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January 31, 2013

David Crabtree, AICP
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City of Brea
1 Civic Center Circle
Brea, California 92821-5732

2012 Update of Environmental Impact Report 02-01 for the Madrona Residential Development Plan (A Revision of the Former Canyon Crest Plan) (State Clearinghouse No. 1999111115)

Dear Mr. Crabtree:

The Wildlife Corridor Conservation Authority (WCCA) provides the following comments on the 2012 Update of Environmental Impact Report 02-01 for the proposed Madrona Residential Development Plan (2012 Update), a revision of the former Canyon Crest Plan. WCCA was created to provide for the proper planning, conservation, environmental protection and maintenance of the habitat and wildlife corridor between the Whittier-Puente Hills, Chino Hills, and the Cleveland National Forest in the Santa Ana Mountains. WCCA provided comments on variations of the Canyon Crest Project in letters dated September 27, 2007; August 12, 2002; and July 5, 2000 and incorporates each of those by reference. The project site has regional importance because it provides critical core wildlife habitat, is a key location for wildlife movement between portions of the Puente-Chino Hills separated by Carbon Canyon Road, and is bordered by Chino Hills State Park (CHSP). WCCA's August 12, 2002 letter (p. 2) on the Canyon Crest Draft Environmental Impact Report (DEIR) discussed the regional importance of this site for wildlife movement. Per the 2012 Update (p. 34), "Observations of mule deer and coyote on site in 2011 indicate that the site continues to be within a broader wildlife movement area that extends well beyond the site." Also, "[t]he wildlife corridor analysis finds that four focal species (i.e., mountains lion, bobcat [*Lynx rufus*], coyote, and mule deer) use the open space on the Project site." (2012 Update, p. 109).

The current Madrona Project has moved in the right direction by reducing the amount of grading (compared with the 2008 Canyon Crest Project) by approximately one half (per 2012 Update, p. 12). Onsite impacts to native plant communities have been reduced under the Madrona plan, compared with Canyon Crest Project (2012 Update, Table 5.3-1: Impacts

on Biological Resources, p. 94) and the number of native trees to be impacted has been reduced (2012 Update, p. 116). Unfortunately, there would still be enormous environmental impacts that cannot be fully avoided with a mass graded project. While the comparison with the Canyon Crest Project is necessary and helpful, it is imperative that the City consider the Madrona Project on its own merits, including consideration of the unavoidable significant, adverse impacts to biological resources and land use policies that would result. As with the Canyon Crest project, there are numerous reasons why the Madrona project should not be approved as currently proposed. Under no circumstances should a project be approved that compromises the viability of this regionally significant wildlife corridor in this critical location and would destroy more trees (1,300+) than any project the City's history.

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WCCA urges the City Council to uphold the appeal and vacate the approval of the project and Final Environmental Impact Report certification by the Planning Commission. The EIR should be recirculated to address the issues discussed in this letter at a minimum.

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Significant Impacts to Biological Resources

The project would result in extensive impacts to native woodland communities. This includes the destruction of 10.23 acres of coastal live oak woodland and coast live oak woodland/coastal sage-chaparral scrub ecotone, 15.16 acres of walnut woodlands (including walnut ecotones), and 22.58 acres of mixed woodland and mixed woodland/coastal sage-chaparral scrub ecotone (2012 Update, pp. 101-102). The Madrona Project would remove approximately 446 oak trees and approximately 917 walnut trees (2012 Update, p. 116). The 2012 Update (p. 99) states that the loss of hundreds of southern black walnuts on site would be considered to be a significant and unavoidable impact to this increasingly rare tree species. The 2012 Update (p. 117) states that a conflict with the Brea General Plan C/OS Element policies for oak and walnut woodland preservation would remain and that impact is considered to be significant and unavoidable. In addition, this would conflict with preservation policies in the Carbon Canyon Specific Plan. What is the justification for a Statement of Overriding Considerations to eliminate 1300+ mature trees?

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The California Environmental Quality Act (CEQA) document is deficient for not providing enough details regarding the mitigation for these extensive impacts to native woodland communities. The 2012 Update (p. 102) states the Tree Mitigation Plan (TMP) is included in the Madrona Plan application. It is unclear if the 2012 Update is relying on the TMP from the Canyon Crest Project. The Canyon Crest TMP appears to rely on mitigation planting areas interspersed within the development areas, which would not be appropriate mitigation to replace the ecological values of the woodlands to be impacted. The mitigation measures in the 2012 Update (pp. 102-105) state that the mitigation areas would not be interior to project streets or between development areas. Also, the 2012 Update (p. 104) states the

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mitigation sites will be outside of the Proposed Project's grading and fuel modification footprint. If that is the case, it appears the Madrona Project is not relying on the Canyon Crest TMP. However, it does not appear that an updated TMP was included in the 2012 Update.

The 2012 Update is deficient for not including a feasible TMP. It is unclear if there are enough suitable areas onsite to complete this extensive tree mitigation program. The CEQA document should include maps with detailed locations for feasible mitigation sites onsite, as well as offsite (if it is not possible to undertake the required mitigation onsite). The CEQA document should specify that the TMP, including the locations of the mitigation sites, shall be reviewed and approved (if appropriate) by City of Brea and California Department of Fish and Wildlife. The adequacy of the mitigation plan should not be left to the discretion of the developer. If there are any problems in the future with implementation of the TMP (e.g., if there are not enough available locations), it would be unfortunate if the impacts had already occurred without the swift implementation of the TMP to offset those impacts.

WCCA disagrees with the conclusion that: “[p]ermanent impacts on wildlife movement through the Project Site would be adverse, but less than significant for the Madrona...Plan...” (2012 Update, p. 110). The mitigation measures to enhance wildlife movement have value (2012 Update, pp. 110-112, e.g., landscaping to buffer open space from development, installing perennial water sources, and hand clearing wildlife trails). However, this project would substantially constrain wildlife movement on a macro landscape scale that cannot be cured with these listed improvements and would introduce a host of indirect effects to the remaining movement corridors onsite. Notably, without a Constraints Analysis (see below), it is impossible to say whether the proposed remaining corridors onsite will be connected to offsite open space in the future. The project would result in significant, adverse impacts to wildlife movement, which have not be mitigated to a level of less than significant. In the case of this project, there is no substitute for reducing the project footprint.

Need for Constraints Analysis

Without a thorough constraints analysis, the 2012 Update conclusions of the feasibility of remaining wildlife movement onsite with implementation of the project are empty. In other words, if a remaining wildlife movement corridor that is depicted on the site leads to a private property that will be developed in the future, it cannot be assumed that this wildlife corridor on the Madrona site will be functional in the future. In fact, in Aera's September 26, 2007 letter on the Canyon Crest Project, Aera states that they were not willing to dedicate at that time a wildlife movement corridor on their site adjacent to the Madrona site (Olinda Drive Property). At the least, this constraints analysis should include the following: property ownership boundaries and easements, footprints of approved developments,

profile of development footprint potential, special legal or recorded development constraints, and topographic constraints (affecting mammal movement). The scope of this constraints analysis should include the areas that include the two habitat linkages across Carbon Canyon Road located on either side of Olinda Village, including 2,000 feet on either side of the road.

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Need to Consider Environmentally Superior Alternatives

Even if the 2012 Update concludes the Madrona Plan is considered to be a less impactful alternative than the Canyon Crest Plan (p. 204), the Madrona plan would still result in significant adverse impacts to biological resources (and land use policies), requiring Statements of Overriding Consideration. The City could do much better for its citizens and wildlife populations.

There is a direct correlation between reducing the potentially significant environmental impacts and incrementally downsizing the project. The best way to compare the ecological impacts of development scenarios is by the size of their grading footprints as opposed to the number of housing units. WCCA continues to recommend that the City and applicant seriously consider a feasible alternative with a smaller footprint. The goals of an environmentally superior project should be to avoid impacts to woodlands, maximize wildlife movement areas, reduce impacts to native plant communities, reduce impacts to drainages, and reduce aesthetic impacts.

One alternative that should be considered in any CEQA document for this project (i.e., a recirculated EIR) should involve the following modifications to the currently proposed Madrona Project.

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- The most north-westerly knob of the project should be deleted to allow for wildlife movement directly into the protected CHSP. That would involve the removal of approximately 44 residential units.
- There should also be some means for wildlife to cross along the southerly portion of the project (by the blue line above "B" on Figure 5.3.4 Remaining Wildlife Corridors" in the 2012 Update). This would involve removing at least three lots in this area and installing culverts along this road.
- The residential units along the eastern edge of the project and the entrance road (closest to Carbon Canyon Road) should be situated so that direct impacts to the central drainage are avoided, preferably with an adequate buffer between the development and the drainage.
- A clear-span bridge should be incorporated across Carbon Canyon Creek.

If the applicant contends that this type of alternative is not feasible, then this must be backed up with an updated independent economic feasibility analysis. Alternatives need to be economically feasible.

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Need for Adequate, Full-Proof Measures to Protect Remaining Open Space

The 2012 Update is deficient for not providing assurances for permanent protection for the open space to remain onsite. It is critical that the CEQA document explicitly include in the project description for the proposed project and all alternatives, and in the mitigation measures, adequate open space protections, including open space dedication(s) and monitoring/management funding.

This measure should specify that the remaining open space onsite shall be protected in perpetuity through a fee title dedication, and/or a grant of conservation easement(s), to a conservation and land management agency acceptable to the City and the California Department of Fish and Wildlife. An appropriate entity to accept this dedication could be California State Parks, WCCA, or the Mountains Recreation and Conservation Authority. It is not appropriate to dedicate this open space to a homeowners' association (HOA) as the goals of an HOA may be contrary to the goals of permanently preserving the biological resources. The CEQA document should specify that this dedication shall occur prior to the issuance of any grading permit and preferably as a condition of map recordation.

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The 2012 Update is also deficient for not including any mechanism to fund the monitoring or management of the open space. The recirculated CEQA document should include in the project description for the proposed project and all alternatives, and in the mitigation measures, the requirement for perpetual funding for management of the open space. It does not make sense for public agency to take on that expense, in essence subsidizing the development. The project description and mitigation measures should identify the specific, pre-permit issuance timing of the establishment of the open space funding (e.g., by placing the funding in an escrow account, finalizing a Landscape Maintenance District) – such as – prior to the issuance of a grading or other permit, map recordation, vegetation removal, or issuance of a certificate of occupancy.

Other Comments

It appears from Figure 5.3.4 Remaining Wildlife Corridors (2012 Update, p. 122) that there would be no fuel modification on California State Parks' land. However, the text states that the nearest residential lot is located approximately 70 feet from the State Park. With required fuel modification boundaries typically on the order of 100 to 200 feet, the CEQA document should explain how the project would avoid fuel modification on State Park land.

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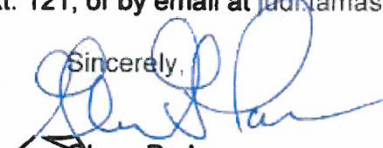
Secondary poisoning of wildlife by rodenticides is a serious problem at the urban edge. WCCA recommends that a mitigation measure be included in the CEQA document, prohibiting the use of rodenticides within the proposed development and including language to that effect in the homeowners' educational materials.

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In summary, the 2012 Update is woefully inadequate in that a reasonable range of alternatives has not been considered to avoid significant, adverse impacts to biological resources (and land use policies). An alternative should be proposed and implemented, which negates the need for a Statement of Overriding Considerations for significant, adverse impacts to biological resources. The loss of approximately 1,363 oak and walnut trees; loss of approximately 140 acres of valuable plant communities¹; anticipated adverse direct and indirect impacts to wildlife movement; the resultant edge effects to adjacent remaining habitats, including within CHSP; lack of a constraints analysis; and lack of assurances for protection of the remaining opens space warrant a recirculation of the EIR with such alternative.

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Thank you for your consideration. Please maintain our agency on your email/ mailing lists for this project. If you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3230, ext. 121, or by email at juditamasi@mrca.ca.gov

Sincerely,

Glenn Parker
Chairperson

¹There would be approximately 140 acres of impacts to the following plant communities: sage scrub, chaparral, native grasslands, riparian, and woodland, per the 2012 Update, Table 5.3-1: Impacts on Biological Resources, p. 94.)

Wildlife Corridor Conservation Authority

This letter was received by the City of Brea on January 31, 2013, nine days after the close of the 69-day public review and comment period, which extended from November 15, 2012 through January 22, 2013. As such, the City is under no obligation to respond to WCCA's comments. Nonetheless, in the interest of a broadly inclusive and robust public discussion of the project's environmental impacts, the City has elected to provide responses, as follows.

Response to Comment 1

This introductory text identifies the conservation purposes for which the Wildlife Corridor Conservation Authority (WCCA) was created, i.e. to provide for the proper planning, conservation, environmental protection and maintenance of the habitat and wildlife corridor between the Whittier Puente Hills and the Cleveland National Forest in the Santa Ana Mountains. This comment describes the regional importance of the project site as a key habitat linkage for wildlife movement between the Puente Hills on both sides of Carbon Canyon Road. It also refers to past WCCA comments on prior versions of the Canyon Crest Plan and incorporates those prior comments by reference. Finally, this comment makes reference to statements in the 2012 EIR Update regarding recent observations of large mammals crossing the site that are indicative of the continuing wildlife movement values of this site.

Since this comment is informational and introductory in nature and does not address any specific environmental impacts of the proposed Madrona Plan, no response is required. Responses to past comments on prior versions of the Canyon Crest Plan are not provided, since the Madrona Plan has replaced Canyon Crest as the proposed project. Responses to specific environmental concerns raised in the balance of this letter are provided hereafter.

Response to Comment 2

WCCA's opposition to the proposed project due to impacts on a regional wildlife movement corridor and destruction of more than 1,300 trees, and the comment that the Madrona Plan should be considered on its own merits, is noted. The 2012 EIR Update provides a comprehensive assessment of the specific impacts of the Madrona Plan, in addition to comparing impacts with those of the previous Canyon Crest Plan approved by the Planning Commission in 2008.

Response to Comment 3

WCCA's opposition to this project is noted. Recirculation of an amended EIR Update is not warranted, however, since sufficient information and analysis has been provided in the 2012 Update of EIR 02-01 to address all of the concerns expressed in this letter. None of the thresholds for further environmental analysis and recirculation of a revised EIR set forth in Section 15088.5 of the State CEQA Guidelines have been triggered. The comments submitted by WCCA, as well as the other comments submitted on the 2012 EIR Update have not provided

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“significant new information” concerning the project’s environmental setting, impacts or mitigation measures that have identified additional or more significant impacts beyond those discussed in the EIR Update.

Response to Comment 4

This comment questions whether there are sufficient project benefits to outweigh the significant and unavoidable impacts involved in removing native oak and walnut woodlands on site. A Statement of Overriding Considerations (SOC) will be prepared for City Council consideration in their resumption of hearings on the appeal of the 2008 Planning Commission approvals for the previous Canyon Crest Plan. The SOC will be prepared in accordance with Section 15093 of the State CEQA Guidelines, to describe specific economic, legal, social, technological, or other project benefits that the City Council may consider to outweigh the significant environmental impacts associated with the Madrona Plan. Final authority to consider the SOC rests with the City Council.

Response to Comment 5

The Madrona Plan, as a continuation and revision of the previous Canyon Crest Plan, incorporates the Tree Management Plan (TMP) criteria developed for Canyon Crest. Some variations to the TMP have been defined for the Madrona Plan within Mitigation Measure 5.3-2 of the Updated EIR, to reflect the change in the project layout and corresponding differences in impacts to specimen trees and native oak and walnut woodlands, to prohibit conversion of certain native plant communities for woodlands mitigation, and to increase the required mitigation ratio to offset the loss of woodlands on site. As currently written, MM 5.3-2 allows for installation of new woodlands or restoration of existing woodlands, on or off-site, in accordance with the specified performance criteria to ensure that mitigation sites are properly suited for the biological needs of oak and walnut woodlands. The approach to selection of woodlands mitigation sites is summarized below.

Development of an updated Tree Management Plan (TMP) will be required to delineate potentially suitable areas for the 50.29 acres of woodland restoration required by Mitigation Measure 5.3-2. On-site restoration would be outside the Proposed Project’s grading and fuel modification footprint and would not result in type conversion of existing native communities (e.g., areas of chaparral, a native vegetation type, could not be used as a mitigation site for woodland restoration). On-site restoration may be located in areas of annual grassland, ruderal vegetation, ornamental plantings, or disturbed areas that have suitable environmental conditions (e.g., slope, aspect, soils) to support woodlands. Approximately 78.24 acres of these vegetation types (including toyon – sumac chaparral/annual grassland ecotone, annual grassland, ruderal, ruderal riparian, willow riparian woodland – ornamental plantings, developed, and disturbed) have some, or a dominance of, non-native species that could be considered by the Project Applicant as candidates for woodlands restoration. The detailed locations of these restoration areas within the approximately 78.24 acres are required to be identified within the TMP if restoration is proposed onsite. Some areas within the

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approximately 78.24 acres may not be suitable, due to the presence of existing native vegetation, incompatible soil types with the vegetation intend to become re-established, and less than optimal geographic conditions (too steep or wrong aspect) for restoration opportunities to succeed. The suitability of these areas, and any selected offsite areas, will be assessed in the final TMP. This would occur as part of the City's plan check procedures, prior to issuance of a grading permit, as noted in the Updated Mitigation and Monitoring Plan, on page 212 of the 2012 EIR Update.

The Puente Hills Habitat Preservation Authority ("Authority") was established as a Joint Powers Authority in 1994 to provide mitigation for impacts to natural habitat resulting from development associated with the Puente Hills Landfill. Its mission is to acquire, restore and manage open space in perpetuity, with the primary purpose to protect the biological diversity manage a land preserve to conserve natural woodlands and other significant native biological resources in the Puente Hills area. The Preserve area covers approximately 3,869 acres in southeastern Los Angeles County. In 2007, the Authority adopted a Resource Management Plan that identified 1,000 acres of restoration priorities, including coastal sage scrub, chaparral, native grassland, oak and walnut woodlands, and riparian habitat. Some portion of this project's oak and walnut woodland restoration obligations could potentially be accomplished on the Authority's Preserve. Mitigation projects can be implemented by the Habitat Authority through direct funding ('in-lieu fee'; cost determined on a case-by-case basis), where the Habitat Authority would assume full implementation and performance criteria responsibility. Mitigation can also be implemented by the applicant on the Authority Preserve land, in accordance with an understanding and agreement that would need to be reached with the Habitat Authority.

There are also several large areas of open space that occur in proximity to the Project site, including Chino Hills State Park and recently acquired open space by the Orange County Transportation Authority through the Measure M2 Freeway Environmental Mitigation Program (identified as "OCTA Mitigation Land" on Figure 5.3.4 in the 2012 EIR Update). If allowed by the State Park and/or OCTA, portions of these lands could be utilized as restoration sites in support of their conservation goals and biological requirements of the particular sites.

On-site restoration/enhancement/creation of oak and walnut woodland is preferred over off-site mitigation. This preference is expressed in the following language to be added at the end of Mitigation Measure 5.3-2:

Addition to Mitigation Measure 5.3-2 (Oak and Walnut Woodlands Restoration)

Onsite preservation and/restoration shall be the preferred and the dominant form of mitigation; however, if the Project site does not provide sufficient biologically appropriate mitigation areas to achieve the entire amount of required mitigation, the Landowner/Applicant may mitigate for a portion of the woodland areas offsite. This may include restoration and/or enhancement of area containing invasive/non-native species elsewhere in the Puente/Chino Hills area. In-lieu fee and direct-implementation mitigation

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opportunities can also be utilized by the Landowner/Applicant for partial oak/walnut woodland mitigation within a resource agency approved mitigation site (e.g., land managed by the Puente Hills Habitat Preservation Authority).

For over 26 years, Restoration Ecologists with BonTerra Consulting (the City's consulting biologist for this project) have been working with the implementation and long-term performance of many oak and walnut restoration projects and other woodland communities within Southern California and refining strategies for successful restoration. These strategies have included installation of container plants and acorns/walnuts (with and without caging) and even the transplantation of oak and walnut stumps. BonTerra Consulting has an understanding of the difficulties inherent in successfully implementing oak and walnut woodland restoration. It is critical to begin the restoration effort with a detailed and accurate TMP and ensure that it is properly implemented. It is also important to secure locally specific walnuts/acorns and other understory seed materials and to initiate the nursery propagation of any container plants (including oaks/walnuts) well in advance of mitigation woodland restoration in order to ensure that there are sufficient quantities of plant materials available for restoration efforts in compliance with project requirements. Based on this experience, the components of the TMP are considered to be sufficient to enable a successful woodland restoration program.

It is important to note that Mitigation Measure 5.3-2 requires the City to "determine the suitability of the woodland restoration and conservation sites; the sufficiency of the woodlands landscaping/irrigation plan; and the specifications for five-year maintenance and monitoring efforts." If the City believes that Applicant has not met the intent of the mitigation measure, both the TMP and the Proposed Project would not move forward. The Applicant will be fully responsible for implementing the TMP, including meeting the performance standards. If the woodland revegetation and enhancement sites do not meet the required performance standards within the required time-frame, the Applicant is required to implement appropriate remedial measures and maintain and monitor the site until it has met the performance standards. The performance standards have no expiration date.

Response to Comment 6

WCCA's disagreement with the Updated EIR conclusion that impacts on wildlife movement would be adverse but less than significant is noted. The determination of impact significance is a matter of judgment and the conclusion expressed in the Updated EIR is based on the opinion and expertise of the City's consulting biologist, together with prior assessments of wildlife movement across the site and wildlife corridor studies conducted by other biologists. The analysis of wildlife corridor impacts presented in the Updated EIR is based on the following considerations, explained in further detail in Section 5.3.2 of the Biological Technical Report provided as Reference 3 of the Updated EIR.

The wildlife corridor analysis presented in the 2012 Updated EIR summarizes the previous analyses presented in the 2007 Recirculated Draft EIR for the Canyon Crest Project and the 2002 Draft EIR for the Canyon Crest Project. Both EIRs cited a URS 2001 analysis of the site and

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the wildlife corridor design guidelines developed by Ogden (1992) for maintaining adequate and functional habitat linkages between large areas of conserved habitat while allowing for adjacent development. Note that URS (2001) cited this source as Mock et al. (1992). These guidelines have been used in the development of several regional Natural Community Conservation Plans/Habitat Conservation Plans (NCCPs/HCPs). They are based on conditions for large mammals and the focal species chosen by URS (2001) including mule deer, mountain lion, bobcat, and coyote. Additional studies document wildlife use within movement corridors narrower than the minimum corridor width recommended by Ogden (1992), so the recommendation of 1,000 feet minimum width is considered a conservative estimate. For example, in a three-year study of GPS-collared mountain lions in southern Orange County, three separate mountain lions were documented within corridors of native habitat between suburban residential development as narrow as approximately 630 feet (Vickers and Huber 2012). While a minimum width necessary for wildlife movement depends on a number of factors (such as cover, anthropogenic disturbances, or length of constrained area), Beier and Barrett (1993) recommended a minimum corridor width of at least 300 feet if the total distance to be spanned is ½ mile or less; to the extent that the other elements are deficient, and as the corridor length increases, corridor width should also be increased. As described in the Biological Technical Report and illustrated in Exhibit 12 therein, wildlife corridors that will remain after construction will exceed these dimensions. Area B will be approximately 1,094 feet wide, for only 300 feet at its narrowest point, and Area A will be 3,216 feet wide, for only 500 feet at its narrowest point.

To determine the significance of the Madrona Plan's impact on wildlife movement, the Biological Technical Report compared the width of wildlife corridors remaining on the Project site to the minimum width recommended by Ogden (1992). The narrowest point between the Madrona Plan development envelope and existing development northeast and southwest of the Project site (i.e., Olinda Village and Sleepy Hollow) was measured. This represents where the corridor would be most constrained, but the width of open space would increase in size immediately beyond this more narrow point. The Madrona Plan would result in two undeveloped corridors of approximately 0.21 mile (1,094 feet) and 0.61 mile (3,216 feet) wide at their narrowest point (see Figure 5.3.4 in the 2012 EIR Update). Because both remaining corridors were wider than the minimum 1,000-foot-wide corridor recommended by Ogden (1992), the BTR concluded that adequate wildlife movement opportunities would remain following development of the Proposed Project. Both of these corridors contain travel routes (e.g., canyons and ridgelines) that were documented to have been used by large mammals in the Wildlife Corridor Analysis conducted for the Project site (URS 2001). Therefore, it was concluded that the Madrona Plan would have an adverse, but less than significant, impact on wildlife movement.

The City of Brea is not aware of any plans to develop the Aera property or plans to develop private lands on the eastern side of Carbon Canyon Road. It would be speculative and thus outside of the scope of this EIR, to address potential impacts to the wildlife corridors preserved in the Madrona Plan that might result from some type of development plan that has not yet been defined. It would be speculative, for example, to estimate any particular configurations of

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potential development areas and therefore speculative to estimate potential effects on wildlife movement. As such, the analysis of impacts to wildlife movement associated with the Madrona Plan reasonably assumes that the existing open space and habitat conditions extending off-site are not converted to urban land uses. Any land development proposal for the Aera property or other private lands on the eastern side of Carbon Canyon Road would be subject to analysis under CEQA, including assessment of potential impacts on wildlife movement. Based on these considerations, the City finds that preparation of further studies such as a constraints analysis, as suggested by this comment, is not warranted.

Response to Comment 7

This comment suggests several revisions to the proposed development plan to reduce impacts involving the site's visual character, woodlands, natural drainages and wildlife movement. Responses to each of the four bullet point items that describe a suggested design revision are presented below.

a. Eliminate approximately 44 lots in most northwestern knob of the site

This alternative would eliminate the 44 proposed lots in the northwestern "knob" area, together with adjacent manufactured slopes, a detention basin and two pocket parks. It would reduce visual impacts by eliminating building pads, manufactured slopes and building massing within an area of natural open space and visually prominent knolltops. This reduction in the development envelope would also preserve native vegetation communities and the wildlife it supports, including Toyon-Sumac Chaparral-Deerweed Sage Scrub, Coast Live Oak Woodland/Coastal Sage –Chaparral Ecotone, Deerweed Sage Scrub, Mixed Woodland, and Annual Grassland. This alternative would reduce total impacts to oak woodland ecotones. Impacts to any oak woodlands on this site were determined in the 2012 EIR Update to be significant, due to the declining abundance of such woodlands and a direct conflict with the City's General Plan Conservation/Open Space Element policies that call for in-place preservation of oak and walnut woodlands.

A comparison of grading plans for the proposed 162-lot Madrona Plan and a 118-lot alternative that eliminates the 44 proposed lots in the northwestern "knob" area referred to in this comment, was prepared by the Applicant. This is presented in Section D-6 of this Final EIR, as Exhibits D-6.1-Grading Analysis of Madrona 162 Lot Plan and D-6.2-Grading Analysis of 118-Lot Alternative. The 44-lot area, together with adjacent manufactured slopes, a detention basin and two pocket parks, encompass a grading footprint of approximately 30 acres. This alternative would thus reduce the total grading footprint from approximately 131 acres to approximately 101 acres. A 118-lot plan would otherwise retain the same grading footprint and development layout as the proposed plan, south of the 30 acres. As such, the grading requirements would, for the most part, be the same as with the proposed plan, which are driven by the precipitous site topography and the City's street design standards that no road grades exceed 10% and no street intersection grades exceed 6%. Access for the project remains off of Carbon Canyon Road and proceeds northward into the steep topography

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climbing from an approximate Carbon Canyon Road elevation of 730' to 1,370' elevation in the area adjacent to the existing water reservoirs. In order to gain access to the site and comply with the City's street design standards, significant cut of the existing topography within the southern reaches of the project is required immediately north of the Carbon Canyon Creek bridge access.

While there are several small areas in the southern reaches of the site that can receive fill material from the above-described cut as indicated in blue on the attached exhibits, the majority of the site fill areas are located in the northern reaches of the site. By removing the northernmost 44 lots, the site's largest fill areas are eliminated. While site access and the existing topography of the site's southern reaches remain unchanged, the large quantity of cut generated in the southern reaches would not have sufficient area on site to be placed as fill. This situation creates the large export scenario indicated in Exhibit B, titled, *Madrona 118 Lots*. As indicated in the exhibit's earthwork analysis, 4,683,100 cubic yards of cut and removals are generated while only 3,445,340 cubic yards of fill are required, leaving 1,237,760 cubic yards of excess generated cut material to be exported off site. In comparison, the proposed 162-lot plan would require a total of 4,970,100 cubic yards of cut and removals, all of which would be retained on-site through various fill areas, including the upper 44 lots. No import or export of earth materials would be required for the proposed plan.

To accomplish the export of the excess cut quantities, at least 50 truck trips per day hauling 12 C.Y. per load would be required. A multiple axle, 10-12 wheel truck would likely be needed to carry such loads. It is anticipated that each truck would be able to complete 5 round-trip loads per day, if the fill would be accepted at the Olinda-Alpha Landfill. If the dirt is required to go to an alternate destination, the trip count per day would be greatly reduced, thus extending the time and costs for the overall export of material. However, based upon the use of the Olinda-Alpha Landfill as the receiving destination, truck trips and time frame required to export 1,237,760 cy of excess grading materials are calculated below:

- The employ of 50 export trucks hauling 12 C.Y. per load
- Each truck 5 loads per 8-hour work day.
- 60 C.Y. per truck per day x 50 trucks equals 3,000 C.Y. per day
- 1,237,760 C.Y. export / 3,000 C.Y. per day equals approx. 409 days, plus 40 days for rain delay and holidays totals 449 days.
- Grading time combined with the described export operation would total approximately 2.5 to 3 years. This compares to a total grading phase of approximately seven months for the balanced grading program for the 162-lot Madrona Plan. The balanced grading program for the previously approved Canyon Crest Plan was estimated to require approximately 19 months to complete.

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The export operation described above would result in a variety of environmental impacts during the early construction phases that would not occur with the proposed plan. This includes extending the overall grading operations from about 7 months to about 2.5 to 3 years, which would correspondingly extend the period of time that nuisance noise, dust, exhaust emissions and truck traffic would negatively affect neighboring land uses (mainly people in Olinda Village and the Hollydale Mobilehome Estates) and worsen traffic conditions along Carbon Canyon Road. Because dump trucks are usually powered by diesel engines, the increased exhaust emissions associated with hauling the export materials to the landfill could be significant. Total NO_x emissions, for example, which are already projected to substantially exceed South Coast Air Quality Management District daily thresholds for regional emissions, would be increased, thus worsening that already significant impact resulting from the proposed plan. Other criteria pollutants such as CO, SO₂ and PM₁₀ are contained in diesel emissions, and daily levels of these harmful pollutants would also be increased, compared to the proposed balanced grading plan.

The Applicant has estimated that the 118-lot alternative suggested in this comment would more than double total site development costs and would not be financially feasible. A quantitative analysis of the additional costs has been provided to the City and is available for public review as part of the project files.

- b. Remove approximately three lots to improve wildlife crossing along drainage area in southern part of site*

As suggested in the comment, the three lots immediately north of the proposed cul-de-sac in the southwestern corner of the site could be eliminated, while retaining the four proposed lots on the southern side of that cul-de-sac. This change would retain an existing wildlife movement pathway through the site and into Chino Hills State Park that is eliminated by the Madrona Plan, although it would be altered and partially constrained by construction of the street along the western edge of the site. This change would also preserve some walnut woodlands/sage/chaparral ecotone that are impacted by the three lots in the Madrona Plan, but would not reduce the impact involving loss of walnut woodlands to less than significant. This design change would not significantly impede attainment of the overall objectives of the proposed development plan.

- c. Reconfigure lots along eastern edge and near project entrance to improve buffer between development and central drainage area*

This suggestion would preserve water-based biological resources classified as Waters of the U.S. and California Streambed, along with most of the oak woodlands that would be impacted by the proposed development plan. It would also preserve a number of individual oak and walnut trees not associated with woodlands. This design change would thus reduce, but not fully eliminate, the significant impact of the project involving removal of native oak and walnut woodlands. It would require an extensive reconfiguration of the primary entry road, which has been carefully designed to meet the City's street design criteria such as less than 10% grades at

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any point, while also accomplishing remediation of landslides found near the “central drainage area” referred to in this comment. Reconfiguration and/or relocation of the main entry road would require a comprehensive redesign of the entire project and could result in expanding the development footprint into sensitive areas currently proposed to remain in open space in order to maintain the proposed 162-lot yield. If a revised street design and development layout consistent with this suggestion were to remain within the current development footprint, it is likely that a substantial number of residential lots would need to be eliminated, which would seriously affect the financial aspects of the project. Alternative locations for the primary street, such as from the existing Olinda Drive, or further south or north along Carbon Canyon Road, are considered to be impractical, as discussed below.

The project design is driven by several factors, including: site topography, geologic conditions, achieving City hillside street design standards, required grading necessary to achieve primary access from Carbon Canyon Road, other infrastructure and mitigation costs, and maintaining a sufficient number and quality (size, view orientation, etc.) of residential estate lots such that the economics of the 162-lot alternative results in a financially feasible project.

In addition, the primary entry road must be sited to require the least amount of grading and the shortest distance while still providing the desired grade to travel from Carbon Canyon Road to the highest point of the Proposed Project. About two-thirds of the grading is necessary to construct this main access road and complete the initial balancing of cut and fill on the site (3,418,000 cubic yards of cut, fill and buttressing out of the total earth movement of 5,104,700 cubic yards). This access road also traverses an area with Southern California Black Walnut and Coast Live Oak trees. The area impacted by the cut and fill zones contains approximately 92.25 acres of the project impact footprint or 70% of the 131.19 acre development footprint. The total earthwork quantity for the cut and fill zones is approximately 3,418,000 cubic yards.

The configuration and topography of the site is such that the majority of the cut area is in the southern reaches of the site, with the largest fill located in the northern reaches. The cut quantities for the southern area of the site are quite high in relation to the existing topography due to the City of Brea requirement for a maximum street grade of 10%. This increases the cut dramatically, requiring additional fill to be transferred to the northern sector of the site.

To analyze the potential to avoid or substantially reduce the number of trees required to be removed during grading of the main entry road, alternative access road locations were considered. One alternative would be to utilize the existing Olinda Drive access through Olinda Village. This alternative would require project-related trips to turn off Carbon Canyon Road onto Olinda Drive and travel to the end of existing Olinda Drive. From that point, the access road could follow the paved Olinda Drive Extension that extends from the end of Olinda Drive to the City water tanks and continue roughly from that point as shown as the secondary emergency access in the current Madrona Plan. Because the Fire Code limits the number of lots/homes that may be accessed from a single entry (one way in/one way out) to 150, this alternative would require a secondary emergency access. In this alternative, the secondary emergency access would still need to extend to Carbon Canyon Road. But, if only a secondary

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emergency access road is needed at the eastern edge of the Project site, this emergency access road could be a smaller road.

The residents of Olinda Village have repeatedly expressed their staunch opposition to primary access being provided through Olinda Village and City staff has concurred with that position. And, in addition, this alternative would not completely avoid impacting a number of trees, although it would reduce the impacts.

Another alternative for the road to avoid a substantial portion of these trees would be to move the entry point further northeast, closer to Lions Canyon Road. Such an alternative would require substantially more grading to allow for a more circuitous, longer road that might reduce the number of impacted trees, depending on road design in consideration of all the other factors and requirements for a road. A significant aesthetic impact would also result from extending the road across an area now planned to remain as open space which would be visible to drivers on Carbon Canyon Road. The Madrona Plan preserves the major landform feature (the hill) in the north/northeastern portion of the site. The Madrona Plan preserves this feature even though the Carbon Canyon Specific Plan shows this feature to be graded in Exhibit 10, Grading Concept Plan. Moving the access road further northeast would place the road within and across this landform feature. In addition, moving the access point further to the northeast, much closer to the intersection of Carbon Canyon Road and Lions Canyon Road could result in additional traffic impacts due to the short distance between the alternative access point and the Lions Canyon Road/Carbon Canyon Road intersection.

Due to the specific location of the Project Site, the steep grade in that part of the site and the uneven southern boundary which is separated from Carbon Canyon Road by other landholdings, alternative access roads south of the proposed primary project entry are not feasible. Even if the Madrona Plan landowner could obtain access rights through the other property, the canyons at the south end of the site contain Southern California Black Walnut trees which are planned to remain in open space as part of the Madrona Plan. Assuming that access through other landholdings could be obtained, building the access road through the southern end or the southeastern edge of the Project Site would not reduce overall impacts. To avoid the Southern California Black Walnut trees, the road would need to traverse a landslide area that is avoided with the Madrona Plan. Stabilizing this landslide area to build an access road would result in a substantial increase in grading operations, with resultant increases in air quality emissions. In addition to this landslide area, due to the steep slopes in this part of the site, an access road through the southern boundary site would require substantially more grading than is proposed with the Madrona Plan, and more land would be disturbed in order to meet the City's maximum 10 % street grade.

Carbon Canyon Specific Plan Goal number 6 refers to preservation of scenic landscape features such as oak, pepper, and sycamore trees into the landscape concept. While Goal 6 also discourages construction within or near oak trees, it recognizes an exception for "the construction of necessary improvements such as streets, drainage facilities and other essential utilities." Chapter 6 of the Carbon Canyon Specific Plan, Canyon Design Guidelines, also

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recognizes that some oak trees may be removed to implement the plan, referencing that the intent of the specific plan is to minimize, *to the extent practicable*, impacts to oak trees resulting from development of the canyon. (Section C, Oak Tree Protection, emphasis added). Based on the evaluation of alternative entry road locations, the Madrona Plan minimizes removal of oaks to the extent practicable, and the entry road is a necessary improvement to implement the Specific Plan, even at the greatly reduced level of development proposed by the Madrona Plan in comparison to the Specific Plan allocations for the site.

d. Construct bridge across Carbon Canyon Creek as a free-span structure

The proposed main entry road bridge would span across Carbon Canyon Creek. No bridge supports are proposed within the creek itself; these would be placed outside of the natural flow lines and outside of the flood hazard limits associated with the creek.

Response to Comment 8

A condition of approval for this project would be recommended, as it was for the previous Canyon Crest Plan, to require preparation and implementation of a Conservation and Maintenance Plan to protect and maintain the natural open spaces to be preserved on site. It will incorporate pertinent provisions of the Carbon Canyon Specific Plan guidelines and all mitigation measures set forth in the EIR Update for the Madrona Plan. A Land Management Caretaker will be selected to administer the conservation and maintenance plan. This plan will include funding mechanisms to ensure that all aspects of the maintenance plan will be properly implemented and sustained in perpetuity.

To the extent that oak and walnut woodlands restoration occurs on-site, within the undeveloped open space areas, long-term maintenance and management of those areas would be required as part of the Conservation and Maintenance Plan. Ownership/management of this open space has not yet been determined. Potential ownerships could include, but are not necessarily limited to: (1) the private homeowners association that will own/manage the common areas within the development envelope; (2) a non-profit or governmental conservation entity. The City of Brea would not own or manage these lands. If these woodland restoration efforts occur on public lands outside of the site, or on land managed by a non-profit conservation authority, the responsibility for long-term maintenance and management of those areas would be defined within an agreement with those public or non-profit entities. Specifications for those woodland restoration areas, including long-term maintenance/management responsibilities, will be finalized during the plan check process when an updated and detailed Tree Management Plan is submitted for City approval.

Response to Comment 9

No homes would be constructed within 70' of the Chino Hills State Park boundary; the closest home would be 100 or more feet from the park boundary. In addition, the performance based fuel modification plan has utilized a radiant heat fence, composed of slump block and glass, at

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the junction of the A and B zones to replace the C zone at this particular location. This method is proposed because the interface is on the downwind side of the foehn wind (Santa Ana winds in this case). The Applicant's fire safety consultant, a former fire chief and an expert in designing fire prevention and defense systems for developments in wildland fire hazard areas, has indicated that considering the aspect of this lot and that the onshore winds (opposite of the Santa Ana winds) are weaker, a 100 foot irrigated zone with a radiant heat fence would provide more than adequate protection from the wildland fuels within the State Park at this location. The Brea Fire Department has concurred with this. With this measure, no fuel modification zones would need to be established on State Park land.

Response to Comment 10

In 2008, the U.S. Environmental Protection Agency (EPA) issued the "Risk Mitigation Decision for Ten Rodenticides," which informed rodenticide producers of risk reduction measures needed to meet the safety standards established by the Federal Insecticide, Fungicide and Rodenticide Act. In so doing, EPA determined that changes in rodenticide products were essential to reduce the accidental exposures of children and to protect household pets and wildlife.¹⁵ EPA publishes a list of rodenticide products that, when properly used, can substantially reduce accidental exposure to people, pets and wildlife. In recognition of the hazards associated with rodenticides and with other hazardous chemical applications often found in residential communities, the second bullet item in Mitigation Measure 5.3-6 will be refined to strengthen the direction to discourage use of applications involving harmful chemical agents, as follows:

Refinement of Mitigation Measure 5.3-6

To minimize adverse effects that could result from application of *harmful* chemicals in the built landscape, all homeowners shall be provided with guidelines and educational materials (as part of the CC & Rs) that ~~strongly encourage the limited~~ *discourage* use of pesticides, rodenticides, fungicides, and/or herbicides. These materials shall also encourage homeowners to seek alternatives that are biologically benign, and when dealing with pets and rodent problems, to contract with professional pest control specialists to ensure that the application of any chemicals is necessary, will target the pest species, and is applied according to the product labels to minimize safety and environmental concerns. *CC & Rs will also discourage use of pesticides, rodenticides, fungicides and/or herbicides within the common areas owned/maintained by the Homeowners Association.* During permit processing with the Regional Water Quality Control Board (RWQCB), i.e. NPDES or 401 Water Quality Certification, additional conditions may be imposed on the Project Applicant and/or homeowners to restrict or prohibit use of certain chemicals to protect water quality.

¹⁵ http://www.epa.gov/oppfead1/cb/csb_page/updates/2011/banning-poisons.html (Accessed August 29, 2013).

Response to Comment 11

This comment summarizes the various concerns identified in the preceding comments, and expresses an opinion that the Updated EIR needs to be revised and recirculated, to evaluate additional alternatives that would avoid the project's significant impacts to biological resources. Responses to all of the concerns expressed in the preceding comments have been provided, and revisions to and recirculation of the Updated EIR are not warranted.