

Final Environmental Impact Report

VOLUME IV -

Response to Comments and Errata

BARTON PLACE

City of Cypress, California

SCH No. 2015031004



Prepared by

LSA

LSA ASSOCIATES, INC.

October 2015

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**FINAL ENVIRONMENTAL IMPACT
REPORT**

BARTON PLACE PROJECT

**RESPONSE TO COMMENTS AND ERRATA
CITY OF CYPRESS**

SCH NO. 2015031004

Submitted to:

City of Cypress
5275 Orange Avenue
Cypress, California 90630
(714) 229-6720

Prepared by:

LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, California 92614
(949) 553-0666

Project No. CCP1401

LSA

October 2015

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1.0 INTRODUCTION

1.1 PURPOSE AND ORGANIZATION OF THIS DOCUMENT

This document comprises the Comments and Responses and Errata volume of the Final Environmental Impact Report (EIR) for the proposed Barton Place Project (Project). The purpose of this document is to respond to all comments received by the City of Cypress (City) regarding the environmental information and analyses contained in the Draft EIR. As noted in some of the responses, corrections and clarifications to the Draft EIR have been proposed. These changes are reflected in Chapter 3.0, Errata, of this document and should be considered part of the Final EIR for consideration by the City prior to a vote to certify the Final EIR.

As required by the *California Environmental Quality Act (CEQA) Guidelines (State CEQA Guidelines)*, Section 15087, a Notice of Completion (NOC) of the Draft EIR for the proposed Project was filed with the State Clearinghouse on July 24, 2015, and the Notice of Availability (NOA) of the Draft EIR was filed with the County of Orange (County) Clerk on July 24, 2015.

The Draft EIR was circulated for public review for a period of 45 days, from July 24, 2015, to September 8, 2015. The NOA and/or copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the City of Cypress Community Development Department, Cypress Library and on the City's website.

Before approving a project, pursuant to CEQA and the *State CEQA Guidelines* require the lead agency to prepare and certify a Final EIR. The contents of a Final EIR are specified in Section 15132 of the *State CEQA Guidelines*, as follows:

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

The lead agency must provide each agency that commented on the Draft EIR with a copy of the lead agency's proposed response at least 10 days prior to certification of the Final EIR.

This document, together with the Draft EIR for the proposed Project and the Appendices to the Draft EIR, constitute the "Final EIR" for the proposed Project.

Comments that address environmental issues are responded to in this portion of the Final EIR. Comments that (1) do not address the adequacy or completeness of the Draft EIR, (2) do not raise environmental issues or (3) request the incorporation of additional information not relevant to environmental issues do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. Notwithstanding Section 15088(a), the City has endeavored to respond to all comments received in the appropriate manner.

Section 15088 of the *State CEQA Guidelines*, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The lead agency shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- d) The response to comments may take the form of a revision to the Draft EIR or may be a separate section in the Final EIR. Where the response to comments makes important changes in the information contained in the text of the Draft EIR, the lead agency should either:
 1. Revise the text in the body of the Draft EIR; or
 2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this Final EIR clarifies, amplifies, or makes minor modifications to the Draft EIR. No significant changes have been made to the information or analysis contained in the Draft EIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the Draft EIR.

1.2 INDEX OF COMMENTS RECEIVED

The following is an index list of the agencies, organizations, and individuals that commented on the Draft EIR prior to the close of the public comment period or immediately thereafter. The comments received have been generally organized by date received and in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed with a number below.

Comment Code	Signatory	Date
State Agencies		
S-1	California Department of Transportation	August 20, 2015
S-2	Office of Planning and Research	September 9, 2015
Local Agencies		
L-1	Orange County Fire Authority	August 26, 2015
L-2	Orange County Sanitation District	August 31, 2015
L-3	Orange County Public Works	September 1, 2015
Interested Parties		
I-1	Soboba Band of Luiseño Indians	September 3, 2015

1.3 FORMAT OF RESPONSES TO COMMENTS

Responses to each of the comment letters are provided on the following pages. A copy of each comment letter precedes the responses to that letter. The comment index numbers are set forth in the upper right corner of each comment letter, and individual points within each letter are numbered along the right-hand margin of each letter. The City's responses to each comment letter are referenced by, and correspond to, the index numbers in the margins of the comment letters. An Errata section with text revisions to the Draft EIR has been prepared to provide corrections and clarifications to the Draft EIR where required.

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2.0 COMMENT LETTERS AND RESPONSES

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2.1 STATE OF CALIFORNIA

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DEPARTMENT OF TRANSPORTATION

DISTRICT 12
 3347 MICHELSON DRIVE, SUITE 100
 IRVINE, CA 92612-8894
 PHONE (949) 724-2086
 FAX (949) 724-2592
 TTY 711
 www.dot.ca.gov



*Serious Drought.
 Serious drought.
 Help save water!*

S-1

August 20, 2015

Mr. Douglas Hawkins AICP
 City of Cypress
 5275 Orange Avenue
 Cypress, CA. 90630

File: IGR/CEQA
 SCH#: 2015031004
 Log #: 4214-A
 SR-22, I 405, I-605,

Dear Mr. Hawkins:

Thank you for the opportunity to review and comment on **the Draft Environmental Impact Report for Barton Place**. The proposed project is for the construction of 244 senior residences, including approximately 152 single-family detached homes and approximately 92 single-family attached homes and 50,000 square feet of commercial retail improvements along Katella Avenue. The project site is located on 5275 Orange Avenue in the City of Cypress and the nearest state facilities are SR-22, I 405, I-605.

Caltrans is a commenting agency on this project and has no comment at this time. However, in the event of any activity in Caltrans' right of way, an encroachment permit will be required.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,

MAUREEN EL HARAQUE
 Branch Chief, Regional-Community-Transit Planning
 District 12

C: Jose Hernandez, Traffic Operations North
 Scott Morgan, Office of Planning and Research

RECEIVED

AUG 31 REC'D

City of Cypress
 Community Development Department

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CALIFORNIA DEPARTMENT OF TRANSPORTATION

LETTER CODE: S-1

DATE: August 20, 2015

RESPONSE S-1-1

This comment acknowledges receipt of the Draft EIR and notes that District 12 of the California Department of Transportation (Caltrans) has no comment at this time. As no specific comment on the environmental issues presented in the Draft EIR has been raised, no further response is required (*State CEQA Guidelines* Section 15088).

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STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

September 9, 2015

S-2

Doug Hawkins
City of Cypress
5275 Orange Avenue
Cypress, CA 90630

Subject: Barton Place
SCH#: 2015031004

Dear Doug Hawkins:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 8, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

S-2-1

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED

Enclosures
cc: Resources Agency

SEP 15 REC'D

City of Cypress
Community Development Department

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015031004
Project Title Barton Place
Lead Agency Cypress, City of

Type EIR Draft EIR

Description The project site consists of approximately 33 acres within the southwestern portion of the City of Cypress in Orange County, California, and is located just north of the City of Los Alamitos boundary and approximately one mile northwest of the City of Garden Grove. The project site is located at 4921 Katella Avenue, at the northeast corner of Katella Avenue and Enterprise Drive. The proposed mixed-use project includes two components, a senior residential community and commercial/retail improvements. The community would include approximately 244 senior residential units and the commercial/retail components would consist of approximately 50,000 sf of commercial space. The project site was previously part of the Cypress Golf Club, which permanently closed in 2004. The project site is not currently utilized for any land use or activity.

Lead Agency Contact

Name Doug Hawkins
Agency City of Cypress
Phone 714 229 6720 **Fax**
email
Address 5275 Orange Avenue
City Cypress **State** CA **Zip** 90630

Project Location

County Orange
City Cypress
Region
Lat / Long 33° 48' 14.51" N / 118° 2' 58.12" W
Cross Streets Katella Ave and Enterprise Dr
Parcel No. 241-231-51 and 241-231-54
Township **Range** **Section** **Base**

Proximity to:

Highways I-605, 405, CA-22
Airports Los Alamitos Joint Forces Trail
Railways
Waterways Coyote Creek, San Gabriel River
Schools Frank Vessels ES
Land Use Unimproved Land / PBP-25A Planned Business Park / Specific Plan Area

Project Issues Air Quality; Biological Resources; Drainage/Absorption; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Traffic/Circulation; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 12; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 07/24/2015 **Start of Review** 07/24/2015 **End of Review** 09/08/2015

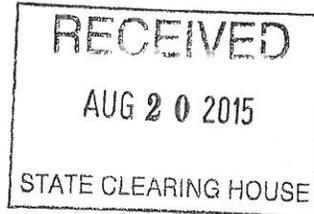
DEPARTMENT OF TRANSPORTATION

DISTRICT 12
 3347 MICHELSON DRIVE, SUITE 100
 IRVINE, CA 92612-8894
 PHONE (949) 724-2086
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 Serious drought.
 Help save water!*

CLEAR
 9-8-15
 E



August 20, 2015

Mr. Douglas Hawkins AICP
 City of Cypress
 5275 Orange Avenue
 Cypress, CA. 90630

File: IGR/CEQA
 SCH#: 2015031004
 Log #: 4214-A
 SR-22, I 405, I-605,

Dear Mr. Hawkins:

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Caltrans is a commenting agency on this project and has no comment at this time. However, in the event of any activity in Caltrans' right of way, an encroachment permit will be required.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,

MAUREEN EL HARAKE
 Branch Chief, Regional-Community-Transit Planning
 District 12

C: Jose Hernandez, Traffic Operations North
 Scott Morgan, Office of Planning and Research

S-2-1

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OFFICE OF PLANNING AND RESEARCH

LETTER CODE: S-2

DATE: September 9, 2015

RESPONSE S-2-1

This comment acknowledges receipt of the Draft EIR and compliance with the State Clearinghouse review requirements pursuant to CEQA. It states that the review period ended on September 8, 2015, and one State agency (Caltrans) submitted comments to the Office of Planning and Research on the Draft EIR by that date. A response to the comments submitted by Caltrans is provided above in Response S-1-1.

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2.2 LOCAL AGENCIES

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ORANGE COUNTY FIRE AUTHORITY
P.O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Rd., Irvine, CA 92602

Jeff Bowman, Fire Chief (714) 573-6000

August 26, 2015

RECEIVED

City Of Cypress
Attn: Community Development
5275 Orange Ave
Cypress, CA 90630

AUG 31 REC'D

City of Cypress
Community Development Department

SUBJECT: Barton Place DEIR

Dear Sir:

Thank you for the opportunity to comment on the document. Given the nature of the project, the project will impact the OCFA.

L-1-1

The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to the project area. Services include: structural fire protection, emergency medical and rescue services, hazardous inspections and response, and public education activities. OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and schools sites and may participate in community disaster drills planned by others.

L-1-2

Pages 4.9-14 and 15 show reference email on 5/18/15. The email is misquoted and does not include the three (3) requested conditions and/or mitigations listed below. The exact quote of fire service is as follows: "Fire Station 17 has recently been built with added capacity. This project is required to participate in fair share funding of the new fire station and infrastructure to support the project area. Changes in staffing or equipment is evaluated annually and subject to change."

L-1-3

- **Mitigation or Condition: Prior to approval of any building permit for the project, the designated site developer shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority.**

This Agreement shall specify the developer's pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel. Said agreement shall be reached as early as possible in the planning process, preferably for each phase or land use sector of the project, rather than on a parcel by parcel basis.

L-1-4

This agreement is typically entered into with developers on a project specific basis to

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contribute a pro rata share towards funding capital improvements necessary to establish adequate fire protection facilities and equipment. The Secured Fire Protection Agreement is not related to the provision of an *“adequate tax base directed to the Structural Fire Fund to offset short and long range costs”*, but rather to mitigating the impact of a project on OCFA as it impacts capital and infrastructure needs.

L-1-4

- **Mitigation or Condition: All traffic signals on public access ways should include the installation of optical preemption devices.**
- **Mitigation or Condition: All electrically operated gates within the Project shall install emergency opening devices as approved by the Orange County Fire Authority.**

L-1-5

L-1-6

All standard conditions and guidelines will be applied to the project during the normal review process. Thank you for providing us with this information. Please contact me at 714-573-6199 if you have any questions.

L-1-7

Sincerely,



Michele Hernandez
Management Analyst, Strategic Services

ORANGE COUNTY FIRE AUTHORITY

LETTER CODE: L-1

DATE: August 26, 2015

RESPONSE L-1-1

This comment is correct that the proposed Project would have an incremental impact on fire protection and emergency services, as discussed in Section 4.9.6 of the Draft EIR. As this has already been addressed in the Draft EIR, and the analysis is not at variance with the comment, no further response is required (*State CEQA Guidelines* Section 15088).

RESPONSE L-1-2

This introductory comment, which summarizes the fire protection and emergency services provided by the Orange County Fire Authority (OCFA), is noted for the record and will be made available to the decision makers for review and consideration. As no specific comment on the environmental issues presented in the Draft EIR has been raised, no further response is required (*State CEQA Guidelines* Section 15088).

RESPONSE L-1-3

This comment states that the Draft EIR misquoted and did not include all of the information in a questionnaire response from the OCFA that was emailed to the City on May 18, 2015. However, the Draft EIR did not quote, or purport to quote, any text in the OCFA questionnaire. Rather, the Draft EIR summarized certain information in the questionnaire response and accurately referenced the questionnaire response in footnotes. The full text of the questionnaire response is included in Appendix J to the Draft EIR. As this has already been addressed in the Draft EIR, and the analysis is not at variance with the questionnaire response, no further response is required (*State CEQA Guidelines* Section 15088).

RESPONSE L-1-4

This comment quotes additional language from the OCFA's questionnaire response regarding the OCFA's request for a Secured Fire Protection Agreement between the OCFA and the project applicant and the payment of funds by the project applicant to the OCFA for fire protection facilities. This comment does not pertain to the adequacy or completeness of the Draft EIR. As no specific comment on the environmental issues presented in the Draft EIR has been raised, no further response is required (*State CEQA Guidelines* Section 15088). However, if the City Council approves the entitlements for the proposed Project, it will include an appropriate condition of approval regarding a Secured Fire Protection Agreement. This comment is noted for the record and will be made available to the decision makers for review and consideration.

RESPONSE L-1-5

This comment does not pertain to the adequacy or completeness of the Draft EIR and as such no further response is required (*State CEQA Guidelines* Section 15088). It is noted, however, that the proposed Project does not include the installation of any new traffic signals. This comment is noted for the record and will be made available to the decision makers for review and consideration

RESPONSE L-1-6

This comment does not pertain to the adequacy or completeness of the Draft EIR, and as such no further response is required (*State CEQA Guidelines* Section 15088). The proposed Project does include gated entries and emergency opening devices pursuant to the 2013 California Fire Code, which has been adopted by the City. This comment is noted for the record and will be made available to the decision makers for review and consideration.

RESPONSE L-1-7

This comment does not pertain to the adequacy or completeness of the Draft EIR, and as such no further response is required (*State CEQA Guidelines* Section 15088). This comment is noted for the record and will be made available to the decision makers for review and consideration.

Orange County Sanitation District

10844 Ellis Avenue, Fountain Valley, CA 92708
714.962.2411 • www.ocsewers.com

August 31, 2015

RECEIVED

L-2

Mr. Douglas Hawkins, AICP, City Planner
City of Cypress
5275 Orange Avenue
Cypress, CA 90630

SEP 04 REC'D

City of Cypress
Community Development Department

SUBJECT: Draft Environmental Impact Report for the City of Cypress Barton Place Project

This letter is in response to the above referenced Draft Environmental Impact Report (DEIR) for a proposed project in the City of Cypress (City). The City is within the jurisdiction of the Orange County Sanitation District (OCSD).

L-2-1

The proposed mixed-use project would construct 244 senior residential units and a commercial retail component consisting of approximately 50,000 square.

As noted in the DEIR appendices, OCSD should be able to handle the proposed flow of 108,000 gallons per day.

Also, as previously mentioned in our NOP comment letter, OCSD is in the planning phase of a large sewer replacement and rehabilitation project in the City of Cypress. The Rehabilitation of the Western Regional Sewers project is currently developing environmental documents which will be out for public review in the next couple of months. Our tentative schedule calls for construction in 2018. OCSD is very interested in coordinating efforts for this and any other project in the City that may coincide with our improvements.

L-2-2

Please note that any construction dewatering within the City (public or private) that involve discharges to the local or regional sanitary sewer system must be permitted by OCSD prior to discharges. OCSD staff will need to review/approve the water quality of any discharges and the measures necessary to eliminate materials like sands, silts, and other regulated compounds prior to discharge to the sanitary sewer system. For further information regarding this matter, please contact our Environmental Compliance Division at 714-593-7408.

L-2-3

Thank you for the opportunity to comment on the Barton Place Project. If you have any questions, please contact me at 714-593-7119.



Daisy Covarrubias, MPA
Senior Staff Analyst

DC:sa

http://project/sites/Planning/Shared Documents/City of Cypress/20150831 Cypress_Barton_DEIR.doc



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ORANGE COUNTY SANITATION DISTRICT

LETTER CODE: L-2

DATE: August 31, 2015

RESPONSE L-2-1

This comment states that the Orange County Sanitation District (OCSD) should be able to handle the proposed wastewater flows associated with the proposed Project's uses identified in the Draft EIR.

Comment noted.

RESPONSE L-2-2

This comment reiterates the OCSD's previous comments regarding its desire to coordinate with the City regarding its planned sewer replacement and rehabilitation project in the City of Cypress. It does not specifically relate to the environmental impact analysis for the proposed Project contained in the Draft EIR, and as such no further response is required (*State CEQA Guidelines* Section 15088). The specific timing of the OCSD's sewer replacement and rehabilitation project remains unknown at this time. Nevertheless, the City looks forward to coordinating with the OCSD regarding OCSD's project.

RESPONSE L-2-3

This comment notes that any construction dewatering associated with the proposed Project that would involve discharges to the local regional sanitary sewer system must be permitted by the OCSD and that OCSD staff will need to review/approve the water quality of any discharges. As described in Regulatory Compliance Measure WQ-2, Groundwater Discharge Permit, on page 4.6-24 of the Draft EIR, the project applicant "shall comply with all applicable provisions in the [Groundwater Discharge Permit adopted by the Santa Ana Regional Water Quality Control Board], including water sampling, analysis, and reporting of dewatering-related discharges." Based on the limited amount of dewatering required during construction of the proposed Project, no discharges to the local regional sanitary sewer system are anticipated. However, in the event that discharges to the sanitary sewer system and OCSD wastewater treatment facilities are required, the proposed Project would be required to comply with all applicable water quality standards. Any project-related discharges to the sanitary sewer system would be subject to review and approval by the OCSD. As this has already been addressed in the Draft EIR, and the analysis is not at variance, no further response is required (*State CEQA Guidelines* Section 15088).

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September 1, 2015

RECEIVED

NCL-15-023

Mr. Doug Hawkins, AICP, City Planner
Community Development Department
City of Cypress, Planning Division
5275 Orange Avenue
Cypress, California 90630

SEP 8 2015

PUBLIC WORKS

Subject: Notice of Availability of a Draft Environmental Impact Report (DEIR), (SCH No.201503 1004) for the Barton Place Project

Dear Mr. Hawkins:

The County of Orange has reviewed the Notice of Availability of a Draft Environmental Impact Report for the Barton Place Project and offers the following comments:

Flood Programs:

1. As mentioned in one of our comments on the NOP, the project site drains west through a local drainage system to the Orange County flood control District's (OCFCD) Katella Storm Channel (C01S05) along Katella Avenue, and ultimately drains into Los Alamitos Channel (C01). C01S05 was built prior to the 1986 Orange County Hydrology Manual (OCHM) and may be deficient in its ability to convey 100-year flows. Consequently, implementation of the proposed project should not make existing conditions within C01S05 worse. The City of Cypress (City) should, as part of its local drainage plan review serving the proposed development, ensure that the above condition is satisfied. L-3-1
2. The City should review and approve all hydrologic and hydraulic analyses, storm water infrastructure and proposed project mitigation measures for any adverse impacts. L-3-2
3. The City has to ensure that flooding problems, if any, upstream and/or downstream of the project site are not made worse or shifted elsewhere as a result of the proposed project. L-3-3
4. The following courtesy comments regarding the local hydrology analyses and proposed detention basin are provided for the City's consideration: L-3-4
 - a. Page 4.6-25 of the DEIR states "In the proposed condition, approximately 85 percent of the project site would be impervious surface area..." It is noted that the proposed development was modeled as 8-10 du/acre with average imperviousness of 60% in the

proposed condition hydrology analyses. This underestimates proposed condition discharges. It is recommended that the commercial land use type be used instead, with user specified subarea runoff data (AES option 5 under SUB-REGION RUNOFF COEFFICIENT OPTIONS) to manually input the subarea pervious area fraction consistent with the proposed development (i.e., 15% pervious).

↑
L-3-4

- b. Detention basin ownership, operation and maintenance (O&M) requirements, parties that would be responsible, maintenance cost, and future funding sources for long-term maintenance should be identified to ensure continued performance of the basin as designed.

L-3-5

If you have any questions or need clarification please do not hesitate to contact Anna Brezezick at (714) 647-3989.

Environmental Resources:

- 1. EIR, Section 4.6.7 (page 4.6-34): The discussion under the sub-header Regulatory Compliance Measure WQ-3 states that the final WQMP will be substantially consistent with the Preliminary WQMP. The full sentence in under this sub-header appears to miss-reference the final WQMP and should be changed to Preliminary WQMP. See track change in sentence below:

L-3-6

The final WQMP for the proposed project shall be substantially consistent with the Preliminary WQMP for the project and shall include all of the site design, biotreatment and nonstructural and structural source control BMPs describe in the Preliminary WQMP.

- 2. Preliminary WQMP, Section IV.2.2 (page 16): The Drainage Areas identified in the table in this section do not match the Drainage Areas identified in the Preliminary WQMP Exhibit in Section VI. These two sections should match. If the Drainage Areas that are missing from the table are all included in the "Site Perimeter" category, then a footnote should be added to the table identifying all of the Drainage Areas that are included in the site perimeter (for example, E1, E2, F1, F2, F3, F6 and F7) are identified on the Exhibit in Section VI but not specifically identified on the table in Section IV.2.2.

L-3-7

- 3. Editorial Comment: The Preliminary WQMP often defines an acronym and then alternates between using the acronym and spelling the phrase/word out. For example, Technical Guidance document alternates between "TGD" and "Technical Guidance document". It would improve the readability of the document to define an acronym once upon first use and subsequently use just the acronym.

L-3-8

If you have any questions or need clarification please do not hesitate to Contact Richard Boon at (714) 955-0670.

Sincerely,



Laree Brommer, Manager, Planning Division
OC Public Works Service Area/OC Development Services
300 North Flower Street
Santa Ana, California 92702-4048
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cc: Mehdi Sobhani, Manager, OC Public Works/Flood Programs
Chris Crompton, Manager, OC Public Works/Environmental Resources

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ORANGE COUNTY PUBLIC WORKS

LETTER CODE: L-3

DATE: September 1, 2015

RESPONSE L-3-1

As discussed under Thresholds 4.6.3, 4.6.4, and 4.6.5 in Section 4.6.6 of the Draft EIR, the existing 100-year peak flow associated with the project site is approximately 20.2 cubic feet per second (cfs). In comparison, with the incorporation of the onsite detention system described in Project Design Feature WQ-1, the Project's 100-hour peak flow would be approximately 7.46 cfs, far lower than the existing 100-year peak flow. Therefore, the implementation of the proposed Project would not worsen existing conditions within the Orange County Flood Control District's (OCFCD) Katella Storm Channel (C01S05).

RESPONSE L-3-2

Section 4.6 of the Draft EIR includes an extensive analysis of the proposed Project's hydrology impacts and storm water infrastructure, which is based in part on detailed studies prepared by Fuscoe Engineering, Inc., including a Preliminary Water Quality Management Plan (PWQMP) and a Preliminary Hydrology Study, which are attached as Appendices F and G to the Draft EIR. As discussed therein, the Project incorporates Project Design Feature WQ-1, which is the proposed onsite storm water detention system. The Project would also comply with the regulatory standards described in Regulatory Compliance Measures WQ-1 and WQ-2, which require the project applicant to do the following: obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, as amended (the General Permit); prepare and implement a Storm Water Pollution Prevention Plan (SWPPP); and carry out any dewatering activities in compliance with the requirements of the General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality or subsequent permit (the Groundwater Discharge Permit). The incorporation of this Project Design Feature and compliance with these regulatory standards would ensure that the Project would (1) reduce the existing 100-year peak flow associated with the project site, (2) not potentially alter the existing drainage patterns of the project site or area, and (3) not create or contribute runoff water that would exceed the capacity of the existing or planned storm water drainage system. Therefore, as the Draft EIR concludes, no mitigation measures are required with respect to the Project's hydrology impacts. The City has reviewed and approved the PWQMP and the Preliminary Hydrology Study. In addition, the City will review the final engineering of the proposed Project along with hydrologic and hydraulic analysis and storm water infrastructure.

RESPONSE L-3-3

As discussed under Thresholds 4.6.3, 4.6.4, and 4.6.5 in Section 4.6.6 of the Draft EIR, with the incorporation of Project Design Feature WQ-1 (the proposed onsite storm water detention system) and compliance with the regulatory standards in Regulatory Compliance Measures WQ-1

and WQ-2 (which require the project applicant to obtain coverage under the General Permit, prepare and implement a SWPPP, and carry out any dewatering activities in compliance with the requirements of the Groundwater Discharge Permit), the Project's potential construction and operational impacts related to onsite or offsite flooding would be less than significant. These analyses are based in part on the PWQMP and the Preliminary Hydrology Study, which the City has reviewed and approved.

RESPONSE L-3-4

Section 4.6 of the Draft EIR states that approximately 85 percent of the project site would be impervious. The 85 percent impervious figure comes from the PWQMP and conservatively analyzes the proposed imperviousness of the project site to ensure that the required biotreatment best management practices (BMPs) are sized conservatively and that sufficient space exists within the proposed Project for water quality BMPs. It is estimated that the actual proposed imperviousness of the project site is approximately 65 to 70 percent. Therefore, the analysis in the PWQMP is conservative because the size and scale of the BMPs are larger than necessary.

The 60 percent impervious figure was used in the Preliminary Hydrology Study to model the Project's 100-year peak flow. The engineer of record, Fuscoe Engineering, Inc., properly selected the model input for "8–10 du [dwelling units]/acre" based on the density of the senior residential community that is part of the proposed Project, which is 8.7 units per acre (244 units on approximately 28 acres). Running the hydrology model based on a proposed project's density is the common, accepted industry practice and provided a reliable estimate of the Project's 100-year peak flow, which, as stated in the Preliminary Hydrology Study and the Draft EIR, is 7.46 cfs with the incorporation of the onsite detention system, well below the existing peak flow discharge rate of 20.2 cfs. In any event, the final Water Quality Management Plan (WQMP) and final Hydrology Study required by the City for the proposed Project, which will be based on the final project engineering, will include a more precise imperviousness percentage that will be used to refine and verify the calculations of the required BMPs and the proposed 100-year peak flow and, if necessary, slightly modify the size of the proposed storm water detention basin. The City will review the final engineering of the proposed Project along with hydrologic and hydraulic analysis, the final WQMP, and storm water infrastructure.

RESPONSE L-3-5

If approved, the proposed Project would be subject to recorded covenants, conditions, and restrictions that identify the ownership of the detention basin, operation and maintenance requirements, the parties responsible for operation and maintenance, and funding sources for maintenance. This comment does not address an environmental issue; therefore, no further response is required (*State CEQA Guidelines* Section 15088).

RESPONSE L-3-6

This comment is correct that the description of Regulatory Compliance Measure WQ-3 inadvertently misreferences the PWQMP as the final WQMP. The description of Regulatory Compliance Measure WQ-3 has been modified in the Final EIR to read as follows:

“The final Water Quality Management Plan (WQMP) for the proposed Project shall be substantially consistent with the Preliminary WQMP for the Project (Fusco Engineering, Inc., revised January 16, 2015) and shall include all of the site design, biotreatment and nonstructural and structural source control BMPs described in the Preliminary WQMP.”

RESPONSE L-3-7

This comment correctly notes that the drainage areas described in Section IV.2.2 of the PWQMP do not precisely match the drainage areas identified in the Preliminary WQMP Exhibit in Section VI of the PWQMP, and suggests adding a footnote to the table in Section IV.2.2 to explain the discrepancy. The table in Section IV.2.2 will be updated in the final WQMP (which will be prepared in the manner described in Regulatory Compliance Measure WQ-3) to include a new footnote 7 that reads as follows:

“7. Site Perimeter drainage area includes Areas E1-E3, F1-F3 and F6-F7, which are shown on the Preliminary WQMP Exhibit in Section VI herein. These Areas drain offsite. Areas E1-E3 include trench drain filters.”

RESPONSE L-3-8

This comment raises an editorial issue about defining an acronym and then alternating between using the acronym and spelling the phrase/word out. This comment does not relate to an environmental issue and no response is required (*State CEQA Guidelines* Section 15088). However, the commenter’s attention to detail is appreciated, and this comment is noted for the record and will be made available to the decision makers for review and consideration.

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2.3 INTERESTED PARTIES

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September 3, 2015

Attn: Doug Hawkins, AICP, City Planner
 City of Cypress
 Community Development Department, Planning Division
 5275 Orange Avenue
 Cypress, CA 90630

Re: Draft Environmental Impact Report for the Barton Place Project

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. At this time the Soboba Band does not have any immediate concerns with the proposed project. The tribe requests notification of any inadvertent discoveries that may be discovered during the course of the project.

I-1-1

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal line extending to the right.

Joseph Ontiveros
 Cultural Resource Director
 Soboba Band of Luiseño Indians
 P.O. Box 487
 San Jacinto, CA 92581
 Phone (951) 654-5544 ext. 4137
 Cell (951) 663-5279
jontiveros@soboba-nsn.gov

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PUBLIC WORKS

Confidentiality: The entirety of the contents of this letter shall remain confidential between Soboba and the City of Cypress. No part of the contents of this letter may be shared, copied, or utilized in any way with any other individual, entity, municipality, or tribe, whatsoever, without the expressed written permission of the Soboba Band of Luiseño Indians.

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SOBOBA BAND OF LUISEÑO INDIANS

LETTER CODE: I-1

DATE: September 3, 2015

RESPONSE I-1-1

This comment states that the Soboba Band of Luiseño Indians does not have any immediate concerns with the proposed Project and requests notification of any inadvertent discoveries made during construction of the proposed Project. This comment does not contain any substantive comments with respect to the Draft EIR or the analysis therein. Therefore, no further response is necessary (*State CEQA Guidelines* Section 15088).

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3.0 ERRATA

This section of the Final EIR includes changes to the Draft EIR that have been made to clarify, correct, or add to the environmental impact analysis in the Draft EIR. These changes are a result of further review of, and public comments related to, the Draft EIR. The changes described in this section are minor changes that do not constitute significant new information, change the conclusions of the environmental analysis in the Draft EIR, or otherwise require recirculation of the Draft EIR (*State CEQA Guidelines* Section 15088.5).

The changes to the Draft EIR set forth below reference the appropriate Draft EIR section. With the exception of changes to tables and figures, deletions are shown with ~~strickethrough~~ and additions are shown with underline.

3.1 CHAPTER 1.0, EXECUTIVE SUMMARY

Regulatory Compliance Measure WQ-3, in Table 1.B on page 1-11 of Chapter 1.0, Executive Summary, has been revised to appropriately reference the Preliminary WQMP rather than the Final WQMP. This revision clarifies the requirements of the regulatory compliance measure and has no effect on the analysis or conclusions contained in the Draft EIR.

Regulatory Compliance Measure WQ-3: **Water Quality Management Plan.** The final Water Quality Management Plan (WQMP) for the proposed Project shall be substantially consistent with the Preliminary WQMP (PWQMP) for the Project (Fusco Engineering, Inc., revised January 16, 2015) and shall include all of the site design, biotreatment and nonstructural and structural source control BMPs described in the ~~final~~Preliminary WQMP.

3.2 SECTION 4.6, HYDROLOGY AND WATER QUALITY

Regulatory Compliance Measure WQ-3, on page 4.6-34 of Section 4.6, Hydrology and Water Quality, has been revised to appropriately reference the Preliminary WQMP rather than the Final WQMP. This revision clarifies the requirements of the regulatory compliance measure and has no effect on the analysis or conclusions contained in the Draft EIR.

Regulatory Compliance Measure WQ-3: **Water Quality Management Plan.** The final Water Quality Management Plan (WQMP) for the proposed Project shall be substantially consistent with the Preliminary WQMP (PWQMP) for the Project (Fusco Engineering,

Inc., revised January 16, 2015) and shall include all of the site design, biotreatment and nonstructural and structural source control BMPs described in the ~~final~~ Preliminary WQMP.