAGO CREEK; THENCE, ALONG THE CENTER OF SAID DITCH, SOUTH 83 DEGREES WEST 18.50 CHAINS; THENCE NORTH 55-1/2 DEGREES WEST 8 CHAINS; THENCE SOUTH 84 DEGREES WEST 7.86 CHAINS; THENCE SOUTH 61-3/4 DEGREES WEST 9.50 CHAINS; THENCE, LEAVING THE LINE OF SAID DITCH, SOUTH 45-1/2 DEGREES EAST 8.78 CHAINS; THENCE NORTH 55-3/4 DEGREES EAST 5.89 CHAINS; THENCE SOUTH 35-1/2 DEGREES EAST 15.09 CHAINS TO THE NORTH BOUNDARY OF THE CARPENTER TRACT; THENCE, ALONG SAID NORTH BOUNDARY, NORTH 85 DEGREES EAST 15 CHAINS TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO HENRY SNYDER BY DEED RECORDED JANUARY 6, 1881 IN BOOK 77, PAGE 22 OF DEEDS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA; THENCE SOUTH 83 DEGREES WEST 14.435 CHAINS ALONG THE NORTH LINE OF SAID SNYDER'S LAND; THENCE SOUTH 11.515 CHAINS; THENCE NORTH 83 DEGREES EAST 10.082 CHAINS TO THE EAST BOUNDARY OF SAID SNYDER'S LAND; THENCE NORTH 19-3/4 DEGREES EAST 12.796 CHAINS TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM, ANY PORTION INCLUDED IN THE LAND DESCRIBED IN THE DEED TO E. E. FARNSWORTH AND OTHERS, RECORDED JANUARY 6, 1920 IN BOOK 355, PAGE 98 OF DEEDS.

ALSO EXCEPTING THEREFROM, ANY PORTION INCLUDED IN THE LAND DESCRIBED IN THE DEED TO CHARLES W. MORROW AND WIFE, RECORDED DECEMBER 17, 1929 IN BOOK 338, PAGE 106 OF OFFICIAL RECORDS, AND IN THE DEED TO LEROY F. ROBINSON AND WIFE, RECORDED DECEMBER 17, 1929 IN BOOK 338, PAGE 115 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM, THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE LAND CONVEYED TO A. B. HEINSBERGEN AND WIFE BY DEED RECORDED APRIL 27, 1935 IN BOOK 748, PAGE 222 OF OFFICIAL RECORDS, AND RUNNING THENCE NORTH 19 DEGREES 45' EAST ALONG THE EASTERLY LINE OF SAID LAND, 334.88 FEET TO THE SOUTHEAST CORNER OF THE LAND CONVEYED TO SULLY-MILLER CONTRACTING COMPANY; THENCE SOUTHERLY ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LAST MENTIONED LAND, 268 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF SAID LAND CONVEYED TO HEINSBERGEN; THENCE NORTH 85 DEGREES EAST ALONG SAID SOUTHERLY LINE, 550 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM, THAT PORTION OF SAID LAND DESCRIBED IN THE DEED TO STANDARD-PACIFIC CORP., RECORDED AUGUST 20, 1976 IN BOOK 11858, PAGE 164 OF OFFICIAL RECORDS.

LOT "B" & A PORTION OF LOT "A" OF TRACT NO. 9827, AS SHOWN ON A MAP RECORDED IN BOOK 432, PAGES 1 TO 5, BOTH INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXHIBIT A
Exhibit B
SURVEY PROTOCOL FOR THE ARROYO TOAD

The following guidelines are provided to facilitate accurate assessments of the presence or absence of the federally listed endangered arroyo toad (Bufo microscaphus californicus). Accurate survey data are needed to provide the U.S. Fish and Wildlife Service (Service) with sufficient information to respond to requests for Federal permits and licenses. Currently, surveys performed in accordance with these guidelines will not require a permit under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended. However, permits to conduct arroyo toad surveys may be required in the future. In all cases, extreme care must be taken when conducting surveys to avoid inadvertently injuring or killing toads, or damaging their habitat. These guidelines are not meant to be used for long-term monitoring of projects or the overall status of populations; guidelines for such monitoring efforts should be developed with the assistance of the Service for specific cases.

The Service recommends that the following survey guidelines be used to determine if arroyo toads are present in the vicinity of proposed activities, but cautions that negative surveys during a year of severe weather (e.g., drought, extended rainy season, cold weather) may be inconclusive. Contact the appropriate field office (addresses and phone numbers below) before conducting surveys for additional information.

1) Areas within one kilometer (1 km) of arroyo toad sites (documented by the presence of eggs, larvae, juveniles, or adults) that have suitable habitat shall be presumed to have arroyo toads.

2) If the sole purpose of surveys is to determine the presence or absence of the arroyo toad, surveys shall cease immediately upon determination that arroyo toad eggs, larvae, juveniles, or adults are present in the survey area. The arroyo toad locations shall be recorded on a USGS 1:24,000 (7.5 minute) map.

3) To be reasonably confident that arroyo toads are not present at a site, at least six (6) surveys must be conducted during the breeding season, which generally occurs from

May 19, 1999
March 15 through July 1, with at least seven (7) days between surveys. Extreme weather conditions can cause variations in the breeding season; these conditions should be fully considered when developing a schedule of surveys. If uncertainty exists as to whether environmental conditions are suitable (see guideline #9 below), contact the appropriate field office for further information.

4) At least one survey shall be conducted per month during April, May, and June.

5) Surveys shall include both daytime and nighttime components conducted within the same 24-hour period (except when arroyo toads have been detected in the survey area).

6) Daytime surveys shall include an assessment and mapping of: a) arroyo toad habitat suitability, and b) the presence of arroyo toad eggs, larvae, or juveniles. Extreme caution must be used to avoid crushing arroyo toads that are burrowed into sand bars and banks, or lodged in depressions in the substrate (sand, gravel, soil). Arroyo toads will use trails and roads up to several hundred meters from breeding sites while foraging; therefore, caution must be taken to not disturb, injure, or kill arroyo toads when using these roads and trails.

7) Daytime surveys shall be conducted by walking slowly along stream margins and in adjacent riparian habitat, visually searching for (but not disturbing) eggs, larvae, and juveniles. If necessary, surveyors may walk within the stream, taking care not to disturb or create silt deposits within breeding pools. If stream crossings are necessary, these should be on the downstream ends of potential breeding pools or in fast-flowing channels to minimize the likelihood of stirring up silt deposits. Arroyo toad eggs are usually laid in shallow water (less than four inches deep), and are susceptible to being smothered by silt that may be raised by walking in or across breeding pools.

8) Nighttime surveys (assuming eggs, larvae, and/or juveniles have not been detected) shall be conducted by walking slowly and carefully on stream banks. Surveyors should stop periodically and remain still and silent for approximately 15 minutes at appropriate sites to wait for arroyo toads to begin calling. The same cautions used for daytime surveys to avoid disturbing, injuring, or killing arroyo toads shall be incorporated.

9) Nighttime surveys must be conducted between one hour after dusk and midnight, when air temperature at dusk is 55 degrees Fahrenheit or greater. Surveys should not be conducted during nights when a full or near-full moon is illuminating the survey area or during adverse weather conditions such as rain, high winds, or flood flows.

10) Nighttime surveys must be conducted as silently as possible, because talking or other human-generated noises may cause arroyo toads to stop calling or leave the creek. Strong headlights or flashlights may be used to visually locate and identify adult arroyo toads, and flash photography may be used to document sightings of solitary individuals; otherwise lighting should be kept to a minimum.
11) Pairs of arroyo toads are very sensitive to disturbances, particularly waves or ripples (calling males are less easily disturbed). Therefore, surveyors must not enter the water near amplexing or courting pairs, and must immediately leave the vicinity upon their discovery.

12) A final report, to be submitted within 30 days of each field season or positive survey shall be prepared that includes survey dates and times, names of surveyor(s), air temperature, estimated wind speed, lighting conditions, a description of the survey methods used, and survey locations plotted on a USGS 1:24,000 (7.5 minute) map.

13) The results of a field survey may not be valid for any of the following reasons: a) surveys were conducted in a manner inconsistent with this protocol, b) surveys were incomplete, c) surveys were conducted during adverse conditions or during a season of severe weather conditions, or d) reporting requirements were not fulfilled. In such cases, the Service may request that additional surveys be conducted.

The final report should be provided to the appropriate Service field office:

For surveys in Monterey, San Luis Obispo, Santa Barbara, and Ventura Counties, Los Angeles County west of Highway 405, and the desert portions of Los Angeles and San Bernardino Counties, reports should be sent to the Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003 (phone: (805) 644-1766).

For surveys in Los Angeles County east of Highway 405 and south of the desert, Orange, Riverside, Imperial, San Diego, and montane and cismontane San Bernardino Counties, reports should be sent to the Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008 (phone: (760) 431-9440).

If a surveyor thinks that a specific project warrants alterations in this protocol, the Service should be contacted prior to the onset of surveys to discuss and possibly grant permission for proposed modifications. We would appreciate receiving any comments or ideas on these guidelines or recommendations for their improvement. For additional information, please contact the Ventura Fish and Wildlife Office at (805) 644-1766 or the Carlsbad Fish and Wildlife Office at (760) 431-9440.

iane K. Noda

Field Supervisor
Exhibit C
A Citizen’s Guide to LEED for Neighborhood Development: How to Tell if Development is Smart and Green

LEED for Neighborhood Development was jointly developed by the U.S. Green Building Council, Natural Resources Defense Council, and the Congress for the New Urbanism. It is administered by the U.S. Green Building Council.
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How To Use This Guide

This guide is a plain-English reference aid designed to help you improve your community and neighborhood. It explains a sophisticated and innovative set of environmental standards called LEED for Neighborhood Development (LEED-ND). The name “LEED” stands for Leadership in Energy and Environmental Design, a program administered by the U.S. Green Building Council, a private, non-profit organization. You may know LEED as a program that evaluates and certifies green buildings across the country.

LEED-ND takes the green certification concept beyond individual buildings and applies it to the neighborhood context. In particular, LEED-ND contains a set of measurable standards that collectively identify whether a development or proposed development of two buildings or more can be deemed environmentally superior, considering the development’s location and access, its internal pattern and design, and its use of green technology and building techniques. These standards include prerequisites (required as a baseline for sustainable neighborhood development) and credits (additional best practice standards for sustainable neighborhood development).

The LEED-ND’s standards may be downloaded in their entirety from the U.S. Green Building Council’s neighborhoods page at: www.usgbc.org/neighborhoods.

LEED-ND was developed primarily for application in situations where private developers pursuing environmentally sound principles would find it in their interest to obtain a green stamp of approval for their projects. But the system is not only a certification system for green projects. It is also a ready-made set of environmental standards for land development. The standards can be useful to anyone interested in better community planning and design, including neighbors, citizens, community organizations and leaders, government officials, and others.

Co-developed by the Natural Resources Defense Council, the Congress for the New Urbanism, and the U.S. Green Building Council, LEED-ND takes a broad approach to neighborhood sustainability, reflecting the most current research and ideas about smart, green, sustainable, and well-designed neighborhoods. When used for formal certification, LEED-ND is rigorous and complex, but the principles behind the system are much simpler. The purpose of this Citizen’s Guide is to make those principles easier to understand and use in a variety of circumstances. We believe the guide can be useful for citizens with a wide variety of interests, including:

- Smart growth and land use planning
- Transportation
- Sustainable design and livable cities
- Environmental advocacy and natural resource protection
- Housing and affordability
- Climate change and action
- Equity and social justice
- Public health
HOW THE GUIDE IS ORGANIZED

You may wish to read the Citizen’s Guide section by section in its entirety, or simply use the Table of Contents to find topics of particular interest.

This introductory section is followed by one called “What is a Sustainable Neighborhood?” that establishes a frame for the three that follow, each illuminating a key concept for neighborhood sustainability, referencing the LEED-ND credits and prerequisites that inform each concept.

These are followed by “How Can LEED-ND Help Improve Your Community?” which provides some creative suggestions to get you started using LEED-ND’s diverse standards in your own community. These suggestions include using LEED-ND to evaluate and improve development proposals, to guide improvements to existing neighborhoods, to inform community planning and zoning, and other policy-making.

Following this are supplementary materials, including a “Sustainable Neighborhood Development Checklist.” The checklist is a sort of “crib sheet” for every LEED-ND credit and prerequisite, presenting them in an easy-to-use format for evaluating development proposals, assessing existing neighborhoods, and informing community planning and policy. It is organized by topic, so you can use it in its entirety or just to evaluate certain topics. The checklist includes an optional scoring exercise so you can calculate what the LEED-ND score would for the project you are assessing. It is also a great source for nationally-tested standards or numerical thresholds to incorporate into design guidelines, planning policy, or other work you are doing.

Finally, the supplementary materials include a summary of the LEED-ND Rating System, and a summary of the basics of formal LEED and LEED-ND certification procedures.
What is a Sustainable Neighborhood?

LEED-ND was designed to reflect the key aspects of neighborhood sustainability. Understanding these concepts and their relationship to each other can provide citizens with guidance and technical prowess as they work in their own neighborhoods and communities.

This section of the guide provides a snapshot of neighborhood sustainability by summarizing the key strategies of the LEED-ND Rating System, which is organized into three basic sections:

- **Smart Location and Linkage (SLL)**—where to build
- **Neighborhood Pattern and Design (NPD)**—what to build
- **Green Infrastructure and Buildings (GIB)**—how to manage environmental impacts

**WHAT IS A NEIGHBORHOOD?**

LEED-ND applies to neighborhoods and parts of neighborhoods. But a neighborhood is more than territory within a boundary drawn on a map. At best, it is a place with its own unique character and function, where people can live, work, shop, and interact with their neighbors. The most sustainable neighborhoods tend to exhibit high levels of walkability, a sense of place, social cohesion and stability, and neighborhood resiliency amidst changing economic and sociopolitical conditions. As summarized by architects Andres Duany and Elizabeth Plater-Zyberk, good traditional neighborhoods include:

- A discernible center
- Housing within a five minute walk of the center
- A variety of dwelling types
- A variety of stores and commercial activity
- Flexible backyard “ancillary” buildings for working or living
- A school within walking distance
- Playgrounds near all dwellings
- Connected streets
- Narrow, shaded streets conducive to pedestrians and cyclists
- Buildings close to the street at a pedestrian scale
- Parking or garages placed behind buildings and away from street frontages
- Prominent civic and public buildings
- A community decision process for maintenance, security, and neighborhood development
Smart Location and Linkage: Where to Build

LEED-ND can be used to help you discern whether a proposed development—or even an existing neighborhood, plan, or policy—rates as a good one when compared to environmental and community criteria. When making this determination, the first question to ask may be the most basic of all: Is this a good place to build something? LEED-ND encourages strategies that conserve resources such as reinvesting within existing neighborhoods, cleaning up contaminated sites, protecting natural areas, and facilitating connections to the surrounding community.

**SMART LOCATIONS**

Selecting and planning for the location of development is fundamental to environmental sustainability and, according to research, the most important determinant of how much residents will drive. Even if a building or larger development uses green construction techniques, a poor location that destroys natural areas, requires people to drive long distances, or exposes people to toxic substances will likely overshadow the benefits of green construction. Building on, or “redeveloping,” previously developed sites (where there has been previous construction or paving) and “infill” sites (which are surrounded or mostly surrounded by previously developed land) is a key smart growth strategy. As a result, it is strongly rewarded in the LEED-ND rating system. Building in these locations uses land efficiently and preserves open space, ecological areas, and agricultural land around cities. It also tends to cluster housing, jobs, stores, and public spaces together. When these conveniences are within easy reach, it makes public transit, cycling, and walking more feasible and reduces the length of car trips.

LEED-ND also rewards cleaning up and redeveloping contaminated sites—or “brownfields”—such as old gas stations, industrial facilities, storage facilities for toxic substances, or contaminated military sites. Though many brownfield sites qualify as smart locations—being infill, transit-served and walkable—they often lie vacant unless there are incentives for cleanup, which can be complicated, unpredictable, and expensive.

**DESIGN WITH NATURE**

Locating development in a way that is sensitive to its natural setting is an important aspect of protecting local environmental quality. This is particularly important for habitat areas, wetlands and water bodies, prime agricultural land, and floodplains. As a result, several LEED-ND prerequisites prohibit or strictly limit development in these types of natural areas.

Other important strategies include restoring and conserving habitat areas and wetlands, minimizing on-site construction impacts, and protecting steep slopes from erosion that can pose safety risks and pollute downstream lakes and rivers. Infill and previously developed sites are much less likely to contain valuable biological resources like farmland, wetlands, and plant and wildlife habitat.
Good connections for pedestrians, cyclists, and vehicles—both within a neighborhood and to surrounding areas—are essential for a neighborhood to capitalize on a smart location. This means frequent street connections and pathways to surrounding areas, a high degree of internal connectivity, and few barriers—such as cul-de-sacs or difficult-to-cross streets—to adjacent areas and uses. Research shows that walking and physical fitness increase with greater street connectivity, measured by the number of intersections per square mile.²

Curving, suburban-style streets with long blocks and multiple dead-ends, on the other hand, require long, circuitous walking or driving routes to nearby destinations, reducing walking. Street connectivity is an important cross-cutting strategy for neighborhood sustainability since it also improves access to parks, schools, transit, businesses, jobs, and shopping—all rewarded in LEED-ND.
PUBLIC TRANSIT

Locating housing and jobs in compact clusters near public transit, widely referred to as “transit-oriented development,” increases the likelihood that people will take transit or walk rather than drive. In the United States, most vehicle miles traveled VMT are by single-occupancy vehicles, which generate more greenhouse gas emissions and pollution per mile than car sharing, carpooling, walking, cycling, and most forms of public transit. Transit-oriented development reduces greenhouse gas emissions, provides riders necessary to support transit systems, offers an alternative to automobile use, reduces demand for parking, and captures many of the other benefits of infill development. In addition to locating near transit service, providing comfortable shelters, benches, lighting, and schedule information at transit stops can encourage transit use. And even when residents of transit-oriented housing do drive, their central location means their trips are often shorter.
Neighborhood Pattern and Design: What to Build

Once planners or developers have decided where to build, it has to decide what to build. Should there be homes? Shops? Parks? Which activities will the neighborhood be designed for? What will it look like, and how will it feel to walk through? The Neighborhood Pattern and Design section of LEED-ND addresses some of these topics. It encourages strategies like walkable streets, diverse and compact neighborhoods, high-quality public spaces, reduced dependence on automobiles, and community participation in design.

**NEIGHBORHOODS THAT USE LAND EFFICIENTLY**

Neighborhoods that make efficient use of land help limit the spread of suburban sprawl, which consumes and fragments the rural landscape along with watersheds, wildlife habitat, and prime farmland.

In addition, more efficient neighborhood design means that destinations like schools, shops, and parks can be closer together, making walking and cycling more efficient. Public transit systems are also more likely to be successful in compact neighborhoods because there are more potential riders near each station and, even...
when people do drive, they tend to drive less. Finally, compact development requires less infrastructure—such as water, sewer, and electricity facilities—to serve the same number of people, saving economic resources. Because of its underlying benefits, compact neighborhood design is assigned a high number of points in the LEED-ND rating system. A neighborhood’s level of compactness is also known as its “density.”

**DIVERSE AND CONVENIENT NEIGHBORHOODS**

Though it is still considered best practice to separate polluting or heavy industrial land uses from others, there are a number of benefits to mixing residential, commercial, and live-work land uses. The diverse uses of **blended neighborhoods** tend to support each other and reinforce a sense of neighborhood character, while decreasing the need to travel long distances for goods, services, or work. Uses can be mixed within the same neighborhood—such as when homes are located next to a corner store—or even within the same building—such as live-work spaces or ground-level shops with housing or office space above them.

In addition, a neighborhood with a wide range of housing types and sizes—such as large and small townhouses, duplexes, single-family homes, apartment buildings, or special needs housing—can support a diverse population that includes students, families, seniors, group housing, young singles, or couples. This mix reinforces neighborhood stability by allowing people to stay in the same community throughout different stages of their lives. It can also add a sense of texture and character to a place, encouraging social and economic diversity, along with multiple levels of affordability. When housing is available at affordability range of prices, people who earn less but are vital parts of any community—such as teachers, police officers and public sector employees, or artists—can live and work in the same community as those with higher incomes. This encourages economic opportunity and social diversity, and can sometimes reduce commute times by allowing people to live closer to work.

LEED-ND rewards neighborhoods that are **designed for a variety of ages and abilities**. Key techniques include designing some housing to have “stepless” entrances and other accessible features, making public portions of buildings universally accessible, and including wheelchair access at traffic intersections and between buildings.
A Citizen’s Guide to LEED for Neighborhood Development

**WALKABLE STREETS**
Walking has cross-cutting benefits for public health, environmental sustainability, and neighborhood vitality, and further unlocks the advantages of neighborhoods with smart locations, a mix of uses, and compact development. A number of features working together can ensure that a street is **comfortable, safe, and inviting for pedestrians**. These include a connected pedestrian network and elements of high-quality urban design.

Too many poorly designed neighborhoods are uninviting to pedestrians. For example, buildings that are set far back from the street, are separated from the sidewalk by large parking lots, or are too low in comparison to the width of streets often lack a sense of place or undermine pedestrian comfort. Excessive blank walls, a lack of frequent building entrances onto public space, shuttered or infrequent windows, and unattractive building facades can also deteriorate the pedestrian environment. Frequent garage doors and driveway intrusions across the sidewalk can further diminish the pedestrian experience.

By contrast, streets designed for walkability include building entrances that are easy to reach from the sidewalk and include doorways and window displays that create a sense of interest and architectural diversity along the path. Frequent, well-established street trees can make pedestrians more comfortable by providing shade and contact with nature. Continuous sidewalks, low-speed traffic, and on-street parking that provides a buffer between the sidewalk and the street can also increase pedestrian comfort and safety.

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**REDUCED PARKING AND TRANSPORTATION DEMAND**
Large surface **parking lots** discourage pedestrian access from sidewalks and other nearby buildings, especially when they are located between sidewalks and buildings.

Parking lots also diminish the quality of nearby public spaces like parks, plazas, or sidewalks. The pavement used to construct parking lots also leads to more polluted stormwater runoff after rainstorms. LEED-ND calls for all off-street parking not to exceed a maximum size and to be located to the side or rear of or underneath buildings.

In addition, parking and building design, and operation all affect how much people drive. Strategies like an on-site vehicle sharing program, providing shuttle service to jobs or transit, providing transit passes to project occupants, or selling parking spots separately from dwelling units can all **reduce the need for car ownership**. Other strategies that can reduce how many trips people take include ride sharing, flexible working hours, pedestrian and bicycle promotion, and reduced amounts of parking.
MIXED USES AND COMMUNITY SPACES

In the same way that a mixed-use environment creates a sustainable and diverse neighborhood by integrating both residential and commercial uses into one building or neighborhood, they also place a variety of shops, services, and amenities within walking distance of neighborhood residents and each other. This reduces car trips and facilitates walking, which contributes to health and fitness. A sustainable neighborhood also offers public facilities and services for residents and visitors in various stages of life. These can include schools, libraries, civic buildings, community centers, places of worship, recreation facilities, and community gardens. Amenities like these are critical to meeting a community’s cultural, social, spiritual, and physical needs.

BICYCLE-FRIENDLY DESIGN

Cycling is an efficient mode of transportation without the negative environmental effects or high installation costs of many other modes. It can improve public health by providing regular physical activity. Like pedestrian facilities, successful bicycle facilities should be arranged in a connected network, providing safe, comfortable, and well-maintained access to a variety of destinations while decreasing conflicts with cars and transit vehicles. To be credited in LEED-ND, a bicycle network must consist of continuous off-street paths (Class I bikeways), on-street lanes (Class II bikeways), or bicycle-friendly low-speed streets. Sufficient, secure, and well-placed bicycle parking for visitors and for building occupants also encourages cycling. Compared to car parking, bike parking requires very little space: just one off-street car parking spot usually takes up about same amount of space as 10 to 12 bicycle parking spots.
Parks, open spaces, gardens, and ecological areas are particularly important for urban environments where green space and places of refuge can be in short supply. Proximity to parks is often associated with increased physical activity, more social interaction, and reduced stress. Likewise, physical and economic access to sources of healthy food such as community gardens, farmer’s markets, full-service grocery stores, or other sources of fruit and vegetables is associated with higher intakes of health foods and reduced risk of chronic diseases.

Community members involved in planning for a neighborhood’s future are often more likely to invest in it, care for it, and maintain it. This sort of personal investment supports a neighborhood’s long-term stability and sustainability. If new development or other major changes are proposed in a neighborhood, basic facets of community involvement should include meetings with surrounding property owners, residents, and businesses; modifying project designs to meet stated community needs; and maintaining open lines of communication throughout the project. A more advanced technique is the multi-day “charrette,” which is an intense period (anywhere from a few hours to a few days) of design activity involving design professionals and local stakeholders working in close collaboration.
Green Infrastructure and Buildings: How to Manage Environmental Impacts

Even if your neighborhood has a great location and layout, it won’t have excellent environmental performance without thoughtful and innovative green design. This includes strategies like incorporating energy and water efficiency, reusing older buildings, recycling materials, reducing stormwater runoff, and eliminating pollution sources.

**GREEN BUILDINGS**

“Green buildings” emphasize environmental excellence and sensitivity in their design, incorporating strategies like energy and water efficiency, high indoor air quality, and sustainably sourced (or recycled) materials. LEED-ND contains prerequisites and credits for energy efficiency, water efficiency, and certified green buildings—underscoring their foundational role for a sustainable neighborhood.

In addition to water efficiency inside buildings, **water used outside buildings** for landscaping and street trees determines a neighborhood’s overall water use. Planting native species is preferable as they are less disruptive to natural ecosystems; in arid climates they tend to be drought-tolerant and require less irrigation. For plants that require irrigation, using efficient irrigation equipment, capturing rainwater, or recycling wastewater can reduce overall water consumption.

**REUSING OLDER BUILDINGS**

Reusing as much of a building as possible—whether it be the entire building, the building shell, or just salvageable components of the building—is a fundamental green building strategy rewarded in most LEED rating systems, including LEED-ND. In
addition to eliminating waste and reducing the energy and resources needed to produce building material, reusing or adapting buildings reinforces a neighborhood’s existing character. Neighborhood landmarks and historic or architecturally significant buildings are particularly valuable because they can provide visible public gathering places and generate interest and investment in a neighborhood.

REDUCING POLLUTION
A neighborhood’s design and manner of construction influences the amount of air and water pollution it generates. Preventing pollution during construction is considered so essential to good building practice that it is a prerequisite in LEED-ND (GIB Prerequisite 4: Construction Activity Pollution Prevention). It is also often required to some extent by federal, state, or local regulation. The main goals are to prevent (1) on-site wind and water erosion, (2) air and dust pollution, and (3) pollution or sedimentation—excessive sand and gravel—in downstream creeks, rivers, and lakes.

Contaminated stormwater is one of the largest sources of water pollution in the United States, but neighborhoods can reduce stormwater pollution by keeping as much runoff as possible from flowing off the site. This reduces erosion, pollution, and flooding of downstream water bodies by naturally filtering and reabsorbing stormwater runoff. It can also help recharge natural aquifers below the neighborhood. Green stormwater retention techniques include use of street-side “swales” (low-lying, and often marshy areas), water-pervious paving materials, stormwater retention basins, green roofs, open green space, and landscaping, all of which can facilitate stormwater capture, absorption by trees and plants, or reuse.

Light pollution occurs when bright lighting or glare negatively affects neighboring homes, public spaces, and natural areas. Light pollution can disturb nearby wildlife movement and life cycles, decrease a neighborhood’s livability, and limit views of the night sky. For human health, light pollution has been
linked to disruptions in natural circadian rhythms and depressed immune function. Important strategies for reducing light pollution include directing artificial light downward instead of upward and outward, and using more frequently spaced, lower intensity lights instead of only a few very bright lights. Another basic strategy is for non-essential lighting to automatically turn off when not needed.

**KEEPING THINGS COOL**

"Heat islands" are localized areas, usually within cities, where the ambient temperature is significantly warmer than the natural environment or surrounding areas. Unshaded pavement, dark-colored rooftops, and other building and infrastructure surfaces that absorb and then radiate heat from the sun can all contribute to creating heat islands. A study by the Local Government Commission found wide streets without a tree canopy to be 10 degrees warmer on hot days than nearby narrow, shaded streets. In addition to creating discomfort for pedestrians and health risks for vulnerable populations and manual laborers, heat islands can also create difficult growing conditions for plants and increase irrigation demand. Proven techniques to counteract heat island effects include tree planting, smaller and narrower streets and parking lots, light-colored solar-reflective roofing (which also reduces demand for air conditioning), vegetated roofs or other landscaping, open-grid and solar-reflective paving, and covering parking with solar-reflective roofing.

**NEIGHBORHOOD-WIDE ENERGY EFFICIENCY**

An energy-efficient building is good. An entire neighborhood that is energy-efficient is better. The initial layout and orientation of a neighborhood can affect its ability to use solar energy both actively (such as for photovoltaic cells) and passively (such as for natural lighting or direct solar heating through windows and walls). In the United States, sunlight from the south is stronger and more consistent than sunlight from other directions, while northern light can provide a consistent, glare-free source of interior daylighting. For this reason, it is ideal when neighborhood blocks (or lower density buildings) can maximize their northern and southern exposure.

Similarly, installing renewable energy sources and distribution systems at a neighborhood scale, which serves multiple buildings or homes, is often more cost- and energy-efficient than installing them building-by-building. Examples include geothermal wells, photovoltaic (solar) or wind-powered electrical systems, combined heat and power plants using biofuels, hydroelectric power, and wave or tidal power. Heating and cooling multiple buildings through a centralized system requires less infrastructure and capacity per individual building. This is true whether it harnesses renewable sources, conventional boilers and air-conditioning systems, or heat that is a by-product of industrial processes. Installing either shared...
renewable energy sources or shared heating and cooling usually requires close collaboration between multiple buildings landowners.

Energy-efficient streetlights, traffic lights, park lights, water pumps, and sewer systems can also significantly reduce a neighborhood’s total level of energy consumption. Common examples of energy-efficient infrastructure include light-emitting diode (LED) technology for traffic and other lights, efficient or adjustable-power water pumps, or solar-powered lights.

**REUSE AND RECYCLING**

Reusing and recycling materials preserves natural resources while reducing waste and energy used in industrial manufacturing. There are often opportunities to use recycled material for new infrastructure—including streets, sidewalks, or water piping. Commonly available types of materials include reused cement or asphalt, rubberized asphalt incorporating scrap tires, refabricated metal for piping, or industrial byproducts such as coal fly ash mixed into concrete. LEED-ND also encourages recycling and reusing construction debris and rewards neighborhood design that facilitates pick-up services or drop-off points for household composting, recycling, and hazardous waste disposal.

**Reusing wastewater** from buildings reduces overall water use, demands on public infrastructure, energy use, and chemical inputs from conventional wastewater treatment. Wastewater reuse can range from relatively simple graywater systems that harness non-sewer wastewater for irrigation, to complex constructed wetlands or biological wastewater systems that completely treat all forms of wastewater onsite.
Exhibit D
4.8 GREENHOUSE GAS EMISSIONS

This section evaluates the greenhouse gas emissions (GHG) impacts of the proposed Plan. The information presented was compiled from multiple sources, including the Energy Policy Initiatives Center (EPIC) at the University of San Diego School of Law. A related topic, the impacts of increasing GHG emissions on global climate change, is discussed in Appendix F of the EIR.

4.8.1 EXISTING CONDITIONS

California law defines GHGs as any of the following compounds: CO$_2$, CH$_4$, N$_2$O, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF$_6$) (H&SC Section 38505(g)). CO$_2$, followed by CH$_4$ and N$_2$O, is the most common GHG. Atmospheric concentrations of GHGs have been increasing since measurements began in the 1970s. As of 2014, globally averaged annual mean concentration of atmospheric CO$_2$ is approximately 397 parts per million (ppm), CH$_4$ is approximately 1840 parts per billion (ppb), and N$_2$O is approximately 327 ppb (NOAA 2015).

Global warming potential (GWP) is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas; the GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere (“atmospheric lifetime”). The GWP of each gas is measured relative to CO$_2$, the most abundant GHG. GHGs with lower emissions rates than CO$_2$ may still contribute to climate change because they are more effective at absorbing outgoing infrared radiation than CO$_2$. When accounting for GHGs, emissions are expressed in terms of CO$_2$ equivalents (CO$_2$e). The concept of CO$_2$e is used to account for the different GWP of GHGs to absorb infrared radiation. The reference gas for GWP is CO$_2$; therefore, CO$_2$ has a GWP of 1. The other main GHGs that have been attributed to human activity include CH$_4$, which has a GWP of 21, and N$_2$O, which has a GWP of 310.

Sources of CO$_2$ include combustion of fossil fuels (coal, oil, natural gas, gasoline, and wood). CH$_4$ is the main component of natural gas and also arises naturally from anaerobic decay of organic matter. Sources of N$_2$O include combustion of fossil fuels and industrial processes such as nylon production and production of nitric acid. Other GHGs are present in trace amounts in the atmosphere and are generated from various industrial or other uses.

4.8.1.1 EXISTING GHG EMISSIONS

Global GHG Emissions

The World Resources Institute (WRI 2014) estimated that worldwide emissions in 2011 were 43.8 billion metric tons (MT) CO$_2$e, of which the United States contributed the greatest percentage after China. Table 4.8-1 shows the top 10 emitters by country, which contribute 63 percent of global emissions. When accounting for GHGs, emissions are typically quantified in MT or millions of metric tons (MMT) and are shown as MMT CO$_2$e.
### Top 10 GHG-Emitting Countries, 2011

<table>
<thead>
<tr>
<th>Country or Area</th>
<th>MMT CO₂e in 2011¹</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td>10,552</td>
<td>24</td>
</tr>
<tr>
<td>United States</td>
<td>6,550</td>
<td>15</td>
</tr>
<tr>
<td>India</td>
<td>2,486</td>
<td>6</td>
</tr>
<tr>
<td>Russia</td>
<td>2,374</td>
<td>5</td>
</tr>
<tr>
<td>Japan</td>
<td>1,307</td>
<td>3</td>
</tr>
<tr>
<td>Brazil</td>
<td>1,131</td>
<td>3</td>
</tr>
<tr>
<td>Germany</td>
<td>883</td>
<td>2</td>
</tr>
<tr>
<td>Indonesia</td>
<td>835</td>
<td>2</td>
</tr>
<tr>
<td>Canada</td>
<td>716</td>
<td>2</td>
</tr>
<tr>
<td>Iran</td>
<td>716</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: WRI 2014

### California GHG Emissions

In 2012, California accounted for approximately seven percent of U.S. emissions. The State of California GHG Inventory, prepared by ARB, identified and quantified statewide GHG emissions. The inventory includes estimates for CO₂, CH₄, N₂O, SF₆, HFCs, and PFCs, and is summarized in Table 4.8-2 (ARB 2014a). The inventory is divided into eight broad categories of emissions: Agriculture, Commercial, Electricity Generation, Industrial, Residential, Transportation, Recycling and Waste, and High GWP Gases. Transportation was the sector with the largest percentage of GHG emissions (36 percent), followed by electricity generation (21 percent), and industrial sources (19 percent). The remaining sectors each accounted for less than 10 percent of overall emissions.

### State of California Greenhouse Gas Emissions by Sector - 2012

<table>
<thead>
<tr>
<th>Sector</th>
<th>Total 2012 Emissions (MMTCO₂e)</th>
<th>Percent of Total 2012 Emissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Forestry</td>
<td>37.86</td>
<td>8%</td>
</tr>
<tr>
<td>Commercial</td>
<td>14.20</td>
<td>3%</td>
</tr>
<tr>
<td>Electricity Generation</td>
<td>95.09</td>
<td>21%</td>
</tr>
<tr>
<td>Industrial</td>
<td>89.16</td>
<td>19%</td>
</tr>
<tr>
<td>Residential</td>
<td>28.09</td>
<td>6%</td>
</tr>
<tr>
<td>Transportation</td>
<td>167.38</td>
<td>36%</td>
</tr>
<tr>
<td>Recycling and Waste</td>
<td>8.49</td>
<td>2%</td>
</tr>
<tr>
<td>High GWP Gases</td>
<td>18.41</td>
<td>4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>458.68</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: ARB 2014a

### San Diego Region GHG Emissions

Regional GHG emissions for existing conditions (2012) are calculated based on the current GHG inventory. The inventory is based on existing sources and activity within the region. GHG emissions are divided into 16 categories. Calculations and assumptions are described in Appendix G-1 to the EIR. Total GHG emissions in the San Diego region as of 2012 are over about 35 MMT CO₂e as shown in Table 4.8-3.
Table 4.8-3
Total Greenhouse Gas Emissions in the San Diego Region, 2012

<table>
<thead>
<tr>
<th>Sector</th>
<th>Annual Emissions (MMT\textsubscript{CO}_2e)</th>
<th>Percentage of Annual Emissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Road Transportation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Passenger Cars &amp; Light Duty Vehicles</td>
<td>15.76</td>
<td>43.7%</td>
</tr>
<tr>
<td>Electricity</td>
<td>7.97</td>
<td>22.6%</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>2.84</td>
<td>7.9%</td>
</tr>
<tr>
<td>Heavy Duty Trucks &amp; Vehicles</td>
<td>1.89</td>
<td>5.4%</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>1.75</td>
<td>4.8%</td>
</tr>
<tr>
<td>Other Fuels</td>
<td>1.64</td>
<td>4.6%</td>
</tr>
<tr>
<td>Industrial</td>
<td>1.43</td>
<td>4.1%</td>
</tr>
<tr>
<td>Aviation</td>
<td>1.37</td>
<td>3.9%</td>
</tr>
<tr>
<td>Off-Road Equipment and Vehicles</td>
<td>0.92</td>
<td>2.6%</td>
</tr>
<tr>
<td>Wildfire</td>
<td>0.81</td>
<td>2.3%</td>
</tr>
<tr>
<td>Other – Thermal Cogeneration</td>
<td>0.64</td>
<td>1.8%</td>
</tr>
<tr>
<td>Water Supply and Conveyance</td>
<td>0.52</td>
<td>1.5%</td>
</tr>
<tr>
<td>Wastewater</td>
<td>0.16</td>
<td>0.5%</td>
</tr>
<tr>
<td>Rail</td>
<td>0.11</td>
<td>0.3%</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.08</td>
<td>0.2%</td>
</tr>
<tr>
<td>Marine Vessels (excluding pleasure craft)</td>
<td>0.05</td>
<td>0.1%</td>
</tr>
<tr>
<td>Development + Sequestration</td>
<td>-0.65</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>35.434.7</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: Appendix G-1 to the EIR.
Note:
The revised numbers in this table reflect the minor modifications to the project description and the new version of EMFAC\textsuperscript{2014} (v1.0.7) released by ARB in May 2015. On-road GHG emissions in the Draft EIR were calculated using EMFAC\textsuperscript{2014} (v1.0.1).

4.8.1.2 CLIMATE CHANGE

A related topic, the impacts of increasing GHG emissions on climate change, is discussed in Appendix F to the EIR. As discussed in Appendix F, during the timeframe of the proposed Plan, climate change effects likely to exacerbate the proposed Plan’s impacts on selected resource areas include, but are not limited to:

- Higher annual average temperature
- More days of extreme high temperatures
- Longer and more humid heat waves
- More intense and frequent drought
- Increased evaporation from soil, surface waters
- More frequent, severe wildfires
- Sea level rise
- Less frequent, more intense rainstorms, more frequent watershed flood events
- More frequent and severe coastal flooding
- Spreading of pests and vector-borne diseases

In general, the effects listed above would increase between 2020 and 2050.
4.8 Greenhouse Gas Emissions

4.8.2 REGULATORY SETTING

4.8.2.1 FEDERAL LAWS, REGULATIONS, PLANS, AND POLICIES

Energy Policy and Conservation Action of 1975 and Corporate Average Fuel Standards


Compliance with federal fuel economy standards is determined through the Corporate Average Fuel Economy (CAFE) program on the basis of each manufacturer’s average fuel economy for the portion of its vehicles produced for sale in the United States.

On April 1, 2010, USDOT and USEPA established new federal rules that set the first-ever national GHG emissions standards and significantly increased the fuel economy of all new passenger cars and light trucks sold in the United States. The standards set a requirement to meet an average fuel economy of 34.1 miles per gallon by 2016. In August 2012, the federal government adopted the second rule that increases fuel economy for the fleet of passenger cars, light-duty trucks, and medium-duty passenger vehicles for model years 2017 to 2025 to average fuel economy of 54.5 miles per gallon by 2025. Because NHTSA cannot set standards beyond model year 2021 due to statutory obligations and the rules’ long timeframe, a mid-term evaluation is included in the rule. Standards for model years 2022 through 2025 have not been formally adopted by NHTSA. In August 2011, NHTSA and USEPA released medium- and heavy-duty vehicle standards for model years 2014 to 2018. Tighter standards for these vehicles for model years after 2018 are expected to be developed and issued by March 2016.


The Energy Policy Act of 1992 (40 USC Section 13201 [1992]) (EPAct) was passed to reduce the country’s dependence on foreign petroleum and improve air quality. EPAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. EPAct requires certain government and private fleets to purchase light-duty AFVs. Federal tax deductions were created for businesses and individuals to cover the incremental cost of AFVs. EPAct also established the Clean Cities Program. The primary goal of the Program is to cut petroleum use in the United States by 2.5 billion gallons per year by 2020 with the following three strategies:

- Replace petroleum with alternative and renewable fuels,
- Reduce petroleum consumption through smarter driving practices and fuel economy improvements, and
- Eliminate petroleum use through idle reduction and other fuel-saving technologies and practices.

As part of the federal Clean Cities Program, the San Diego Regional Clean Cities Coalition works with vehicle fleets, fuel providers, community leaders, and other stakeholders to reduce petroleum use in transportation in the San Diego region (San Diego Regional Clean Cities Coalition 2014).
Energy Policy Act of 2005

The EPAct of 2005 (42 USC Section 15801 [2005]) includes several requirements that support the use of alternatively fueled vehicles, including requirements for federal fleets and expansion of compliance options under EPAct 1992 by allowing fleets to choose a petroleum reduction path that achieves petroleum reductions equivalent to AFVs running on alternative fuels 100 percent of the time. The EPAct of 2005 funds research programs for AFVs and provides tax incentives for purchase of AFVs. It also provides for renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for a clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.


The Energy Independence and Security Act of 2007 (EISA) (42 USC Section 17381 [2007]) includes provisions to increase the supply of renewable alternative fuel sources by setting a mandatory Renewable Fuel Standard, which requires transportation fuel sold in the United States to contain a minimum of 36 billion gallons of renewable fuels annually by 2022. EISA includes grant programs to encourage the development of cellulosic biofuels, plug-in hybrid electric vehicles, and other emerging electric vehicle technologies. EISA codifies into law the energy reduction goals for federal agencies put forth in Executive Order 13423 (USEPA 2007), and creates new requirements related to Corporate Average Fuel Economy Standards, the Renewable Fuel Standard, and efficiency standards for lighting and appliances. The law is projected to reduce GHG emissions by 9 percent from 2005 levels by 2030 (DOE 2014).

Clean Air Act

USEPA began regulating GHGs under the Clean Air Act (CAA) (42 USC Section 7401 et seq. [1970]) in 2011. USEPA’s GHG regulations include regulations governing transportation and mobile sources, renewable fuels, carbon pollution standards for existing power plants, the GHG tailoring rule governing new and existing industrial facilities, and GHG reporting requirements. Standards for mobile sources have been established pursuant to Section 202 of the CAA, and GHGs from stationary sources are currently controlled under the authority of Part C of Title I of the act.

In 2013, USEPA issued proposed regulations to cut carbon pollution from new power plants. In 2014, USEPA proposed a plan to cut carbon pollution from existing or modified power plants. The proposed rule includes state-specific rate-based goals for CO₂ emissions from the power sector, as well as guidelines for states to follow in developing plans to achieve state-specific carbon reduction goals. Nationwide, by 2030, this rule would achieve CO₂ emission reductions from the power sector of approximately 30 percent from CO₂ emission levels in 2005 (USEPA 2014a). USEPA anticipates issuing a final rule on existing power plants and carbon pollution standards for new, modified, and reconstructed power plants by the summer of 2015 (USEPA 2015).
Federal Highway Administration/Federal Transit Administration

The Federal Transit Administration (FTA) works with public transportation providers and other key stakeholders to implement strategies that reduce GHG emissions from the transportation sector. FTA provides funding to support public transportation projects and provides technical assistance, research, and policy development on alternative fuels, high fuel efficiency vehicles, climate change mitigation and adaptation in the transportation sector. In cooperation with the FTA, the USEPA has developed information regarding clean passenger vehicles (USEPA 2014b).

The Federal Highway Administration (FHWA) has conducted climate change adaptation and resilience case studies and pilot projects throughout the country to test a climate change vulnerability assessment model. The FHWA conceptual model guided transportation agencies through the process of collecting and integrating climate and asset data in order to identify critical vulnerabilities. FHWA used the pilot projects to adopt its Climate Change & Extreme Weather Vulnerability Assessment Framework (FHWA 2015a). FHWA has also conducted a number of case studies to assess various climate adaptation strategies, including the Flood Levee System Improvements study in Washington, DC (FHWA 2015b); the Surfers Point Managed Shoreline Retreat Project in Ventura, California (FHWA 2015c); and Climate Change Adaptation Strategies for the New York State Department of Transportation (Columbia University Earth Institute 2011).

Executive Order 13514

On October 5, 2009, the President signed Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (3 CFR 13514). The Executive Order set sustainability goals for federal agencies and focuses on making improvements in their environmental, energy, and economic performance. The Executive Order required federal agencies to submit a 2020 GHG pollution reduction target within 90 days, and to increase energy efficiency, reduce fleet petroleum consumption, conserve water, reduce waste, support sustainable communities, and leverage federal purchasing power to promote environmentally responsible products and technologies.

The Executive Order requires agencies to measure, manage, and reduce GHG emissions toward agency-defined targets. It describes a process by which agency goals will be set and reported to the President by the Chair of Council on Environmental Quality (CEQ). The Executive Order requires agencies to meet a number of energy, water, and waste reduction targets, including:

- 30 percent reduction in vehicle fleet petroleum use by 2020;
- 26 percent improvement in water efficiency by 2020;
- 50 percent recycling and waste diversion by 2015;
- 95 percent of all applicable contracts will meet sustainability requirements;
- Implementation of the 2030 net-zero-energy building requirement;
- Implementation of the stormwater provisions of the Energy Independence and Security Act of 2007, section 438; and
- Development of guidance for sustainable federal building locations in alignment with the Livability Principles put forward by the Department of Housing and Urban Development, DOT, and USEPA.
Executive Order 13693

On March 19, 2015, the President signed Executive Order 13693, Planning for Federal Sustainability in the Next Decade. The Executive Order sets a goal of reducing Federal agency GHG emissions by 40 percent over the next decade. The Executive Order sets agency GHG reduction targets and sustainability goals, including:

- Percentage reduction targets must be proposed by each Federal agency, including FHWA, FTA, and FRA, for agency-wide GHG emissions reductions by the end of fiscal year 2025 relative to a fiscal year 2008 baseline.

- Sustainability goals for each Federal agency, including:
  
  - Promoting building energy conservation, efficiency, and management;
  - Requiring the use of renewable and alternative energy for electric and thermal energy in Federal buildings by up to 25 percent by fiscal year 2025;
  - Requiring the use of renewable and alternative energy for total building energy consumption in Federal buildings by up to 30 percent by fiscal year 2025;
  - Improving Federal agency water efficiency and management to reduce water consumption by 36 percent by fiscal year 2025;
  - Improving Federal agency vehicle fleet efficiency and management to reduce GHG emissions by 30 percent by fiscal year 2025;
  - Promoting sustainable acquisition and procurement practices; and
  - Advancing waste prevention and pollution prevention by diverting at least 50 percent of non-hazardous solid waste.

Off-road Vehicle and Equipment Regulations

Federal regulations that govern off-road vehicles such as locomotives, heavy equipment, etc. are discussed in Section 4.3, Air Quality. These regulations would also result in reductions in GHG emissions, and are summarized below.

**Locomotive Engine Emission Standards**: USEPA has adopted locomotive engine exhaust emission standards (40 CFR Part 1033 et seq.) that apply to line haul and switching locomotives with total rated horsepower of 750 kilowatts (1006 horsepower [hp]) or greater. These emission standards apply to hydrocarbons, NOx, particulate matter, and CO, and would also reduce emissions of GHG through requiring more efficient locomotive engines.

**Non-Road Compression-Ignition Engine Emission Standards**: USEPA has also adopted emission standards for compression-ignition engines that apply to engines with a total rated horsepower of 11 hp to engines with a rating greater than 1207 hp (40 CFR Part 89.112; Part 1039.101; Part 1039.102). These emission standards apply to hydrocarbons, NOx, particulate matter, and CO, and would also reduce emissions of GHG through requiring more efficient non-road engines.
4.8.2.2 STATE LAWS, REGULATIONS, PLANS, AND POLICIES

Executive Order S-3-05

Executive Order S-3-05, among other things, established the following GHG emission reduction goals for California: reduction to 2000 levels by 2010; to 1990 levels by 2020; and to 80 percent below 1990 levels by 2050.

Executive Order B-16-12

Executive Order B-16-12 orders State entities under the direction of the Governor including ARB, the Energy Commission, and Public Utilities Commission to support the rapid commercialization of zero emission vehicles. It directs these entities to achieve various benchmarks related to zero emission vehicles, including:

- Infrastructure to support up to one million zero emission vehicles by 2020,
- Widespread use of zero emission vehicles for public transportation and freight transport by 2020,
- Over 1.5 million zero emission vehicles on California roads by 2025,
- Annual displacement of at least 1.5 billion gallons of petroleum fuels by 2025, and

It also sets a state GHG emissions reduction target for the transportation sector of 80 percent below 1990 levels by 2050.

Executive Order B-30-15

Executive Order B-30-15, among other things, establishes a new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 in order to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.

It further orders that all state agencies with jurisdiction over sources of greenhouse gas emissions to implement measures, pursuant to statutory authority, to achieve reductions of greenhouse gas emissions to meet the 2030 and 2050 greenhouse gas emissions reductions targets. It also directs ARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent (MMTCO2e). Finally, it requires the Natural Resources Agency to update the state’s climate adaptation strategy, Safeguarding California, every three years, and to ensure that its provisions are fully implemented.

California Global Warming Solutions Act and Climate Change Scoping Plan

The California Global Warming Solutions Act of 2006, widely known as AB 32 (Assembly Bill 32, Chapter 488, Statutes of 2006), requires ARB to develop and enforce regulations for reporting, verifying, and reducing statewide GHG emissions. The heart of the legislation is the requirement that statewide GHG emissions be reduced to 1990 levels by 2020. The Legislature also intended that the statewide GHG emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020 (Health and Safety Code Section 38551(b)). The law requires ARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions.
4.8 Greenhouse Gas Emissions

AB 32 requires that ARB develop a Climate Change Scoping Plan (Scoping Plan) consisting of the main strategies California will implement to reduce statewide GHG emissions to 1990 levels by 2020. It must be updated every five years. ARB approved the initial Scoping Plan in 2008 (ARB 2008). The Scoping Plan functions as a roadmap for ARB’s plans to achieve GHG reductions in California.

ARB approved the first update to the Scoping Plan in 2014 (ARB 2014b). The update defines ARB’s climate change priorities for the next five years. The update describes progress made to meet the near-term objectives of AB 32 and defines California’s climate change priorities and activities for the next several years. The update concludes that California is on track to meet the 2020 GHG limit and is well positioned to maintain and continue reductions beyond 2020. A support document for the update includes ARB’s estimates for the statewide GHG reductions to be achieved by a number of measures in order reach the AB 32 emissions level by 2020, as summarized in Table 4.8-4. Of the over 55 MMTCO2e in reductions needed to meet the statewide 2020 emissions target, ARB estimates that 3.0 MMTCO2e (5.5 percent) of the reductions will come from statewide implementation of the SB 375 targets (the initial Scoping Plan estimated a 5 MMTCO2e reduction.)

<table>
<thead>
<tr>
<th>Category</th>
<th>2020 (MMTCO2e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 32 Baseline 2020 Forecast Emissions (2020 BAU)</td>
<td>509</td>
</tr>
<tr>
<td>Expected Reductions from Sector-Based Measures</td>
<td>55.2</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td></td>
</tr>
<tr>
<td>Advanced Clean Cars</td>
<td>3.1</td>
</tr>
<tr>
<td>Low Carbon Fuel Standard</td>
<td>15.2</td>
</tr>
<tr>
<td>Regional Targets (SB 375)</td>
<td>3.0</td>
</tr>
<tr>
<td>Tire Pressure Program</td>
<td>0.6</td>
</tr>
<tr>
<td>Ship Electrification</td>
<td>0.2</td>
</tr>
<tr>
<td>Heavy Duty Aerodynamics</td>
<td>0.9</td>
</tr>
<tr>
<td><strong>Electricity and Natural Gas</strong></td>
<td>25.0</td>
</tr>
<tr>
<td>Energy Efficiency and Conservation</td>
<td>12.2</td>
</tr>
<tr>
<td>Solar Hot Water</td>
<td>0.1</td>
</tr>
<tr>
<td>Renewable Electricity Standard (20%-33%)</td>
<td>11.5</td>
</tr>
<tr>
<td>Million Solar Roofs</td>
<td>1.1</td>
</tr>
<tr>
<td><strong>High Global Warming Potential [GWP] Gases</strong></td>
<td>5.4</td>
</tr>
<tr>
<td><strong>Waste</strong></td>
<td>1.8</td>
</tr>
<tr>
<td>Cap-and-Trade Reductions</td>
<td>23.0</td>
</tr>
<tr>
<td>2020 Limit</td>
<td>431</td>
</tr>
</tbody>
</table>

Source: ARB 2014b

The update identifies eight key focus areas comprising the major areas of California’s economy and recommendations for developing additional requirements to meet the 2050 goals expressed in Executive Order S-3-05. The update frames activities and issues facing the State as it develops an integrated framework for achieving both air quality and climate goals in California beyond 2020. While the update discusses setting a mid-term target between 2020 and 2050, it does not recommend any numeric post-2020 targets, nor does it recommend a specific plan or specific actions showing how the state would meet the 2050 Executive Order goal.
Cap-and-Trade Program

ARB adopted its Cap-and-Trade Regulation (17 CCR 95802 et seq.) in 2012 as one of the strategies to achieve the 2020 target established by AB 32. Under cap-and-trade, an overall limit on GHG emissions from capped sectors has been established and facilities subject to the cap are able to trade permits (allowances) to emit GHGs. The cap will decline approximately 3 percent each year beginning in 2013. The first auction of allowances occurred in 2013. ARB estimates reductions from the Cap-and-Trade regulation will amount to 23 MMT CO₂e in 2020 (ARB 2014b).

REGIONAL TRANSPORTATION PLANNING

Senate Bill 375 (Chapter 728, Statutes of 2008)

SB 375 provides for a planning process to coordinate land use planning and RTPs to help California meet the GHG reductions established in AB 32. SB 375 requires RTPs prepared by MPOs, including SANDAG, to incorporate an SCS in their RTPs that demonstrates how the region would achieve GHG emission reduction targets set by ARB.

SB 375 has three major components: (1) using the regional transportation planning process to achieve reductions in GHG emissions from passenger vehicles consistent with AB 32’s goals; (2) offering incentives under CEQA to encourage projects that are consistent with a regional plan that achieves GHG emission reductions; and (3) coordinating the regional housing need allocation process with the regional transportation planning process while maintaining local authority over land use decisions.

On September 23, 2010, ARB adopted regional targets for major MPOs. SANDAG’s current targets are per capita CO₂ emission reductions from passenger vehicles of 7 percent by 2020 and 13 percent by 2035 relative to 2005 levels. SANDAG adopted the 2050 RTP/SCS to comply with SB 375 in 2011. ARB reviewed the adopted RTP/SCS and determined that, if implemented, it would achieve the reduction targets for the San Diego region in compliance with the law. ARB is required to update the SB 375 GHG emissions reduction targets at least every 8 years and is currently working on updates to the targets. As of October 2014, ARB is planning to update the 2035 targets for specified agencies including SANDAG in late 2015, but make these targets effective for their SCSs starting in 2019 (ARB 2014h).

2010 California Transportation Commission RTP Guidelines

The California Transportation Commission is authorized under statute (California Government Code Section 14522) to prescribe areas for analysis and evaluation by regional transportation agencies and guidelines for the preparation of RTPs. The Commission, in consultation with Caltrans and ARB, is also required to maintain guidelines for travel demand models used in the development of RTPs by MPOs.

On April 7, 2010, the Commission adopted revisions to the RTP Guidelines (California Transportation Commission 2010). The 2010 update to the guidelines reflects revisions to address the planning requirements of SB 375 and other planning practices. In addition to addressing SB 375, the guidelines set forth a uniform transportation planning framework throughout the state that identifies state and federal requirements for the development of RTPs. The updated guidelines recognize that the reduction of GHG emissions is a key priority in the transportation planning process.
Caltrans Climate Action Program

In December 2006, the California Department of Transportation Business, Transportation, and Housing Agency issued a Climate Action Program (Caltrans 2010). The goal of the Climate Action Program is to promote clean and energy-efficient transportation, and provide guidance for mainstreaming energy and climate change issues into business operations. The Climate Action Program seeks to reduce GHG emissions from transportation through system improvements, lowered congestion, and utilization of intelligent transportation systems; and also seeks to reduce GHG emissions from land use sources by increasing efficiency of facilities, fleets, and equipment through reduction measures and technology. Caltrans has issued a report summarizing its activities to address climate change in 2013 (Caltrans 2013).

VEHICLE EFFICIENCY AND TRANSPORTATION FUELS

Executive Order S-01-07 (Low Carbon Fuel Standard)

Executive Order S-01-07 (17 CCR 95480 et seq.) requires the state to achieve a 10 percent or greater reduction by 2020 in the average fuel carbon intensity for transportation fuels in California regulated by ARB. ARB identified the Low Carbon Fuel Standard (LCFS) as a discrete early action item under AB 32, and the final ARB resolution (No. 09-31) adopting the LCFS was issued on April 23, 2009. ARB is currently considering amendments to the LCFS and plans to consider re-adoptions of the LCFS in 2015.

California Advanced Clean Cars/Zero Emission Vehicle Program

Assembly Bill (AB) 1493 (Chapter 200, Statutes of 2002), also known as the Pavley regulations, required ARB to adopt regulations by January 1, 2005, that would result in the achievement of the “maximum feasible” reduction in GHG emissions from vehicles used in the state primarily for noncommercial, personal transportation.

In January 2012, ARB approved a new emissions-control program for model years 2017 through 2025. The program combines the control of smog, soot, and global warming gases and requirements for greater numbers of zero-emission vehicles into a single package of standards called Advanced Clean Cars (13 CCR 1962.1 and 1962.2). The Advanced Clean Cars requirements include new GHG standards for model year 2017 to 2025 vehicles. ARB anticipates that the new standards will reduce motor vehicle GHG emissions by 34 percent in 2025 (ARB 2014c).

The Advanced Clean Cars Program also includes the LEV III amendments to the LEV regulations (13 CCR 1900 et seq.), Zero Emission Vehicle Program and the Clean Fuels Outlet Regulation. The Zero Emission Vehicle Program is designed to achieve California’s long-term emission reduction goals by requiring manufacturers to offer for sale specific numbers of the very cleanest cars available. These zero-emission vehicles, which include battery electric, fuel cell, and plug-in hybrid electric vehicles, are just beginning to enter the marketplace. They are expected to be fully commercial by 2020. Most vehicle manufacturers agree that providing a selection of these technologies will be necessary to meet climate goals by 2050 (ARB 2014d). The Clean Fuels Outlet regulation ensures that fuels such as electricity and hydrogen are available to meet the fueling needs of the new advanced technology vehicles as they come to market.
**Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Regulation**

The Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Regulation (17 CCR Sections 95300 et seq.) reduces GHG emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. Fuel efficiency is improved through improvements in tractor and trailer aerodynamics and the use of low rolling resistance tires. ARB expects the regulation to reduce statewide GHG emissions by approximately 0.7 million metric tons CO2e by 2020. The tractors and trailers subject to this regulation must use U.S. Environmental Protection Agency SmartWaySM certified tractors and trailers, or retrofit their existing fleet with SmartWay verified technologies.

**Tire Pressure Regulation**

On September 1, 2010, the Tire Pressure Regulation (17 CCR Section 95550) took effect. The purpose of this regulation is to reduce GHG emissions from vehicles operating with under inflated tires by inflating them to the recommended tire pressure rating. The regulation applies to vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less.

**ENERGY USE AND GENERATION**

**Renewable Portfolio Standard**

California law (SB X1-2, Statutes of 2011) requires retail suppliers of electricity to procure at least 33 percent of annual retail sales from eligible renewable energy sources by 2020.

**Title 24 Energy Standards**

Energy Conservation Standards for new residential and nonresidential buildings were first adopted by the CEC in June 1977 and were most recently revised in 2013 (Title 24, Part 6 of the California Code of Regulations [Title 24]). Title 24 governs energy consumed by commercial and residential buildings in California. This includes the heating, ventilation, and air conditioning (HVAC) system; water heating; and some fixed lighting. Nonbuilding energy use, or “plug-in” energy use, is not covered by Title 24. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. California's Building Energy Efficiency Standards are updated on an approximate 3-year cycle. The most recent update was in 2013. The 2013 Title 24 standards went into effect July 1, 2014, and improve on the 2008 Title 24 standards. The CEC estimates that the 2013 Standards are 25 percent more energy-efficient than the previous standards for residential construction and 30 percent more efficient for nonresidential construction (CEC 2014a, 2014b).

**Appliance Efficiency Regulations**

California’s 2009 Appliance Efficiency Regulations (20 CCR 1601–1608) were adopted by the CEC on December 3, 2008, and approved by the California Office of Administrative Law on July 10, 2009. The regulations include standards for both federally regulated appliances and nonfederally regulated appliances.
Green Building Standards

The 2013 California Green Building Standards Code (24 CCR Part 11 [CALGREEN]) took effect January 1, 2014. These comprehensive regulations will achieve major reductions in GHG emissions, energy consumption, and water use. CALGREEN will require that every new building constructed in California reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low-pollutant-emitting materials. They also require separate water meters for nonresidential buildings' indoor and outdoor water use, with a requirement for moisture-sensing irrigation systems for larger landscape projects and mandatory inspections of energy systems (e.g., heat furnace, air conditioner, and mechanical equipment) for nonresidential buildings larger than 10,000 square feet to ensure that all are working at their maximum capacity and according to their design efficiencies. ARB estimates that the mandatory provisions will reduce GHG emissions from buildings by approximately 3 MMT CO₂e in 2020 in comparison with GHG emissions without implementation of the Green Building Standards (ARB 2014e).

Energy Efficiency in Existing Buildings

Assembly Bill 758 (Chapter 470, Statutes of 2009) requires the CEC to develop and implement a comprehensive energy efficiency plan for all of California’s existing buildings. In 2015, the CEC released the Draft Existing Buildings Energy Efficiency Action Plan, which provides a ten-year blueprint for reducing energy consumption in all existing buildings in the single-family, multi-family, commercial and public buildings sectors. The goal of the plan is to double energy savings in California’s buildings, which is equivalent to a 17 percent reduction in statewide building energy use in 2030 compared to projected levels of usage. AB 758 complements the existing energy efficiency programs implemented by California’s investor-owned utilities (IOUs) that target both residential and non-residential sectors.

Performance Standard for Baseload Power Generation

SB 1368 (Chapter 598, Statutes of 2006) required the California Public Utilities Commission (PUC) to establish a GHG emissions performance standard for “baseload” generation from investor-owned utilities of 1,100 lbs CO₂/MWh. The CEC established a similar standard for local publicly owned utilities. All electricity provided to California, including imported electricity, must be generated from plants that meet or exceed this standard.

Senate Bill 1 (Chapter 132, Statutes of 2006)

The California Solar Initiative (Senate Bill 1, Chapter 132, Statutes of 2006), also known as the “Million Solar Roofs” legislation, set a goal of installing 3,000 megawatts of new solar capacity by 2017.

Off-road Vehicle and Equipment Regulations

State regulations that govern off-road vehicles such as locomotives and heavy equipment are discussed in Section 4.3, Air Quality. These regulations also result in reductions in GHG emissions, and include the following standards.
**Small Offroad Engine Exhaust Emission Standards:** The ARB has adopted regulations (13 CCR Sections 2400 et seq.) to control emissions from small off-road engines such as lawn, garden and other maintenance utility equipment (ARB 2015b). The rules affect engines less than 25 horsepower and regulate emissions of hydrocarbons, NOx, and CO. The emission standards also reduce GHGs by requiring more efficient engines.

**Offroad Compression-Ignition Diesel Engine Exhaust Emission Standards:** The ARB has adopted regulations (13 CCR Sections 2400 et seq.) to control emissions from off-road compression-ignition diesel engines found in a wide variety of off-road applications such as farming, construction, and industrial. The regulations require off-road engines to meet emission standards for hydrocarbons, NOx, CO and PM in “Tiers”, which require engines to meet increasingly stringent emission levels. The regulations also reduce GHG emissions by requiring more efficient engines.

**SOLID WASTE AND WATER**

**Solid Waste Diversion**

AB 341 (Chapter 476, Statutes of 2011) set a goal that 75 percent of the solid waste generated be reduced, recycled or composted by 2020.

**Landfill Methane Control Measure**

The Landfill Methane Control Measure (17 CCR Sections 95460 et seq.) reduces emissions of methane from municipal solid waste (MSW) landfills. The regulation became effective June 17, 2010 and requires owners and operators of uncontrolled MSW landfills to install gas collection and control systems, and requires existing and newly installed gas and control systems to operate in an optimal manner.

**Water Conservation**

State water conservation legislation and regulations are reviewed in Section 4.16 Water Supply.

**HIGH GLOBAL WARMING POTENTIAL GASES**

**Refrigerant Management Program**

ARB’s Refrigerant Management Program (17 CCR Sections 95380 et seq.) works to reduce the release of currently use high-global warming potential (GWP) gases. The Program requires facilities with refrigeration systems to inspect and repair leaks, maintain service records, and in some cases report refrigerant use.

**Motor Vehicle Air-Conditioning**

In January 2009, ARB approved the mobile air conditioning regulation (17 CCR Sections 95360 et seq.) to reduce emissions associated with the use of small container of automotive refrigerant. The regulation applies to the sale, use, and disposal of small container with a GWP greater than 150.
Consumer Products Regulation

Limiting the use of high GWP compounds in consumer products is part of ARB’s larger Consumer Products Program. In 2009, ARB approved amendments to the Consumer Products Regulation to prohibit the use of compounds with GWP values greater than 150. (ARB Resolution 09-51.)

Sulfur Hexafluoride Leak Reduction and Recycling

Sulfur hexafluoride (SF₆) is a potent greenhouse gas, with a global warming potential (GWP) of 23,900, the highest identified by the Intergovernmental Panel on Climate Change. ARB approved sulfur hexafluoride reductions from non-electric and non-semiconductor applications as an early action measure. Accordingly, ARB approved the Regulation for Reducing Sulfur Hexafluoride Emissions (17 CCR Sections 95340 et seq.) in February 2009 to reduce sulfur hexafluoride emissions from other uses including magnesium die-casting, fume vent hood testing, tracer gas use, and other niche uses.

Public Resources Code Section 30253

Public Resources Code Section 30253, part 4, establishes a policy that development within the Coastal Zone shall minimize energy consumption and vehicle miles traveled.

4.8.2.3 REGIONAL AND LOCAL LAWS, REGULATIONS, PLANS, AND POLICIES

SANDAG Climate Action Strategy

In 2010, SANDAG published a Climate Action Strategy (Strategy) that was prepared under a partnership with the CEC (SANDAG 2010). The Strategy is a guidance document and not a binding plan. The Strategy serves as a guide to help policymakers address climate change as they make decisions to meet the needs of our growing population, maintain and enhance our quality of life, and promote economic stability. As stated in the Strategy introduction, the policy measures contained in the Strategy are intended to be a list of potential options (tools in the toolbox) for consideration as SANDAG and local governments update their various plans. The policy measures are not requirements for SANDAG, local governments, or any other entity.

The Strategy identifies goals, objectives, and policy measures in the areas of transportation, land use, buildings, and energy use. Also addressed are measures and resources to help local governments reduce emissions from their operations and in their communities. The policy measures contained in this document are intended to be a list of potential options to reduce GHG emissions. Because local governments have greater control over some categories of GHG emission sources, the Strategy emphasizes those areas where the greatest impact can be made at the local and regional level. These areas include land use patterns, transportation infrastructure, and related public investment; building construction and energy use; and local government operations.

Within the three areas, goals, objectives, and policy measures are included in the Strategy to further describe how GHG emissions reductions could be achieved. The goals identified in the Strategy include the following:
4.8 Greenhouse Gas Emissions

Transportation Sector
• Reduce total miles of vehicle travel
• Minimize GHG emissions when vehicles are used
• Support increased use of low carbon alternative fuels
• Protect transportation infrastructure from climate change impacts

Clean Energy and Efficient Buildings
• Reduce energy use in residential and commercial buildings
• Increase use of renewable energy
• Reduce water-related energy use and GHGs
• Protect energy infrastructure from climate change impacts

SANDAG and Local Government Operations
• SANDAG and local governments lead by example

SANDAG Regional Energy Strategy

SANDAG has adopted a Regional Energy Strategy (RES), which serves as the energy policy blueprint for the region through 2050 (SANDAG 2009b). The RES addresses some of the goals identified in the 2014 Scoping Plan Update. It establishes long-term goals in 11 topic areas including energy efficiency, renewable energy, distributed generation, transportation fuels, land use and transportation planning, border energy issues, and the green economy. In 2014, a technical update of the RES was completed to inform development of the proposed Plan (SANDAG 2014a). This technical update demonstrates progress toward attaining the RES goals, updates existing conditions and future projections data, and recommends priorities for the region. The RES goals include the following:

• Energy Efficiency and Conservation – Reduce per capita electricity consumption by 20 percent by 2030 in order to keep total electricity consumption flat.
• Renewable Energy – Support the development of renewable energy resources to meet a 33 percent renewable portfolio standard (RPS) by 2020 and exceed 33 percent beyond 2020.
• Distributed Generation – Increase the total amount of clean distributed generation (renewable and nonrenewable) to reduce peak demand and diversify electricity resources in the region.
• Energy and Water – Reduce water-related energy use.
• Peak Demand – Implement cost-effective steps and incentives to utilize demand response and energy efficiency measures to reduce peak demand.
• Smart Energy – Modernize the electricity grid with smart meters, smart end-use devices, and interactive communication technologies.
• Natural Gas Power Plants – Increase overall efficiency of electricity production and support replacement of inefficient power plants consistent with California’s preferred loading order.
• Transportation Fuels – Substantially increase the deployment of alternative transportation fuels and vehicles.
• Land Use and Transportation Planning – Reduce the energy demand of the built environment through changes in land use and transportation planning.

• Energy and Borders – Integrate energy considerations into existing and future collaborative border initiatives.

• Clean Energy Economy – Collaborate with workforce entities, employers, technical and vocational schools, and labor unions to identify and expand local job placement mechanisms in the Clean Energy Sector.

Regional Alternative Fuel Planning

On-road transportation represents approximately 44.5 percent of the region’s GHG emissions and, as such, the proposed Plan and RES both call for SANDAG to undertake coordinated planning for electric vehicle charging and alternative fueling infrastructure in the region.

Infrastructure needs were identified in a 2009 assessment of how to accelerate deployment of alternative fuel vehicles in and around San Diego entitled the Regional Alternative Fuels, Vehicles and Infrastructure Report (SANDAG 2009a). The report recommended public–private partnerships and collaborative approaches to infrastructure planning and increasing alternative fuels in fleets. Its findings were incorporated into the regional energy and climate strategies.

San Diego Regional Plug-In Electric Vehicle Readiness Plan

In 2012, SANDAG established the San Diego Regional Electric Vehicle Infrastructure Working Group (REVI) as part of a CEC grant to perform regional Plug-In Electric Vehicle (PEV) readiness planning. The REVI completed the San Diego Regional Plug-in Electric Vehicle Readiness Plan, which was accepted by the SANDAG Board in January 2014. As part of another CEC grant, SANDAG will build on the success of the REVI and undertake regional readiness planning for all alternative fuels in partnership with the San Diego Regional Clean Cities Coalition. A regional alternative fuels coordinating council will be established to advise on regional alternative fuel infrastructure needs, barriers, and solutions.

SANDAG Energy Roadmap Program for Local Governments

The Energy Roadmap Program is a collaboration between SANDAG and San Diego Gas & Electric (SDG&E). It is funded primarily by California utility customers under the auspices of the PUC. Transportation components of the program are funded by SANDAG. The roadmap program was developed with the help of the Energy Working Group and three pioneering cities: Carlsbad, Poway, and Solana Beach. These cities served as early pilots in energy management planning, which became the roadmap program in 2010. All cities within the San Diego region are now participating in the program.

The SANDAG Energy Roadmap Program provides free energy assessments and energy management plans, or “energy roadmaps,” to SANDAG member agencies. Each energy roadmap provides a framework for a local government to reduce energy use in municipal operations and in the community, and can result in economic savings and environmental benefits. Within the energy roadmap are eight general categories:

1. Saving Energy in City Buildings and Facilities
2. Demonstrating Emerging Energy Technologies
3. Greening the City Vehicle Fleet
4. Developing Employee Knowledge of Energy Efficiency
5. Promoting Commuter Benefits to City Employees
6. Leveraging Planning and Development Authority
7. Marketing Energy Programs to Local Residents and Businesses
8. Supporting Green Jobs and Workforce Training

Upon receiving their energy roadmap, SANDAG assists municipalities in developing projects and/or programs presented in the eight general categories.

**Local Greenhouse Gas Inventories and Climate Action Plans**

In the San Diego region, all 19 jurisdictions (18 cities and County of San Diego) have completed a GHG inventory covering both government operations and the community as a whole, many prepared as part of the San Diego Foundation’s Climate Initiative (City of Carlsbad 2011, City of Chula Vista 2006, City of Chula Vista 2013a, City of Del Mar 2011, City of El Cajon 2011, City of Encinitas 2011b, City of Escondido 2011, City of Imperial Beach 2011, City of La Mesa 2011, City of National City 2009, City of Oceanside 2011, City of Poway 2011, City of San Marcos 2013b, City of Santee 2011, City of Solana Beach 2011, County of San Diego 2011). In addition, the Border Environment Cooperation Commission (BECC) has worked with the Center for Climate Strategies to complete GHG inventories for all six Mexican border states. Each inventory identifies emissions sources, and sets a baseline for evaluating reductions.

More than half of the local jurisdictions in the San Diego region, representing over 75 percent of the region’s population, are developing or have adopted a climate action plan (CAP) (City of Carlsbad 2015; City of Chula Vista 2000, 2008, 2013b; City of Encinitas 2011a; City of Escondido 2013; City of National City 2011; City of San Diego 2005; City of San Marcos 2013a; County of San Diego 2012; City of Vista 2012). A CAP typically includes specific measures or actions to reduce GHG emissions toward an identified target, and offers streamlining opportunities for future development projects under CEQA. Table 4.8-5 summarizes each jurisdiction’s climate planning efforts. In addition to the efforts of the 18 cities and the County of San Diego, the Port of San Diego and the San Diego County Water Authority have developed GHG inventories and CAPs.

**Table 4.8-5**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>% of 2012 Regional Population</th>
<th>Completed GHG Inventory</th>
<th>Climate Action Plan</th>
<th>Climate Action Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Adoption year</td>
<td>Developing</td>
</tr>
<tr>
<td>Chula Vista</td>
<td>7.9</td>
<td>✓</td>
<td>2008</td>
<td>✓</td>
</tr>
<tr>
<td>Encinitas</td>
<td>1.9</td>
<td>✓</td>
<td>2011</td>
<td>n/a</td>
</tr>
<tr>
<td>Escondido</td>
<td>4.6</td>
<td>✓</td>
<td>2013</td>
<td>n/a</td>
</tr>
<tr>
<td>National City</td>
<td>1.9</td>
<td>✓</td>
<td>2011</td>
<td>n/a</td>
</tr>
<tr>
<td>San Diego</td>
<td>42.0</td>
<td>✓</td>
<td>2005</td>
<td>✓</td>
</tr>
<tr>
<td>County of San Diego (unincorporated)</td>
<td>15.8</td>
<td>✓</td>
<td>n/a</td>
<td>✓</td>
</tr>
<tr>
<td>Vista</td>
<td>3.0</td>
<td>✓</td>
<td>2012</td>
<td>n/a</td>
</tr>
<tr>
<td>San Marcos</td>
<td>2.7</td>
<td>✓</td>
<td>2013</td>
<td>n/a</td>
</tr>
<tr>
<td>Carlsbad</td>
<td>3.4</td>
<td>✓</td>
<td>n/a</td>
<td>✓</td>
</tr>
</tbody>
</table>

1 The County of San Diego rescinded its Climate Action Plan in April 2015 and is currently preparing a new plan.
2 The City of Carlsbad adopted a Climate Action Plan on September 22, 2015.
4.8 Greenhouse Gas Emissions

<table>
<thead>
<tr>
<th>City</th>
<th>Emission (2012)</th>
<th>Significance</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Del Mar</td>
<td>0.1</td>
<td>√</td>
<td>n/a</td>
</tr>
<tr>
<td>La Mesa</td>
<td>1.9</td>
<td>√</td>
<td>n/a</td>
</tr>
<tr>
<td>Santee</td>
<td>1.7</td>
<td>√</td>
<td>n/a</td>
</tr>
<tr>
<td>Solana Beach</td>
<td>0.4</td>
<td>√</td>
<td>n/a</td>
</tr>
<tr>
<td>Coronado</td>
<td>0.7</td>
<td>√</td>
<td>n/a</td>
</tr>
<tr>
<td>El Cajon</td>
<td>3.2</td>
<td>√</td>
<td>n/a</td>
</tr>
<tr>
<td>Imperial Beach</td>
<td>0.8</td>
<td>√</td>
<td>n/a</td>
</tr>
<tr>
<td>Lemon Grove</td>
<td>0.8</td>
<td>√</td>
<td>n/a</td>
</tr>
<tr>
<td>Oceanside</td>
<td>5.4</td>
<td>√</td>
<td>n/a</td>
</tr>
<tr>
<td>Poway</td>
<td>1.5</td>
<td>√</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Source: ARB 2014b

4.8.3 SIGNIFICANCE CRITERIA

Appendix G of the CEQA Guidelines and Guidelines Section 15064.4 provide criteria for evaluating the significance of a project’s environmental impacts on GHGs. Unless otherwise noted, the significance criteria specifically developed for this EIR are based on the checklist questions in Appendix G and Guidelines Section 15064.4. In some cases, SANDAG has combined checklist questions, edited their wording, or changed their location in the document in an effort to develop significance criteria that reflect the programmatic level of analysis in this EIR and the unique nature of the proposed Plan.

Appendix G addresses GHGs under Greenhouse Gases (VII. (a) and (b)). The criteria below build on the Appendix G questions and Guidelines Section 15064.4 to analyze the impact of the proposed Plan in relation to the GHG targets established by AB 32, Executive Order B-30-15, Executive Order S-3-05, SB 375, and local climate action plans. For the purposes of this EIR, implementation of the proposed Plan would have a significant GHG impact if it would:

GHG-1 Directly or indirectly result in an increase in GHG emissions compared to existing conditions (2012).

GHG-2 Conflict with AB 32, SANDAG Climate Action Strategy, or Local Climate Action Plans.

GHG-3 Conflict with SB 375 GHG emission reduction targets.

GHG-4 Be inconsistent with the State’s ability to achieve the Executive Order B-30-15 and S-3-05 goals of reducing California’s GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

When setting the above thresholds, SANDAG also considered the following factors listed in CEQA Guidelines Section 15064.4:

- Whether the project may increase or decrease GHG emissions compared to the existing environmental setting (Impacts GHG-1 and GHG-4)
- Whether GHG emissions exceed a threshold of significance that the lead agency determines applies to the project (Impacts GHG-1 through GHG-4)
- The extent to which the project complies with requirements adopted to implement certain specified plans for the reduction of GHG emissions (Impacts GHG-2 and GHG-3)
4.8.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

GHG-1 DIRECTLY OR INDIRECTLY RESULT IN AN INCREASE IN GHG EMISSIONS COMPARED TO EXISTING CONDITIONS (2012).

ANALYSIS METHODOLOGY

GHG emission projections are based on the proposed Plan, including forecasted regional growth and land use change and planned transportation network improvements and programs. The inventory also accounts for the Renewable Portfolio Standard that requires retail suppliers of electricity to increase renewable energy resources to 33 percent by 2020. The inventory also includes implementation programs such as Title 24 building standards, water conservation programs, solid waste diversion programs, and other regulatory requirements and programs designed to reduce GHG emissions. The GHG emissions inventory and supporting assumptions are included as EIR Appendix G-1.

It should be noted that the current GHG inventory shows lower projected GHG emissions than the inventory presented in the 2050 RTP/SCS Environmental Impact Report (SANDAG 2011) for several reasons. The original inventory was prepared in 2011 and took into account information on the regulatory environment and technology that was available at the time. The original inventory was based on “business as usual” conditions as of 2010. The current inventory is not based on business as usual emissions, but takes into account implementation of currently adopted regulations, programs, and policies that will lead to reductions in GHG emissions. As stated above, the current inventory is based on the Series 13 Regional Growth Forecast, which has slightly lower population projections than the 2050 RTP/SCS. The inventory accounts for additional certainty regarding the regulatory environment, including future projections for renewable energy, building energy efficiency, water conservation programs, and solid waste diversion. The current inventory for on-road vehicles is also based on the ARB’s EMFAC2014 model, which is the most recent update to the state’s mobile source emissions inventory tool. The model accounts for programs that will lead to further reductions from on-road vehicles, including the ARB’s Advanced Clean Cars Program.

In the Final EIR, revised numbers for on-road transportation GHG emissions reflect the minor modifications to the project description and the new version of EMFAC2014 (v1.0.7) released by ARB in May 2015. In the Final EIR, the updated version of EMFAC2014 also was used to update the estimate of 2012 on-road GHG emissions. These numbers were slightly different from those in the Draft EIR because on-road GHG emissions in the Draft EIR were calculated using EMFAC2014 (v1.0.1). On-road emissions in the Final EIR were also broken down to reflect two categories of on-road GHG emissions: (1) passenger cars and light duty vehicles and (2) heavy duty trucks and vehicles.

It should also be noted that, while the current inventory takes into account regulations, programs, and policies that are in place at this time, there is substantial uncertainty in projecting emissions for future horizon years, especially for 2050; in general, the uncertainty in future emissions increases from 2020 to 2050. The inventory projects emissions based on reasonable assumptions regarding future conditions; however, it does not account for future regulatory initiatives, technologies, or market drivers that may affect GHG emissions in the future over the next 35 years. For example, even though further reductions may be achieved through future legislation or regulations, the Renewable Portfolio Standard for renewable electricity generation does not set targets beyond 2020, and the ARB Advanced Clean Cars Program does not address passenger vehicles beyond the 2025 model year. The following analysis is therefore considered conservative and may overstate actual GHG emission trends in future years.
For the purpose of evaluating impacts under Impact GHG-1, because regional growth and land use change and the transportation network together impact overall GHG emissions, the impact assessment includes both regional growth and land use change and the transportation network improvements. Emission calculations are provided in Appendix G-1 to the EIR.

**Regional Greenhouse Gas Emissions Methodology**

GHG emissions from the proposed Plan are calculated based on standard approaches for estimating GHG emissions that are documented in Appendix G-1 to the EIR. To the extent possible, the inventory followed the ICLEI U.S. Community Protocol\(^2\) methods for the following emissions categories:

- **On-road transportation**, including:
  - Passenger cars and light duty vehicles
  - Heavy duty trucks and vehicles
- Electricity and natural gas
- Water consumption
- Solid waste
- Wastewater
- Civil Aviation

The remaining categories were calculated based on California Air Resources Board methods and methods based on San Diego region data:

- Other Fuels
- Cogeneration
- Industrial
- Off-Road
- Land Use and Wildfires
- Rail
- Agriculture
- Marine Vessels

Construction emissions include emissions from off-road equipment that are part of the emission inventory under the off-road category, and vehicles that are part of the on-road transportation category. In addition, indirect GHG emissions from operation of the Trolley are included under electricity use. GHG emission reductions are also projected for development and sequestration.

GHG emissions associated with operation of planned transportation network improvements and programs are calculated using estimated total VMT under the proposed Plan, using ARB’s EMFAC2014 model, which represents ARB’s current understanding of motor vehicle travel activities and their associated emission levels. It represents ARB’s current understanding of how vehicles travel and how much they pollute. Emissions are estimated for 2012 (baseline), 2020, 2035, and 2050. EMFAC2014 includes the latest data on California’s car and truck fleets and accounts for emissions reductions due to implementation of statewide vehicular regulations, including on-road diesel fleet rules, Advanced Clean Car Standards, zero emission vehicle regulations, and the Smartway/Phase I Heavy Duty Vehicle Greenhouse Gas Regulation. The model also includes updates to truck emission factors based on the latest surveillance data (ARB 2014f).

During the timeframe of the proposed Plan, climate change effects that are likely to exacerbate the proposed Plan’s greenhouse gas emissions impacts include but are not limited to increases in temperatures and frequency, duration, and intensity of heatwaves, and increased frequency and intensity of wildfires. In general, these climate change effects would increase between 2020 and 2050. Climate change effects are discussed in more detail in Appendix F to the EIR.

### 2020

**Regional Growth and Land Use Change and Transportation Network Improvements and Programs**

From 2012 to 2020, the region is forecasted to increase by 292,292 people; 83,874 housing units; and 118,535 jobs. Under implementation of the proposed Plan, total GHG emissions in the San Diego region are projected to be approximately 28.18 MMT CO₂e in 2020, or about 19 percent lower than GHG emissions in 2012 (Table 4.8-6).

While population and development in the region is increasing in 2020 relative to 2012, GHG emissions are projected to decrease due to regulations and programs implemented on the state and regional levels to reduce emissions of GHGs. These programs include implementation of the RPS, Advanced Clean Cars regulations, the Low Carbon Fuel Standard, Cap-and-Trade program, energy efficiency standards for buildings, continued growth in solar photovoltaic installations, water conservation measures, solid waste diversion, refrigerant programs, and emission standards for off-road equipment. In addition, the SCS land use pattern and transportation network improvements and programs play an important role by decreasing per capita vehicle miles traveled. The decrease in per capita VMT is attributable to a number of factors considered in the proposed Plan’s transportation modeling: proposed Plan investments in transit and managed lanes; TDM programs such as carpooling, vanpooling, mobility hubs, and teleworking; and demographic (e.g., aging population) and economic e.g., fuel prices factors.
Table 4.8-6

Total Greenhouse Gas Emissions in the San Diego Region, 2012 to 2020

<table>
<thead>
<tr>
<th>GHG Emissions Category</th>
<th>2012 (Annual MMTCO2e)</th>
<th>2020 (Annual MMTCO2e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Road Transportation Passenger Cars &amp; Light Duty Vehicles</td>
<td>15.7613.14</td>
<td>13.7211.18</td>
</tr>
<tr>
<td>Electricity</td>
<td>7.97</td>
<td>6.41</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>2.84</td>
<td>2.79</td>
</tr>
<tr>
<td>Heavy Duty Trucks &amp; Vehicles</td>
<td>1.89</td>
<td>1.89</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>1.75</td>
<td>0.84</td>
</tr>
<tr>
<td>Other Fuels</td>
<td>1.64</td>
<td>1.64</td>
</tr>
<tr>
<td>Industrial</td>
<td>1.43</td>
<td>1.45</td>
</tr>
<tr>
<td>Aviation</td>
<td>1.37</td>
<td>1.52</td>
</tr>
<tr>
<td>Off-Road Equipment and Vehicles</td>
<td>0.92</td>
<td>0.95</td>
</tr>
<tr>
<td>Wildfire</td>
<td>0.81</td>
<td>0.81</td>
</tr>
<tr>
<td>Other - Thermal Cogeneration</td>
<td>0.64</td>
<td>0.65</td>
</tr>
<tr>
<td>Water Supply and Conveyance</td>
<td>0.52</td>
<td>0.57</td>
</tr>
<tr>
<td>Wastewater</td>
<td>0.16</td>
<td>0.12</td>
</tr>
<tr>
<td>Rail</td>
<td>0.11</td>
<td>0.15</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.08</td>
<td>0.06</td>
</tr>
<tr>
<td>Marine Vessels (excluding pleasure craft)</td>
<td>0.05</td>
<td>0.05</td>
</tr>
<tr>
<td>Development + Sequestration</td>
<td>-0.65</td>
<td>-0.62</td>
</tr>
<tr>
<td>Low Carbon Fuel Standard</td>
<td>n/a</td>
<td>-1.39</td>
</tr>
<tr>
<td>Cap-and-Trade</td>
<td>n/a</td>
<td>-0.50</td>
</tr>
<tr>
<td>High GWP Gases</td>
<td>n/a</td>
<td>-0.43</td>
</tr>
<tr>
<td>Total</td>
<td>35.434.7</td>
<td>28.828.1</td>
</tr>
<tr>
<td>% Increase (Decrease) from 2012 to 2020</td>
<td>(18.86%)</td>
<td></td>
</tr>
</tbody>
</table>

Source: Appendix G-1 to the EIR

Note:
The revised numbers in this table reflect the minor modifications to the project description and the new version of EMFAC2014 (v1.0.7) released by ARB in May 2015. On-road GHG emissions in the Draft EIR were calculated using EMFAC2014 (v1.0.1).

2020 Conclusion

As shown in Table 4.8-6, implementation of the proposed Plan would result in a less than significant impact because the proposed Plan would not directly or indirectly result in an increase in GHG emissions compared to existing conditions. Therefore, this impact (GHG-1) in the year 2020 is less than significant.

2035

Regional Growth and Land Use Change and Transportation Network Improvements and Programs

From 2012 to 2035, the region is forecasted to increase by 710,269 people, 230,220 housing units, and 319,025 jobs. Under the proposed Plan, total GHG emissions for the region in 2035 are projected to be approximately 25.5 MMT CO₂e, or 28.26.5 percent lower than GHG emissions in 2012 (Table 4.8-7).

While population in the region is increasing in 2035 relative to 2012, GHG emissions are projected to decrease due to regulations and programs implemented on the state and regional levels to reduce emissions of GHGs. These programs include implementation of the RPS, Advanced Clean Cars regulations, the Low Carbon Fuel Standard, Cap-and-Trade program, energy efficiency standards for buildings, continued growth in solar photovoltaic installations, water conservation measures, solid waste diversion, refrigerant programs, and emission standards for off-road equipment. In addition, the
SCS land use pattern and transportation network improvements and programs play an important role by decreasing per capita vehicle miles traveled. The decrease in per capita VMT is attributable to a number of factors considered in the proposed Plan’s transportation modeling: proposed Plan investments in transit and managed lanes; TDM programs such as carpooling, vanpooling, mobility hubs, and teleworking; and demographic (e.g., aging population) and economic (e.g., fuel prices) factors.

Table 4.8-7
Total Greenhouse Gas Emissions in the San Diego Region, 2012 to 2035

<table>
<thead>
<tr>
<th>Category</th>
<th>2012 (Annual MMTCO₂-e)</th>
<th>2035 (Annual MMTCO₂-e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Road Transportation, Passenger Cars &amp; Light Duty Vehicles</td>
<td>15.76</td>
<td>13.14</td>
</tr>
<tr>
<td>Electricity</td>
<td>7.97</td>
<td>6.05</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>2.84</td>
<td>2.73</td>
</tr>
<tr>
<td>Heavy Duty Trucks &amp; Vehicles</td>
<td>1.89</td>
<td>2.03</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>1.75</td>
<td>0.93</td>
</tr>
<tr>
<td>Other Fuels</td>
<td>1.64</td>
<td>1.66</td>
</tr>
<tr>
<td>Industrial</td>
<td>1.43</td>
<td>1.49</td>
</tr>
<tr>
<td>Aviation</td>
<td>1.37</td>
<td>1.72</td>
</tr>
<tr>
<td>Off-Road</td>
<td>0.92</td>
<td>1.47</td>
</tr>
<tr>
<td>Wildfire</td>
<td>0.81</td>
<td>0.81</td>
</tr>
<tr>
<td>Other - Thermal Cogen</td>
<td>0.64</td>
<td>0.71</td>
</tr>
<tr>
<td>Water</td>
<td>0.52</td>
<td>0.63</td>
</tr>
<tr>
<td>Wastewater</td>
<td>0.16</td>
<td>0.15</td>
</tr>
<tr>
<td>Rail</td>
<td>0.11</td>
<td>0.23</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.08</td>
<td>0.03</td>
</tr>
<tr>
<td>Marine Vessels (excluding pleasure craft)</td>
<td>0.05</td>
<td>0.05</td>
</tr>
<tr>
<td>Development + Sequestration</td>
<td>-0.65</td>
<td>-0.56</td>
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<tr>
<td>Low Carbon Fuel Standard</td>
<td>n/a</td>
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</tr>
<tr>
<td>Cap-and-Trade</td>
<td>n/a</td>
<td>-0.50</td>
</tr>
<tr>
<td>High GWP Gases</td>
<td>n/a</td>
<td>-0.43</td>
</tr>
<tr>
<td>Total</td>
<td>25.434.7</td>
<td>25.5</td>
</tr>
<tr>
<td>% Increase (Decrease) from 2012 to 2035</td>
<td>(26.58.0%)</td>
<td>26.58.0%</td>
</tr>
</tbody>
</table>

Source: Appendix G-1 to the EIR

Note:
The revised numbers in this table reflect the minor modifications to the project description and the new version of EMFAC2014 (v1.0.7) released by ARB in May 2015. On-road GHG emissions in the Draft EIR were calculated using EMFAC2014 (v1.0.1).

2035 Conclusion

Table 4.8-7 shows the total GHG emissions in 2035 versus existing conditions. As shown in Table 4.8-7, implementation of the proposed Plan would result in a less than significant impact because the proposed Plan would not directly or indirectly result in an increase in GHG emissions compared to existing conditions. Therefore, this impact (GHG-1) in the year 2035 is less than significant.

2050

Regional Growth and Land Use Change and Transportation Network Improvements and Programs

From 2012 to 2050, the region is forecasted to increase by 925,330 people, 327,921 housing units, and 460,492 jobs. Total GHG emissions in 2050 are projected to be 25,926 MMT CO₂-e, or 26.825.9 percent lower than GHG emissions in 2012 (Table 4.8-8).
Table 4.8-8
Total Greenhouse Gas Emissions in the San Diego Region, 2012 to 2050

<table>
<thead>
<tr>
<th>Category</th>
<th>2012 (Annual MMTCO$_2$e)</th>
<th>2050 (Annual MMTCO$_2$e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Road Transportation Passenger Cars &amp; Light Duty Vehicles</td>
<td>15.7613.14</td>
<td>9.647.46</td>
</tr>
<tr>
<td>Electricity</td>
<td>7.97</td>
<td>5.76</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>2.84</td>
<td>2.69</td>
</tr>
<tr>
<td>Heavy Duty Trucks &amp; Vehicles</td>
<td>1.89</td>
<td>2.33</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>1.75</td>
<td>0.98</td>
</tr>
<tr>
<td>Other Fuels</td>
<td>1.64</td>
<td>1.66</td>
</tr>
<tr>
<td>Industrial</td>
<td>1.43</td>
<td>1.60</td>
</tr>
<tr>
<td>Aviation</td>
<td>1.37</td>
<td>1.82</td>
</tr>
<tr>
<td>Off-Road</td>
<td>0.92</td>
<td>1.79</td>
</tr>
<tr>
<td>Wildfire</td>
<td>0.81</td>
<td>0.81</td>
</tr>
<tr>
<td>Other - Thermal Cogen</td>
<td>0.64</td>
<td>0.77</td>
</tr>
<tr>
<td>Water</td>
<td>0.52</td>
<td>0.67</td>
</tr>
<tr>
<td>Wastewater</td>
<td>0.16</td>
<td>0.15</td>
</tr>
<tr>
<td>Rail</td>
<td>0.11</td>
<td>0.30</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.08</td>
<td>0.02</td>
</tr>
<tr>
<td>Marine Vessels (excluding pleasure craft)</td>
<td>0.05</td>
<td>0.05</td>
</tr>
<tr>
<td>Development + Sequestration</td>
<td>-0.65</td>
<td>-0.51</td>
</tr>
<tr>
<td>Low Carbon Fuel Standard</td>
<td>n/a</td>
<td>-1.39</td>
</tr>
<tr>
<td>Cap-and-Trade</td>
<td>n/a</td>
<td>-0.50</td>
</tr>
<tr>
<td>High GWP Gases</td>
<td>n/a</td>
<td>-0.43</td>
</tr>
<tr>
<td>Total</td>
<td><strong>25.434.7</strong></td>
<td><strong>25.926.0</strong></td>
</tr>
</tbody>
</table>

% Increase (Decrease) from 2012 to 2050

Source: Appendix G-1 to the EIR

Note:
The revised numbers in this table reflect the minor modifications to the project description and the new version of EMFAC2014 (v1.0.7) released by ARB in May 2015. On-road GHG emissions in the Draft EIR were calculated using EMFAC2014 (v1.0.1).

While population in the region is increasing in 2050 relative to 2012, GHG emissions are projected to decrease due to regulations and programs implemented on the state and regional levels to reduce emissions of GHGs. These programs include implementation of the RPS, Advanced Clean Cars regulations, the Low Carbon Fuel Standard, Cap-and-Trade program, energy efficiency standards for buildings, continued growth in solar photovoltaic installations, water conservation measures, solid waste diversion, refrigerant programs, and emission standards for off-road equipment.

In addition, the SCS land use pattern and transportation network improvements and programs play an important role by decreasing per capita vehicle miles traveled. The decrease in per capita VMT is attributable to a number of factors considered in the proposed Plan’s transportation modeling: proposed Plan investments in transit and managed lanes; TDM programs such as carpooling, vanpooling, mobility hubs, and teleworking; and demographic (e.g., aging population) and economic e.g., fuel prices factors.

**2050 Conclusion**

As shown in Table 4.8-8, implementation of the proposed Plan would result in a less than significant impact because the proposed Plan would not directly or indirectly result in an increase in GHG emissions compared to existing conditions. Therefore, this impact (GHG-1) in the year 2050 is less than significant.
GHG-2 CONFLICT WITH AB 32, SANDAG CLIMATE ACTION STRATEGY, OR LOCAL CLIMATE ACTION PLANS.

ANALYSIS METHODOLOGY

The analysis evaluates any conflicts of the proposed Plan with AB 32, SANDAG’s Climate Action Strategy, and adopted local Climate Action Plans.

The AB 32 analysis evaluates whether the proposed Plan would conflict with the State’s ability to achieve the AB 32 target of reducing statewide GHG emissions to the 1990 levels by 2020. In addition to establishing a statewide emissions limit to be achieved by 2020, AB 32 also includes a provision stating the intent of the Legislature that the statewide GHG emissions limit continue in existence and be used to maintain and continue reductions in GHG emissions beyond 2020 (HSC Section 38551[b]). Statewide goals for GHG emissions reductions beyond 2020 have since been expressed in Governor’s Executive Orders, including goals of 40 percent below 1990 levels by 2030 (EO-B-30-15) and goals of 80 percent below 1990 levels by 2050 (EO-S-3-05), which are evaluated in Impact GHG-4. Therefore, the AB 32 analysis in Impact GHG-2 analysis focuses on whether the region would achieve a regional reference point based on the 2020 target.

The 1990 GHG emissions in the San Diego region was 29 MMT CO₂e (see Appendix G-1 to the EIR). The analysis compares 2020 GHG emissions under the proposed Plan to the region’s 1990 levels. Note that there is no requirement that the SANDAG region’s emissions be reduced by the same percentage (“equal share”) as the statewide percentage in order for the State to achieve the AB 32 target. The impacts of the proposed Plan are nevertheless considered significant if the region’s total emissions in 2020 exceed the 1990 reference point of 29 MMT CO₂e.

For purposes of evaluating impacts under Impact GHG-2, because the AB 32 target includes both regional growth and land use change and the transportation network, the analysis has not been separated into two categories. The impact assessment includes both regional growth and land use change and planned transportation network improvements and programs.

Emissions calculations are provided in Appendix G-1 to the EIR. The AB 32 analysis also evaluates the proposed Plan for any conflicts with applicable recommendations for achieving GHG reductions in the ARB’s Scoping Plan Update “transportation focus area”.

The other components of Impact GHG-2 evaluate the proposed Plan for any conflicts with SANDAG’s Climate Action Strategy (Strategy) goals, objectives, and policy measures for GHG reductions, and local climate action plan policies for GHG reductions. The analysis of the Strategy and local climate action plans is provided for 2020, 2035, and 2050. For the purpose of evaluating impacts under Impact GHG-2, because the Climate Action Strategy and local climate action plans establish goals, objectives, and policy measures for both regional growth and land use change and the transportation network improvements, the analysis of conflicts with SANDAG’s Climate Action Strategy and local climate action plans has not been separated into the two categories. The impact assessment includes both regional growth and land use change and the transportation network improvements.

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3 The 1990 GHG emissions estimate of 25 MMT CO₂e in the 2050 RTP/SCS FEIR was estimated as 15 percent below 2005 levels and based on EMFAC2011 emissions data for vehicles for the region. The 1990 GHG emissions estimate has been updated to align with ARB updates to the statewide 1990 emissions inventory and to utilize the best available data for 1990 the EMFAC2014 model, as well as other updated information.
During the timeframe of the proposed Plan, climate change effects that are likely to exacerbate the proposed Plan’s greenhouse gas emissions impacts include but are not limited to increases in temperatures and frequency, duration, and intensity of heatwaves (which could lead to increases in GHG emissions from local fossil fuel-fired power plants to meet electricity demands); and wildfires (which release GHG emissions). In general, these climate change effects would increase between 2020 and 2050. Climate change effects are discussed in more detail in Appendix F.

2020

Regional Growth and Land Use Change and Transportation Network Improvements and Programs

As discussed under Impact GHG-1, under implementation of the proposed Plan, total GHG emissions for the San Diego region in 2020 are projected to be approximately 28.18 MMT CO₂e. To be in line with its “equal share” of the state emissions reduction target set forth in AB 32, regional GHG emissions would need to decrease to 29 MMT CO₂e by 2020. Therefore, the proposed Plan would not conflict with the AB 32 target of reducing statewide emissions to 1990 levels by 2020.

In addition, the proposed Plan would not conflict with applicable recommendations in the ARB’s Scoping Plan Update for the Transportation focus area. The 2014 Scoping Plan Update identified several recommended actions within the Transportation sector to achieve future GHG reductions, with the recommendations primarily focused on achieving major technological and regulatory changes in order to reduce GHG emissions from all types of vehicles and transportation fuels, including more efficient vehicles, low-carbon fuels like electricity and hydrogen, and supporting infrastructure. The Update also identified the following applicable recommendations for transportation:

- Caltrans and regional transportation agencies will increase investment in expanded transit and rail services, active transportation, and other VMT-reduction strategies in their next regional transportation plans.
- ARB, Caltrans, the Strategic Growth Council, and the Department of Housing and Community Development, along with other State, local and regional agencies, will coordinate planning and support to ensure that the expected GHG emission reductions from approved SCS are achieved or exceeded.

The proposed Plan would not conflict with the recommendation to increase investment in expanded transit and rail services, active transportation, and other VMT-reduction strategies in their regional transportation plans. From 2012 to 2020, the proposed Plan includes increased investment in transit and rail services, active transportation, and other VMT-reduction strategies including double-tracking along the LOSSAN rail corridor, increases in COASTER frequencies, completion of the Mid-Coast Trolley Extension from Old Town to University City, the South Bay Rapid Bus from the Otay Mesa ITC to Downtown San Diego, Rapid Bus Route 905 from Iris to the Otay Mesa POE, increases in local bus service frequencies, express bus routes to SDIA and Tijuana International Airport, a San Marcos shuttle, and construction of two transit-only lanes on SR 15 between I-805 and I-8. By 2020, the proposed Plan also includes investments in approximately 24 regional active transportation projects. Additional major transportation network improvements would include new Managed Lanes along I-5 from Manchester Avenue to SR 78 and I-805 from Carroll Canyon Road to SR 52, new toll lanes on SR 11 to the Otay Mesa POE, new general purpose lanes along a portion of SR 76, and a new freeway connector at SR 11 and SR 905. By 2020, these improvements would decrease average daily VMT per capita from 25.2 in 2012 to 24.7 in 2020. Also, the proposed Plan’s SCS exceeds the regional SB 375 GHG reduction targets, as shown in Impact GHG-3.
Based on the above analysis, the proposed plan would not conflict with the AB 32 target of reducing statewide emissions to 1990 levels by 2020 or with the recommendations of the Scoping Plan Update. This impact is less than significant.

### SANDAG Climate Action Strategy

The Climate Action Strategy is a guide for SANDAG on climate change policy (SANDAG 2010). The Climate Action Strategy identifies a range of potential policy measures for consideration in long-term planning documents such as the proposed Plan. The Strategy helps SANDAG identify land use, transportation, and related policy measures and investments that reduce GHG emissions from transportation and land use.

The Climate Action Strategy includes nine goals designed to address the impacts of GHG emissions and climate change in the region. The Strategy’s goals include five specific goals relating to regional growth and land use change: Goals 5, 6, 7, 8, and 9. These goals have informed the development of the proposed Plan’s policies relative to regional growth and land use change. Accordingly, the proposed Plan would not conflict with the Climate Action Strategy. The proposed Plan’s programs and strategies are designed to be consistent with Climate Action Strategy goals and objectives, and would support their implementation. The proposed Plan therefore contributes to achieving the goals of the Strategy.

Table 4.8-9 presents the Climate Action Strategy goals and objectives that cover regional growth and land use change and transportation network improvements and programs, and an analysis of whether proposed Plan features would conflict with any of the goals and objectives.

<table>
<thead>
<tr>
<th>Climate Action Strategy Goals and Objectives</th>
<th>Conflict?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GOAL 1. REDUCE TOTAL MILES OF VEHICLE TRAVEL</strong></td>
<td></td>
</tr>
<tr>
<td>Objective 1a. Build Smart Growth Neighborhoods and Communities in which Basic Daily Needs and Public Transit Service are Safely Accessible on Foot or by Bicycle</td>
<td>From 2012 to 2050, the proposed Plan would increasingly locate population and employment within close proximity to public transit and bike facilities; total time engaged in transportation-related physical activity would increase; the percentage of peak period work trips via transit, walking and biking would increase. The proposed Plan land use pattern would accommodate 79 percent of all housing and 86 percent of all jobs within the Urban Area Transit Strategy (UATS). See proposed Plan Appendix N for measures documenting the proposed Plan’s support for smart growth neighborhoods and communities.</td>
</tr>
<tr>
<td>Objective 1b. Expand and Develop New Systems for Low Carbon Modes of Transportation</td>
<td>The proposed Plan makes major investments in low carbon modes of transportation, including completion of double-tracking on the LOSSAN and SPRINTER rail corridors, five major expansions of the Trolley system, substantial investments in Rapid transit, major improvements in local bus service, and full build-out of the Regional Bike Network. More than half of proposed Plan revenues are for transit operations, transit capital projects, and active transportation.</td>
</tr>
<tr>
<td>Objective 1c. Reduce Demand for Single Occupancy Vehicle Travel</td>
<td>From 2012 to 2050, the proposed Plan would increase the percentage of peak period work trips completed by transit, walking and biking, and carpools; the percentage of drive alone trips would decrease over the same period.</td>
</tr>
</tbody>
</table>
### GOAL 2. MINIMIZE GREENHOUSE GASES WHEN VEHICLES ARE USED

| Objective 2a. Reduce Traffic Congestion | The proposed Plan’s investments in transit, active transportation, managed lanes and general purpose lanes would reduce traffic congestion that would otherwise occur. Average travel times to work would generally remain flat over the life of the proposed Plan, and daily vehicle delay per capita would be one minute lower by 2050 relative to 2012. |
| Objective 2b. Promote Efficient Driving Practices | The proposed Plan would not conflict with efforts to promote efficient driving practices. |

### GOAL 3. PROMOTE USE OF LOW CARBON ALTERNATIVE FUELS

| Objective 2b. Promote Efficient Driving Practices | The proposed Plan identifies continuing actions including building a network of electric vehicle charging stations and developing a regional alternative fuels plan, promoting the use of both zero-emission vehicles and alternative fuels. |

### GOAL 4. PROTECT TRANSPORTATION INFRASTRUCTURE FROM CLIMATE CHANGE IMPACTS

| Objective 4a. Protect Transportation Infrastructure from Damage Due to Extreme Heat | The proposed Plan identifies continuing actions including developing strategies to enhance the region’s ability to adapt to the consequences of climate change, including planning and design strategies to help communities cope with hazardous events such as storms, heat waves, wildfires, and ongoing drought. |
| Objective 4b. Protect Transportation Infrastructure from Sea Level Rise and Higher Storm Surges |  |
| Objective 4c. Protect Transportation Infrastructure from Wildfire-Associated Mudslides |  |

### GOAL 5. REDUCE ENERGY USE IN RESIDENTIAL AND COMMERCIAL BUILDINGS

| Objective 5a. Retrofit Existing Buildings to Reduce Energy Use | The proposed Plan identifies continuing actions including support for the efforts of local jurisdictions to implement their Energy Roadmap Programs to save energy in their own operations and in their communities. |
| Objective 5b. Maximize Efficiency in New Residential and Commercial Construction | The proposed Plan identifies continuing actions including support for the efforts of local jurisdictions to implement their Energy Roadmap Programs to save energy in their own operations and in their communities. |

### GOAL 6. INCREASE USE OF RENEWABLE ENERGY

| Objective 6a. Promote Installation of Clean, On-site Energy Systems | The proposed Plan identifies continuing actions including support for the efforts of local jurisdictions to implement their Energy Roadmap Programs to save energy in their own operations and in their communities. |
| Objective 6b. Promote Large-Scale Renewable Energy Projects | The proposed Plan would not conflict with development of large-scale renewable energy projects |

### GOAL 7. REDUCE WATER-RELATED ENERGY USE AND GREENHOUSE GASES

| Objective 7a. Integrate Measures that Save Water and Energy into Building Retrofit Programs | The proposed Plan would not conflict with programs to promote water conservation in existing buildings |
| Objective 7b. Use Reclaimed Water to Decrease the Amount of Greenhouse Gases Attributed to Meeting Water Needs | The proposed Plan would not conflict with the use of reclaimed water |

### GOAL 8. PROTECT ENERGY INFRASTRUCTURE FROM CLIMATE CHANGE IMPACTS

| Objective 8a. Support Modernization of the Electricity Grid | The proposed Plan would not conflict with modernization of the electricity grid |
| Objective 8b. Utilize Demand Response and Energy Efficiency Measures to Reduce Greenhouse Gases during Peak Periods | The proposed Plan would not conflict with demand response and energy efficiency measures during peak periods |
| Objective 8c. Study the Range of Impacts on Energy Infrastructure | The proposed Plan would not conflict with study of the range of impacts on energy infrastructure |
GOAL 9. SANDAG AND LOCAL GOVERNMENTS LEAD BY EXAMPLE

<table>
<thead>
<tr>
<th>Objective 9a. Local Governments Prepare and Adopt Climate Action Plans</th>
<th>See below in Impact GHG-2 for analysis of the proposed Plan for conflicts with local climate action plans.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 9b. Assess the Energy Use of SANDAG Operations</td>
<td>The proposed Plan would not conflict with programs to assess energy use of SANDAG operations</td>
</tr>
<tr>
<td>Objective 9c. Local Governments Use Cleaner Energy Supplies and Reduce Energy Use</td>
<td>The proposed Plan identifies continuing actions including support for the efforts of local jurisdictions to implement their Energy Roadmap Programs to save energy in their own operations and in their communities.</td>
</tr>
</tbody>
</table>

The Strategy’s goals include four specific goals relating to transportation: Goals 1, 2, 3, and 4. These goals have informed the development of the proposed Plan’s policies relative to the transportation network improvements and programs. Accordingly, the proposed Plan’s transportation network improvements and programs would not conflict with the Climate Action Strategy. The proposed Plan’s transportation network improvements and programs are designed to adopt Climate Action Strategy policies and would support their implementation. The proposed Plan therefore contributes to achieving the goals of the Strategy, and would not conflict with SANDAG’s adopted Climate Action Strategy, and would support implementation of the Strategy.

Local Climate Action Plans

To date, there are seven cities within the region with adopted Climate Action Plans. An analysis of whether the proposed Plan would conflict with the measures and policies in adopted local Climate Action Plans is provided in Appendix G-2. As shown in Appendix G-2, the proposed Plan would not conflict with adopted local Climate Action Plans.

2020 Conclusion

Implementation of regional growth and land use change and transportation network improvements and programs under the proposed Plan would not conflict with AB 32, the SANDAG Climate Action Strategy, or adopted local Climate Action Plans. Therefore, this impact (GHG-2) in the year 2020 is less than significant.

2035

Regional Growth and Land Use Change and Transportation Network Improvements and Programs

SANDAG Climate Action Strategy

As shown in Table 4.8-9, the proposed Plan would not conflict with SANDAG’s Climate Action Strategy goals and objectives related to land use or transportation. By 2035, the proposed Plan would continue to be consistent with the Climate Action Strategy.

Local Climate Action Plans

As shown in Appendix G-2, the proposed Plan would not conflict with adopted local Climate Action Plans. By 2035 the proposed Plan would continue to support the measures and policies within adopted local Climate Action Plans.
2035 Conclusion
Implementation of regional growth and land use change and transportation network improvements and programs under the proposed Plan would not conflict with AB 32, the SANDAG Climate Action Strategy, or adopted local Climate Action Plans. Therefore, this impact (GHG-2) in the year 2035 is less than significant.

2050
Regional Growth and Land Use Change and Transportation Network Improvements and Programs
SANDAG Climate Action Strategy
As shown in Table 4.8-9, the proposed Plan would not conflict with SANDAG’s Climate Action Strategy goals and objectives related to land use and transportation. By 2050, the proposed Plan would continue to be consistent with the Climate Action Strategy.

Local Climate Action Plans
As shown in Appendix G-2, the proposed Plan would not conflict with adopted local Climate Action Plans. While most local adopted Climate Action Plans do not set specific policies that extend to 2050, because the proposed Plan is consistent with the current plans and policies to reduce GHG emissions, the proposed Plan would continue to support the goals of local Climate Action Plans in 2050.

2050 Conclusion
Implementation of regional growth and land use change and transportation network improvements and programs under the proposed Plan would not conflict with AB 32, the SANDAG Climate Action Strategy, or adopted local Climate Action Plans. Therefore, this impact (GHG-2) in the year 2050 is less than significant.

GHG-3 CONFLICT WITH SB 375 EMISSION REDUCTION TARGETS
ANALYSIS METHODOLOGY
The analysis evaluates whether the proposed Plan would conflict with SB 375 GHG emission reduction targets. SB 375 required ARB to develop regional GHG emission reduction targets compared to 2005 emissions, for passenger vehicles for 2020 and 2035. The targets established for SANDAG by ARB are to reduce per capita CO\textsubscript{2} emissions 7 percent below 2005 levels by 2020 and 13 percent below 2005 levels by 2035 (ARB 2011). ARB has not developed any post-2035 targets (ARB 2014h). The SB 375 technical methodology for estimating GHG emissions is included in Appendix G-3 to the EIR. Because SB 375 does not require 2050 GHG emissions reduction targets, the EIR does not present a 2050 analysis of conflicts with SB 375.

For the purpose of evaluating impacts under Impact GHG-3, because the SB 375 targets include both regional growth and land use change and the transportation network improvements, the analysis of conflicts with SB 375 emission reduction targets has not been separated into the two categories. The impact assessment includes both regional growth and land use change and the transportation network improvements.
2020

*Regional Growth and Land Use Change and Transportation Network Improvements and Programs*

ARB requires SANDAG to reduce per capita CO₂ emissions from passenger cars and light-duty trucks 7 percent below 2005 levels by 2020. Per capita emissions from passenger cars and light-duty trucks were 26.0 lbs CO₂/person/day in 2005. Under implementation of the proposed Plan, GHG emissions would be reduced to 22.5 lbs CO₂/person/day in 2020, an 18 percent reduction from 2005 levels. The GHG emissions reductions under the proposed Plan would exceed the ARB target of a 7 percent reduction by 2020 (Table 4.8-10). Therefore, implementation of regional growth and land use change and transportation network improvements and programs would not conflict with SB 375 GHG emission reduction targets. This impact is less than significant impact.

<table>
<thead>
<tr>
<th>SB 375 GHG Reduction Targets and GHG Emissions under the Proposed Plan, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Capita Emissions under the proposed Plan</td>
</tr>
<tr>
<td>Percent Reductions under the proposed Plan</td>
</tr>
<tr>
<td>ARB Target</td>
</tr>
</tbody>
</table>

Source: Appendix G-3 to the EIR
Note: Average weekday per capita CO₂ reductions for passenger cars and light-duty trucks from 2005 level of 26.0 pounds per person per day.

The revised emissions and percentages in this table have been decreased by 2% per ARB requirement that EMFAC2014 model results be revised with 2% percent adjustment factor.

2020 Conclusion

Implementation of the proposed Plan would not conflict with SB 375 emission reduction targets for 2020. Therefore, this impact (GHG-3) in the year 2020 is less than significant.

2035

*Regional Growth and Land Use Change and Transportation Network Improvements and Programs*

ARB requires SANDAG to reduce per capita CO₂ emissions from passenger cars and light-duty trucks 13 percent below 2005 levels by 2035. Under implementation of the proposed Plan, GHG emissions would be reduced to 20.3 lbs CO₂/person/day, a 24 percent reduction from 2005 levels. The GHG emissions reductions under the proposed Plan would exceed the ARB target of a 13 percent reduction by 2035 (Table 4.8-11). Therefore, implementation of the regional growth and land use change and transportation network improvements and programs would not conflict with SB 375 GHG emission reduction targets. This impact is less than significant impact.
### 2035 Conclusion

Implementation of the proposed Plan would not conflict with SB 375 emission reduction targets for 2035. Therefore, this impact (GHG-3) in the year 2035 is less than significant.

**GHG-4 BE INCONSISTENT WITH THE STATE’S ABILITY TO ACHIEVE THE EXECUTIVE ORDER B-30-15 AND S-3-05 GOALS OF REDUCING CALIFORNIA’S GHG EMISSIONS TO 40 PERCENT BELOW 1990 LEVELS BY 2030 AND 80 PERCENT BELOW 1990 LEVELS BY 2050**

**ANALYSIS METHODOLOGY**

The analysis evaluates whether the proposed Plan is inconsistent with the State’s ability to achieve the Executive Order S-3-05 goal of reducing California’s GHG emissions to 80 percent below 1990 levels by 2050. The analysis also evaluates whether the proposed Plan is inconsistent with the State’s ability to achieve the Executive Order B-30-15 goal of reducing California’s GHG emissions to 40 percent below 1990 levels by 2030.

The Executive Order S-3-05 goal of reducing California’s GHG emissions to 1990 levels by 2020 was adopted in AB 32, and is evaluated in Impact GHG-2. Therefore, this analysis focuses on whether the region would achieve the 2050 goal. 2035 is also addressed in Impact GHG-4 as an interim year using the Executive Order B-30-15 goal of reducing California’s GHG emissions to 40 percent below 1990 levels by 2030.

To perform this analysis, SANDAG identified estimated 2035 and 2050 emissions reduction reference points for the region. Note that there is no requirement that the SANDAG region’s emissions be reduced by the same percentage (“equal share”) as the statewide percentage in order for the State to achieve the Executive Order’s goal. The proposed Plan’s impacts nevertheless are considered significant if total emissions in the San Diego region exceed the estimated 2035 or 2050 GHG reduction reference points. A graph comparing regional emissions projected in the proposed Plan versus the Executive Order-based reference points is provided as Figure 4.8-1.
4.8 Greenhouse Gas Emissions

SANDAG identified the 2050 reference point by applying an 80 percent reduction to the San Diego region’s 1990 emissions level. The 40 percent reduction was applied to the region’s 1990 emissions level to identify a 2030 reference point, which was then used to develop a 2035 reference point by using a straight line trajectory from the 2030 goal to the 2050 goal.

As described in Impact GHG-2, the San Diego region’s 1990 GHG emissions totaled 29 MMT CO\textsubscript{2}e (see Appendix G-1 to the EIR). By applying the methodology described above, the 2035 reference point was identified as 14.5 MMT CO\textsubscript{2}e, and the 2050 reference point was identified as 5.8 MMT CO\textsubscript{2}e.

For the purpose of evaluating impacts under Impact GHG-4, because the Executive Order goals include both regional growth and land use change and the transportation network, the analysis has not been separated into the two categories. The impact assessment includes both regional growth and land use change and the transportation network. Emission calculations are provided in Appendix G-1.

During the timeframe of the proposed Plan, climate change effects that are likely to exacerbate the proposed Plan’s greenhouse gas emissions impacts include but are not limited to increases in temperatures and frequency, duration, and intensity of heatwaves (which could lead to increases in GHG emissions from local fossil fuel-fired power plants to meet electricity demands); and wildfires (which release GHG emissions of criteria pollutants. In general, these climate change effects would increase between 2020 and 2050. Climate change effects are discussed in more detail in Appendix F.

Figure 4.8-1. Regional GHG Reductions Required to Meet Executive Order Reference Points for 2035 and 2050 vs. Proposed Plan Total Regional Emissions
2035

Regional Growth and Land Use Change and Transportation Network Improvements and Programs

As discussed under Impact GHG-1, under implementation of the proposed Plan, total GHG emissions for the San Diego region in 2035 are projected to be approximately 25.5 MMT CO$_2$e, or 28 percent lower than GHG emissions in 2012 (Table 4.8-7). To be in line with its “equal share” of the state emissions reduction goals set forth in Executive Orders S-3-05 and B-30-15, regional GHG emissions would need to decrease to 14.5 MMT CO$_2$e by 2035.

Figure 4.8-1 shows a projection of “equal share” reductions for the San Diego region, compared to estimated proposed Plan emissions. In addition, Figure 4.8-2 compares the Executive Order-based 2035 reference point for the region with projected GHG emission under the proposed Plan. This is a significant impact.

![Figure 4.8-2. 2035 GHG Emissions Reference Point vs. Proposed Plan Total Regional Emissions](source: Appendix G-1 to the EIR)

2035 Conclusion

Because the total emissions in the San Diego region of 25.5 MMT CO$_2$e in 2035 would exceed the regional 2035 GHG reduction reference point of 14.5 MMT CO$_2$e (which is based on EO-B-30-15 and EO-S-3-05), the proposed Plan’s 2035 GHG emissions would be inconsistent with state’s ability to achieve the Executive Orders’ GHG reduction goals. Therefore, this impact (GHG-4) in the year 2035 is significant.
4.8 Greenhouse Gas Emissions

2050

Regional Growth and Land Use Change and Transportation Network Improvements and Programs

As discussed under Impact GHG-1, under implementation of the proposed Plan, total GHG emissions for the San Diego region in 2050 are projected to be 25.9 to 26.0 MMT CO₂e, or 26.8 to 24.9 percent lower than GHG emissions in 2012 (Table 4.8-8). To be in line with its “equal share” of the state 2050 emissions reduction goal set forth in Executive Order S-3-05, regional GHG emissions would need to decrease to 5.8 MMT CO₂e in 2050. Figure 4.8-1 shows a projection of “equal share” reductions for the San Diego region, compared to estimated proposed Plan emissions. In addition, Figure 4.8-3 compares the Executive Order based reference point for the region for 2050 with projected GHG emission under the proposed Plan. This is a significant impact.

Figure 4.8-3. 2050 GHG Emissions Reference Point vs. Proposed Plan

2050 Conclusion

Because the total emissions in the San Diego region of 25.9 to 26.0 MMT CO₂e in 2035 would exceed the regional 2035 GHG reduction reference point of 5.8 MMT CO₂e (which is based on EO-S-3-05), the proposed Plan’s 2050 GHG emissions would be inconsistent with state’s ability to achieve the Executive Order’s GHG reduction goals. Therefore, this impact (GHG-4) in the year 2050 is significant.
MITIGATION MEASURES

GHG-4 Inconsistency with State Agency 2030 and 2050 GHG Reduction Goals

2035 and 2050

Basis for Selection of GHG Mitigation Measures

Overview. Many features currently included in the proposed Plan (e.g., the SCS, increased transit and active transportation investments) have the effect of reducing GHG emissions that might otherwise occur. Mitigation measures presented in this section are additional feasible GHG reduction measures not included in the proposed Plan that SANDAG would or other agencies could implement. Presented below are three types of feasible GHG reduction mitigation measures:

- Plan- and policy-level mitigation measures SANDAG has committed to implement;
- Mitigation measures for transportation network improvements and programs, which SANDAG has committed to implement for its projects and which other transportation project sponsors can and should implement for their projects and
- Mitigation measures for development projects implementing regional growth and land use changes, which local jurisdictions can and should implement.

While SANDAG has the authority to implement the mitigation measures it has committed to, it has no legal authority to require other transportation project sponsors or local jurisdictions to implement mitigation measures for specific projects for which they have responsibility and jurisdiction. As explained in Section 4.0, mitigation can include measures that are within the responsibility and jurisdiction of another public agency. SANDAG in its CEQA findings may find that those measures assigned to other agencies can and should be adopted by those other agencies (CEQA Guidelines Section 15091(a)(2)).

Other potential mitigation measures to reduce GHG emissions are included as components of the project alternatives in Chapter 6.0, rather than as individual mitigation measures in this section. These include still more compact land use patterns, accelerated and increased transit investments, reduced or no highway investments, and policies to reduce transit fares, increase parking prices, and establish road user fees.

Achieving the EO-S-3-05 GHG Reduction Goal. The state currently has no plan (e.g., analogous to the AB 32 Scoping Plan) for achieving the EO-B-30-15 and EO-S-3-05 GHG reduction goals. However, recent studies have shown that achieving these goals, whether statewide or within the San Diego region, would require major changes in clean technologies utilization, markets, and state and federal regulations.

For example, a recent study (Greenblatt 2015) presented an aggressive set of 49 policies intended to achieve the statewide 2050 goal, though implementing all these policies still fell short of the goal. These policies included major increases in energy efficiency, reduced GHG intensities of both fuel and electricity, and a shift away from direct fuel combustion and toward electricity, particularly in transportation. For example, the most aggressive scenario, Scenario 3, included policies such as increasing the average fleet gasoline efficiency to 54 MPG, doubled high-speed rail deployment, replacing all natural gas use in buildings with electric heat pumps by 2050, 50% residential zero net energy retrofits by 2030, adding 2.2 GW nuclear power capacity by 2050, and building 8 carbon capture and sequestration (CCS) facilities at power plants.

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4 Alternatives and mitigation measures are two alternative means for avoiding or reducing a project’s significant environmental impacts. See CEQA Guidelines Section 15002(h).
Similarly, Greenblatt and Long (2012) in an older study found that achieving the 2050 EO goal would likely require maximizing efficiency in all economic sectors, electrification of much of the transportation sector and many stationary uses of heat, a doubling of electricity production with nearly zero emissions, and development of low-carbon fuels. They concluded that achieving the EO goal would require a combination of strategies; although some are available now, they conclude others would require substantial research and development to realize. These include electricity load balancing, substantially increasing biomass fuel supply, and making CCS 100% effective and economical to implement on a large scale.

**Achieving the EO B-30-15 GHG Reduction Goal.** A recent study commissioned by state agencies focused on scenarios for deep reductions in GHG emissions in 2030. (Energy+Environmental Economics 2015). The study found that up to 38% reductions in GHG emissions (close to the EO B-30-15 goal of 40%) by 2030 could be achieved with “significant progress” in energy efficiency, switching to low carbon fuel sources, producing lower carbon electricity and fuels, and reducing non-energy GHGs. “Significant progress” included measures such as doubled energy efficiency in buildings by 2030, 50%-60% of electricity sales from renewable energy by 2030, and rapid penetration of near-zero and zero-emissions vehicles.

The study noted that scenarios implementing these measures would rely on existing technologies, and were consistent with a continuation of current lifestyles and economic growth. The pace of emissions reductions would, however, require that key low-carbon technologies be commercialized, produced at scale, and achieve broad market adoption in the next 10-15 years.

**Regional Scenarios.** The GHG inventory prepared for the proposed Plan (Appendix G-1) analysis is based on implementation of current regulations, policies, and programs. An alternative scenario (“Scenario 3”) for the San Diego region is presented in Appendix G-4. It assumes major changes in the technologies, markets, and state and federal regulations. For example, strategies included a move toward 100 percent renewable electricity, 100 percent zero emission vehicle passenger fleet, and 90 percent landfill waste diversion. With implementation of these measures, regional emissions would be reduced to 77% below 1990 emissions, but would still fall short of the 80% below 1990 emissions reference point based on EO-S-3-05. In this scenario, electricity and passenger vehicles contribute zero emissions; emissions remain primarily from industrial sources, natural gas, aviation, and off-road fuel use.

Focusing on the transportation sector, Chapter 2 of the proposed Plan includes scenarios for how statewide GHG emissions specifically from the transportation sector could be reduced by 80% below 1990 levels. Scenarios developed under the ARB Vision Program and the Draft California Transportation Plan (CTP) envision how this goal might be achieved statewide given an aggressive set of strategies requiring major VMT reduction, as well as improvements in vehicle and fuel technologies. For example, the Draft CTP’s VMT reduction strategies include a 75% increase in auto operating costs, and doubling of all transit services and speeds.

Using the ARB Vision and Draft CTP frameworks, Chapter 2 of the proposed Plan discusses scenarios for the SANDAG region showing how an 80% reduction in mass GHG emissions from passenger vehicles might be met by highly aggressive implementation of ZEV penetration and VMT reduction measures.

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5 Looking Past 2035—Possible Pathways for Additional Greenhouse Gas Emissions Reductions. This section and associated appendix information are hereby incorporated by reference into the EIR.
See Figure 4.8-4. Achieving these additional emission reductions would require major changes in clean technologies utilization, markets, and state and federal policies and regulations. The proposed Plan does set forth ambitious but currently feasible TSM, electric vehicle, and other programs that can be implemented now and in the future aligned with the 2050 GHG reduction scenarios in the various studies discussed above.

Source: SANDAG 2015
Note: This figure has been updated to reflect the revised GHG emissions based on the new version of EMFAC2014 (v1.0.7) released by ARB in May 2015. On-road GHG emissions in the Draft EIR were calculated using EMFAC2014 (v1.0.1).

**Figure 4.8-4. Total Projected Carbon Dioxide Emissions from Cars and Light Duty Trucks for the San Diego Region.**
Conclusion. Full implementation of many of the measures that could result in a 40% reduction of GHG emissions by 2030 and an 80% reduction of GHG emissions by 2050 in the San Diego region would require major changes in clean technologies utilization, markets, and state and federal policies and regulations. The following mitigation measures would help reduce regional GHG emissions through reducing VMT, increasing use of alternative fuels, and other measures; they would reduce inconsistency of the propose Plan’s GHG emissions with the state’s ability to achieve the EO B-30-15 and EO-S-3-05 GHG reduction goals. However, full implementation of changes required to achieve the Executive Orders’ goals is beyond SANDAG’s or local agencies’ current ability to implement.

GHG-4A Allocate Competitive Grant Funding to Projects that Reduce GHG Emissions (SANDAG)

Mitigation Measure Text. SANDAG shall revise the TransNet Smart Growth Incentive and Active Transportation Grant Programs in the following ways to achieve GHG reductions:

- Adopt new or revised grant criteria to give greater weight to a project’s ability to directly reduce GHG emissions. Criteria include, but are not limited to, awarding points to projects that directly implement local climate action plans that reduce GHG emissions, or that directly implement parking strategies that reduce GHG emissions.
- Require locally adopted CAPs and complete streets policies as prerequisites to be eligible for grant funding. The locally adopted CAPs shall include measures to reduce GHG emissions to 1990 levels by 2020, and achieve further reductions beyond 2020 consistent with adopted regional or local GHG reduction targets.
- If a local jurisdiction does not have an adopted CAP or complete streets policy, SANDAG shall make available competitive funding through the grant programs for preparation of a CAP and/or complete streets policy.
- In addition to grant funding, SANDAG shall provide technical assistance to local jurisdictions for the preparation of CAPs as described in GHG-4E.
- These changes shall be adopted and effective for the fourth cycle of funding for both programs, which is expected to be released in December 2016.

Mitigation Measure Effectiveness. It is not possible to precisely quantify the effectiveness of this mitigation measure because SANDAG does not know the specific details of grant applications that local jurisdictions will submit in future funding cycles. However, this measure would result in GHG reductions as explained below. It requires that jurisdictions have locally adopted climate action plans in order to be eligible for grant funding. As shown below, locally adopted climate action plans in the San Diego region routinely require that GHG emissions be reduced to 1990 levels by 2020 (also expressed as 15 percent below 2005 levels) and continued reductions after 2020. Quantified estimates of metric tons of GHG reduction estimated to result from local actions in adopted climate action plans in the San Diego region also are presented below.

In the most recent cycle of funding awarded in July 2015, SANDAG awarded $15 million to 29 projects in 14 local jurisdictions including both capital and non-capital smart growth and active transportation projects. This mitigation measure will result in GHG reductions by aligning future funding allocations under SANDAG’s smart growth incentive and active transportation grant programs with smart growth and active transportation projects that result in GHG emissions reductions within local jurisdictions that are implementing adopted climate action plans.

4.8 Greenhouse Gas Emissions

- The City of San Diego’s adopted Climate Action and Protection Plan (CPAP)\(^7\) establishes a 15 percent reduction goal below 1990 levels, and its July 2015 Draft Climate Action Plan establishes the following targets: 25 percent below 2010 levels by 2020, 41 percent below 2010 levels by 2030, and 50 percent below 2010 levels by 2035. The local actions identified in the City of San Diego’s draft climate action plan (Table 3.1) would achieve about 3.5 million metric tons of GHG reduction annually by 2035.\(^8\)

- The City of Chula Vista’s adopted year 2000 climate action plan establishes a reduction goal of 20 percent below 1990 levels by 2010. In 2014, Chula Vista identified additional actions that would result in up to 166,000 metric tons of additional GHG reduction annually by 2020.\(^9\)

- The City of Encinitas’ adopted climate action plan establishes a target to reduce city-wide GHG emissions 12 percent below 2005 levels by 2020, with local actions resulting in about 51,000 metric tons of GHG reduction annually by 2020.\(^10\)

- The City of Escondido’s adopted climate action plan sets a goal to reduce emissions to 1990 levels by 2020, and continued reductions after 2020, with local actions resulting in about 36,000 metric tons of GHG reduction annually by 2020.\(^11\)

- The City of National City’s adopted climate action plan adopts a reduction target of 15 percent below 2005 levels by 2020, with additional reductions by 2030. Local actions would result in about 137,137 metric tons of GHG reduction annually by 2020, and 156,127 metric tons annually by 2030.\(^12\)

- The City of Vista’s adopted climate action plan establishes a target of reducing emissions to 15 percent below 2005 levels by 2020, with local actions resulting in about 32,000 metric tons of GHG reduction annually by 2020.\(^13\)

- The City of San Marcos’ adopted climate action plan establishes GHG reduction targets of 15 percent below 2005 levels by 2020 and 28 percent below 2005 levels by 2030. Local actions would result in about 800 metric tons of GHG reduction annually by 2020, and 1,300 metric tons annually by 2030.\(^14\)

- The City of Carlsbad’s adopted climate action plan sets targets of 15 percent below 2005 levels by 2020 and 49 percent below 2005 levels by 2035. Local general plan policies and actions would result in about 9,250 metric tons of GHG reduction annually by 2020, and about 8,300 metric tons annually by 2035. Additional local CAP measures would achieve an additional 13,336 metric tons of CO2e reduction by 2035.\(^15\)

- The City of La Mesa’s May 2015 draft climate action plan is based on the target of reducing emissions to 15 percent below 2005 levels by 2020 (or 16 percent below 2010 levels by 2020), which was adopted as the City’s target as part of its General Plan Update EIR. Local actions would result in about 15,400 metric tons of GHG reduction annually by 2020.\(^16\)

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\(^7\) [http://www.sandiego.gov/environmental-services/sustainable/pdf/action_plan_07_05.pdf](http://www.sandiego.gov/environmental-services/sustainable/pdf/action_plan_07_05.pdf)


\(^9\) [http://38.106.5.202/home/showdocument?id=7058](http://38.106.5.202/home/showdocument?id=7058)


\(^13\) [http://www.cityofvista.com/home/showdocument?id=84](http://www.cityofvista.com/home/showdocument?id=84)


4.8 Greenhouse Gas Emissions

**GHG-4B  Adopt a Detailed Regional Mobility Hub Strategy Implementation Plan to Reduce GHG Emissions (SANDAG)**

**Mitigation Measure Text.** Mobility hubs are places of connectivity, where different modes of transportation—walking, biking, ridesharing, and transit—come together to connect people to their jobs, school, shopping, errands, recreation, and back home; they reduce GHG emissions through reducing VMT and increasing transit use and alternative transportation. To implement the general “Regional Mobility Hub Implementation Strategy” listed as a proposed Plan near-term action, once this general strategy is developed, mobility hub concepts outlined in the proposed Plan, SANDAG shall develop and adopt a detailed Mobility Hub Strategy–Implementation plan no later than 2017 that includes:

1. Identification of mobility hub features and infrastructure requirements
2. Selection of 20 mobility hub locations that align with the smart growth place types identified in the Smart Growth Concept Map. Three mobility hubs will be implemented by 2020, and 17 more will be implemented by 2035.
3. Establishment of first mile/last mile transportation networks for each candidate mobility hub site based on travel patterns, access catchment areas, and adjacent land uses
4. Development of design guidelines for each candidate mobility hub site
5. Recommendation of specific mobility hub improvements and preparation of conceptual designs and capital cost estimates for each candidate mobility hub site
6. Strategies for implementation, including the potential for public-private partnerships and a phasing strategy

**Mitigation Measure Effectiveness.** While it is not possible to precisely quantify future GHG reductions from implementation of this mitigation measure, this measure would reduce GHG emissions because the implementation of mobility hubs would promote increased trips by walking, biking, transit, and carpooling, which reduce VMT, and in turn reduce GHG emissions. For example, research shows that increasing access to transit can reduce VMT anywhere from 0.5 to 24.5 percent. ²

**GHG-4C  Fund Electric Vehicle Charging Infrastructure (SANDAG)**

**Mitigation Measure Text.** To implement the proposed Plan action calling for building a network of electric vehicle chargers to promote the use of electric vehicles, SANDAG shall set aside approximately $30 million of Congestion Management and Air Quality (CMAQ) Improvement Program funds expected between 2020 and 2050 (approximately $1 million annually) to fund the installation of publicly available electric vehicle charging infrastructure. Increasing the number of publicly available electric vehicle charging points would reduce GHG emissions by extending the electric range of plug-in hybrid electric vehicles that would replace gasoline-powered internal combustion engines. The funding that would be provided is an incentive for installation of Level 1 and Level 2 electric vehicle chargers in publicly accessible locations throughout the region. Level 1 charging (similar to a standard wall outlet) adds about 2 to 5 miles of range to an electric vehicle per hour of charging time while Level 2 (240 V circuit) adds about 10 to 20 miles of range per hour of charging time. A detailed program will be developed and presented to the SANDAG Board of Directors before the adoption of the next Plan update with funding becoming available by 2020. Available funding will be leveraged to install up to 36,000 EV chargers by 2035 and an additional 44,000 chargers by 2050.

Mitigation Measure Effectiveness. This expanded charging network would reduce on-road emissions by an estimated 390,000 lbs CO₂ (177 metric tons) by 2035 and 455,000 lbs CO₂ (206 metric tons) by 2050 through the extended range of plug-in hybrid electric vehicles (See Regional Plan Appendix C).

GHG-4D Adopt a Plan for Transportation Fuels that Reduce GHG Emissions (SANDAG)

Mitigation Measure Text. SANDAG shall adopt a regional readiness plan for the deployment of infrastructure for all alternative fuels by 2016. The plan will identify barriers to developing alternative fuel infrastructure, and include recommendations and resources for stakeholders to overcome these barriers. The plan will build on the regional readiness plan for plug-in electric vehicles accepted by the Board in 2014. This plan will contribute to reductions in GHGs through developing recommendations for facilitating access to alternative fuels, which will reduce emissions from vehicles.

Also, SANDAG has received a notice of proposed award from CEC for additional funding to implement the PEV Readiness Plan over 2 years. SANDAG shall provide technical assistance to local government staff, contractors, and property managers on permitting, inspection, and installation for EV charging and general PEV awareness activities. This funding is included in the Fiscal Year 16 budget.

Mitigation Measure Effectiveness. While the precise GHG reductions associated with GHG-4D cannot be quantified because SANDAG does not know the timing and future penetration rates of alternative fuels, the readiness plan and resources will build upon the efforts to date of the San Diego Regional Clean Cities Coalition. The Coalition estimates that GHG reductions from the use of alternative fuels (excluding electricity) by fleets in the San Diego region amounted to 20,051 MTCO₂ in 2013 (DOE 2013). See Mitigation Measure GHG-4C for quantification of GHG reductions from installation of charging infrastructure for electric vehicles.

GHG-4E Assist in the Preparation of Climate Action Plans and Other Measures to Reduce GHG Emissions (SANDAG)

Mitigation Measure Text. SANDAG shall assist local governments in the preparation of CAPs, and other policies/measures to reduce GHG emissions. SANDAG shall assist local governments in identifying all feasible measures to reduce GHG emission to 1990 levels by 2020, and achieve further reductions beyond 2020 consistent with adopted regional or local GHG reduction targets. Specific forms of SANDAG assistance include, but are not limited to:

- Assisting its member agencies in obtaining funding for, directly funding, updating and implementing CAPs and other climate strategies through continued implementation of the SANDAG Energy Roadmap Program.

- Provides funding and energy planning assistance to local governments to implement projects that save energy and reduce energy-related GHG emissions.

- As described in GHG-4A, for local jurisdictions that do not have an adopted CAP, SANDAG shall make available competitive funding through the grant programs for preparation of a CAP.

Mitigation Measure Effectiveness

- Implementing CAPs: The Energy Roadmap Program has assisted the following cities in obtaining funding for CAP related activities. These activities increase the GHG reduction benefits described for GHG-4A, and would continue to advance GHG reductions with continued program implementation.
• Assisted the cities of National City and Vista in obtaining funding for CAP implementation activities.
• Assisted cities of Del Mar, Encinitas, La Mesa, Santee, and Solana Beach in obtaining funding for CAP development; and
• Assisted cities of El Cajon, Lemon Grove, and Oceanside in obtaining funding for updated GHG emission inventories.

- **Energy Plans and Projects:** Providing funding and energy planning assistance to local governments to implement projects that save energy and reduce energy-related GHG emissions. To date, SDG&E estimates that SANDAG’s energy roadmap program has resulted in up to about 3.4 million kWh of annual energy savings and about 1,200 MTCO2e of annual GHG reduction (SDG&E 2015). Implementation of the Energy Roadmap Program has helped the following cities realize energy savings (and related GHG reductions) at their municipal facilities as reported below. These benefits would continue and increase with continued program implementation:
  - City of Carlsbad: about 49,000 kilowatt hours (kWh) and 14,000 therms of annual energy savings and about 95 MTCO2e of annual GHG reduction
  - City of Coronado: about 130,000 kWh and 4,100 therms of annual energy savings and about 70 MTCO2e of annual GHG reduction
  - City of El Cajon: about 406,000 kWh of annual energy savings and about 142 MTCO2e of annual GHG reduction
  - City of Encinitas: about 70,000 kWh of annual energy savings and 24 MTCO2e of annual GHG reduction
  - City of Escondido: about 270,000 kWh and 25,000 therms of annual energy savings and about 246 MTCO2e of annual GHG reduction
  - City of Imperial Beach: about 2,600 kWh of annual energy savings and about 1 MTCO2e of annual GHG reduction
  - City of National City: about 140,000 kWh of annual energy savings and 50 MTCO2e of annual GHG reduction
  - City of Oceanside: about 317,000 kWh of annual energy savings and 112 MTCO2e of annual GHG reduction
  - City of Poway: about 207,000 kilowatt hours (kWh) of annual energy savings and about 73 MTCO2e of annual GHG reduction
  - City of San Marcos: about 900,000 kWh and 2,200 therms of annual energy savings and 330 MTCO2e of annual GHG reduction
  - City of Santee: about 580,000 kilowatt hours (kWh) of annual energy savings and about 206 MTCO2e of annual GHG reduction
  - City of Solana Beach: about 110,000 kWh of annual energy savings and 40 MTCO2e of annual GHG reduction
  - City of Vista: about 190,000 kilowatt hours (kWh) annual energy savings and about 66 MTCO2e of annual GHG reduction

- **CAP Preparation.** See Mitigation Measure GHG-4A for discussion of GHG reductions associated with local jurisdictions CAPs.
GHG-4F  Implement Measures to Reduce GHG Emissions from Transportation Projects (SANDAG)

During the planning, design, project-level CEQA review, construction, and operation of transportation network improvements, SANDAG shall implement measures to reduce GHG emissions, including but not limited to, applicable transportation project measures on the Attorney General’s list of project specific measures (California Attorney General’s Office 2010), as well as the CAPCOA reference, Quantifying Greenhouse Gas Mitigation Measures (CAPCOA 2010). These include, but are not limited to, the following:

- Implement construction measures through construction bid specifications, including the following topics:
  - Use energy and fuel efficient vehicles and equipment;
  - Use alternative fuel vehicles and equipment;
  - Use lighting systems that are energy efficient, including LED technology;
  - Use lighter-colored pavement, binding agents that are less GHG-intensive than Portland cement, and less-GHG intensive asphalt pavements; and
  - Recycle construction debris.
- Install efficient lighting (including LEDs) for traffic, street, and other outdoor lighting.
- Incorporate infrastructure electrification into project design (e.g., electric vehicle charging; charging for electric bikes).
- Incorporate electric vehicle supply equipment (EVSE) into projects that include commuter parking areas.
- Design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.
- Design measures to reduce energy consumption and increase use of renewable energy, such as solar-powered toll booths and other facilities, including those listed in Mitigation Measures EN-2A and EN-3BC.
- Design measures to reduce water consumption, such as drought-resistant landscaping, smart irrigation systems, and other measures including those listed in Mitigation Measure WS-1A.
- Construct buildings to Leadership in Energy and Environmental Design (LEED) certified standards or equivalent standards.

Funding for those measures that SANDAG selects would be included in individual project budgets.

GHG-4G  Implement Measures to Reduce GHG Emissions from Transportation Projects (Other Transportation Project Sponsors)

During the planning, design, project-level CEQA review, construction, and operation of transportation network improvements, other transportation project sponsors can and should implement measures to reduce GHG emissions, including, but not limited to, those described in Mitigation Measure GHG-4F.
GHG-4H Implement Measures to Reduce GHG Emissions from Development Projects (Local Governments)

During the planning, design, project-level CEQA review, construction, and operation of development projects, the County of San Diego and cities can and should implement measures to reduce GHG emissions, including but not limited to, applicable land use measures on the Attorney General’s list of project specific measures (California Attorney General’s Office 2010), as well as the CAPCOA reference, Quantifying Greenhouse Gas Mitigation Measures (CAPCOA 2010). These measures include, but are not limited to, the following:

- Construction measures, including those listed in Mitigation Measure GHG-4F.
- Measures that reduce VMT by increasing transit use, carpooling, bike-share and car-share programs, and active transportation, including:
  - Building or funding a major transit stop within or near development, in coordination with transit agencies;
  - Developing car-sharing and bike-sharing programs;
  - Providing transit incentives, including transit passes for MTS/NCTD buses and trolleys;
  - Consistent with the Regional Bicycle Plan, incorporating bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network;
  - Implementing complete streets consistent with the SANDAG Regional Complete Streets Policy, including adopting local complete streets policies;
  - Implementing mobility hubs consistent with the Regional Mobility Hub Strategy;
  - Improving transit access to bus and trolley routes by incentives for construction of transit facilities within developments, and/or providing dedicated shuttle service to trolley and transit stations; and
  - Implementing employer trip reduction measures to reduce employee trips and VMT such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs.
- Measures that reduce VMT through parking strategies based on the SANDAG Regional Parking Management Toolbox, including:
  - Parking pricing strategies consistent with the Toolbox;
  - Reduced minimum parking requirements;
  - Residential parking permit programs;
  - Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;
  - Provide adequate bicycle parking;
  - Other strategies in the SANDAG Regional Parking Management Toolbox
4.8 Greenhouse Gas Emissions

- Measures that reduce VMT through Transportation Systems Management (TSM), including measures included in proposed Plan Appendix E.
- Land use siting and design measures that reduce GHG emissions, including:
  - Developing on infill and brownfields sites;
  - Building high density and mixed use developments near transit; and
  - Retaining on-site mature trees and vegetation and planting new trees.
- Measures that increase vehicle efficiency or reduce the carbon content of fuels, including constructing electric vehicle charging stations or neighborhood electric vehicle networks or charging for electric bicycles consistent with SANDAG’s regional readiness planning for alternative fuels.
- Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.
- Measures to reduce energy consumption and increase use of renewable energy, including those listed in Mitigation Measures EN-23A and EN-3BC.
- Measures to reduce water consumption, including those listed in Mitigation Measure WS-1AXX.

Mitigation Measures AQ-4A, AQ-4B, and AQ-4C would also reduce emissions of GHGs by reducing overall pollutant emissions from equipment and vehicles. These measures include:

- Mitigation Measure AQ-4A. Reduce Exposure to Localized Particulate and/or TAC Emissions.
- Mitigation Measure AQ-4B. Reduce diesel emissions during construction from off-road equipment.
- Mitigation Measure AQ-4C. Reduce diesel emissions during construction from on-road vehicles.

Mitigation Measures EN-3B would also reduce emissions of GHGs by reducing conventional energy use and therefore reducing emissions associated with combustion of fossil fuels used in conventional power plants.

Mitigation Measure WS-1A would increase water conservation, and thereby reduce GHG emissions associated with water supply conveyance, storage, treatment, and distribution.

**SIGNIFICANCE AFTER MITIGATION**

2035 and 2050

Implementation of Mitigation Measures GHG-4A through GHG-4H, as well as Mitigation Measures AQ-4A, AQ-4B, AQ-4C, EN-3B and WS-1A, would reduce GHG emissions. The effectiveness of a number of the project-specific measures in reducing GHG emissions has been quantified by CAPCOA (2010). Based on the studies cited in the introduction to the mitigation section, however, even full implementation of all identified mitigation measures would not be sufficient to reduce the proposed Plan’s GHG emissions below the regional 2030 and 2050 GHG reduction reference points based on EO B-30-15 and EO-S-3-05. Because the proposed Plan’s 2035 GHG emissions would remain inconsistent with state’s current ability to achieve the Executive Orders’ GHG reduction goals, this impact (Impact GHG-4) remains significant and unavoidable.
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April 5, 2018

Robert Garcia, Senior Planner
City of Orange Community Development Department
300 East Chapman Avenue
Orange, CA 92866
rgarcia@cityoforange.org

Re: Draft Environmental Impact Report for the Trails at Santiago Creek Project

Dear Mr. Garcia:

On behalf of the Orange Park Association ("OPA"), we have reviewed the Draft Environmental Impact Report ("DEIR") for the Trails at Santiago Creek Project ("Project"). We submit this letter to state our position that the DEIR fails to meet the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. ("Guidelines"). Like all concerned members of the public, OPA relies on the environmental document required by CEQA for an honest and thorough assessment of the environmental impacts of a project such as this. We urge the City to correct the errors in the DEIR and provide the required assessment.

The EIR is "the heart of CEQA." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392. It is an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Id.* (citations omitted).
After carefully reviewing the DEIR for the proposed Project, we have concluded that it fails in numerous respects to comply with the requirements of CEQA. As described below, the DEIR violates this statute because it fails to: (1) provide a legally adequate description of the Project; (2) analyze the significant environmental impacts of the Project or propose adequate mitigation measures to address those impacts; and (3) undertake a legally sufficient study of alternatives to the Project.

To comply with CEQA and to ensure that the public as well as the City’s decision-makers have adequate information to consider the effects of the proposed Project, the City must prepare and recirculate a revised draft EIR that properly describes the Project, analyzes its impacts, and considers meaningful alternatives and mitigation measures that would help ameliorate those impacts.

The Project also demonstrates a disturbing disregard for the City of Orange General Plan (“General Plan”) and the Orange Park Acres Specific Plan (“OPA Plan”). While the applicant proposes to amend the General Plan and to remove the Project site from the OPA Plan, these amendments would directly undermine the integrity of the City’s planning and zoning. For decades, both the General Plan and the OPA Plan have called for open space and recreational uses on the Project site—and the City has long recognized that development proposals on the Project site are governed by the OPA Plan. By amending the General Plan and removing the Project site from the OPA Plan, the City would be reneging on its promise to provide for balanced growth that preserves the integrity of the Santiago Creek corridor and the unique rural character of this area.

In any event, even with the proposed amendments, the Project conflicts with fundamental policies of the General Plan and the OPA Plan, thereby violating the California Planning and Zoning Law, Gov. Code § 65000 et seq. And because these conflicts result in significant environmental impacts, the City’s failure to identify them in the EIR violates CEQA as well. Therefore, the City may not legally approve the Project or certify the EIR.

I. THE DEIR VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. The DEIR’s Flawed Project Description Does Not Permit Meaningful Public Review of the Project.

For an environmental document to adequately evaluate the environmental impacts of a project, it must first provide a comprehensive description of the project itself. This
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description must be accurate and sufficiently detailed to permit informed decision-making. See Guidelines § 15124. Indeed, “[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713, 730, quoting County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193. As a result, courts have found that, even if an EIR is adequate in all other respects, the use of a “truncated project concept” violates CEQA and requires the conclusion that the lead agency did not proceed in a manner required by law. San Joaquin Raptor, 27 Cal.App.4th at 730. “An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” Id. Here, the DEIR’s Project Description fails entirely to meet this mandate.

1. The Project Description Fails to Acknowledge the Full Amount of Development that Could Occur as a Result of the Project.

Courts have consistently held that an EIR must examine a project’s potential to impact the environment, even if the development may not ultimately materialize. Thus, an agency may not avoid analysis of proposed development merely because historic or projected land use trends indicate that the development might not occur. Equally important, CEQA requires an agency, in conducting environmental review, to take an expansive view of the project so as to “maximize protection of the environment.” Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora (2007) 155 Cal.App.4th 1214, 1223. An agency may not narrow the project description in such a way that minimizes the project’s impacts and prevents full disclosure and public review. Courts have routinely invalidated EIRs that narrow the project description or analyze a smaller project than the one actually proposed. See, e.g., Rural Land Owners Assn. v. City Council of Lodi (1983) 143 Cal.App.3d 1013 (finding inadequate an EIR for a general plan amendment that failed to describe or analyze the full amount of development that would follow annexation of land to the City).

The Court of Appeal’s decision in Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182 is instructive. There, the county argued that an EIR could avoid providing a full analysis of water supply for future phases of a proposed development project because the EIR included a mitigation measure that would prevent development of those future phases until a water supply had been identified. Rejecting this argument, the court held that a lead agency must assume that a project will be developed as planned and must evaluate the impacts of the planned project, not a potential, more limited project. Id. at 205-06.
Similarly here, the EIR does not analyze the environmental impacts of the full amount of development that could occur as a result of the Project, but only a fraction of that development. Because the Project would redesignate 40 acres of the site to low density residential ("LDR"), a designation that allows 2 - 6 dwelling units per acre, approval of the Project would permit a total of 240 homes. See DEIR Figure 2-8 (Proposed Land Use Plan) and pages 2-27, 2-47.\(^1\) Inexplicably, however, the DEIR assumes that only 129 homes will be constructed. CEQA forbids such an approach, as it leads to an underestimate of the environmental impacts resulting from implementation of the proposed Project.

In the present case, miscalculating the amount of potential development causes a serious underestimation of the Project’s impacts in almost every EIR category. The development of an additional 111 dwelling units would result in, for example, increased traffic, air pollution, greenhouse gas emissions, and energy consumption. It would also pose increased threats to drainage (i.e., flooding), water quality and biological resources. Accordingly, the DEIR is fundamentally misleading to the public and decision-makers, in violation of CEQA. Because the DEIR fails to describe the Project accurately, it fails to serve its purpose as an informational document. See San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.3d 645, 672-73. If the City desires to limit its environmental analysis to 129 dwelling units, it must place appropriate conditions on the Project, capping development at that level. Otherwise the DEIR must analyze the maximum amount of development allowed by the Project.

2. The Project Description Is Unstable and Lacks Essential Information.

The flaws in the DEIR’s Project Description extend beyond its failure to analyze the full amount of development allowed by the Project. A fundamental purpose of an EIR’s description of the Project is to give the public and decision-makers a sense of what uses would be developed on the site. Unfortunately, here, the DEIR’s purported Project Description fails to meet this basic requirement because it lacks essential information.

\(^1\) The DEIR’s Alternatives Chapter explicitly recognizes that the existing LDR land use designation would allow up to six dwelling units per acre. See DEIR at 5-1, stating that the existing R-1-8 Zoning for the residential area would provide a maximum of 77 single-family dwelling units based on acre density and would yield approximately 40 to 50 single-family dwelling units (although a range of 32 to 92 dwelling units could be developed under the existing land use designations).
According to the DEIR, the Project’s entitlements would remove the site’s residential areas from both the OPA Plan and the East Orange Plan and instead adopt a new specific plan governing development of the Project site. DEIR at 2-12. The DEIR explains, however, that the Specific Plan for the Project has not yet been prepared. Id. at 2-24. The remarkable fact that the DEIR has been circulated for public comment without the Project’s Specific Plan has serious implications. Specific plans are required to specify the proposed distribution, location, extent and intensity of major transportation components, sewage, water drainage, solid waste disposal and other essential facilities proposed within the plan area. Gov. Code § 65451(a)(2). Specific plans are also required to identify a program of implementation measures, including regulations, programs, public works projects and financing measures necessary to implement infrastructure and services. Id. at § 65451(a)(4). Because these essential components have yet to be developed, the DEIR cannot do its job, as it is unable to analyze the environmental implications of the Project.

For example, the DEIR provides no detail regarding the residential uses that would be developed on-site. Rather, it simply refers to Exhibit 2-8, the proposed Land Use Plan, which merely shows the boundaries of where residential uses would occur. The DEIR discloses no actual site plan, but takes a “trust us” approach, explaining only that the residential neighborhoods will be “notable.” DEIR at 2-27. The DEIR also lacks any information regarding the Project’s development standards and guidelines, leaving important questions unanswered. How can the DEIR evaluate the Project’s visual effects in the absence of a Project design? What plan can the public and decision-makers consult in order to verify that the neighborhoods will be well-planned? What are the architectural and landscaping themes? Where are the standards and guidelines to address landscaping and signage? The DEIR provides none of this information.

The Project would require a massive amount of grading and earthwork that could have severe implications if not done correctly.2 For example, grading could result in the accumulation of sediment in downstream waterways which in turn could cause blockage of flows, potentially causing increased localized ponding or flooding. Vegetation removal and grading could also degrade water quality. Yet the DEIR’s Project Description fails to provide any detailed information about grading and earthwork, instead calling for the details to be worked out later. See, e.g., DEIR at 2-44 (“The blend of imported materials will be based on the recommendation of the project’s soils

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2 The Project would require the importation of 700,000 cubic yards of new soil and the exportation of 400,000 yards of silty soil. DEIR at 2-44.
engineer...”). The DEIR also refers to the eventual preparation of an Interim Remediation Plan, which apparently may include interim grading and soil remediation, but the DEIR provides no details about this interim grading, let alone soil remediation on the Project site. DEIR at 2-44. In addition, the DEIR mentions, almost in passing, that groundwater and methane monitoring wells exist on the western portion of the Project site, but the DEIR fails to describe whether these wells pose any constraints for development of the site. DEIR at 2-2.

Compounding the problem, the DEIR lacks a plan for the Santiago Creek corridor. In particular, while the Project calls for the restoration of the creek’s riparian corridor (at 2-27), it provides no details about this restoration. Given the importance of Santiago Creek, the DEIR must address factors such as the creek’s ultimate alignment, width, depth, bottom configuration, and creek edge treatment, including its riparian and wetland habitats. These factors must be addressed for purposes of flood control, water quality, wildlife preservation and protection, trail design, community character, and aesthetic purposes.

In another critical omission, the DEIR defers any consideration for management and maintenance of any of the Project’s open space lands and trails. Instead it simply asserts that these issues “will be discussed as part of the ongoing process.” Id. at 2-28.

Nor does the DEIR contain necessary information relating to the design, phasing, timing, and financing of Project infrastructure. In a development of this size and duration, public and private improvements must be developed in a logical and viable sequence; infrastructure needs to be in place prior to demand for new development. Yet the DEIR lacks any documentation demonstrating that these critical Project components would be efficiently and effectively implemented. For example, the DEIR states that the Project will install a network of storm drainage facilities consisting of inlets, underground piping, and basins, but it includes no description, let alone design, for these facilities. Instead, it simply asserts that the “system is designed to detain flows from a 100-year storm event.” DEIR at 2-44. Moreover, within the residential neighborhood Planning Area D, the DEIR explains that the existing Handy Creek Orange County Flood Control District Easement provides for an open space extension into the neighborhood and the opportunity for trail/paseo linkage from the residences to the surrounding recreational trail network (at 2-32), but the DEIR provides no details about this easement or how this section of the trail system would function.

These are just a few of the myriad issues that define sound land use planning. The DEIR’s failure to address these issues is particularly frustrating because the Project
applicant, which has been planning this Project since at least 2015, is clearly capable of providing some details about the development. DEIR at 2-22. Unless and until the applicant prepares a specific plan for the site that confronts these basic planning and design considerations, the DEIR will remain incapable of addressing and analyzing the Project's environmental impacts. At this point, the City should be providing focused direction to the applicant regarding its vision for the Project site.

Furthermore, for items that are included as part of the Project, the DEIR must provide a detailed description. For example, the DEIR explains that a development agreement would be approved as part of the Project (at 2-47). Under state law, development agreements define the nature and scope of a development project, typically at a more detailed level than plan amendments. See Gov. Code § 65865.2 (specifying contents of development agreements). Indeed, the very purpose of a development agreement is to provide "certainty in the approval of development projects." Gov. Code § 65864. Development agreements, moreover, lock in vested rights to a certain development plan and can restrict future discretionary actions. See, e.g., Gov. Code § 65865.2. Accordingly, CEQA requires that the agency disclose the agreement's contents in the DEIR before approval.

At this point, the DEIR's failure to describe these critical features sends an ominous message about the specific plan process for this large and highly controversial Project. It is simply inconceivable that accountable decision-makers could make a decision to approve the Project with essentially no information about fundamental Project components. Yet that is effectively what this DEIR asks the City to do. Under state law, the DEIR needs to be revised to include a detailed description of the Project. See County of Inyo, 71 Cal.App.3d at 193. This description must then provide the basis for new, extensive analyses of the Project's environmental impacts.

Finally, it is important to understand that, in addition to the obvious CEQA implications, the Project appears to have not been planned. Even the casual observer would wonder how the City could be this far along in the administrative process for the development yet still lack the critical substantive land use planning details. Only when the planning is complete will the City be in a position to actually evaluate the Project's environmental effects. And only then can it make the intelligent, informed decisions that CEQA requires.
B. The DEIR’s Analysis of and Mitigation for the Impacts of the Proposed Project Are Inadequate.

In every section of the DEIR’s analysis of impacts, it is apparent that the authors were faced with an impossible task: They must evaluate the environmental consequences of a project that almost does not exist. As described above, the DEIR includes virtually no concrete description of the Project’s essential components. This void becomes even more clear in the chapters purporting to examine the Project’s impacts. Time and again the DEIR defers analysis and mitigation because there is no way to determine how the Project will affect the environment.

1. The DEIR Fails to Analyze and Mitigate the Project’s Land Use Impacts.

CEQA requires that EIRs analyze the consistency of a project with applicable local plans, including general plans. See Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors (2001) 91 Cal.App.4th 342, 386-87; Guidelines Appendix G, § IX (b). Inconsistencies with a general plan or other local plan’s goals and policies that were enacted to protect the environment are significant impacts in themselves and can also be evidence of other significant impacts. See id.; Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903, 929. In addition, a recently issued California Court of Appeal opinion validates a jurisdiction’s ability to deny a project because it does not comply with its general plan. See Kutzke v. City of San Diego (2017) 11 Cal.App.5th 1034, 1040-42.

Here, the DEIR focuses exclusively on the Project’s consistency with the City of Orange General Plan and fails to examine the Project’s consistency with other applicable land use plans in the area. As discussed below, the DEIR’s failure to adequately analyze the Project’s inconsistency with the Orange General Plan, or to recognize the relevance of the OPA Plan and the East Orange Plan, is a fatal flaw.

(a) The Project Is Inconsistent with the City of Orange’s General Plan.

Like all general plans, the City of Orange’s General Plan represents a legally enforceable “constitution” that governs land development. Orange Citizens for Parks and Recreation v. City of Orange (2016) 2 Cal.5th 141, 152. It also represents the region’s vision for its future. A cornerstone objective of the General Plan is to provide policy guidance for Orange’s future based on innovative land use planning techniques,
unifying the developed portion of the City with east Orange, and expressing community values. General Plan at LU-1.

The General Plan states: “The quality of the physical environment, built or natural, plays a large part in defining Orange’s quality of life. Land use conflicts often occur when newer developments are insensitive to the use, scale or character of existing development and/or the surrounding natural environment.” General Plan at LU-7. To this end, the General Plan identifies a goal and a series of policies requiring that future development preserve the character of existing neighboring communities.

In a glaring omission, the DEIR fails to recognize that the proposed Project would be directly at odds with the following goal and policies:

- **Goal 1.0**: Meet the present and future needs of all residential and business sectors with a diverse and balanced mix of land uses.

- **Policy 1.2**: Balance economic gains from new development while preserving the character and densities of residential neighborhoods.

- **Policy 1.4**: Ensure that new development reflects existing design standards, qualities, and features that are in context with nearby development.

- **Policy 1.6**: Minimize effects of new development on the privacy and character of surrounding neighborhoods.

- **Policy 6.1**: Ensure that new development is compatible with the style and design of established structures and the surrounding environment.

Instead, the DEIR concludes, without any evidentiary support, that the proposed Project would be consistent with these policies because it would be “compatible” with surrounding uses. DEIR at 3.10-11—3.10-13. Specifically, the document asserts that the Project “promotes land use compatibility with surrounding residential development by clustering the new dwelling units on 40 acres of the site.” DEIR at 3.10-12. This is incorrect. It is this very clustering—and specifically allowing more than 3 dwelling units per acre—that makes the Project incompatible with surrounding neighborhoods.

This area of Orange is characterized by a unique rural environment with low density development. The properties in Orange Park Acres are designated Estate Low Density Residential, which allows only 0-2 dwelling units per acre. General Plan at LU-
25. The proposed Project’s density would far exceed surrounding densities and thereby permanently change the character of the area. Because the DEIR lacks any basis to conclude the Project would be compatible with surrounding areas, it must be revised to correct the error—and to acknowledge that the Project’s inconsistency with the General Plan constitutes a significant environmental impact. See Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903, 929.

It is also important to emphasize that the General Plan currently designates more than one-half the Project site as Resource Area. According to the General Plan, the Resource Area designation provides that the site “[m]ay serve as a holding zone for future uses compatible with established and planned land uses in surrounding areas.” General Plan at LU-16. For decades, residents have relied on the City’s land use constitution, including this statement, when supporting development in the surrounding neighborhoods. If the City amends the General Plan to remove this long-held designation, it would renege on its promise to provide for balanced growth that preserves the unique rural character of this area.

(b) The Project Is Inconsistent with the Orange Park Acres and East Orange Plans.

In addition to analyzing a project’s consistency with a jurisdiction’s general plan, CEQA requires an analysis of consistency with other applicable local plans. Guidelines Appendix G, § IX (b).

There are two specific plans in effect in the Project vicinity: the OPA Plan and the East Orange Plan. DEIR at 2-12. See Orange General Plan at LU-24. According to the General Plan, the purpose of the OPA and East Orange Specific Plans is to provide greater specificity than the General Plan as to the types of uses allowed in the area, the applicable development standards (setbacks, heights, landscape, architecture, etc.), and the required circulation and infrastructure improvements. Id. As the General Plan explains, the OPA and East Orange Plans “are often used to ensure that multiple property owners and developers adhere to a single common development plan.” Id. (emphasis added).

The City has long recognized that development proposals on the Project site are governed by the OPA Plan and the East Orange Plan. See Exhibit A (City of Orange Resolution No. 8182, May 18, 1993). The DEIR also clearly recognizes the relevance of the OPA and East Orange Plans. See DEIR at 3.10-4.
According to the DEIR, about 39 and 37 acres of the Project site are within the OPA and East Orange Plans, respectively.③ See DEIR Exhibits 3.10-1, 3.19-2. The OPA Plan designates the Project site as “Santiago Greenbelt Plan,” while the East Orange Plan designates the Project site as “Regional Park.” DEIR at 3.10-4. Rather than adhere to the land use designations set forth within the OPA and East Orange Plans—as the General Plan clearly envisions—the proposed Project would remove those portions of the Project site from both specific plans. DEIR at 3.10-11. The DEIR states that this approach would “serve to reconcile any inconsistencies between the [Project’s] Land Use Designations and the designations in each of the two plans.” Id. However, this bold assertion—that simply removing the Project site from these long-standing plans would resolve any planning inconsistencies—makes a mockery of the state-mandated goal of providing for orderly development consistent with the City’s long-range planning documents: the General Plan and the specific plans that help implement the General Plan.

If approved, the Project would directly contravene the OPA and East Orange planning for this area of the City, yet the DEIR omits any consideration of these impacts. For example, both the OPA and the East Orange Plans call for phasing out the sand and gravel extraction operations on the Project site and creating a natural riparian area along Santiago Creek, together with proposed greenbelts, trails, recreation and open space areas. See OPA Plan Policy 11 and East Orange Environmental Policy 10. The DEIR does not recognize the Project’s conflict with these features.

Further, as the OPA Plan explains, the “Land Use Element offers a balance in types of residential, public-quasi-public, open space and recreational land use. This balance provides for the retaining of the rural environment, offers economic viability and offers a visually compatible climate for the preservation of the Orange Park Acres lifestyle. Thus, it is believed that the goals of the community have been met.” OPA Plan at 120. In other words, the Plan provided for preservation of important open space to retain the rural lifestyle of Orange Park Acres, while allowing for a reasonable amount of

③ The DEIR incorrectly identifies the amount of land on the Project site that is located within the OPA and East Orange Plans. The City has long recognized that 56.60 acres of the Project site are within the OPA Plan boundaries while 42.50 acres of the Project site are within the East Orange Plan boundaries. In addition, the DEIR incorrectly identifies the amount of land that is designated as Open Space within the Santiago Creek Channel. The DEIR identifies 16.5 acres. See DEIR Exhibit 2-6. The correct acreage is 26.40. These mistakes in the DEIR’s text and mapping must be corrected in the revised EIR.
development. The Project would undermine this policy, a contradiction the DEIR ignores.

For its part, the East Orange Plan strikes a similar balance between development and open space. It states: "Central theme of the proposed General Plan is the provision of needed residential development in the Area while simultaneously providing for the protection of the environmental assets of the Area." East Orange Plan at 107. The Plan describes the "extensive open space-greenbelt network" as one of the "key features of the Plan." *Id.* If approved, the Project would place a large subdivision in the midst of this greenbelt network, frustrating both the Plan’s key feature and its central theme.

In sum, removing the Project site from the OPA and East Orange Plans and allowing the Project’s intense development would take the heart out of this important regional greenbelt. Instead of gutting these land use planning documents, which were developed and approved with community support, the City should abide by the promises made in the plans. At the same time, the DEIR must be revised to analyze these inconsistencies.

2. **The DEIR Fails to Adequately Analyze and Mitigate the Project's Impacts on Hydrology and Water Quality.**

The DEIR's evaluation of the Project’s hydrological and water quality impacts is flawed because it fails to support its conclusions with the necessary facts and analysis.

(a) **Water Quality Impacts.**

The Project site is a part of the Santiago Creek Watershed, which is a major tributary to the Santa Ana River. DEIR at 5.9-2. Santiago Creek is listed on the 303(d) List for Impaired Waterbodies for salinity/total dissolved solids/and chlorides while the Santa Ana River is impaired for indicator bacteria. *Id.* Currently, runoff from the site either sheet-flows into Santiago Creek or flows into inlets along roadways where it enters the Creek via a storm drain system. DEIR at 3.9-19.

Given the Project’s location directly adjacent to Santiago Creek, the DEIR should have thoroughly analyzed how the Project’s construction and operation could impact water quality within the creek and downstream water bodies, including the Santa Ana River. Although the DEIR clearly acknowledges that the proposed Project will collect, route, and outlet project site tributary flows directly to Santiago Creek (at 5.9-43), it takes a flawed approach to analyzing the Project’s impact on the creek.
The DEIR’s analysis of construction-related impacts raises more questions than it answers. It acknowledges the potential for increased on-site erosion and sedimentation impacts. DEIR at 3.9-19. It further acknowledges that the site’s soils contain elevated levels of Total Petroleum Hydrocarbons (“TPH”). DEIR, Hazards Chapter at 3.8-3, 3.8-12, 3.8-13. The document fails, however, to disclose the effect that these TPH-contaminated soils could have on nearby waterways. It also does not identify the remedial action that will be required to ensure that these soils do not reach these waterways. Instead, it defers the identification of any solution until such time as the final surface cover and grade elevations for areas of concern are identified. Id. CEQA allows a lead agency to defer mitigation only when: (1) an EIR contains criteria, or performance standards, to govern future actions implementing the mitigation; (2) practical considerations preclude development of the measures at the time of initial project approval; and (3) the agency has assurances that the future mitigation will be both “feasible and efficacious.” Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70, 94-95; San Joaquin Raptor, 27 Cal.App.4th at 669-71; Guidelines § 15126.4(a)(1)(B). Here, the DEIR meets none of these requirements.

Although the DEIR proposes to mitigate construction-related water quality impacts by submitting a stormwater pollution prevention plan (“SWPPP”) to the City, the mitigation measure does not even acknowledge that TPH-contaminated soils exist on site. Again, in order to ensure that TPH-contaminated soils do not flow into Santiago Creek during Project construction, the DEIR must define the measures that will be taken, along with performance standards.

Relatedly, we can find no indication that a reclamation plan has been prepared for the Project site. The Surface Mining and Reclamation Act of 1975 (“SMARA”) was enacted by the California Legislature to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. Pub. Res. Code § 2710-2796. Following completion of surface mining activities, a reclamation plan is required to return mined lands to a second, productive use while ensuring that mining operations have been mitigated to the maximum extent feasible. Consequently, before any construction activities commence on the Project site, a reclamation plan must be prepared and submitted to the Department of Conservation for review and approval. Id. § 2774 (c). This process will help to ensure that water quality impacts (as well as impacts relating to air quality, flooding, wildlife and aquatic habitats) from the Project’s construction are fully mitigated.
The DEIR fares no better in its analysis of, and mitigation for, water quality impacts that could occur during the Project’s operational stage. In particular, as the DEIR explains, the Project would increase the amount of impervious surface coverage on the Project site, thereby creating the potential for discharge of urban pollutants into downstream waterways. Such pollutants would include sediment and turbidity, nutrients, organic compounds, oxygen demanding substances, trash and debris, bacteria and viruses, oil and grease, pesticides, and metals. DEIR at 3.9-19. Here too, the DEIR looks to a mitigation measure (MM HYD-1b) that calls for Best Management Practices (“BMPs”) to be implemented as part of a Water Quality Management Plan. DEIR at 3.9-20, 3.9-21. The measure, however, fails to provide any substantive explanation as to what these BMPs would entail or how they would be implemented. Consequently, the reader is then forced to read through a 300-plus page document in the technical appendix to attempt to understand whether water quality would in fact be protected.

As an initial matter, the DEIR’s approach is a wholly unacceptable way of presenting decision-makers and the public with essential information, and it renders the EIR legally inadequate. Whatever is required to be in the EIR must be in the EIR text, not buried in an appendix. See Santa Clarita Organization for Planning the Environment v. County of Los Angeles (2003) 106 Cal.App.4th 715, 722-23; San Joaquin Raptor, 27 Cal.App.4th at 727. Moreover, while the DEIR’s mitigation measure refers to (but does not describe) technical terms such as “first flush,” an objective that is purportedly intended to remove contaminants from the first two inches of stormwater before it enters area waterways, the technical appendix does not even mention this term. See Preliminary Hydrology and Hydraulic Report prepared by Fuscoe Engineering, provided as Appendix G to the DEIR.

Similar to the other mitigation measures, MM HYD-1b explains that the project applicant shall be required to prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly. DEIR at 3.9-21. A review of Appendix G, however, reveals that a yet-to-be-formed Homeowners Association (“HOA”), not the Project applicant, will be responsible for inspecting and maintaining all BMPs prescribed for the project. See Appendix G at pdf page 229. Because the DEIR provides no information on this HOA, including its ability to ensure that stormwater control measures will be effectively implemented over the life of the Project, the DEIR lacks evidentiary support that the
Project’s impacts relating to water quality would be reduced to less than significant levels.\(^4\)

(b) Storm Drainage and Flooding Impacts.

The Project site is located in an area with serious hydrologic constraints, as it contains 100-year and 500-year flood hazard areas. The 100-year flood hazard areas within the Project site overlap the Santiago Creek channel. DEIR at 3.9-12. The 500-year flood hazard areas overlap areas south of the creek, including areas that were previously mined. *Id.* The Handy Creek storm drain, which currently accepts runoff from the Project site, has been identified by Orange County as a deficient flood control facility that is not capable of conveying runoff from a 100-year storm event. DEIR at 3.9-22.

The Project proposes extensive grading and an increase in impervious surface coverage, changes that could cause increased runoff. This runoff, in turn, could create flooding conditions for downstream neighborhoods. In light of the site’s existing hydrologic constraints, one would expect the DEIR to thoroughly analyze the Project’s impact on downstream properties. It does not. Instead, it generally asserts that storm drain facilities will be constructed that would achieve a net reduction of stormwater during storm events. Other than a casual mention of inlets, underground piping, and basins, the DEIR provides no detailed description of these facilities, or any documentation that they would be sufficient to protect adjacent properties.

Although the DEIR includes a table (Table 3.9-5) depicting a reduction in discharge rates as a result of the Project, it does not provide any explanation as to how these discharge rates were calculated. Without a description of the assumptions and analytical methodology used to calculate discharge rates, the public and decision-makers cannot determine whether the DEIR’s information is accurate. CEQA prohibits such a cursory approach to environmental analysis. Rather, the statute requires that an EIR be detailed and complete, reflecting a good faith effort at full disclosure. Guidelines § 15151. As one court put it, the information regarding the project’s impacts must be

\(^4\) Again, as discussed above, the DEIR does not set forth sufficient specific, measurable performance standards for the SWPPP (for construction-related water quality impacts) or for the Water Quality Management Plan (operational water quality impacts) that could justify later formulation of mitigation methods targeted to meet water quality standards.
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“painstakingly ferreted out.” Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado, (1982) 131 Cal.App.3d 350, 357 (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment). The DEIR here does not come close to meeting these requirements.

As regards the Project’s storm drainage, the DEIR touts the fact that the Project would achieve a no net increase in discharge of stormwater into the Handy Creek storm drain during storm events. DEIR at 3.9-23. Yet, because the Handy Creek storm drain is currently incapable of conveying runoff from a 100-year storm event, achieving a no net increase in discharge is not sufficient to ensure that downstream properties will not be impacted by the Project.

Finally, although the DEIR acknowledges that the National Pollutant Discharge Elimination System (“NPDES”) permitting requirements were modified in 2013, the document fails to explain how these new requirements affect the proposed Project. Municipal Separate Storm Sewer System (“MS4”) permits typically describe, among other things, water quality goals and recommend additional BMPs to protect water quality.\(^5\) Given that the Project site is located within a 100-year flood zone and the site drains to Santiago Creek, the proposed Project will almost certainly need to incorporate additional BMPs. In order to ensure that stormwater and water quality impacts will be less than significant, the revised EIR must identify these BMPs.

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

(a) Impacts to Wildlife Species.

An EIR’s description of a project’s environmental setting plays a critical part in all of the subsequent parts of the EIR because it provides “the baseline physical conditions by which a lead agency determines whether an impact is significant.” Guidelines § 15125(a). “Knowledge of the regional setting is critical to the assessment of environmental impacts.” Guidelines § 15125(c). Although numerous sensitive wildlife species have been observed—or have the potential to occur—on the Project site, the DEIR fails to conduct the necessary focused surveys for all wildlife species potentially

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impacted by the Project. For example, the DEIR admits that because suitable habitat exists on the Project site, focused surveys were necessary for the arroyo toad, a Federal Endangered Species and a Species of Special Concern. DEIR at 3.4-16; Appendix C at pdf page 73. However, according to the DEIR, the last survey for the toad was conducted more than eight years ago. Because the 2010 survey was negative for the toad, the DEIR preparers did not bother to survey the site again; the DEIR simply asserts that this species is not "expected" to occur within the Project site. Appendix C at pdf page 63.

The failure to locate a species during a survey does not suggest that the species is absent from the Project site. Adverse conditions may have prevented the investigators from determining presence. Disease, drought, or predation may preclude the presence or identification of a species in any given year. Furthermore, the DEIR does not provide any information about the nature of the 2010 survey, so there is no way to determine whether appropriate protocols were followed. In fact, according to the United States Fish & Wildlife Service ("USFWS"), "to be reasonably confident that arroyo toads are not present at a site, at least six (6) surveys must be conducted during the breeding season." See USFWS Survey Protocol for the Arroyo toad, May 1999, attached as Exhibit B. Given that the arroyo toad is an endangered species and the Project site appears to provide suitable habitat for this species (see DEIR at 3.4-16), current protocol-level surveys must be conducted. Without these surveys, the DEIR lacks the evidentiary support that impacts to the toad would be less than significant.

The DEIR analytical error is not limited to the arroyo toad. Although the yellow-breasted chat was observed on-site, we could find no indication that the DEIR analyzed potential impacts to this sensitive species. See DEIR at 3.4-12, 3.4-39. Accordingly, the revised EIR must include focused surveys and a comprehensive analysis of potential impacts to the chat. If impacts are determined to be significant, the DEIR must identify mitigation measures to eliminate or reduce these impacts.

In addition, the DEIR fails to provide legally enforceable mitigation for the Project’s impacts to southern cottonwood riparian forest, a sensitive community that is considered high priority for conservation by California Department of Fish and Wildlife ("CDFW"). DEIR at 3.4-53. The DEIR states that the Project would result in the "temporary" loss of almost one-half acre of this habitat (id.), but CEQA does not distinguish between temporary and permanent environmental impacts. Furthermore, while the DEIR calls for these temporary impacts to be restored to pre-project conditions, it does not even require that native species be planted, let alone southern cottonwood riparian forest. See DEIR at 3.4-53 (calling for temporary impacts to be restored using native species “where appropriate”).
The DEIR makes this same error in its mitigation for the Project’s “temporary” impact to CDFW jurisdictional streambed and associated riparian habitats. Here too, it would allow these sensitive habitats to be replaced with non-native species. DEIR at 3.4-54. But to maintain the habitat’s value for wildlife, native species must be planted. This is because exotic plants not only sever the food web, but often become invasive pests, outcompeting native species and degrading habitats in remaining natural areas. Unless and until the EIR commits to replacing this lost habitat with other designated sensitive riparian habitat, i.e., locally appropriate native species, the DEIR has no basis to conclude that these impacts would be less than significant.

Finally, the Project site’s southern cottonwood-willow riparian forest provides habitat for the least Bell’s vireo and is suitable nesting habitat for the willow flycatcher, a State Endangered species. DEIR at 3.4-1, 3.4-42, 3.4-45. The Project proposes a 150-foot landscaping and fuel modification setback area adjacent to the southern cottonwood forest, but this measure is flawed: landscaping of this setback area would not be restricted to native plants. Id. For the reasons discussed above, all replacement vegetation must be native.

(b) Impacts to Federally Protected Wetlands, Streambeds and Riparian Habitat.

The DEIR acknowledges permanent and temporary impacts to federally protected wetlands, a jurisdictional streambed, and associated riparian habitat. DEIR at 3.4-54. The proposed mitigation, Mitigation Measure BIO-4, is defective for two reasons.

First, while MM BIO-4 calls for mitigating impacts at a 2:1 ratio, it would restore only wetlands that are temporarily impacted. Id. Again, CEQA does not distinguish between temporary and permanent environmental impacts. Consequently, all impacts to these resources should be mitigated at a 2:1 ratio.

Second, MM BIO-4 calls for restoration and revegetation with native species, but only “where appropriate.” Id. For the reasons discussed above, all natural communities should be restored with native species.

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(c) Cumulative Biological Resources Impacts.

The DEIR fails to provide any analysis of cumulative impacts to biological resources. The purpose of a cumulative impacts analysis is to determine whether the proposed Project's contribution is "cumulatively considerable" when viewed together with environmental changes anticipated from past, present, and probable future projects. Guidelines §§ 15064(h)(1), 15355(b). In determining the significance of the Project's incremental contribution, the question is not the relative amount of the Project's contribution to the existing cumulative problem (i.e., does this Project contribute the same, less, or more than other projects), but whether the addition of the Project's impact is significant in light of the serious existing problem (i.e., is the Project's contribution to the existing environmental problem cumulatively considerable). Thus, the greater the existing environmental problem is, the lower the threshold of significance is for considering a project's contribution to the cumulative impact. Communities for a Better Environment v. Cal. Resources Agency (2002) 103 Cal.App.4th 98, 120.

Here, the Project site provides habitat for numerous sensitive species, some of which are endangered. In other words, any threats to these species—such as from loss of habitat and habitat fragmentation—must be considered a serious existing problem. Thus, the DEIR's failure to provide any analysis of cumulative impacts to biological resources is a fatal flaw in the DEIR.

(d) Impacts Related to Tree Removal.

The primary purpose of the City's Tree Preservation Ordinance is to regulate the removal and destruction of trees on undeveloped and public interest property and to prevent further destruction of the City's once vast number of majestic trees. See Municipal Code §12.32.010(A). The Municipal Code explains that the regulation of tree removal is necessary because "large scale tree removal" is "more likely to have an adverse affect [sic] upon the existing environment." Id. at §12.32.010(b). The Code also states that the "past destruction of trees on such property has not only interfered with the natural scenic beauty and tourism of the city, but also greatly diminished the ecological value of such natural vegetation." Id.

The applicant's proposal to remove 256 trees must certainly be considered "large scale tree removal." The DEIR asserts that removed trees would be replanted at a 1:1

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7 The DEIR does not clearly identify the number of trees that would be removed, suggesting that some trees might be left in place and other trees would be removed for
ratio, and that this replanting would both eliminate any conflict with the Tree Ordinance and reduce Project impacts to a less than significant level. *Id.* at 3.4-58. But this facile reasoning is untenable. The whole purpose of the Tree Ordinance is to prevent destruction of the City’s once majestic trees. To this end, the Ordinance explicitly acknowledges that trees of historical value may be considered “public interest property.” Municipal Code § 12.32.050. It further defines “historical trees” as those that by virtue of their origin, size, uniqueness and/or national or regional rarity are now likely to be of historical value. *Id.* at 12.32.060.

Tellingly, the DEIR makes no effort to determine the historical value of the trees that would be removed by the applicant. Until this analysis occurs, there is no way of determining whether the trees should be considered “public interest property” under the Tree Ordinance. Given the Ordinance’s strong predilection toward tree preservation, the DEIR might well recommend a revised site development plan that allows for the preservation of the site’s healthy mature trees.

In sum, the revised EIR should determine both the historical value of the site’s trees and disclose the Project’s grading and development schedule. It must also analyze any potential inconsistency with the Municipal Code.8 If the Project’s plan for tree removal is determined to be inconsistent with the Code, the EIR must identify the impact as significant and propose feasible mitigation.

temporary impacts. DEIR at 3.4-58. For all intents and purposes, the DEIR should simply assume that the Project will result in the direct loss of 256 trees.

8 Notably, the DEIR is inconsistent regarding the duration of construction. The Project Description explains that, for purposes of analyzing environmental impacts, the Project would be constructed in a single phase that takes 24 months to complete. DEIR at 2-46. However, the Noise Chapter states that “for purposes of providing a conservative, reasonable worst-case analysis in this EIR, it will be assumed that the entire project would be developed in a single phase that takes 12 months to complete.” DEIR at 3.12-20. The revised EIR should clarify the Project’s construction schedule.
4. The DEIR Fails to Adequately Analyze and Mitigate the Project’s Traffic Impacts.

(a) The DEIR Lacks the Evidentiary Support for Its Conclusion that Project Impacts Would Be Reduced to a Less-Than-Significant Level.

The DEIR concludes that, with mitigation, the Project’s significant impact to the intersection of Orange Park Boulevard and Santiago Canyon Road in 2022 would be reduced to a less-than-significant level. DEIR at 3.16-70. The document fails, however, to present sufficient evidence that the mitigation for this impact would be effective. The DEIR identifies mitigation measure MM TRANS-2, which calls for the applicant to provide the City with fair share fees for the construction of an exclusive left-turn lane and one shared left-turn/right-turn lane in the northbound approach of the Orange Park Boulevard and Santiago Canyon Road intersection. Id. The DEIR explains that the applicant’s fair share responsibility for these improvements is 14.5 percent. Id.

In general, fee-based mitigation programs for traffic impacts based on fair share infrastructure contributions by individual projects have been found to be adequate mitigation measures under CEQA. Save Our Peninsula Committee v. Monterey County Bd. of Supervisors (2001) 87 Cal.App.4th 99, 140. To be adequate, however, these mitigation fees must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing. Id. at 140-41; see also Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, 1188-89 (explaining that fee-based traffic mitigation measures have to be specific and part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue).

Here, the DEIR’s proposed mitigation fails to meet these requirements. The DEIR simply assumes that the payment will occur, that it will cause the road improvements to be constructed, and that it will adequately mitigate the impacts, without providing a reasonably enforceable plan to achieve those results. Indeed, we can find no discussion in the DEIR that outlines the City’s plan to undertake these roadway improvements before the Project is constructed. Indeed, the absence of any details in the DEIR about the required intersection improvements demonstrates that the City is not committed to expeditiously solving this traffic impact. Consequently, the DEIR lacks the necessary evidentiary support that the Project’s traffic impacts will be reduced to less-than-significant levels.
Finally, because improvements to the intersection of Orange Park Boulevard and Santiago Canyon Road are not required to be constructed prior to Project completion, the Project is inconsistent with the following City of Orange General Plan policies:

- *Growth Management Element Policy 1.2*: “Ensure completion of transportation improvements as agreed upon by the City and developer prior to completion of a development project.”

- *Growth Management Policy 1.5*: “Require new development projects to link issuance of building permits for the appropriate portion of the development plan to roadway improvements required to achieve the appropriate LOS.”

The DEIR must be revised to correct these fundamental errors.

(b) The DEIR Fails to Adequately Analyze the Project’s Roadway Safety Impacts.

The DEIR discusses the Project’s roadway safety impacts, yet this analysis focuses exclusively on the Project’s operations. DEIR at 3.16-84. The DEIR ignores altogether the safety hazards caused by the Project’s construction. Based on our calculations, the Project would add a total of about 79,000 truck trips during the construction phase. This equates to 468 trips per day, or about 58 trips every hour. *Id.*

The revised EIR must evaluate how this massive increase in haul trucks will impact roadway safety. The EIR must begin its analysis by identifying the track haul routes. It must then describe how traffic flow would be managed on area roadways. As part of this analysis, the revised EIR must include a crash prediction model that estimates the frequency of crashes expected on area roadways based on their geometric design and traffic characteristics. The crash prediction algorithm will need to consider the effect of a number of roadway variables: number of lands, lane width, shoulder width and type, horizontal curve length (if any), any changes in elevation, and grade. If roadway safety impacts are determined to be significant, the EIR must identify mitigation measures capable of addressing these impacts.

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9 Our calculations are based on haul truck information from the following site: [http://www.earth haulers.com/news/how-much-dirt-can-a-dump-truck-carry/](http://www.earth haulers.com/news/how-much-dirt-can-a-dump-truck-carry/) (accessed on March 15, 2018) and assumed 168 working days: 8 hours per day and 6 days per week.
5. The DEIR Fails to Adequately Analyze the Project’s Construction-Related Air Quality Impacts.

The DEIR fails to accurately evaluate the Project’s potential to expose nearby sensitive receptors to substantial pollutant concentrations because it fails to take into account: (1) accurate soil import and export data, and (2) mobile source criteria air pollutants and toxic air contaminant emissions from the haul trucks transporting soils to and from the site.

The DEIR’s Project Description chapter states that the Project would import 700,000 cubic yards of new soil and export 400,000 yards of silty soil. DEIR at 2-44. For purposes of calculating the Project’s construction-related emissions, the DEIR’s Air Quality chapter identifies the net change between cut and fill as 530,000 cubic yards. DEIR at 3.3-34. However, the DEIR does not clarify the relationship between cut and fill and soil import and export. Id. In order to accurately calculate the Project’s increase in construction-related criteria and air toxic emissions, the revised EIR must clearly identify the amount of soil import and export, and cut and fill.

It also appears that the DEIR fails to take into account any emissions from haul trucks used to import and export soils. The DEIR identifies construction equipment in several tables, e.g., Table 3.3-7 (Construction Equipment); Table 3.3-11 (Construction Equipment Summary); and Table 3.3-12 (Maximum Daily Disturbed Acreage), yet none of these tables identify haul or any other type of truck. Haul truck criteria air pollutant emissions are, however, identified in a table in the DEIR’s Appendix B. See Appendix B at pdf page 339. If the main body of the DEIR had included haul truck emissions in its construction localized significance analysis (see Table 3.3-14), it would appear that the Project’s PM$_{10}$ and PM$_{2.5}$ emissions would exceed the localized significance thresholds, which would constitute a significant impact.

The revised EIR must include air emissions from the Project’s haul trucks. Once those emissions data have been identified, the EIR’s Localized Significance Analysis must be revised. If particulate emissions exceed the thresholds, the Project may expose nearby sensitive receptors to an elevated health risk, which would potentially require the preparation of a health risk assessment.
6. The DEIR Fails to Adequately Mitigate the Project's Energy-Related Impacts.

The DEIR quantifies the Project's increase in construction- and operational-energy impacts. Although the Project would increase electricity, natural gas, and petroleum-based fuel consumption, the DEIR concludes that impacts related to this energy consumption would be less than significant because the Project would not involve inefficient, wasteful and unnecessary use of energy. DEIR at 3.18-15 Yet the DEIR lacks the evidentiary basis for this questionable conclusion.

The Project would consume 944,100 kWh of electricity and 5.25 million cubic-feet of natural gas each year. DEIR at 3.18-14. At build-out, the transportation component of the Project would consume 276,430 gallons of gasoline or diesel. DEIR at 6-5. To conclude that the Project would not be inefficient and wasteful, it must include reasonably available measures to decrease energy consumption.

We can find no indication that the Project includes any features that would reduce its electricity, natural gas, gasoline or diesel fuel consumption. One way for a residential project to decrease energy consumption is to build to LEED (Leadership in Energy & Environmental Design) standards, which require the incorporation of energy-saving features. For example, according to A Citizen's Guide to LEED for Neighborhood Development, "green buildings" should incorporate strategies like the use of solar energy, energy and water efficiency, sustainably sourced (or recycled) materials, and efficient irrigation equipment, in addition to capturing rainwater and recycling wastewater. See A Congress For New Urbanism, Citizen's Guide to LEED for Neighborhood Development at 13-16, excerpts attached as Exhibit C.

The applicant appears to have ignored all such LEED strategies. Because these strategies have been determined to be feasible by a national advisory committee of experts in smart growth, the revised EIR should include these measures to mitigate for the Project's dramatic increase in energy consumption.
7. The DEIR Fails to Adequately Analyze or Mitigate the Project’s Consistency with Plans, Policies or Regulations Adopted for the Purpose of Reducing GHG Emissions.

The DEIR provides no evidence that the Project, which would generate almost 1,700 metric tons of CO2e emissions every year, is doing its fair share to meet GHG reduction goals. DEIR at 3.7-17. Worse still, because the DEIR concludes that the Project would have no significant climate-related impacts, it fails to adopt any mitigation for the Project’s substantial increase in emissions. The DEIR provides only a cursory discussion of the Project’s consistency with the City’s General Plan climate change policies and provides no analysis at all of the Project’s consistency with state plans to reduce GHG emissions.

(a) The DEIR Lacks the Evidentiary Support that the Project Would Not Conflict with the City’s General Plan Climate Change Policies.

Acknowledging that the City has not yet adopted a GHG reduction plan, the DEIR identifies a few General Plan policies related to climate change. DEIR at 3.7-18. One of these policies calls for the City to develop a strategy to reduce GHG emissions within Orange by at least 15 percent from current levels by 2020. Id. Yet, rather than evaluate whether the Project incorporates features that would help the City achieve a 15 percent reduction in GHG emissions by 2020, the document skips this step altogether. Instead, it merely asserts that because the Project preserves some open space on the Project site, it would avoid additional GHG emissions. Id. The DEIR never identifies the amount of GHG emissions that would purportedly be avoided by preserving open space. Id. Nor does the DEIR ever reconcile the fact that a project that increases GHG emissions by 1,700 metric tons every year would, at the same time, avoid additional emissions.

The Project is clearly inconsistent with the City’s climate-related General Plan policies. These inconsistencies constitute a significant impact of the Project. The DEIR must be revised to rectify this deficiency.
(b) The DEIR Fails to Analyze the Project’s Consistency With State Plans To Reduce GHG Emissions.

Executive Order ("EO") S-3-05 sets forth state policy related to GHG reduction, including reducing GHG emissions to 80% below 1990 levels by 2050. EO B-30-15, signed by the Governor in 2015, establishes a new interim target to reduce GHG emissions by 40 percent below 1990 levels by 2030. The DEIR acknowledges EO S-3-05, but it never analyzes the Project’s consistency with this directive. The DEIR ignores EO B-30-15 altogether.

Tellingly, the DEIR provides no reason for its failure to analyze the Project’s consistency with these directives. Other agencies have easily performed this analysis. For example, the San Diego Association of Governments ("SANDAG") utilized the following threshold of significance in the EIR for its most recent Regional Transportation Plan/Sustainable Communities Strategy: “GHG-4: Be inconsistent with the State’s ability to achieve the Executive Order B-30-15 and S-3-05 goals of reducing California’s GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.” See SANDAG’s RTP/SCS DEIR, GHG Chapter, attached as Exhibit D, at 4.8-33.

The SANDAG RTP/SCS EIR evaluated the project’s impacts by calculating a 40 percent and 80 percent reduction from the region’s 1990 emissions and utilizing that as a target reference point for the RTP. It then compared the region’s expected GHG emissions in the years 2035 and 2050 to the emissions that would be necessary to meet the EO trajectories. It included charts showing that the Plan would not meet the EO goals, concluding: “Because the total emissions in the San Diego region of 25.5 MMT CO$_2$e in 2035 would exceed the regional 2035 GHG reduction reference point of 14.5 MMT CO$_2$e (which is based on EO-B-30-15 and EO-S-3-05), the proposed Plan’s 2035 GHG emissions would be inconsistent with state’s ability to achieve the Executive Orders’ GHG reduction goals. Therefore, this impact (GHG-4) in the year 2035 is significant.” Exhibit D at 4.8-35. It reached a similar conclusion for the year 2050 goal. This analysis is easily adaptable to the proposed Project’s GHG emissions.

The DEIR’s failure to compare the Project’s emissions—which will continue for decades if not in perpetuity—against long-term GHG emission reduction policies such as those in EO S-3-05 and B-30-15 is unlawful. The public should understand just how far the Project will set the area off course from state-wide reduction goals.
Finally, because the DEIR fails to undertake a proper analysis of the Project’s climate impacts, it fails to analyze measures to reduce its GHG emissions. At a minimum, the applicant could incorporate strategies such as those discussed above and outlined in the LEED Handbook. Certain measures to reduce energy consumption for residential projects could also be effective in reducing GHG emissions.

8. The DEIR Fails to Adequately Address the Project’s Growth-Inducing Impacts.

The DEIR fails to evaluate, or even acknowledge, the potential for the Project to encourage growth caused by the applicant’s proposal to remove the Project site from the OPA and East Orange Plans. If approved, the Project will encourage and facilitate other developers to purchase property designated for open space or recreational uses. In addition, by removing the low density land use designations (e.g., 1 acre minimum lot size), the Project has the potential to encourage large-lot property owners to subdivide their lots. Consequently, the DEIR’s conclusion that the Project will not induce growth cannot be sustained. The revised EIR must acknowledge the potential for such growth and analyze the associated environmental impacts.

C. The DEIR’s Analysis of Project Alternatives Is Legally Inadequate.

CEQA provides that “public agencies should not approve projects as proposed if there are feasible alternatives . . . which would substantially lessen the significant environmental effects of such projects.” Pub. Resources Code § 21002. Critically, an EIR must consider a “reasonable range” of alternatives “that will foster informed decisionmaking and public participation.” Guidelines § 15126.6(a) (emphasis added); Laurel Heights Improvement Assn., 47 Cal.3d at 404 (“An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision making.”)

1. The DEIR Does Not Analyze a Reasonable Range of Alternatives and the Analysis of the DEIR’s “No-Project” Alternatives Is Deficient.

The DEIR’s Alternatives Chapter contains just three alternatives: two no-project alternatives and one alternative entitled the “WIN-WIN” alternative. DEIR at 5-2. In the vast majority of environmental impact categories, the “WIN-WIN” alternative results in similar or more severe impacts than the proposed Project. The DEIR thus does not provide an adequate range of alternatives.
Moreover, the DEIR’s analysis of the two no-project alternatives is itself deficient. Both no-project alternatives call for the continuation of sand and gravel operations on the Project site. DEIR at 5-1, 5-2. While CEQA does allow the no-project alternative to take into account “predictable actions” if a proposed project is denied, the EIR must nonetheless conduct an appropriate analysis of the no-project’s environmental impacts. Guidelines § 15126.6(e)(3)(B). In particular, CEQA requires that the no-project alternatives analysis discuss the existing conditions at the time the notice of preparation (“NOP”) is published, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. Guidelines § 15126.6(e)(2). Here, the DEIR does neither of these things.

(a) The DEIR Relies on an Inaccurate Baseline in Its Analysis of Alternatives 1 and 2, the “No Project Alternatives.”

The DEIR defines Alternative 2, the “No Project Alternative/Existing Land Use Activities Alternative,” as the continuation of sand and gravel operations on the Project site. DEIR at 5-14. Alternative 1 also assumes a continuation of these operations. The DEIR is misleading, however, as sand and gravel operations currently occur only very infrequently. At the time the NOP was published (March 3, 2017), backfilling operations on the Project site had been limited to 15 consecutive business days in any 6-month period. DEIR at 5-14.

Because the DEIR incorrectly assumes that extensive sand and gravel operations are currently occurring and would continue, the document erroneously concludes that No-project Alternative 2 would have greater impacts on air quality, GHG emissions, and traffic as compared to the proposed Project.\(^\text{10}\) If sand and gravel operations were to resume at full capacity, the quarry’s operations would likely be far more environmentally

\(^{10}\) For example, as regards GHG emissions, the DEIR states “The No Project Alternative/Existing Land Use Activities Alternative consists of maintaining the existing resource extraction activities on 77.3 acres of the project site. This alternative would generate 742 fewer daily trips, which would result in fewer operational emissions of greenhouse gas emissions. Therefore, the No Project Alternative/Existing Land Use Activities Alternative would have fewer greenhouse gas emissions impacts than the proposed project.” DEIR at 5-16.
impactful than a 129-unit subdivision. But, as noted above, this is not the reality. Almost 25 years ago, the City determined that the extraction life of the aggregate mine was mostly depleted (See Exhibit A at 1 (Resolution 8182)), and activities have been reduced dramatically. Accordingly, it is simply nonsensical that two of the DEIR’s three Project alternatives call for a continuation of mining operations.

The DEIR’s error is significant because the DEIR concludes that one of the two “no project” alternatives (Alternative 2) constitutes the environmentally superior alternative. DEIR at 5-28. As noted above, this conclusion is based on the inaccurate assumption that quarry activities will continue. The conclusion also suffers from a second flaw. Under CEQA, the DEIR may not rely solely on a “no project” alternative as its environmentally superior alternative. Guidelines § 15126.6(e)(2) (“If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives”).

Accordingly, the City must take a serious look at alternatives that can actually avoid or lessen the Project’s significant impacts, rather than designing straw-man alternatives to make this particular Project seem like the only possible choice.

(b) The DEIR Fails to Evaluate a No-Project Alternative Scenario that Is Based on Current Plans.

CEQA requires that the no-project alternatives analysis discuss the existing conditions at the time the NOP is published, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. Guidelines § 15126.6(e)(2). In addition, when a project consists of “the revision of an existing land use or regulatory plan . . . the ‘no project’ alternative will be the continuation of the existing plan . . . into the future.” Guidelines § 15126.6(e)(3)(A).

Neither of the DEIR’s “no-project” alternatives takes into account existing plans, i.e., the OPA Plan or the East Orange Plan’s land use designation for the site. To

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11 In fact, the City has long known that the sand and gravel operations on the Project site cause extensive environmental harm. See Exhibit A at 5 (City of Orange Resolution No. 8182, May 18, 1993 stating, “the site’s aggregate mining opportunities, if any, are limited by the residential development of the adjacent property to the north because noise and dust impacts associated with mining would have deterred such opportunities.”).
properly analyze these alternatives, the DEIR should have forecasted "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans." Guidelines § 15126.6(e)(2). As discussed above, the City clearly anticipated that development proposals on the Project site were to be governed by the OPA Plan and the East Orange Plan. See Exhibit A at 4 (City of Orange Resolution 8182). Consequently, a continuation of the land use plans that the Project proposes to amend means the Project site would continue to be designated as "Santiago Greenbelt Plan" under the OPA Plan or "Regional Park" under the East Orange Plan. In other words, the current Resource Area uses may continue, but any future development must comply with the City's determination of compatible uses as shown in the OPA Plan or East Orange Plan, which are open space uses. The DEIR improperly assumes that under "No Project: Alternative 1- Development within the Existing Land Use Designations," Resource Area and Low Density Residential uses would occur on the Project site. DEIR Page 5-1. This mistake must be corrected.

The DEIR must be revised to reflect a legally correct no-project alternative. This alternative will inform decision-makers and the public that under current land use plans, future uses on the Project site would be open space/park. Without a proper no-project alternative, the DEIR "fail[s] to meet the most important purpose of CEQA, to fully inform the decision makers and the public of the environmental impacts of the choices before them." Planning & Conservation League v. Department of Water Resources (2000) 83 Cal.App.4th 892, 920 (invalidating EIR because the no-project alternative improperly analyzed what would reasonably be expected to occur in the absence of the project).

2. **The DEIR Must Consider Other Feasible Alternatives Capable of Avoiding or Substantially Reducing the Project's Significant Environmental Impacts.**

The DEIR identifies only one alternative (the "WIN-WIN" alternative) other than the two "no-project" alternatives, and the "WIN-WIN" alternative results in similar or even greater impacts than the proposed Project. We can find no logical explanation as to why the DEIR opted to include only one substantive alternative, especially when this alternative is, as discussed below, based on an outdated (2008) development proposal that is no longer on the table. Rather than imparting serious information about potentially viable alternatives, the DEIR's "WIN-WIN" alternative serves only as another "straw man" to provide justification for the Project. Such an approach violates CEQA, as it leaves the public and decision-makers with no reasonable, less damaging option for development of this highly constrained site.
Robert Garcia, Senior Planner
April 5, 2018
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The City’s decision to include the “WIN-WIN” alternative is particularly perplexing because this alternative was *not* one of the alternatives included in the final 2016 Pre-Development Agreement (“PDA”) between the City and the applicant. The PDA was the culmination of a public outreach program undertaken by City staff and the applicant to determine community priorities for the site. DEIR at ES-2. This public outreach program was intended to allow for “a high level of transparency to the community.” *See* DEIR Appendix K (October 11, 2016 City Staff Report at 3). Yet, the environmental document does not reflect the result of the outreach program.

Here, the DEIR appears to employ some subterfuge. The draft PDA, dated October 5, 2016 and included as an appendix to the DEIR, shows Alternative E as the 2008 “WIN-WIN” alternative. Yet, when the PDA was approved on November 2, 2016, the 2008 “WIN-WIN” Alternative had been replaced with a different Alternative E, the “Liaison Committee Map.” *See* Preliminary Development Agreement, November 2, 2016, attached as Exhibit E. Inexplicably, the new Alternative E, the Liaison Committee Map, appears nowhere in the DEIR. If the City had meant to honor the results of the public outreach program, the DEIR would have evaluated the feasibility of the Liaison Committee Map, not the superseded “WIN-WIN Alternative.”

To comply with CEQA, the EIR must provide feasible alternatives that actually reduce impacts caused by the proposed Project. One such alternative is the Liaison Committee Map, the result of the City’s public outreach. A graphic depiction of this alternative is shown in the November 2, 2016 PDA (Exhibit E). The Liaison Committee Map allows for less development than either the proposed Project or the “WIN-WIN Alternative” and would therefore be more effective than the proposed Project in achieving the Project’s objectives (e.g., locate homes in the most suitable areas of the site; preserve open space and greenway; preserve and protect Santiago Creek; and be compatible with neighboring residential uses). It would also be environmentally superior to the proposed Project since less development and more open space would result in reduced environmental impacts.

**D. The DEIR Must Be Recirculated.**

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

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

II. APPROVAL OF THE PROJECT WOULD VIOLATE CALIFORNIA PLANNING AND ZONING LAW.

The State Planning and Zoning Law (Gov. Code § 65000 et seq.) requires that development decisions be consistent with the jurisdiction’s general plan. As reiterated by the courts, “[u]nder state law, the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” Resource Defense Fund v. County of Santa Cruz (1982) 133 Cal.App.3d 800, 806. Accordingly, “[t]he consistency doctrine [is] the linchpin of California’s land use and development laws; it is the principle which infuses the concept of planned growth with the force of law.” Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors (1998) 62 Cal.App.4th 1332, 1336 (citations and internal quotations omitted).

General plans establish long-term goals and policies to guide future land use decisions, thus acting as a “constitution” for future development. Lesher Communications, Inc. v. City of Walnut Creek (1990) 52 Cal.3d 531, 540. The policies in the General Plan must be internally consistent. Gov. Code § 65300.5. To promote coordinated land use policies and practices, state law requires local governments not just to formulate theoretical land use plans, but also to conform their development and land use projects and approvals with those duly certified plans. Citizens of Goleta Valley v. Bd. of Supervisors (1990) 52 Cal.3d 553, 570; see also Gov. Code § 65860 (requiring consistency of zoning to general plan); id. §§ 65359 & 65454 (requiring consistency of specific plan and other development plan and amendments thereto to general plan).

It is an abuse of discretion to approve a project that “frustrate[s] the General Plan’s goals and policies.” Napa Citizens, 91 Cal.App.4th at 357. The project need not
Robert Garcia, Senior Planner
April 5, 2018
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present an "outright conflict" with a general plan provision to be considered inconsistent; the determining question is instead whether the project "is compatible with and will not frustrate the General Plan’s goals and policies." *Id.* at 379.

Here, for the reasons described above, the proposed Project is inconsistent with the City’s General Plan. Because of these inconsistencies, approval of this Project would violate State Planning and Zoning Law.

III. CONCLUSION.

As set forth above, the Trails at Santiago Creek DEIR suffers from numerous deficiencies, many of which would independently render it inadequate under CEQA. Taken as a whole, the deficiencies of the DEIR necessitate extensive revision of the document and recirculation for public comment. Moreover, as currently designed, the Project conflicts with the City of Orange General Plan, the OPA and East Orange Plans, and the City’s Tree Preservation Ordinance. OPA respectfully requests that the City reevaluate the Project in light of its inconsistencies with these plans and ordinances and make changes to the Project to reduce its serious environmental impacts.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Laurel L. Impett, AICP, Urban Planner

Rachel B. Hooper

List of Exhibits:

Exhibit A: City of Orange Resolution No. 8182, May 18, 1993.
Exhibit D: SANDAG's RTP/SCS DEIR, GHG Chapter.
Exhibit E: Preliminary Development Agreement, November 2, 2016.

cc: Donald Bradley, Orange Park Acres
Hello Mr. Garcia,

I am a resident of OPA and have lived in our community for almost 12 years. Recently over the past few years, traffic has become unbearable in the form that after 10pm, Orange Park Blvd becomes a drag race strip and cars are getting faster and louder creating unsafe situations. We are literally startled awake when a car drives by at such high velocity. There is already too much traffic that uses Orange Park Blvd as a short cut to get to Santiago and should with the development of these many new houses, it would even magnify the problem.

It seems as though it could be the younger population that creates this issue and they seem to disregard the quiet family values that OPA lives by. If track homes are built, they could potentially be more affordable and more appealing to this type of population which would inevitably bring more unsafe traffic. In addition to this traffic, having the construction traffic come by our streets would be detrimental to our homes.

A few years ago the city did major construction on Orange Park Blvd and Meads and installed storm drains. I Live right on the corner of Orange Park Boulevard and Meads loop and all this traffic created much movement and vibrations to my home’s foundation and after the construction was done I was left with many cracks on my walls and natural flooring due to the heavy equipment used in this construction. Having these many trucks and heavy equipment drive-by on our small streets would create this problem once again. I am asking that you NOT approve this new development.

My address:
11192 Meads
Orange, CA 92869

Thank you,
--
Emilia Sugiyama
310.569.4662 - cell

Sent from my iPhone. Please forgive any typos.
April 9, 2018

Robert Garcia, Senior Planner
City of Orange
Community Development Department
300 E. Chapman Avenue
Orange, CA 92866

rgarcia@cityoforange.org

Re: Liaison Committee (Orange Park Acres, Mabury Ranch and The Reserve) response to the Draft Environmental Impact Report (DEIR) for The Trails at Santiago Creek proposal

Dear Robert,

As representatives of the Liaison Committee appointed by the Orange City Council please accept our general comments to the Draft Environmental Impact Report (DEIR). We represent Mabury Ranch, Orange Park Acres and The Reserve. Each of our communities may have sent separate letters with specific concerns about this project. This letter is not meant to be comprehensive but rather an overview of our unified perspective as we move forward with this process.

Lack Of Cooperation with Liaison Committee

The Preface to the DEIR indicates that ‘[f]or the last 10 months, the City, Applicant and community representatives from OPA, Mabury Ranch HOA and The Reserve HOA have worked together in addressing these concerns, as well as other related matters.” If only that sentence were true. Community representatives attended those meetings for the explicit purpose to come to an agreement and avoid the necessity of one-day writing this letter opposing the proposed development. Unfortunately, the Applicant has not obtained community approval. Rather, once again, the Applicant is acting unilaterally in the hopes it can steamroll over community opposition.

The Liaison Committee neighborhood representatives expressly rejected the OPA 2008 “Win-Win” Alternative, and had it removed from the Pre-Development Agreement, and yet the DEIR discusses that proposal as if it was requested by the Liaison Committee. (See, e.g., page ES-6). The neighborhood representatives actually proposed Alternative E to the Pre-Development Agreement. Despite the obvious importance to the community representatives of
Alternative E, it was omitted from the DEIR, and despite rejection of the 2008 Win-Win Plan, it was included in the DEIR. Thus, many of the meetings with the Applicant, including the feedback that has been provided to the Applicant, has been ignored and omitted from the DEIR and the Applicant has instead attempted to paint a biased and inaccurate appearance of cooperation and endorsement from the Liaison Committee and neighboring communities. Omission of the correct Alternative E and failure to first obtain development agreement from community representatives means the years of discussions with the neighborhood representatives may have been largely wasted, as the Applicant is moving forward with its own plan, without consideration of Alternative E, and without any kind of agreement or approval from the adjacent neighborhoods most affected by this proposal.

In addition, Appendix K to the DEIR attaches a draft version of the Pre-Development Agreement. The actual Pre-Development Agreement is dated November 2, 2016, bears all signatures, and importantly, updates the labels on the Alternatives, removes the "win-win" plan as an alternative, and re-labels Alternative F as Alternative E.

**Violates the Orange Park Acres Specific Plan (1973) and East Orange Community Plan (1975)**

This proposal extinguishes the Orange Park Acres Specific Plan on the site. This sets a precedent that the OPA community should not be required to defend. It also is inconsistent with the General Plan.

The applicant is requesting to remove the subject site from the boundaries of the Orange Park Acres Plan (OPA Plan). The area affected is approximately 56 acres. The impact of deleting this portion of the site from the OPA Plan is that it no longer is subject to the OPA Plan designation of this area for permanent passive open space and that any development on the site is not subject to the OPA Plan's residential density of 1 dwelling unit per acre and minimum lot size 1 acre.

**Precedent Setting**
- Changing and extinguishing the OPA Plan for this property creates a precedent and pressure for changes elsewhere.
- Removing this site from the OPA Plan to create another plan to suit development need sets a precedent for large lot owners to begin dividing up lots.

In addition, the applicant is requesting the site be deleted from the boundaries of the East Orange General Plan (EOGP) approximately 40 acres. The impact of deleting this portion of the site from the EOGP is that it would no longer be subject to the EOGP designation of this area for permanent passive open space.
➢ Land Use

Exhibit 2-5 is potentially misleading and inaccurate in that the lots that are larger than 10,000 square feet are not marked in any way, and approximately 1/3 of the surrounding properties have this larger lot size. Fully one third of the area surrounded in what is depicted is in the OPA Plan, which are primarily 1-acre lot sizes. There is no project description or Tentative Tract Map.

➢ General Plan Amendment

The proposal calls for a General Plan Amendment (GPA) for 40 acres, changing it from Resource Area (R-A) to Low Density Residential (LDR). Low Density Residential allows for 2 to 6 dwelling units per acres – for a maximum of 240 units. There is no mention in the DEIR of a new specific plan limiting development to 129 units, nor has a copy of the plan been provided. Analysis in the DEIR has only been done for 129 units and therefore the General Plan should not be amended in a manner which would allow for more than 129 units.

Based on prior maps approximately 14 acres are in the East Orange General Plan and 26 acres are in the OPA Plan. Both plans designate the area as open space. LDR designation is not allowed in the OPA Plan.

For this project to go forward, the developer needs it to be “up-zoned.” In other words, the developer is seeking to enhance his entitlements on Sully Miller which is not a goal of the General Plan. A General Plan Amendment is a discretionary legislative action that allows citizens to challenge the action by referendum.

➢ Zoning

There are 12.6 acres zoned R-1-8 north of the creek. Transferring those development rights could take place as a condition of the acceptance of the EIR. In 1993 the City Council approved a subdivision map for this parcel providing for 25 homes. In 2003 Fieldstone proposed building 18 homes on this parcel north of the creek. There may be room for debate and/or compromise whether the existing entitlement for the site is the 25 homes approved in 1993, the 18 homes proposed by Fieldstone in 2003, or a greater number of units permitted under the existing zoning. However, none of these numbers add up to 129 homes. Under no circumstances should the transferred rights exceed the existing entitlement for that site.

The developer has no existing right to develop Sully Miller in the intensive manner that is being proposed. Rather, for this development to move forward, the landowner needs to have his property rights enhanced, through “up-planning” and “up-zoning.” Those are not goals of the General Plan.
The City has full discretion under the law to deny this request for enhancement. Because the City's general plan and zoning never allowed for this residential development, the developer has no legitimate expectation that these approvals would be granted.

A zone change is a discretionary legislative action that allows citizens to challenge the action by referendum.

➤ Maps

Maps throughout the entire document appear to be inconsistent with prior maps from city staff reports, parcel maps and historic maps. For example, the open space area in the Fieldstone project was 26 acres whereas now open space is shown as 16 acres. The creek location has been changed. The boundaries for the East Orange General Plan and OPA Plan have been changed. Maps need to reflect the proper boundaries.

➤ Tentative Tract Map (TTM)

Without a tract map here is no way to analyze the aesthetics, impacts of noise, lighting, massing, air quality, etc. Failing to provide a tract map defers key elements of the project to a later date and leaves open ended as to what gets built and where. Very little can be done about the tract map if the GPA and zoning has already been granted. Accordingly, we object to any General Plan Amendment, or any modifications or amendments to the EOGP or OPA Plan, in the absence of a Tentative Tract Map and a full understanding of the project proposed for approval.

➤ Mitigation

Mitigation cannot be evaluated if there is no project to analyze. Claiming, "No mitigation is required" is speculative without a proposed project. Of course there will be adverse impacts that must be mitigated. Grading and building according to the building codes does mean there are no adverse impacts that may require mitigation.

➤ Grading

The impacts of the re-grading and re-compaction of soils south of the creek are not known nor are the hauling routes. There will be impacts to importing 700,000 cubic yards of soil and exporting 400,000 cubic yards of silty soil, which will require approximately 73,333 one-way truck trips. The DEIR fails to analyze these impacts: traffic, noise, emissions, air quality, soil disturbance and toxins. The dirt should be balanced on the site, meaning little or no importing or exporting of any dirt. There certainly appears to be more than enough dirt already on the site to accommodate any reasonable grading plans. As there is
no tract map, there also is no grading plan. Accordingly, we are unable to review proposed lot elevations and height restrictions for possible view impairment. We object to the DEIR for these additional reasons.

➢ Traffic

The traffic data is misrepresented. Sphere of Influence (SOI) is not large enough. There are no Average Daily Trips (ADT) from the site now. With 129 homes there will be 1290 ADTs not 542. That's too many (the national average is 10 per home).

➢ Mining Activities

The DEIR states that mining activities ceased in 1995 (See page 2-19). This has been an ongoing bone of contention about this site. The Surface Mining and Reclamation Act of 1975 (SMARA) governs this site. This site is listed in SMARA Section 3550.4 Sector J. Fieldstone argued that Sully Miller was not governed by SMARA because mining ceased prior to 1975. The DEIR states, "that mining activities occurred on-site from 1919 until 1995 and consisted of surface mining of sand and aggregates." (page 2-19). As a result of this admission, it is now undisputed that SMARA applies to the site. SMARA requires that the land be returned to its natural state as it existed before the mining activities commenced. SMARA needs to be adhered to and a reclamation plan must be included.

➢ Open Space - Need for Ongoing Maintenance and Care

The EIR purports to evaluate the development of 40.2 acres of the 109-acre site. Only 8.3 acres of the remainder of the site are described as managed vegetation. The remaining 60.5 acres are left as unmanaged open space, including Santiago Creek. The proposal includes $5,100,000 in funds for landscape and trails, but there is no indication of how or who will maintain the creek and the remaining open space once the money runs out. The EIR does not describe what abatement activities will take place, what greenway will be established, and who will maintain it for years to come. The EIR merely offers to provide a finite amount of funds for trail and landscape improvements.

There is a lack of any plan for ongoing maintenance and care of the trails, the creek, and the open space area.

The absence of any plan for ongoing care and maintenance of the creek and open space is a glaring omission in this DEIR.

Regardless of SMARA, Remediation of the Open Space is Needed.

The DEIR discloses that: "The project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the
environment." See Page ES-28 – Impact HAZ-2. The mitigation measures for such concern are limited to building and grading permits for the houses. There is no discussion of remediation of such hazardous materials on the remainder of the property or in or around Santiago Creek except for the following statement (found on page 2-44):

"The proposed project includes extensive remediation of bad soils conditions left as a byproduct of the former mining operation. This will necessitate the import of approximately 700,000 cubic yards of new clean materials and the export of approximately 400,000 cubic yards of silty soils."

The DEIR does not further describe the extent or location of the "bad soils". Is it in or near the creek? There is no indication where the 400,000 cubic yards of silty soils will be removed or where the "new clean materials" will be placed. Is all of this remediation limited to the building pads for the new homes? The question of remediation, care and maintenance of the majority of the property (the open space) is overlooked.

The DEIR should address this issue squarely by committing to cleanup the entire property, including the creek, to smooth out the piles, remove the debris and hazards, clean up the bad soils on the entire property, clean up the hazardous waste on the entire property, and return the open space to its natural state as it existed before the mining commenced as required by SMARA (see sole reference to SMARA at 3.11.3). There is no reference in the DEIR regarding what remediation is necessary, and whether $5,100,000 is anywhere near enough money to cover it.

➢ Alternatives

The DEIR serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project, and ways to minimize adverse effects and to identify possible ways to minimize those effects, and describe reasonable alternatives to those projects. The city appointed Liaison Committee submitted Alternative E as being a reasonable alternative. That plan was ignored and not analyzed.

➢ Project Implementation

The phasing of this project is not realistic. On 2-48 the applicant admitted they need 404, 401 and 1600 permits, which can take several month to years. On 2-46 they claim construction would begin in January 2019 and the project would be completed by January 2021.

Our Liaison Committee has worked in good faith and has been very clear about our concerns. We take our responsibility seriously. We have been working together to find consensus for an acceptable project for the Sully Miller site.
As a committee, we have provided input on what would be acceptable based on constraints of the site, past proposals, planning law and the various plans that govern this site. The constraints, restrictions and challenges of this property are enormous.

We ask the City to require the applicant to make the needed corrections and provide accurate analysis as required by the California Environmental Quality Act.

Thank you,
City of Orange Sully Miller Liaison Committee

Attached: PDA agreement
Robert Garcia

From: Synde Sutherland <syndes2@hotmail.com>
Sent: Sunday, April 8, 2018 7:29 PM
To: Robert Garcia
Subject: Sully Miller project

Dear Mr Garcia,
My husband and I have lived in this area for 47 years, watching it grow. We cannot agree with the housing project in the Sully Miller land. The traffic in this area has gotten out of hand! It could not withstand 124 plus new houses!! That's 250-300 cars added! The land is unsafe due to the gas coming up from the ground! Please do not allow this project to proceed!! Not good for our community!!
Thank you,

Tom Sutherland
Synde Sutherland
10522 Meads Ave
Orange, CA
Sir,
I am not, nor have I ever been, a NIMBY person. As a small business owner, I’ve always been in favor of reasonable development that is undertaken with an understanding of the effects on other local businesses and residents. I understand that the Sully Miller property is a large piece of vacant land (not much of them left) that is ultimately going to be developed. But I can think of no reason why it can’t conform with the existing community Specific Plan. Even if it is developed within the scope of the existing “low density” specifications, the additional impact on the neighboring communities will be significant. As I am sure you aware, the vehicle traffic in east Orange (specifically on Santiago Blvd/Orange Park Blvd/Chapman/Cannon have reached gridlock proportions. In the evening, the backup on Santiago Blvd. and Cannon (in front of the Sully Miller property) is well over a mile long. For this reason, people are cutting through OPA in order to “attempt” to save time. The back-up on Orange Park Blvd. at this time often approaches ½ mile. This is causing many, usually younger drivers, to pass cars on the 2-lane OP Blvd. Just the other day, a head-on, high speed collision was narrowly avoided by a matter of yards. Rest assured, there will be deaths, either by horse riders or drivers, on OP Blvd. in the next 12 months. Any consideration to change the zoning of the Sully Miller property to “high density” without a plan to mitigate the already overcrowded situation on our roads in East Orange will be ill advised.

Thank you for your time and consideration.

David T. Swoish
CEO
Great Pacific Securities
151 Kalmus Drive Suite H-8
Costa Mesa, CA 92626
(714) 619-3000
daves@greatpac.com
www.greatpac.com

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April 9, 2018

Robert Garcia
Senior Planner
City of Orange
300 East Chapman Avenue
Orange, CA 92866

Re: Sully Miller site - Draft Environmental Impact Report for Trails at Santiago Creek proposal

Dear Mr. Garcia,

Thank you for the opportunity to review the long awaited Draft Environmental Impact Report (DEIR) for the Trails at Santiago Creek proposal. I want to express my disappointment in the DEIR as it is deficient in most areas and it does not meet California Environmental Quality Act (CEQA) standards as defined by the by the State of California.

The DEIR is required to evaluate potential significant environmental effects of the proposed project and present reasonable alternatives. Impacts are determined through comparing the existing conditions at the project site and region to expected construction activities and post-project conditions. The goal is to avoid potential significant impacts of surrounding communities and honor existing planning documents.

The information provided in this poorly constructed document does not provide the public and decision-makers the needed information to perform an adequate impact analysis of whether this proposal is appropriate for this site.
During the Notice of Preparation period community members complained that it is impossible to understand the true scope of the proposal without a defined project. Many were frustrated at the scoping meeting because of lack of disclosure and detail. Rather than taking that important input seriously those comments were disregarded.

By way of background I have been involved in the Sully Miller site since 1999. I actively participated in the Fieldstone and the Rio Santiago proposals and have a good understanding why each project was rejected. I have also been involved in land use, conservation, and regional public benefit issues in Orange County since 1992. I have also been engaged with my community and have an appreciation for Orange Park Acres, its unique character, the reason it has thrived for 90 years and why it must be protected.

I was appointed by the City Council to the Liaison Committee. Our committee has been clear with the applicant about what we would tolerate by way of development and even came up with an alternative plan that would be acceptable. In good faith, we agreed to a Pre-Development Agreement (PDA) in the hopes of moving forward an acceptable project.

At the October 11, 2016 Orange City Council meeting the applicant agreed to remove the 2008 “win-win” plan from the PDA. The “win-win” plan was no longer on the table. The Committee had conveyed that to the applicant on several occasions. We lodged our complaint publicly at the meeting. Both the council and applicant agreed to delete the "win-win" map and it was reflected in their unanimous vote. The plan we supported was designated Alternative F in that staff report, but with the removal of the "win-win" plan it was now designated Alternative E.

Fast forward the applicant ignored the mutually agreed upon PDA that was unanimously approved by the Orange City Council in the following manner:

1. The document included in Appendix K of the DEIR is incorrect and misleading.
2. The Alternative E plan put forward by the Liaison Committee was ignored and not included in the DEIR analysis of alternatives.
3. Even though the City Council removed the 2008 "win-win" as an alternative the applicant went ahead and unilaterally used that plan in the DEIR alternative analysis.

This is very disturbing as good faith is not a one-way street.
The Liaison Committee has been working diligently to resolve what can and cannot be built on the Sully Miller site. This applicant has minimized and misunderstood the constraints of this property and instead focused solely on getting zoning entitlements just to upzone the property. The applicant has not disclosed the true impacts of their proposal, which may be impossible to mitigate. CEQA protects the public so that it is not left in the future dealing with all the problems without a legal remedy.

The Sully Miller Company achieved the highest and best use of this property years ago through their sand and gravel operation. It is important to understand the constraints of this property. There are real reasons this large parcel has not been developed to date.

It should be noted that it is impossible to understand the true scope of the proposal without a defined project. Please include this letter in the official record of proceedings for the project and include me in any future notifications related to the Trails at Santiago Creek proposal. I would like to submit the following general comments:

- The very limited information in the DEIR leaves numerous questions and omissions concerning key aspects of the project and does not provide needed information for public review. No Major Site Plan (MSP) has been provided. A MSP needs to address the conceptual design of Santiago Creek, its alignment, width, depth, proposed vegetation, bottom configuration, etc. to address flood control considerations, aesthetic considerations, trail design, how it interacts with water quality management (WQMP) design, and freeboard protection. What will be the creek edge treatment? Will it be natural? Those details are not provided.

- It is important to include the accurate history so that the public and decision makers understand the long term vision for this site and history:
  - The 109-acre aggregate mining property known as Sully Miller site has been used for resource extraction for nearly 100 years. Mining activities occurred on-site from 1919 to 1995 and consisted of surface mining of sand and aggregates. The General Plan designated the site Resource with the zoning sand and gravel.
In the early 70s three plans were approved: Santiago Creek Greenbelt Plan (First printing - March, 1971), Orange Park Acres Specific Plan (1973) and the East Orange General Plan (1975). All of these plans designated the Sully Miller as Open Space once the extraction life was depleted.

**Background on the 12.6 acres North of the Creek adjacent to Mabury Ranch:** On May 18, 1993 the city Council approved a General Plan Amendment (GPA 2-93), Zone Change and Tentative Tract Map to allow the 12.6-acre site north of the creek to be subdivided for a 25 dwelling unit development (include Resolution No. 8182 and Tract Map No. 14747 showing the 25 homes that were approved). The General Plan changed the land use designation from R-A (Resource Area) to LDR (Low-Density Residential) and the zoning classification for SG (Sand and Gravel) to R-1-8. The tentative tract map expired in 2000. Only 12.6 acres is zoned for residential.

**Background on the Fieldstone proposal:** In 1999, Fieldstone proposed a 189-unit housing tract, which included 18 homes north of the creek adjacent to Mabury Ranch. The City Council approved the project in 2003. Citizen gathered the needed signature to qualify the referendum for the ballot. The City Council rescinded their vote, which reversed all the approvals.

**Background on the Rio Santiago proposal:** In 2009, Santiago Partners proposed a 450+ high-density project and finally settle on 395 units. No homes were proposed north of the creek. Citizens objected to the proposal. In 2014 the City Council denied the project.

- **12.6 acres North of the Creek adjacent to Mabury Ranch:**
  
  Confirm that only 12.6 acres north or the creek are zoned for residential housing. Any increase in acreage would require a zone change, which is a legislative action.
o Confirm that the constraints of the creek, surrounding community, safety & building requirements and federal and state regulations would limit the number of homes that could reasonably be built. In 1993 only 25 homes were approved for the Hansen project. In 2003 only 18 homes were proposed in the Fieldstone proposal.

• Outline how this proposal will avoid using Statements of Overriding Considerations from start to finish.

• Prior city staff reports, parcel maps and historic maps do not support the maps and acreage designations throughout the DEIR document. Please correct using the following information or provide verified data showing why this is not correct:
  Orange Park Acres Specific Plan and East Orange Plans
  o 56 acres - Orange Park Acres Specific Plan
  o 40 acres - East Orange General Plan
  o 12.6 acres - R-1-8 (north of the creek)
  o 26.4 acres – OS (Open Space)
  o 70.0 acres - RA (Resource Area)

• Confirm that the 1973 Santa Ana River/Santiago Creek Greenbelt & 1976 Santiago Creek Implementation Plans will be honored and that the habitat will be restored with native plants. Those details are not provided.
• Confirm that the creek will not be channelized. Include the plan for the creek. Those details are not provided.
• Would the project create or contribute substantial runoff, which would be an additional source of polluted runoff? Those details are not provided.
• Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow of the creek in a manner that would result in substantial erosion, siltation, or flooding, either on or off-site? Those details are not provided.
• Would the project have a negative impact on underground water quality? Those details are not provided.

This project conflicts with three long standing land use plans all adopted by the City of Orange: the Orange Park Acres Specific Plan, Santa Ana River/Santiago Creek Greenbelt Plan and the East Orange General Plan. Committees
representing homeowners, major landowners, developers, and City and County governments carefully conceived all of these plans. Both the OPA and the East Orange Plans designate nearly 96 acres as open space. The DEIR is inconsistent with the Orange General Plan, the Orange Park Acres Specific Plan and the East Orange General Plan.

This proposal is located adjacent to the former Villa Park Landfill. Site excavation could result in the releasing of methane and other hazardous gases. In addition this site may contain hazardous materials that could create serious problems for the environment and the public. This property is also located in a dam inundation zone 1.25 miles from the Villa Park Dam, an earthen dam. A thorough analysis must be completed delineating the potential impacts; dam failure and potential liability the City may have due to inundation and landfill gases. Those details are not provided.

Confirm how safety concerns will be addressed:

- Would the project result in substantial soil erosion or the loss of topsoil, creating substantial risk to the creek? Those details are not provided.
- Would the unstable soil conditions cause further liquefaction, landslides and/or soils problems that could be a risk to life or property? Those details are not provided.
- Identify the fill areas and the areas where silt has been dumped. What is the remediation plan? Those details are not provided.
- Define the plan for this site that will legally comply with the Surface Mining and Reclamation Act (SMARA) and all associated regulations. Those details are not provided.

In 2008, the applicant destroyed several acres of trees and habitat on this project site. This destruction may have interfered with native resident or migratory fish or wildlife species. These actions have reduced confidence that the developer will honestly comply with Federal and State environmental regulators. In addition the City of Orange, County of Orange and various agencies have signed on to the Habitat Conservation Plan and Natural Community Conservation Plan. That history needs to be included so that the public and decision makers have the needed information to perform an adequate impact analysis.

- Would this habitat destruction be in violation of the HCP/NCCP regional conservation agreements? Those details are not provided.
Would the project protect biological resources, including the wetland, riparian habitats and trees? Those details are not provided.

There are several threatened or endangered species, gnatcatcher, the Least Bell's Vireo and the Southwest Pond Turtles on this site. Would there be substantial degradation to their riparian and aquatic habitat through discharging a substantial amount of pollutants into a creek; significantly modifying the natural flow of the water; depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat; changing of the land forms; impacts because of grading? Those details are not provided.

What is the plan for the restoration of the original topography and vegetation? Those details are not provided.

The creek has been diverted and should be restored to its natural route. How will this be achieved? Those details are not provided.

What Urban Water Management Plan does this project rely on and is it adequate? Those details are not provided.

What are the impacts of wastewater and storm water? Those details are not provided.

Noise impacts on species must be analyzed; a noise study should be prepared to examine all the potential noise impacts.

The applicant should retain experts to peer review all technical reports submitted for the DEIR. Independent biologists and hydrologists should analyze impacts to water quality, development and site alterations on species, all subject to peer review. All agency approvals and permits, U.S. Fish and Wildlife Service, Department of Fish and Game and the U.S. Army Corp of Engineers, must be obtained prior to any local approvals.

The traffic studies are outdated and should include an expanded study area. The DEIR is deficient in its traffic analysis and safety issues. It must include the evaluation of the impacts of the construction phase including the cumulative projects in the area and an analysis of the permanent project. This must also include the truck trips required to haul out and bring in needed dirt and the routes.

This analysis should include resident, visitor, services, recreational users, emergency and any others that might frequent this development. In addition facilities supporting alternative transportation must be considered: bus turnouts,
bikes, horse crossings, staging areas, hitching posts, bus parking, RV parking, overflow parking, emergency ground vehicle access and an emergency helicopter landing the event of a road closure or emergency. Air traffic patterns would need to be considered and any related safety risks. Cumulative impacts of existing traffic must be analyzed. A backup plan must be designed in the event that Santiago Canyon Road is not accessible due to historical closures because of fires, power outages and fatal accidents in the area.

- Would the project result in a substantial increase in diesel emissions? Those details are not provided.
- What would be the impacts of the mass grading to surrounding neighborhoods? Those details are not provided.
- Would the long-term emissions associated with the vehicle trips and energy consumption created by this project result in the production of excessive air pollutants? Those details are not provided.
- What is the AB 32 (Global Warming Act) compliance plan? A qualified, independent expert should prepare a detailed analysis of potentially significant air quality impacts. Those details are not provided.

Portions of this site have been used for agricultural production in the past. It is a logical location for growing due to its proximity to a water source. An analysis of the agricultural resources should be made as to whether reintroducing food production might serve as a good use and important resource especially as we watch the major changes and shifts in our world. Food is a high priority.

The DEIR does not adequately analyze the cumulative impacts of this project and other related past, present and probable future projects. Mitigation measures and alternatives must be presented for all potentially significant impacts (including potentially significant cumulative impacts). Those details are not provided and disclosure of that information should not be deferred.

A reasonable range of alternative plans was not considered. It is very disturbing that the 2008 “win-win” plan, which the City Council, the Liaison Committee members and the applicant all agreed to delete, was analyzed as an alternative. Alternative E, submitted by the Liaison Committee and included in the Pre-Development Agreement was not analyzed. Alternative E would allow for 25 homes on 25 acres with the balance open space and/or agricultural.
The City of Orange states that the goal is to “better define its image and position within the region, maintain and reinforce existing neighborhood values, address local and regional environmental issues, and provide a better quality of life for the citizens of Orange.” This project conflicts with City goals and the vision of those that worked for years on the Santiago Greenbelt Plan. We should respect and honor the vision of those that had the foresight to designate this area open space on the land use plans that have served us so well. This project conflicts with the city-adopted OPA Specific Plan and the East Orange General Plan as well as the City of Orange General Plan. The DEIR is deficient on many levels and inadequate under CEQA. It needs to be withdrawn.

It’s unfortunate that this DEIR was released and the community was forced to review such a sub-standard document. I appreciate the opportunity to comment on this DEIR and I welcome any questions.

Sincerely,

Theresa Sears
Mr. Robert Garcia
Senior Planner
City of Orange
300 E. Chapman Ave
Orange, Ca. 92866

RE: DEIR Sully Miller

Dear Mr. Garcia:

This developer had submitted previously for project approval and general plan amendment from open space resource zoning to high density zoning on the Sully Miller property. At that time, the Planning Commission unanimously voted to reject the DEIR and the City Council ratified the Planning Commission’s unanimous vote.

Now, the developer submits for project approval and general plan amendment from open space resource zoning to LOW DENSITY zoning on the Sully Miller property.

I am submitting comments opposing the DEIR approval of this proposed project, they are as follows:

1. The project is inconsistent with ALL of the following:
   1. ORANGE PARK ACRES SPECIFIC PLAN: 1 Acre minimum lot size.
   2. EAST ORANGE PLAN
   3. SANTIAGO CREEK GREENWAY PLAN
   4. CITY OF ORANGE GENERAL PLAN

The property is within the City of Orange Equestrian Overlay Zone to allow for horse and animal keeping and does not comply.
2. There is no tract map identifying the proposed 129 homes. If Low Density zoning is approved potentially allowing up 240 homes to be built. The fact remains it is NOT IN COMPLIANCE with the ORANGE PARK ACRES SPECIFIC PLAN.

3. No development agreement has been provided.

4. Daily traffic congestion and public safety have not been mitigated. No traffic calming measures have been considered, nor traffic speed reduction in the Orange Park Acres Equestrian Community under the California Vehicular Code.

5. The project fails to comply with CEQA. Please refer to the Shute, Mihaly, and Weinberger, LLP letter dated April 5, 2018 letter submitted to the City of Orange.

6. The project is located within a Flood zone:
   The Planning Commission clearly stated regarding the previous project submitted by the same developer, “the City of Orange can not take responsibility/liability in sending a resident on an unscheduled trip to the ocean.” The location of the project has not moved, it is and will always be within a flood zone.

I respectfully request the Planning Commission unanimously disapprove the project.

Sincerely,
Laura Thomas
Dear Robert,

My husband and I moved to Orange Park Acres just over 4 years ago. We have fallen in love with this unique community. It is difficult to understand why people would want to destroy the best kept secret in Orange County.

We would like to make it know that we are strongly against the 240 home proposal. They traffic on Santiago Canyon Rd is only a part of our concern. The traffic on Orange Park Blvd will also be affected by any number of new homes. We already have traffic build up as people use OP Blvd as a cut through to get from chapman and the 241 to Santiago Canyon. I have attached a photo and a video of the existing traffic conditions on a Thursday afternoon.

Please consider honoring the original agreement and or plan for the max of 50 homes on 1 acre parcels. Help this unique community continue to thrive and offer the city of Orange one of the best communities in the county!

Debra Tous
dtous@mac.com
7633 E. Saddlehill Trail
Orange, CA 92869
714-745-2944
Sir,

We strongly oppose the proposed Sully Miller development for the reasons outlined by the Orange Park Acres org. and described in the Foothill Sentry articles. We are 30 year residents/owners.

Thank you for your consideration,

Brian Trevino
Robert Garcia

From: ussalesgw@cs.com
Sent: Monday, April 9, 2018 3:14 PM
To: Robert Garcia
Subject: RE: Rancho Santiago project

Good afternoon,
I imagine you have been very busy trying to sort out all of the notes from different sides of this project. Since I never have been involved with zone change requests in any long established area where the living are still adamant about the life some bought into and others were raised in I find it very difficult to understand why any intelligent and probably well educated person or company would be so stupid to even attempt to want to make permanent changes that will first deteriorate the current life style and second open the door to an untold number of others to also make changes. Being as it is people are kind of stupid especially when they are selfish or self centered only. Looking are this area it is easy to see that basically the long term residence have worked hard to develop and to maintain a life style reminiscent of earlier years in California when the Irvine property (Spanish influence) was the main way of life. Now we have a company that comes without a formal plan for the development of changes (depending on which side of the line your are on) that leaves a great number of ways for them to build or move in whatever they want even without the approval of the planning commission or the city council. There are no parcel layouts, sizes of dwellings, types of dwellings, and therefore no details on things like road widths to accommodate fire trucks and any other human safety things needed. its on . As you can see they are asking for the City of Orange to buy a unknown pig in a blanket only to be exposed once they can maximize profits.

One another very important note it is imperative that a second road be a permanent part of any change. As you know or have heard we have wild fires out here every few years and we have no control of when or what time of day they are going to come. A couple of months ago we had one and when the toll road was closed for safety the traffic on Santiago was so backed up that local residence limited on one car at a time getting onto Santiago and it was more difficult to get the live stock out safely. You probably may not know this but horses are even more afraid of fire than we are and they can act up and both the animal and maybe people can get hurt. Now with about 1,100 more homes being built by the Irvine Company right in part of the area of the recent fire and with the average home owning 3 cars we can count on at least 1,000 more cars coming out way when the next fire comes. Now to the development being considered if they are able to get the change and if they are to maximize the dwellings some say that could mean up to 500 more cars trying to get out onto Santiago during the fire. How long does it take one car at a time every three to four minutes during a signal change to leave from one street and how long does it take for a wild fire to overtake about 50 acres? One street just will not work regardless of the final plan.

Change will happen. The important and only important point is around the maintenance of the current life style of the current residence and the change end as a positive to those residence. It would be very prudent for the company presenting this very vague proposal to be asked to come back when they have something that will give the local residence a complete understanding of what they will commit to.

ussalesgw@cs.com
Approval of this project
Would violate California planning and zoning law. Please keep our one acre per resident property zoning intact to preserve our community.
Thank you
Maria von sprecken

Sent from my iPhone
Mr. Garcia,

My family and I live in OPA and have for the past 4 years. We are raising our two daughters, 3 & 5 to be little cowgirls, and we moved here for this reason. This area has been cherished over the years for being low traffic and people friendly. This DEIR that I have read is not something that appears to be anything about the environment and the impact that the development would or would not have on the this local environment. It read more like an appeasement to the local neighborhoods for the developer to start building as he seems fit. This needs be slowed down and looked at more from an environmental vantage point, considering that the site is abandoned mine. These mines are handled in a certain way per the government and I would like to encourage you to make sure that this development is truly something that will not destroy the current environment out here. We plan to raise our girls out here and we moved out here because of the community it is and we would be very disappointed if the City allowed for the financial gains of a private developer to outweigh the concerns of the existing tax paying citizens.

Thank you for your time.

Matt Wagner
562-822-7000
10693 Orange Park Blvd
Orange, CA 92869
Robert Garcia

From: THOMAS WALSH <tawalsh4@att.net>
Sent: Tuesday, April 10, 2018 4:13 PM
To: Robert Garcia
Subject: Sully Miller Plan

I think it is about time that the OPA quit using scare tactics in their communication to OPA and Orange residents regarding the impact that the 129 homes would have on our lifestyle in OPA. Please don't let them bully you and the city planners into another "Ridgeline Extortion scenario"!

Tom Walsh
I have lived in the Reserve overlooking the quarry for 22 years. Like everyone who made a home here we specifically came for the rural country lifestyle with low density housing.

We have endured the underhanded dealings and the dirty tricks of this Milan capital from escalating the rock crushing to moving the dirt piles right up to our house above the level of the windows. Also shutting down our little golf and tennis club.

My husband and I are proud to be a part of a community that has fought so hard to preserve a way of life in this small corner of Orange County.

PLEASE DO NOT LET THEM TAKE OUR PEACEFUL LIFE AWAY FROM US!
STAY WITH OUR PLAN OF LOW DENSITY HOUSING. THESE PEOPLE ARE GREEDY AND DISHONEST.

Respectfully,
Avriel Webb
Tim Ters
River birch circle
The Reserve

Sent from my iPad
Mr. Robert Garcia,
Senior Planner
City of Orange
6 April, 2018

Below are my comments on the DEIR for the project called Trails at Santiago.

I cannot understand why this project should be allowed to proceed. The land in question is covered by the Orange General Plan, the East Orange Specific Plan, and the Orange Park Acres Specific Plan and this project seeks to overturn all three. The DEIR acknowledges this and but states that “implementation of the GPA” requested in the project will make the project consistent with the plan. It then acknowledges inconsistency with the OPA Specific Plan but says that “implementation of the zoning change” requested will make the project “consistent with the plan”. To me, that is backward; the project should conform to the plans rather than overturn the plans to make the project fit. Let us respect the City’s existing plans.

If the changes were enacted as requested, the new zoning would be “low density residential” according to the DEIR wording. From what I glean from the City web site, this allows up to 6 dwelling units per acre. On the project’s 40 acres of houses, this would be as many as 240 homes. The project claims to want only 129 but, in the absence of any definitive plan or Tract Map, the final total could be nearly double that number. Certainly, that kind of density in that area would be horribly out of character with the surrounding community. It appears, therefore, that making the changes to GP and zoning requested in the DEIR would be giving away far too much.

Some years ago, I recall another plan to build homes on the same parts of this land. At the time, there was strong opposition due to potential for flooding in event of upstream dam failure; I listened to many hours of debate on this issue. Yet, now, this DEIR states that any flood risk would be mitigated by “prepare(ing) an evacuation plan” for residents of the new homes. We can see even now the results of flooding in 1968; this is a flood risk area. Is a “plan” to evacuate everyone at some unannounced crisis time sufficient to protect them even if we accept the DEIR’s conclusion that inundation after failure of upstream dams would take 90 minutes to reach the project site? What if people are sleeping or out of touch when the alarm sounds? The DEIR is very deficient in this area.

I find the analysis of alternative projects very interesting. I was not aware of the proposal called the “2008 win/win” project but it surely looks at this time as offering a better outcome all around. Homes would be kept out of the flood area and spread out over more area, fit better with the existing community, and even place the OPA arena in a better location. The DEIR rejects this alternative by a rather slight margin. Should it be given more study? The City is not required to accept the current project; let’s look for what would be best for this site.

Reject this project and seek one more fitted to the area.

Peter J. Wetzel
7217 E. La Cumbre Dr.
Orange 92869
I find this document voluminous and repetitious yet lacking in many areas that should and need to be studied when considering this third attempt to overturn the Orange Park Acres and East Orange Specific Plans. Among these omissions are studies of flood potential and control, which was a major determinant in the council’s rejection of Milan’s previous project application and a realistic traffic study based on today’s situation— with traffic from the 261 and 241 plugging Santiago Canyon Road from Jamboree to Cannon north to the 91— not when there was minimal traffic at the Sully-Miller site, which even then rarely occurred at peak traffic times. I see no specifics on housing types, sizes and there appears to be no development agreement in this document, which should clarify intents and promises and perhaps define “relocation” of the Mara Brandman arena and name who would develop and maintain the trails outlined in the study which fall outside the proposed housing area. I find it disheartening to find OPA’s Alternative E slipped into the back of the report where only the most diligent reader may stumble upon it and find no real acknowledgement of its proposals.

I am shocked to read that much of the debris in the Sully Miller site would be reworked into the soil brought into the area— and I might ask where that “clean” soil would come from— possibly silt from other development/grading/cleanout areas? The detritus at the site should be recycled for use in roadbeds, not building pads. This accumulation is part of the purchase package and the developer should be held responsible for removing it, not burying it onsite.

I am bemused by the statement in section 7-2-4 that there is no large inland body of water that might affect this project— what about Irvine Lake, to name one? I would also think that due to the recent scorching of Santiago Oaks and surrounding hillsides that flood potential would be increased since the soil is no longer held by native trees and grasses.

I am pleased that trail development within the project area and connectivity thereof to existing OPA and County trails is discussed, with even a provision for a multiuse overpass near Orange Park Blvd and the northern edge of The Reserve. However in Example 5 there is no provision on the south side of Santiago Canyon Road for an overpass easement. Where would this be placed — on the 7 acre housing site where the arena now sits (since this is Milan property)? Why is the trail connection to Cannon on the south side of the creek left “to others”?

Regarding treatment of Open Space surrounding this project, a subject near and dear to all residents in East Orange and OPA and a major portion of their planning documents, there are no specifics on how improvements or management would be administered. Section 2-28 states that the responsibility for Open Space grasslands, trails management and maintenance will be discussed as part of the “ongoing process”. That is too open-ended for my comfort.

Despite being called a Specific Plan, there are no specifics in this DEIR, making it very difficult for accurate assessment. I think the 2008 win/win project should be used as a basis for further discussion with the developer and liaison committee as it seems to provide the most benefit for all.

I urge the Council to reject this DEIR on the basis of incompleteness and work to honor the existing Land Use documents for OPA and East Orange in future development plans for the area.

Martha Wetzel
7217 E. La Cumbre Drive, Orange, CA 92869
To Whom it may concern:

STOP!!! THE DEIR FOR Trails at Santiago Creek

This is a voting issue for 2 votes ...

Thanks,
William