
CHAPTER 3 Responses to Comments

3.1 OVERVIEW

The Draft EIR for the for the Metro East Mixed Use Overlay Zone (Overlay Zone), including the First and Cabrillo Towers, was issued on December 22, 2006, and initially circulated for public review and comment for a 45-day period scheduled to end on February 5, 2007. During the public review period, ten written comment letters on the Draft EIR were received by the City of Santa Ana.

During the public review period, copies of the Draft EIR were distributed to public agencies through the State of California, Office of Planning and Research. The City also directly distributed the document to over 20 individuals, agencies, and organizations. In addition, the Draft EIR and the documents referenced in the Draft EIR were available for public review on the City’s website and during normal business hours at the Santa Ana City Hall, which is located at 22 Civic Center Plaza in Santa Ana.

A public meeting was held on January 22, 2007, at the Santa Ana City Hall Council Chambers during which the public was given the opportunity to provide comments on the Draft EIR. Four persons presented verbal comments on the Draft EIR during the public meeting.

Table 3-1 provides the following information: (1) a comprehensive list of commenters grouped by State agencies, regional agencies, local agencies, community groups, and individuals; (2) the format in which the comments were received, whether as written testimony (during the public review period) or as verbal testimony (during the public hearing); (3) the reference code used to identify the commenter; and (4) the page number of this chapter where those comments and responses begin.

The complete text of the written and verbal comments—and the City of Santa Ana’s response to those comments—is presented in this chapter. A copy of each comment letter is followed by its response(s), and the transcript for the Public Hearing, followed by its response, is found thereafter.

Multiple comments were received on a few key topics. To provide comprehensive responses regarding the issues raised, the City decided to prepare responses addressing all comments relating to each of these key areas. Each of these “topical” responses provides some background regarding the specific issue, how the issue was dealt with in the Draft EIR, and additional explanation as appropriate in response to the concerns raised in the comments. The beginning of each topical response identifies the comments addressed by the response.

Table 3-1 List of Agencies and Persons Submitting Comments

<i>Comment Reference</i>	<i>Commenting Agency/Person</i>	<i>Date of Comment</i>	<i>Page</i>	<i>Type of Comment</i>
A	State Clearinghouse	2/6/07	3-3	L
B	California Department of Toxic Substances Control	2/1/07	3-6	L
C	California Department of Transportation	01/26/07	3-9	L
D	California Public Utilities Commission	01/23/07	3-13	L
E	Native American Heritage Commission	01/16/07	3-15	L
F	Airport Land Use Commission of Orange County	01/12/07	3-21	L
G	South Coast Air Quality Management District	02/07/07	3-26	L
H	Southern California Association of Governments	02/16/07	3-30	L
I	City of Irvine Community Development Department	02/05/07	3-32	L
J	City of Tustin, Community Development Department	01/16/07	3-34	L
K	Public Hearing Comments	1/22/07	3-45	V

L = Letter; C = Comment Card; and V = Verbal



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cynthia Bryant
Director

February 6, 2007

Letter A

Sergio Klotz
City of Santa Ana
20 Civic Center Plaza
Santa Ana, CA 92702

Subject: Metro East Mixed Use Overlay Zone
SCH#: 2006031041

Dear Sergio Klotz:

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 February 5, 2007, 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."

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,

Terry Roberts
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006031041
Project Title Metro East Mixed Use Overlay Zone
Lead Agency Santa Ana, City of

Type EIR Draft EIR
Description The purpose of the proposed overlay zone is to allow for the development of mixed-use and/or residential land uses within the Overlay Area. To accommodate this objective, the City will need to amend the current General Plan to permit these new land uses, and amend the Zoning Code to establish development standards that implement the City's vision for the development of mixed-use and/or residential projects within the Overlay Area.

Lead Agency Contact

Name Sergio Klotz
Agency City of Santa Ana
Phone (714) 667-2700
email
Address 20 Civic Center Plaza
City Santa Ana **State** CA **Zip** 92702
Fax

Project Location

County Orange
City Santa Ana
Region
Cross Streets First Street and Cabrillo Park Drive
Parcel No. several
Township **Range** **Section** **Base**

Proximity to:

Highways SR-55
Airports
Railways OCTA Metrolink
Waterways Santa Ana - Santa Fe Channel
Schools several
Land Use Commercial/office land uses.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 8; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Housing and Community Development; Office of Historic Preservation; Department of Health Services; Reclamation Board; Department of Fish and Game, Region 5; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Department of Toxic Substances Control

Date Received 12/22/2006 **Start of Review** 12/22/2006 **End of Review** 02/05/2007

■ Response to Comment Letter A

Letter from the State Clearinghouse, dated February 6, 2007

- A-1 Comment noted. This comment contains narrative and general information, and acknowledges that the City of Santa Ana complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the *California Environmental Quality Act*. It is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue.



Department of Toxic Substances Control



Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

Letter B

February 1, 2007

Mr. Sergio Klotz
Senior Planner
Planning and Building Agency, City of Santa Ana
20 Civic Center Plaza
Santa Ana, California 92702

RECEIVED

FEB 20 2007

STATE CLEARING HOUSE

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE METRO EAST MIXED USE OVERLAY ZONE (SCH#2006031041)

Dear Mr. Klotz:

The Department of Toxic Substances Control (DTSC) has received your submitted EIR document for the above-mentioned project. As stated in your document: "The purpose of the proposed overlay zone is to allow for the development of mixed-use and/or residential land uses within the Overlay Area. To accommodate this objective, the City will need to amend the Current Plan to permit these new land uses, and amend the Zoning Code to establish development standards that implement the City's vision for the development of mixed-use and/or residential projects within the Overlay Area".

DTSC sent you NOP comments on 10/10/06. DTSC has additional comments on the EIR report as follows:

1. All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the EIR.
2. Proper investigation, sampling and remedial actions, if necessary, should be conducted at the site prior to the new development or any construction, and overseen by a regulatory agency.
3. If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.

Mr. Sergio Klotz
February 1, 2007
Page 2

4. If hazardous wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility.

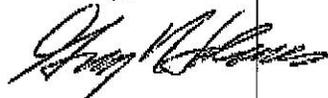
5. Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

6. If the project plans include discharging wastewater to a storm drain, you may be required to obtain a wastewater discharge permit from the overseeing Regional Water Quality Control Board.

7. If structures on the Project Site contain potentially hazardous materials, such as; asbestos-containing material, lead-based paint, and mercury- or PCB-containing material, such materials should be removed properly prior to demolition and disposed of at appropriate landfills or recycled, in accordance with the regulatory guidance provided in California Code of Regulations (CCR) and following the requirements of the Universal Waste Rule (40 CFR part 9).

If you have any questions regarding this letter, please contact me at (714) 484-5461 or call Mr. Al Shami, Project Manager, at (714) 484-5472 or at "ashami@dtsc.ca.gov".

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA # 1599

■ Response to Comment Letter B

Letter from the California Department of Toxic Substances Control, dated February 1, 2007

- B-1 It should be noted that this comment letter was forwarded through the Office of Planning and Research, which did not receive it until February 20, 2007. However, the comments raised address general procedures for assessing potential impacts related to hazards and hazardous materials that would be performed for any project-specific development within the Overlay Zone and which were performed as part of the First and Cabrillo Towers project-level analysis. As the planning horizon of the Overlay Zone extends to 2030, the potential for hazardous materials in the area may change depending on area events and development patterns over the course of the planning horizon. The performance of such an evaluation at the present time and on a programmatic scale would likely prove inaccurate over time and require re-evaluation prior to development of specific projects within the Overlay Zone. As such and as stated in the EIR, the analysis requested by DTSC would be performed for any project-level development within the Overlay Zone but not on a programmatic scale. To ensure that such analyses are performed, MM-OZ 4.6-2 in Volume I of the EIR would be implemented by the City.

STATE OF CALIFORNIA—BUSINESS TRANSPORTATION AND HOUSING A

DEPARTMENT OF TRANSPORTATION

District 12
 3337 Michelson Drive, Suite 380
 Irvine, CA 92612-8894
 Tel: (949) 724-2267
 Fax: (949) 724-2592

January 26, 2007

Mr. Sergio Klotz
 City of Santa Ana
 20 Civic Center Plaza
 Santa Ana, California 92702

Letter C

File: IGR/CEQA
 SCH#: 2006031041
 Log #: 1712-B
 SR-55, I-5

Subject: Metro East Mixed Use Overlay Zone DEIR

Dear Mr. Klotz,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR)** for the **Metro East Mixed Use Overlay Zone**. The overlay area, proposed for residential and commercial/retail development for the Santa Ana Residential Village and the First and Cabrillo Tower, is located just west of SR-55, about 0.2 miles northwest of the junction of I-5 and SR-55.

Caltrans District 12 is a responsible agency on this project and we have the following comments:

1. The issues of greatest concern to Caltrans are those that may impact traffic circulation and increase demand on State Transportation Facilities. For all new developing areas, major new developments, redevelopment areas that may require new or improved access, new signals, or any improvements to State Transportation Facilities will require close coordination with Caltrans. This requirement should be included in the Final EIR.
2. Traffic Operations requests all applicants to use the Highway Capacity Manual (HCM) method outlined in the latest version when analyzing traffic impacts on State Transportation Facilities. The use of HCM is preferred by Caltrans because it is an operational analysis as opposed to the Intersection Capacity Utilization (ICU) method, which is a planning analysis. In the case of projects that have direct impacts on the state's facilities Caltrans recommends that the traffic impact analysis be based on HCM method. Should the project require an encroachment permit, traffic operations may find the Traffic Impact Study based on ICU methodology inadequate resulting in possible delay or denial of a permit by Caltrans. All input sheets, assumptions and volumes on State Facilities including ramps and intersection analysis specifically, for the signalized and un-signalized intersections near I-5 and SR-55 within the Overlay Zone should be submitted to Caltrans for review and approval. Caltrans Traffic Impact Study (TIS) Guidelines are available on:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>
3. As requested in the attached Caltrans letter dated April 31, 2006, an analysis of the I-5 & SR-55 interchange should be presented. Any operational impact to the interchange should be considered and discussed in detail in order to ensure that the interchange and overall facility are not overburdened.

Post-it* Fax Note	7571	Date	1-29-07	# of pages	3
To	Sergio Klotz	From	M. McLaughlin		
Co./Dept	Santa Ana	Co.	Caltrans D-12		
Phone #		Phone #	714-2267(440)		
Fax #	714-973-1461	Fax #			

Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

Sincerely,



Ryan Chamberlain, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

LW78001

STATE OF CALIFORNIA—BUSINESS TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

District 12
 3337 Michelson Drive, Suite 380
 Irvine, CA 92612-8894



*Flex your power!
 Be energy efficient!*

April 13, 2006

Mr. Sergio Klotz
 City of Santa Ana
 20 Civic Center Plaza
 Santa Ana, CA 92702

File: IGR/CEQA
 SCH#: 2006031041
 Log #: 1712
 Route: SR-55, I-5

Subject: Metro East Mixed Use Overlay Zone

Dear Mr. Klotz:

Thank you for the opportunity to review and comment on the Notice of Preparation of a draft Environmental Impact Report (DEIR) for the **Metro East Mixed Use Overlay Zone**.

The overlay area, proposed for residential and commercial/retail development for the Santa Ana Residential Village and the First and Cabrillo Tower, is located just west of SR-55, about 0.2 miles northwest of the junction of I-5 and SR-55.

Caltrans District 12, as a review agency on this project, has the following comments:

1. Due to the magnitude of the development and its proximity to two heavily-used freeways, a formal traffic study must be completed, including detailed analysis of the traffic impacts, and showing demand on state highways, both existing and for 25 years after the project completion date.
2. Any impacts occurring within state right of way would need to be discussed in detail within the appropriate sections of the EIR.
3. Please identify mitigation measures proposed to maintain the Level of Service at acceptable levels. Identify the party responsible for the measure(s) and implementation of a mitigation monitoring plan.

Please continue to keep us informed on this project and other future developments which could impact our transportation facilities. If you have any questions or need to contact us, please call Barbara Gossett at (949) 440-4461.

Sincerely,

Robert F. Joseph, Chief
 IGR/Community Planning Branch

c: Terri Roberts, Office of Planning and Research
 Terry Pencovic, HQ IGR/Community Planning
 Isaac Alonso-Rice, Traffic Operations – North
 Raouf Moussa, Traffic Operations – South
 Ryan Chamberlain, Environmental Planning

■ Response to Comment Letter C

Letter from the California Department of Transportation, dated January 26, 2007

- C-1 Comment noted. This comment presents a summary of the proposed project and does not raise any specific questions related to the accuracy or adequacy of the analysis of potential environmental effects in the Draft EIR.
- C-2 As the Overlay Zone is located between the I-5 and SR-55 freeways, coordination with Caltrans is understood regarding any state-transportation-facility-related improvements that would be necessary. In that regard, on page 2.5 of the EIR, the City acknowledges the likely need to coordinate with Caltrans with regard to encroachment permits for project requiring work within State rights-of-way.
- C-3 In accordance with the commenter's request, supplemental analysis using HCM methodology was performed of those intersections involving State Facilities, including ramps and intersections. This information is included as Appendix A of Volume III of this EIR. It should be noted that no new impacts were identified under HCM methodology to State Facilities that were not acknowledged under the previous analysis conducted for the EIR.
- C-4 In accordance with the commenter's request, supplemental analysis of the I-5 interchange and queuing on State Facilities was performed. This information is included as Appendix B of Volume III of this EIR. It should be noted that no new significant impacts or impacts requiring mitigation were identified to State Facilities that were not acknowledged under the previous analysis conducted for the EIR.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

Letter D



January 22, 2007

Sergio Klotz
City of Santa Ana
20 Civic Center Plaza
Santa Ana, CA 92702**RECEIVED****JAN 23 2007****SANTA ANA PLANNING DEPT**

Dear Mr. Klotz:

Re: SCH# 2006031041; Metro East Mixed use Overlay Zone

As the state agency responsible for rail safety within California, we recommend that any future development project at First Street and Cabrillo Park Drive (lat= 33.746895, lon= -117.8406) planned adjacent to or near Metrolink's Orange Line right-of-way be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new developments. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the City.

Please advise us on the status of the future development projects. If you have any questions in this matter, please contact me at (213) 576-7078 or at rxm@cpuc.ca.gov.

Sincerely,



Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Rob Harris, Metrolink
Laurence Lopez, Metrolink

■ Response to Comment Letter D

Letter from the California Public Utilities Commission, dated January 23, 2007

- D-1 Comment noted. The Overlay Zone is not located within 1,500 feet of a railroad track easement. The nearest rail corridor is located approximately 2,000 feet west of the proposed project area, and therefore would not pose a significant hazard to residents, pedestrians and visitors. Any necessary road improvements within the City that would affect the railroad right-of-way would be coordinated with the Commission during the planning stages of such an improvement.

Letter E

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: da_nahc@pacbell.net



January 12, 2007

Mr. Sergio Klotz, Senior Planner
CITY OF SANTA ANA
 20 Civic Center Plaza
 Santa Ana, CA 92702

RECEIVED
 JAN 16 2007
 SANTA ANA PLANNING DEPT

Re: SCH#2006031041; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Metro East Mixed-Use Overlay Zone Project; City of Santa Ana; Orange County, California

Dear Mr. Klotz:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

✓ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.

✓ Your consulting firm, EIP ASSOCIATES has already contacted the Native American Heritage Commission (NAHC) for:

- * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. You or EIP has the results of this SLF search.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the

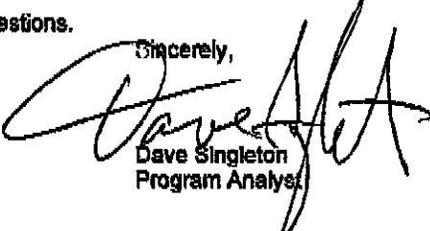
NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave lenses.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

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Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

**Native American Contacts
Orange County
January 12, 2007**

Ti'At Society		Juaneno Band of Mission Indians Acjachemen Nation
Cindi Alvitre		David Belardes, Chairperson
6602 Zelzah Avenue	Gabrielino	31742 Via Belardes Juaneno
Reseda , CA 91335		San Juan Capistrano , CA 92675
pimugirl@aol.com		
(714) 504-2468 Cell		(949) 493-0959
		(949) 493-1601 Fax
Juaneno Band of Mission Indians		Gabrieleno/Tongva Tribal Council
Sonia Johnston, Chairperson		Anthony Morales, Chairperson
P.O. Box 25628	Juaneno	PO Box 693 Gabrielino.Tongva
Santa Ana , CA 92799		San Gabriel , CA 91778
ajuaneno@verizon.		
(949) 462-0710		(626) 286-1632
(714) 323-8312 (Cell)		(626) 286-1758 - Home
(949) 462-9451 Fax		(626) 286-1262 Fax
Juaneno Band of Mission Indians		Juaneno Band of Mission Indians Acjachemen Nation
Anita Espinoza		Anthony Rivera, Chairman
1740 Concerto Drive	Juaneno	31411-A La Matanza Street Juaneno
Anaheim , CA 92807		San Juan Capistrano , CA 92675-2674
		arivera@juaneno.com
(714) 779-8832		949-488-3484
		949-488-3294 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Sec. 7050.5 of the Health & Safety Code, Sec. 5097.94 of the Public Resources Code and Sec. 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2006031041; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Metro East Mixed-Use Overlay Zone Project; City of Santa Ana; Orange County, California.

**Native American Contacts
Orange County
January 12, 2007**

Juaneno Band of Mission Indians Acjachemen Nation Juaneno Band of Mission Indians
Joyce Perry , Tribal Manager & Cultural Resources Alfred Cruz, Culural Resources Coordinator
31742 Via Belardes Juaneno P.O. Box 25628 Juaneno
San Juan Capistrano , CA 92675 Santa Ana , CA 92799

(949) 493-0959

714-998-0721

(949) 493-1601 Fax

Juaneno Band of Mission Indians
Joe Ocampo, Environmental Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799

(949) 462-0710

(949) 462-9451 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Sec. 7050.5 of the Health & Safety Code, Sec. 5097.94 of the Public Resources Code and Sec. 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2006031041; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Metro East Mixed-Use Overlay Zone Project; City of Santa Ana; Orange County, California.

■ Response to Comment Letter E

Letter from the Native American Heritage Commission, dated January 16, 2007

- E-1 Comment noted. This comment presents a summary of the CEQA requirements regarding historical resources as they pertain to the proposed Metro East Mixed Use Overlay Zone.
- E-2 In accordance with CEQA guidelines, the South Central Coastal Information Center was contacted in order to attain information through the California Historical Resources Information Systems (CHRIS). An archival records check for historic sites was made at the SCCIC for a study area encompassing the Overlay Zone and an additional ½-mile “buffer zone” beyond the Overlay Zone boundaries (SCCIC 2006). According to the report, no historical sites exist in the proposed project area.
- E-3 Per the results of the CHRIS records search, an archaeological inventory search is not required for development within the Overlay Zone.
- E-4 EIP Associates received a Sacred Land File (SLF) search for the Metro East Mixed Use Overlay Zone and information on tribal contacts in the project vicinity from the Native American Heritage Commission (NAHC). The SLF search found no known Native American cultural resources in the area. In addition, tribes were contacted for additional cultural resource information via mail. As of the publishing of this document, the City has received no response letters or comments regarding potential cultural resources within the Metro East Mixed Use Overlay Zone.
- E-5 As noted in Section 4.4 (Cultural Resources), while not expected, the remote potential exists that construction activities associated with ground disturbance within the Overlay Zone may unearth undocumented archaeological resources. Implementation of mitigation measures MM-OZ 4.4-2 and MM-OZ 4.4-3 would address the potential discovery of previously unknown archaeological resources, and insure that such resources are not adversely affected. MM-OZ 4.4-2 recommends that a qualified archeologist should be retained to monitor any significant ground disturbing activities in undeveloped areas within the Overlay Zone, and any deep (10’ or deeper) ground-disturbing activities in all areas of the Overlay Zone. MM-OZ 4.4-3 recommends that all earth-disturbing work, within a 100-meter radius must be temporarily suspended or redirected in the event that archeological resources are unearthed during project subsurface activities. Work would resume in the area after an archaeologist has evaluated the nature and significance of the find and after the find has been appropriately mitigated.
- E-6 Because no known archaeological sites are present in the project area and the area is underlain by disturbed soils, the presence of human remains, including Native American human remains or unmarked cemeteries, is remote. However if remains are encountered, mitigation measure MM-OZ 4.4-5 would be implemented to insure that the discovery of human remains is handled appropriately and that impacts would be less than significant.

E-7 Comment noted. Health and Safety Code §7050.5, Public Resources Code §5097.98, and §15064.5(d) of the CEQA Guidelines would be followed accordingly in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. It should be noted that these items are already cited and included as part of mitigation measure MM-OZ 4.4-5

E-8 Comment noted.



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

Letter F

January 12, 2007

RECEIVED
 JAN 16 2007
 SANTA ANA PLANNING DEPT

Sergio Klotz, Senior Planner
 Planning and Building Agency
 City of Santa Ana
 20 Civic Center Plaza
 Santa Ana, CA 92702

Subject: Draft Environmental Impact Report (DEIR) Metro East Mixed Overlay
 Zone/First and Cabrillo Towers Project

Dear Mr. Klotz:

Thank you for the opportunity to review the DEIR for the Metro East Mixed Use Overlay
 Zone. Please consider the following comments as you proceed to finalize the DEIR.

Mitigation Measure MM-OZ 4.6-4 states the following:

For development of structures that exceed 200 feet in height above ground level at
 a development site, Applicants shall file a Notice of Proposed Construction or
 Alteration with the FAA (FAA Form 7460-1). Following the FAA's nautical
 evaluation of the project, projects must comply with conditions of approval
 imposed or recommended by the FAA. Subsequent to the FAA findings, the
 project shall be reviewed by the ALUC for consistency analysis.

We recommend updating the mitigation measure as follows:

For development of structures that exceed 200 feet in height above ground level at
 a development site, Applicants shall file a Notice of Proposed Construction or
 Alteration with the FAA (FAA Form 7460-1). Following the FAA's Aeronautical
 Study of the project, projects must comply with conditions of approval imposed or
 recommended by the FAA. Subsequent to the FAA findings, the City shall refer
 the project to the Airport Land Use Commission (ALUC) for Orange County for
 consistency analysis.

ALUC Overlay Comments

1/12/2007

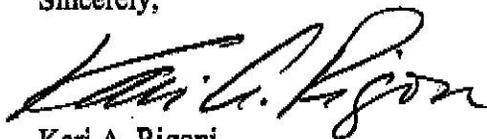
Page 2

In addition, we suggest that the development standards for the Overlay Zone include the building height threshold of 200 feet as addressed in the mitigation measure above and heliport requirements. The DEIR states that no heliports are presently proposed within the Overlay Zone and that heliports would be discouraged for future development. However, because it is possible to develop heliports within the proposed Overlay Zone, the heliport development standards should also be addressed. As you state in the DEIR heliports must be submitted through the city to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects would be required to comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

A referral by the City to the ALUC is required for the First and Cabrillo Towers Project due to the proposed height of the towers (262 feet). Please note that the Commission wants such referrals to be submitted and agendized by the ALUC staff between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendizing.

Thank you again for the opportunity to comment on the DEIR. Please contact Lea Umnas at (949) 252-5123 or via email at lumnas@ocair.com should you have any questions related to the Orange County Airport Land Use Commission.

Sincerely,



Kari A. Rigoni
Executive Officer

■ Response to Comment Letter F

Letter from the Airport Land Use Commission of Orange County, dated January 16, 2007

- F-1 Comment noted.
- F-2 Mitigation measure MM-OZ 4.6-4 has been modified to include the requested clarifications. As noted in Chapter 2 of Volume III, mitigation measure MM-OZ 4.6-4 has been modified as follows:

MM-OZ 4.6-4 For development of structures that exceed 200 feet in height above ground level at a development site, Applicants shall file a Notice of Proposed Construction or Alternation with the FAA(FAA Form 7460-1). Following the FAA's ~~nautical evaluation~~ Aeronautical Study of the project, projects must comply with conditions of approval imposed or recommended by the FAA. Subsequent to the FAA findings, ~~the project shall be reviewed by the ALUC~~ the City shall refer the project to the Airport Land Use Commission (ALUC) for Orange County for consistency analysis.

- F-3 As described in the DEIR, heliports are not currently anticipated within the Overlay Zone. Should the addition of a heliport be proposed within the Overlay Zone, the City will comply with any of the requirements of Public Utilities Code Section 21661.5 as they pertain to heliports. Proposed heliport projects will be required to comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans, Division of Aeronautics.
- F-4 The proposed project has been submitted to ALUC for review, analysis, and agendaizing such that ALUC may consider the project between the City's Planning Commission and City Council Hearings.

Letter G



**South Coast
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov



FAXED: FEBRUARY 7, 2007

February 7, 2007

Mr. Sergio Klotz
City of Santa Ana
Planning and Building Agency
20 Civic Center Plaza
Santa Ana, CA 92702

Dear Mr. Klotz:

**Draft Environmental Impact Report (DEIR) for the
Metro East Overlay Zone Project
(December 2006)**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated in the Final Environmental Impact Report. Thanks for allowing SCAQMD staff extra time to submit these comments.

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final Environmental Impact Report. The SCAQMD would be available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

Sincerely,

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS:CB

ORC061222-04
Control Number

Mr. Sergio Klotz

-1-

February 7, 2007

**Draft Environmental Impact Report (DEIR) for the
Metro East Mixed Use Overlay Zone**

Project Consistency:

Section 15125 of the State CEQA Guidelines requires an EIR to discuss any inconsistencies between the project and regional plans, including state implementation plans (AQMP). The SCAQMD's CEQA Air Quality Handbook identifies two criteria to demonstrate consistency. The first is whether the project would generate population and employment growth that would be consistent with Southern California Association of Government (SCAG)'s growth forecasts. The second criterion is whether the project would result in an increase in the frequency or severity of existing air quality violations or contribute to new violations.

On page 4.2-16 of Volume I the lead agency concludes that the proposed project is consistent with the AQMP because, although the project will allow an increase in population growth in the project area of 11,102 residents between 2005 and 2030, this is less than the projected growth for the entire City of 16,905 for the same time frame. This is an improper comparison. The comparison should be between current projected growth for the project area and future projected growth for the project area.

On page 3-1 of Volume I the lead agency states that the Overlay Zone (OZ) is currently zoned primarily Professional. According to the lead agency's own characterization of the OZ, the General Plan does not currently allow any residential growth in the OZ. On the same page the lead agency states that the proposed project will require an amendment to the existing General Plan and existing zoning code. On page 3-7 of Volume I it is stated that these amendments will allow an increase in residential population growth in the area from zero to 11,102 residents. Similarly, the amendments will allow a potential net increase in 963,000 square feet (ft²) of commercial and 690,000 ft² office space beyond existing capacity. Since a General Plan amendment is required for these increases, they are not currently reflected in SCAG's growth projections. Therefore, the proposed project is not consistent with the AQMP. For these reasons, the First and Cabrillo Towers Project is not consistent with the AQMP

Mitigating Construction Emissions:

Table 4.2-4 on pages 4.2-15 and 4.2-16 in Volume II shows that the proposed project's construction NO_x and VOC emissions would exceed the significance thresholds even after mitigation. The lead agency has listed mitigation measures on pages 4.2-22 through 4.2-24 in Volume I of the DEIR to reduce the construction emissions. The SCAQMD recommends modifying two of the proposed mitigation measures as noted below. Additionally, SCAQMD staff has other recommendations for mitigation measures which the lead agency is asked to consider where feasible.

Mitigation Measure MM-OZ 4.2-6 states that construction-related equipment including heavy-duty equipment, motor vehicles and portable equipment, shall be turned off when

Mr. Sergio Klotz

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February 7, 2007

not in use for more than 30 minutes. Please note that state law requires that heavy-duty construction vehicles and equipment should not idle in excess of five minutes, both on- and off-site. Please correct the mitigation measure to be consistent with state law.

Since most of the coatings expected to be used for the proposed project would likely be required to comply with the 100 gram per liter VOC content requirement in SCAQMD Rule 1113, SCAQMD staff requests that mitigation measure MM-OZ 4.2-14 be modified to require a VOC content of coatings at 100 grams per liter instead of 125 grams per liter. Further, SCAQMD staff recommends the following mitigation measures for consideration by the lead agency to further reduce the VOC emissions:

- Restrict the number of gallons of coatings used per day.
- Encourage water-based coatings or other low-emitting alternatives.
- Encourage paint contractors to use hand applications instead of spray guns.

Reducing Operational Emissions:

Table 4.2-5 on page 4.2-25 of Volume I shows that operational VOC, NO_x, CO and PM10 emissions would all exceed the significance thresholds. The lead agency states on page 4.2-25 in Volume I of the DEIR that the exceedance of the SCAQMD thresholds for these criteria pollutants is primarily due to the increase in motor vehicles traveling to and from the project site. The lead agency concludes, "As no feasible mitigation is available to reduce these emissions, this impact would remain significant and unavoidable." SCAQMD staff disagrees that there are no feasible mitigation measures to reduce these operational emissions. The following recommendations are presented to the lead agency for consideration. Please note that some of these measures are construction activities which have long-term operational air quality impacts:

- Install central water heating systems to reduce energy consumption.
- Install low-polluting, high energy-efficient appliances, such as water heaters, refrigerators, furnaces and boiler units.
- Install solar panels on roofs to supply electricity for building heating and cooling.
- Use double-paned windows to reduce thermal loss.
- Install automatic lighting on/off controls and energy-efficient lighting.
- Install energy-efficient street lighting.
- Use light-colored roofing materials in new construction as opposed to dark roofing materials to deflect heat away from buildings.
- Provide shade trees in residential areas to reduce building heating/cooling needs.
- Landscape with appropriate drought-tolerant species to reduce water consumption.
- Construct pedestrian and transit friendly facilities, such as wider sidewalks, bus stops with passenger benches and shelters, bikeways or lanes.
- Install electrical outlets at the front and back of the residences to facilitate the use of electric landscape maintenance equipment.
- Provide showers in employment centers for pedestrian employees' use if warranted by the size of business.

Mr. Sergio Klotz

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February 7, 2007

Health Risk Analysis for the First and Cabrillo Project:

Review of the HRA indicates that the lead agency used an average breathing rate of 271. For future projects, SCAQMD staff recommends that a daily breathing rate of 302 should be used rather than an average value of 271. Given that the lead agency is reporting an existing air toxic risk from the freeway, it is not necessary to revise the HRA analysis.

6

CO Hotspots Analysis:

The SCAQMD recommends that the CO hotspots analysis be recomputed using reference carbon monoxide concentrations at the edge or adjacent to primary and secondary roads rather than any other distance.

7

The lead agency performed CO hotspots analyses for intersections rated LOS E or F. The SCAQMD recommends performing a CO hotspots analysis for intersections that change from LOS C to D as a result of the project and for all intersections rated D or worse where the project increases the volume-to-capacity ratio by two percent or more.

8

PM2.5 Emissions:

The lead agency should be aware that the SCAQMD has developed a methodology for calculating PM2.5 emissions. In conjunction with the PM2.5 calculation methodology, the SCAQMD has also adopted regional and localized significance thresholds for PM2.5. This information can be found at the following internet address: www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html. The SCAQMD requests that the lead agency calculate PM2.5 emissions for all future projects.

9

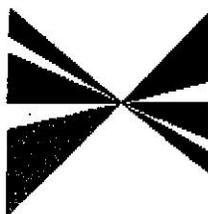
■ Response to Comment Letter G

Letter from the South Coast Air Quality Management District, dated February 7, 2007

- G-1 Comment noted.
- G-2 As stated on pages 4.10-18 and 4.10-19 of the Draft EIR, the level of projected population growth is within the 16,905 person increase that is anticipated within the City limits. Furthermore, based on the level of development within the City and the designation of the Overlay Zone as a “Major Development Area,” which would be targeted for mixed use development, in the City’s 2000 Housing Element, the majority of growth within the City, as projected by SCAG, would be anticipated to occur within the Overlay Zone. As the City is relatively built out, the majority of development within the City would occur as redevelopment and would allow for limited residential development. As a result, with implementation of the Overlay Zone, the City is not anticipated to exceed the growth projections of SCAG, and would therefore not be inconsistent with those projections, thereby not resulting in an inconsistency with the AQMP. It should also be noted that SCAG reviewed the EIR and submitted a comment letter that did not raise concerns regarding inconsistencies with SCAG growth projections and that stated that the proposed project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California CEQA Guidelines (Section 1506).
- G-3 Comment noted. Mitigation measure MM-OZ 4.2-6 has been clarified such that all construction equipment shall not idle for more than five minutes. Refer to Chapter 2 of this volume for further clarification.
- G-4 Mitigation measure MM-OZ 4.2-14 has been modified to require a VOC content of coatings at 100 grams per liter instead of 125 grams per liter. In addition, the commenter suggested the addition of three mitigation measures to the Program EIR. Due to the variety of projects that would be included in the proposed Metro East Mixed Use Overlay Zone area, the feasibility of these mitigation measures would be determined on a project-by-project basis for specific developments within the Overlay Zone.
- G-5 Table 4.2-5 on page 4.2-25 of Section 4.2 (Air Quality) in Volume I of the DEIR, the proposed project daily operational emissions for NO_x, CO, SO_x and PM₁₀ are listed by source. According to the table, emissions for NO_x, CO, SO_x and PM₁₀ are largely a result of motor vehicle emissions. The commenter proposes additional mitigation measures to be included as part of the mitigation measures in order to reduce long-term operation emissions which include the installation of energy-efficient appliances, solar panels, and many other constructed related activities which have long-term operational air quality impacts. Due to the diversity of projects to be included within the proposed Metro East Mixed Use Overlay Zone, the feasibility of the suggested mitigation measures would be determined on a project-by project basis rather than on a program-level basis.

- G-6 Comment noted. Future HRAs conducted in accordance with mitigation measure MM-OZ 4.6-1 will use a daily breathing rate of 302 instead of 271. However, as noted by the commenter, revision of the proposed project's HRA is not necessary.
- G-7 The commenter is recommending that concentrations of carbon monoxide (CO) in the CO hotspot analysis be recomputed at the edge or adjacent to the primary and secondary roads for the analyzed intersections. As stated on page 4.2-10 of the Draft EIR, localized CO concentrations for representative receptor were calculated for locations at 25, 50, and 100 feet from each roadway. These distances were selected because they represent locations where a person may be living or working for one to eight hours at a time. Based on existing and proposed building setbacks and sidewalks in the project area, these distances are considered appropriate for determining potential CO hotspot impacts. As was shown in Section 4.2 of the Draft EIR, CO concentrations at these distances are well below the national and State standards for one-hour and eight-hour CO concentrations.
- G-8 In general, a CO hotspot is generally associated with higher traffic volumes and higher traffic congestion. As intersections operating at LOS E or F have the highest level of traffic congestion, it is reasonable to assume that such intersections would have the highest potential for a CO hotspot. Further, as noted in Impact 4.2-2 and Table 4.2-3 of Volume I of the EIR, no CO hotspots are anticipated within the study area, and as such, supplemental analysis of additional intersections within the study area is not warranted. However, in accordance with SCAQMD's request, future development in the Overlay Zone will perform additional CO hotspot analysis for intersections that change from LOS C to D as a result of a particular development project and for all intersections rated D or worse where the project makes a contribution greater than or equal to two percent.
- G-9 Comment noted. In accordance with the recently adopted significance thresholds for PM_{2.5} emissions, the City of Santa Ana will calculate PM_{2.5} emissions for future development projects.

SOUTHERN CALIFORNIA

ASSOCIATION OF
GOVERNMENTS

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Imperial County: Victor Carrillo, Imperial County • Jon Edney, El Centro

Los Angeles County: Yvonne B. Burke, Los Angeles County • Zev Yrmoslavsky, Los Angeles County • Jim Aldinger, Manhattan Beach • Harry Baldwin, San Gabriel • Paul Bowlen, Cerritos • Todd Campbell, Burbank • Tony Cardenas, Los Angeles • Stan Carrill, La Habra Heights • Margaret Clark, Rosemead • Gene Daniels, Paramount • Mike Dispenza, Palmdale • Judy Dunlap, Inglewood • Rae Gabrelth, Long Beach • David Gafin, Downey • Eric Garretti, Los Angeles • Wendy Graue, Los Angeles • Frank Guralú, Cudahy • Janice Hahn, Los Angeles • Isadore Hall, Compton • Keith W. Henks, Azusa • Jose Huizar, Los Angeles • Tom Labonge, Los Angeles • Paula Lantz, Pomona • Paul Nowatka, Torrance • Pam O'Connor, Santa Monica • Alex Padilla, Los Angeles • Bernard Parks, Los Angeles • Jan Perry, Los Angeles • Ed Reyes, Los Angeles • Bill Rosenbahl, Los Angeles • Craig Smith, Los Angeles • Tom Sykes, Walnut • Mike Ten, South Pasadena • Tonia Reyes Ureaga, Long Beach • Antonio Wilhualgosa, Los Angeles • Dennis Weeberm, Calabasas • Jack Weiss, Los Angeles • Herb J. Wesson, Jr., Los Angeles • Dennis Zino, Los Angeles

Orange County: Chris Narby, Orange County • Christine Barnes, La Palma • John Beaman, Brea • Lou Bonn Austin • Art Brown, Buena Park • Richard Chavez, Anaheim • Debbie Cook, Huntington Beach • Leslie Daigle, Newport Beach • Richard Dixon, Lake Forest • Paul Glazb, Laguna Niguel

Riverside County: Jeff Stone, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Loveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Gary Oviatt, San Bernardino County • Lawrence Dala, Bostow • Paul Eaton, Montclair • Lee Ann Garcia, Grand Terrace • Tim Jasper, Town of Apple Valley • Larry McCulloch, Highland • Deborah Robertson, Rialto • Alan Wapner, Ontario

Ventura County: Judy Mikels, Ventura County • Gina Roberts, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

Orange County Transportation Authority: Lou Correa, County of Orange

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Millhouse, Montpark

11/14/06

Letter H

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FEB 16 2007

SANTA ANA PLANNING DEPT

February 13, 2007

Mr. Sergio Klotz, Senior Planner
City of Santa Ana
Planning and Building Agency
20 Civic Center Plaza
Santa Ana, CA 92702

RE: **SCAG Clearinghouse No. I 20060862 Metro East Mixed Use Overlay Zone**

Dear Mr. Klotz:

Thank you for submitting the **Metro East Mixed Use Overlay Zone** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Metro East Mixed Use Overlay Zone**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **December 1-31, 2006 Intergovernmental Review Clearinghouse Report** for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1919. Thank you.

Sincerely,

JILL EGERMAN

Associate Environmental Planner
Intergovernmental Review

Doc #132197

■ Response to Comment Letter H

Letter from the Southern California Association of Governments, dated February 16, 2007

- H-1 Comment Noted. Commenter summarized the functions of the Southern California Association of Governments (SCAG)
- H-2 Comment Noted. Commenter concludes that the proposed project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California CEQA Guidelines (Section 1506).
- H-3 Comment Noted.

**Letter I**

Community Development Department

www.ci.irvine.ca.us

One Civic Center Plaza, P.O. Box 19575, Irvine, CA 92623-9575

(949) 724-6000

February 5, 2007

Sent via fax: (714) 973-1461
Hard copy sent by mailSergio Klotz, Senior Planner
City of Santa Ana
Planning and Building Agency
20 Civic Center Plaza
Santa Ana, CA 92702**SUBJECT: Review of a Notice of Preparation for the Metro East Mixed Use Overlay Zone**

Dear Mr. Klotz:

The City of Irvine has reviewed the Draft Environmental Impact Report for the Metro East Mixed Use Overlay Zone project/First and Cabrillo Towers project (EIR Volumes 1 and 2). Based on its review, the City of Irvine has the following comment:

- Intersections within the City of Irvine were not included as part of the project study area in the Transportation and Traffic analysis of the EIR (Volumes 1 and 2). Despite the significant increase in generated trips proposed with these projects, The City of Irvine's Department of Public Works is sufficiently satisfied that the impacted intersections identified within the Cities of Santa Ana and Tustin have been adequately addressed.

We thank you for the opportunity to review the project. Please forward copies of all additional documentation associated with this project for our review. If you have any questions, please contact me at (949) 724-6375.

Sincerely,

BILL JACOBS, AICP
Senior Plannerc: Sun-Sun Murillo, Senior Transportation Analyst
File**RECEIVED**

FEB 08 2007

SANTA ANA PLANNING DEPT

■ Response to Comment Letter I

Letter from the City of Irvine Community Development Department, dated February 8, 2007

- I-1 Comment noted. Commenter expresses satisfaction with the Transportation and Traffic Analysis of the EIR and does not raise any specific questions related to the accuracy or adequacy of the analysis of potential environmental effects in the Draft EIR.



Letter J

Community Development Department

RECEIVED

JAN 17 2007

SANTA ANA PLANNING DEPT

City of Tustin

300 Centennial Way
Tustin, CA 92780
714.573.3100

January 16, 2007

City of Santa Ana
 Planning and Building Agency
 Attn: Sergio Klotz
 20 Civic Center Plaza
 Santa Ana, CA 92702

SUBJECT: REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE METRO EAST MIXED USE OVERLAY ZONE PROJECT IN THE CITY OF SANTA ANA

Dear Mr. Klotz:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Metro East Mixed Use Overlay Zone Project in the City of Santa Ana. The Project is proposed to allow for the development of higher density mixed-use and/or residential land uses (up to 23 stories and an overall 3.0 floor area ratio) within a 200-acre overlay zone generally located west of Tustin Avenue, south of East Sixth Street, and between Interstate 5 and State Route 55 in the City of Santa Ana (Project).

The City of Tustin has identified the following comments and concerns:

Traffic

1. All development within the Project should be required to fully mitigate, including the acquisition of necessary right-of-way and construction of all requisite public improvements, any negative impact that may affect any other property, regardless of jurisdictional boundaries. We believe that there will be a significant increase in traffic, circulation, noise, and parking impacts on property within the City of Tustin, so the Project must contain mitigation measures and conditions of approval to address all Project impacts, including cumulative impacts. (NOP Comment)
2. Given this specific project area, there are significant traffic operational issues that should be considered in the DEIR. The required operational analyses should supplement standard intersection evaluations. The traffic operational issues should include potential freeway ramp operation impacts on the arterial roadways related to ramp metering; the spacing of intersections including the freeway interchange intersections; lane utilization related to accessing the freeway, impacts due to limited east-west and north-south arterials as a result of freeway crossings, and any potential need to implement traffic diversion methods. (NOP Comment) As an example, the

1

2

Sergio Klotz
Metro East Project
January 16, 2007
Page 2

- DEIR identifies mitigation to add capacity at the SR-55 NB Ramp/Irvine Boulevard intersection for vehicles turning to the on-ramp, but it is not known if the ramp meters will accommodate this added traffic.]
3. Some of the traffic concerns related to this area are highlighted by the recent I-5/SR-55 weaving/merging study by the OCTA. There are identified impacts at the interchange which need to be considered in the analyses. *(NOP Comment)*] 3
4. The proposed Overlay Zone is estimated in the DEIR to generate a maximum of 115,521 daily trip ends, of which 8,487 and 11,974 would occur during the AM and PM peak hours, respectively. Some percentage of these trip ends are currently being generated by the existing uses at the project site, but a significant percentage will be "new traffic" added to this already congested area (including the I-5/SR-55 interchange). The impacts to the freeways and arterials need to be addressed in the DEIR.] 4
5. Table 12 of the DEIR traffic study provides an estimate of the existing traffic being generated by the existing uses on the study sites. There needs to be verification that standard ITE trip rates are representative of current conditions at the study sites.] 5
6. A realistic assessment of the use of the arterial roadways as a bypass to the freeway system should be considered. *(NOP Comment)* Even with recent approval of the renewal of Measure M, there is still concern regarding impacts to the arterial road system.] 6
7. The traffic analyses for the proposed Project should be based on traffic forecasts derived from a traffic model that includes the Tustin Legacy Project. *(NOP Comment)* The DEIR references the OCTA OCTAM model, but there should be assurance that the Legacy Project is accurately included in the OCTAM model.] 7
8. There should be a complete and thorough discussion of the traffic model assumptions, such as ramp metering assumptions, TDM credits, and freeway congestion. *(NOP Comment)*] 8
9. The DEIR should utilize a select zone model run to identify where the Project traffic will travel on the surrounding roadways, including those roadways in the City of Tustin. *(NOP Comment)*] 9
10. Given the proposed changes in land uses, the analyses should consider the potential "worst case" traffic impacts and required mitigations associated with build out of the Overlay Zone before the individual projects are considered. Essentially the ultimate conditions need to be evaluated to assure adequate infrastructure can be provided to support the Overlay Zone project and that each individual project provides its "fair share" of the ultimate infrastructure needs. *(NOP Comment)*] 10

Sergio Klotz
 Metro East Project
 January 16, 2007
 Page 3

11. There is a significant amount of new development already approved in the City of Irvine that will use arterial roadways, including Irvine Boulevard, First Street, Bryan Avenue, Main Street, and El Camino Real. These volumes should be considered in the DEIR. *(NOP Comment)* The list of cumulative projects does not appear to include these developments in the City of Irvine. 11
12. Given the current comments on the DEIR traffic analyses, there could be additional comments once these responses and added analyses are provided for review. 12
13. The NOP provided descriptions of the Project land uses/sizes and MPAH road system changes. The DEIR will need to detail the effects of the assumed road system changes and the effects of the traffic generated by the proposed project. *(NOP comment)* 13
14. From a land use and traffic perspective the definition of the Project is critical and should be clearly identified in the DEIR. The analysis needs to consider the land use changes, the road system changes and what conditions will be considered as the "baseline" regarding identification of Project-related impacts. *(NOP comment)* 14
15. There are different traffic projections dependent on whether a toll or non-toll operation is assumed for the Transportation Corridors. There should be analyses of the worst case, which is anticipated to be the "with toll" conditions. *(NOP Comment)* 15
16. For locations within the City of Tustin, the traffic analysis must be consistent with City of Tustin criteria and methodologies. *(NOP Comment)* For example, the CMP criteria should only apply to CMP locations. 16

Noise

17. The DEIR should include a full analysis of any potential impacts to the flight paths to John Wayne Airport. It must be assured that the proposed high rise buildings do not impact the flight paths for aircraft and potentially increase noise impacts for Tustin residents or increase the number of flights over the City of Tustin due to a diversion of flights farther to the east. *(NOP Comment)* 17
18. The DEIR includes an analysis of potential long-term traffic-related noise impacts to receptors along First Street, Irvine Boulevard, Yorba Street, and other arterials in the City of Tustin that may be impacted by "cut-through" traffic. Although the DEIR indicates that the projected noise increases are below the thresholds established in the DEIR and therefore are insignificant, the historic resources and other sensitive uses along these arterials should be protected from these noise increases through the implementation of all feasible mitigation measures. 18

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Land Use

19. Because of the potential noise, traffic, and aesthetic impacts to adjacent uses and historic resources, the DEIR should identify how a buffer zone, including the potential implementation of traffic diversion techniques, will be implemented along the eastern and southern boundaries of the Overlay Zone. The DEIR should specifically identify the general range of proposed outright permitted and conditionally permitted uses within these buffer areas. *(NOP Comment)* 19
20. It should be explained in the DEIR whether the transfer of development rights will be permitted in the Overlay Zone and what type of process would be required to obtain a transfer of development rights. *(NOP Comment)* 20
21. The DEIR should analyze whether the proposed Overlay Zone would justify the need for new on-ramps and/or off-ramps to the SR-55 Freeway at First Street. If the improvements are justified, the Draft EIR must identify the significant potential impacts associated with such improvements and the methods to be utilized to protect the adjacent sensitive uses, which include significant historic resources. *(NOP Comment)* 21

Aesthetics

22. The DEIR includes view analyses within Santa Ana, but excludes a detailed view analysis which focuses on proposed or potential views from the various sensitive land uses in the City of Tustin, including the many historic resources in the vicinity, toward the Overlay Zone. The DEIR should include view analyses from within Tustin. 22

General

23. Portions of the proposed Overlay Zone are directly adjacent to, or in close proximity to, portions of the City of Tustin. Of significant concern are the potential aesthetic, noise, and traffic impacts to the sensitive uses and historic resources to the south and east of the overlay area, which include St. Jeanne de Lestonnac School, the Briarcliff residential community, Old Town Tustin, and other residential neighborhoods. The DEIR should specifically analyze the potential impacts to these sensitive uses and the need to implement various techniques to reduce these impacts, including traffic diversion. *(NOP Comment)* 23
24. The DEIR should identify which types of outreach programs will be utilized to disseminate information and gather input from the various residential and business groups that have an interest in the portions of Tustin which are located directly south and east of the proposed Overlay Zone. *(NOP Comment)* 24

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Thank you again for the opportunity to provide comments on the Draft Environmental Impact Report for the Metro East Mixed Use Overlay Zone Project. Please provide me with a copy of all public notices relating to the City of Santa Ana's consideration of the Project.

If you have any questions regarding the City's comments, please call me at (714) 573-3016 or Terry Lutz, Principal Engineer, at (714) 573-3263.

Sincerely,



Scott Reekstin
Senior Planner

cc: Elizabeth A. Binsack
Jason Retterer
Tim Serlet
Dana Kasdan
Dana Ogdon
Terry Lutz
Steve Sasaki

■ Response to Comment Letter J

Letter from the City of Tustin, dated January 16, 2007

- J-1 Section 4.12 (Transportation and Traffic) of the Draft EIR presents a detailed analysis of potential project-related and cumulative traffic impacts that could occur as a result of implementation of the proposed Overlay Zone. Noise impacts are addressed within Section 4.9 (Noise) of the Draft EIR. In accordance with CEQA Guidelines Section 15126.4, the Draft EIR provides feasible mitigation measures which could minimize significant adverse impacts. With respect to potential traffic impacts, as discussed in Impact 4.12-7 of the Draft EIR, some of the intersections that would operate at unacceptable levels of service are outside of the jurisdiction of the City of Santa Ana. The City does not have authority to implement improvement measures outside of its jurisdictional boundaries. Thus, the City of Santa Ana cannot ensure implementation of suggested improvement measures that would reduce these impacts to a less-than-significant level. For those resource areas where potential impacts may not be mitigated to a less-than-significant level, impacts have been identified as significant and unavoidable.
- J-2 Refer to response to comment C-4 regarding freeway impacts. A supplementary analysis was provided and included as Appendix B of this volume to confirm that no significant impacts would occur.
- J-3 Refer to response to comment C-4 regarding freeway impacts.
- J-4 The commenter states that the impacts to freeways and arterials need to be addressed in the Draft EIR. Impact 4.12-1 in the Draft EIR analyzes potential impacts related to street segment capacity on roadways within and adjacent to the Overlay Zone. The level of service for arterial street segments is identified in Table 4.12-8. As discussed within the impact analysis, implementation of the proposed Overlay Zone would not be anticipated to increase traffic volumes such that street segment volume capacities are exceeded, and impacts to the identified arterials would be less than significant. Further, please refer to response to comment C-4 and Appendix B of Volume III. A supplementary analysis was provided to demonstrate that the proposed project would not adversely affect State facilities, including the I-5/SR-55 interchange.
- J-5 The Overlay Zone was surveyed at the time the Initial Study/Notice of Preparation was prepared for the proposed project in order to establish baseline conditions. Currently, and at the time the Traffic Impact Study was prepared, land uses within the Overlay Zone are comprised of office and commercial uses, as well as vacant land. The Overlay Zone was divided into 15 traffic analysis zones (TAZ), each containing from one to eleven parcels of land. The trip generation for the Overlay zone was computed individually for each parcel and land use within the parcels. Therefore, the appropriate ITE trip rates were applied to the identified parcels within each TAZ.
- J-6 Refer to Response to Comment J-4 above, for a discussion regarding impacts to arterials.

J-7 As discussed in Section 4 (Future Traffic Conditions Without Project), the Traffic Impact Analysis considered future traffic increases that may be generated by other developments that have been approved in the study area. Cumulative project traffic volumes for City of Tustin intersections were derived from the Tustin Legacy study. These volumes were interpolated for Year 2010 and incorporated into the traffic forecasts for the relevant intersections in the City of Tustin.

J-8 The OCTAM 3.2 model includes ramp metering in the capacity at each freeway ramp. The OCTAM 3.2 model does not incorporate TDM credits. However, the Metro East Traffix model assumes an internal trip capture rate of 5% for retail and office trips within the Overlay Zone to account for internal home-shop, home-work, and work-shop trips that are likely to be walk, bike, or other non-vehicular mode within the Overlay Zone. This is considered a very conservative rate from a traffic analysis point of view.

Freeway congestion is accounted for in a two-step process: By the macro analysis model, OCTAM 3.2, and by the micro analysis model, Traffix. OCTAM 3.2 accounts for traffic congestion in both the trip distribution and trip assignment processes. In trip distribution, a congested network is used to develop impedances that are used by the gravity model to distribute trips. In trip assignment OCTAM 3.2 uses the equilibrium traffic assignment method. The OCTAM model uses a four time period equilibrium traffic assignment (AM, PM, MD; the NT assignment is stochastic). The equilibrium traffic assignment has 50 iterations, using a capacity-restrained BPR formula which recalculates link travel times for each iteration of the traffic assignment. The BPR formula increases link travel times as the volume/capacity ratio on the link increases. A portion of the total trips is assigned for each successive iteration based on the recalculated shortest link travel times. In this way the OCTAM 3.2 macro model accounts for traffic congestion on the roadway network, including freeway mainline and ramp links.

At the micro analysis level, the Traffix traffic simulation model uses the OCTAM 3.2 traffic forecast for the baseline traffic volumes at each intersection. It then assigns project traffic on top of these baseline volumes based initially on the OCTAM 3.2 zonal trip distribution pattern, with the project trip distribution adjusted to achieve a balance in intersection level of service. Essentially, if a poor level of service is reported at an intersection in the initial model run, and there is an alternate path with a better level of service, traffic is redistributed to the alternate path. In this way the micro simulation model accounts for traffic congestion in its assignment of project traffic.

J-9 Trip distribution was based on the OCTAM 3.2 model using a Traffix-based micro-simulation model. The model roadway network was enhanced to replicate the roadway network in the study area, including those roadways within the City of Tustin. This was done to ensure a realistic distribution of traffic, particularly at the micro-analysis (intersection) level.

J-10 The Metro East Mixed Use Overlay Zone EIR is a program-level environmental assessment that evaluates the effects of implementation of the entire Overlay Zone. It is not an implementation plan, and adoption of the Overlay Zone does not constitute a commitment to any specific

project, construction schedule, or funding priority. Each development proposal undertaken during the planning horizon of the Overlay Zone must be approved individually by the City of Santa Ana Planning Department, the City Planning Commission, and the City Council, in compliance with CEQA. Thus, the Draft EIR does analyze the potential “worst case” traffic impacts by account of assuming full build out of the Overlay Zone.

In addition, as discussed in Section 4.12 (Transportation and Traffic), mitigation measure MM-OZ 4.12-2 requires that future development within the proposed Overlay Zone to prepare separate traffic studies, specific to the individual projects that are proposed. The traffic studies for future projects shall be prepared by a qualified traffic engineer of the City’s choosing. Further, and as determined by the traffic studies, the above identified improvement measures shall be implemented as a condition of the proposed development, either through the direct construction of improvements by the project applicant or through payment of a fee, as required by the program detailed in MM-OZ 4.12-4. Further, mitigation measure MM-OZ 4.12-4 would require the City of Santa Ana to institute a program for systematic mitigation of impacts as development proceeds within the Overlay Zone to ensure mitigation of the individual improvements. The program shall prescribe the method of participation in the mitigation program by individual projects and guide the timely implementation of the mitigation measures. As part of the program, all properties that redevelop within the Overlay Zone should participate in the program on a fair share per new development trip basis. The fair share should be based upon the total cost of all identified mitigation measures, divided by the peak hour trip generation increase forecast. This rate per peak hour trip should be imposed upon the incremental traffic growth for any new development within the Overlay Zone.

- J-11 The Traffic Impact Study included ambient growth rates, as well as cumulative projects within one and one-half mile of the study area, and the Tustin Legacy Project to forecast future traffic volumes. The City of Irvine does not fall within the identified radius of cumulative traffic growth. However, the City of Irvine did submit a comment letter on the Draft EIR and concluded that the identified intersection analyses were adequately addressed. No additional environmental concerns were raised by the City of Irvine. Please refer to Response to Comment G-1.
- J-12 Per CEQA Guidelines Section 15088, the lead agency shall provide a written proposed response to a public agency at least 10 days prior to certifying an environmental impact report. Thus, the City of Tustin shall have an opportunity to review the responses to comments prior to certification.
- J-13 As discussed throughout the Traffic Impact Study and Section 4.12 (Transportation and Traffic) of the Draft EIR, the traffic impact analyses presented within both documents clearly identify the background traffic assumptions and potential effects of the traffic generated by the proposed project.
- J-14 Chapter 3 (Project Description) of the Draft EIR presents a detailed discussion of the identified proposed project, including the associated land use and traffic changes that could occur as a result of implementation of the project. Conditions within the Overlay Zone at the time of

distribution of the Initial Study/Notice of Preparation constitute the baseline conditions of environmental issue areas, as discussed in the Environmental Setting of Sections 4.1 through 4.13 of the Draft EIR.

J-15 The OCTAM 3.2 model uses a toll diversion traffic assignment as the commenter is requesting.

J-16 As discussed in the Traffic Impact Study and the Analytic Method within Section 4.12 (Transportation and Traffic) of the Draft EIR, the traffic analysis is consistent with the City of Tustin criteria and methodologies for those study area intersections that fall within the City of Tustin. Specifically, the City of Tustin has determined that Level of Service D (peak hour ICU ≤ 0.90 for signalized intersections, stop delay ≤ 25 seconds for unsignalized intersections) is the minimum acceptable level of service for peak hour operation in the City. For levels of service poorer than the acceptable level of service, mitigation of the project contribution is required to bring the intersection back to an acceptable level of service or to no-project conditions.

Thresholds of significance are set by the Orange County Congestion Management Plan for analysis of impacts beyond the lead agency's jurisdiction. If the project contribution is greater than .03 at CMP intersections (the impact threshold specified in the CMP), and if the location is at level of service (LOS) E or poorer, the impact is significant. If the location is at Level of Service E or poorer and a mitigation measure is feasible to improve the level of service to LOS D or better, the measure is suggested for cumulative impacts. However, if the contribution of the project is less than 0.03 the project is not deemed to impact the location.

J-17 As discussed in Section 4.6 (Hazards and Hazardous Materials) of the Draft EIR, Impact 4.6-7 presents an analysis of the potential impacts associated with development near the John Wayne Airport. Because land uses that may occur in the Active Urban district under the proposed project could exceed 200 feet in height, any such uses (over 200 feet in height) would subsequently fall within the Airport Planning Area for JWA. Therefore, filing the FAA Form 7460-1 would be required for any proposed structure that would be greater than 200 feet in height, at which time FAA would conduct an aeronautical study to determine if the structure would have an adverse effect on the airport or on aeronautical operations. Subsequent to the findings of the FAA aeronautical study, the project would be subject to ALUC consistency review. In addition, due to the fact that buildings within the Active Urban district may exceed 200 feet in height and because of the required City approvals for the proposed project (i.e., General Plan Amendment and Zone change), the City would submit a referral for the Overlay Zone to the ALUC per Public Utilities Code (PUC) Section 21676(b) and the AELUP.

Therefore, because the ALUC will review the proposed project for consistency and because FAA aeronautical studies may be required for developments in the future, it is currently remote and speculative to assume that flight paths would be altered as a result of the project. It is assumed that the required consistency review and approvals would ensure that no new noise or safety impacts would result for residents within the Airport Planning Area, regardless of what City they may reside within.

- J-18 The commenter requests that all feasible mitigation measures should be implemented for historic resources and other sensitive uses along arterials within the City of Tustin that could experience noise increases. Mitigation measures are identified and implemented in order to avoid or reduce identified environmental problems that could occur. However, as the commenter stated, implementation of the proposed project would not result in any substantial permanent increases in noise levels within the City of Tustin, and thus, mitigation measures are not required.
- J-19 The proposed project would allow for mixed use development with an emphasis on residential, commercial, and office uses as an alternative to the development options allowed under the existing zoning, which would remain in effect. This comment calls for a buffer zone between the proposed Overlay Zone and the City of Tustin to alleviate potential noise, traffic, and aesthetic impacts. The eastern and southern boundaries of the Overlay Zone are presently developed and have no buffer zone. Similar conditions would exist in the future but could include mixed land uses. In addition, the identified mitigation measures for aesthetics, noise, and traffic would reduce the potential impacts as much as feasibly possible. In particular, Mitigation Measure MM-OZ 4.9-1 would require all construction activity within 200 feet of the City of Tustin border to be conducted in accordance with Section 4617(e) of the City of Tustin Municipal Code in order to reduce noise impacts. Adherence to the identified mitigation measures would also reduce any potential impacts to adjacent uses within the City of Tustin. For those impacts that are not reduced to a less-than-significant level, no additional feasible mitigation exists. Table 3-1 (Development Standards Summary Matrix) within Chapter 3 (Project Description) identifies the proposed development standards and restrictions associated with each district.
- J-20 The transfer of development rights is not part of the proposed project. No further response is necessary.
- J-21 As noted in response to comment B-4, a supplementary analysis is provided in Appendix B of Volume 3 that demonstrates that no significant impacts would occur to State facilities nor would implementation of the proposed project justify the need for new on-ramps and/or off-ramps to the SR-55 Freeway at First Street.
- J-22 As discussed in Section 4.1 (Aesthetics/Visual Resources) of the Draft EIR, Viewpoints E and C represent views from the eastern boundary of the Overlay Zone (Tustin) looking west towards the project area. In particular, Viewpoint E is at the location of the City of Tustin's nearest historic resource, which is located immediately west and adjacent to the SR-55 along First Street. In addition, as discussed throughout Impacts 4.1-1 through 4.1-5, with adherence to identified mitigation measures implementation of the proposed project would not result in any significant aesthetic or visual resource impacts. Thus, because the Viewpoints accurately identify the eastern boundary of the project area at the City of Tustin's western boundary, and because visual impacts would be less than significant, no additional viewshed analyses would be required.
- J-23 Refer to Response to Comment J-19 for a discussion of potential aesthetic, noise, and traffic impacts to portions of the City of Tustin.

J-24 It is unclear what outreach programs the commenter is referring to and for what purpose these would be implemented. However, it is assumed that the commenter is suggesting that any information regarding future development that would occur within the Overlay Zone should be made available to the public, particularly those residents located in Tustin. Similar to the Draft EIR, environmental documentation that would be prepared for future developments would adhere to CEQA Guidelines Section 15105 (Public Review Period for a Draft EIR or a Proposed Negative Declaration or Mitigated Negative Declaration). In the case of future EIRs that may be prepared, CEQA Guidelines Section 15087 (Public Review of Draft EIR) requires: (1) publication in a newspaper of general circulation in the area affected by the proposed project; (2) posting of notice on and off the site; and (3) direct mailing to the owners and occupants of adjacent parcels. In addition, copies of environmental documentation are typically made available to the public on the City's website as well as public libraries in the surrounding area. For example, the Draft EIR and associated materials were available for review during regular business hours at the City Planning and Building Agency, and at the Santa Ana Public Library at 26 Civic Center Plaza, and the Tustin City Library at 345 E. Main Street.

Associate Planner Hally Soboleske presented the staff report and recommendation.

The public hearing was opened.

Pat McGuigan expressed concern regarding the alley access (page 9 of 21, Section 15 – Transportation Traffic), reinforcement, and structural integrity of the parking equipment.

Debbie McEwen expressed concern regarding the appropriateness of the design of the project and referenced the Citywide Design Guidelines.

Ben Grabiell stated that he believed that the project did not comply with the original terms of the Development Agreement and the Citywide Design Guidelines (Chapter 8 of Downtown Development Guidelines, pages 22-24).

Philip Chinn voiced concern over the zoning and potential construction impacts to the West End theatre façade.

Thomas Gordon requested clarification on the mitigated negative declaration and zoning.

Walter Cha's attorney John Kim disagreed with environmental check list (page 1 of 21 less than significant impact on aesthetics on surroundings).

Young Cha provided pictures of the alley and adjacent property. He expressed concern with the alley access, the potential for construction-related impacts to any un-reinforced masonry buildings, potential parking and traffic impacts and the modern style of architecture proposed for the project.

James Kendrick spoke in support of the project.

Applicant David DiRienzo spoke in support of the project.

The public hearing was closed.

MOTION: Recommend that the City Council approve and adopt the amended Mitigated Negative Declaration and Mitigation Monitoring Program, Environmental Review No. 2004-234.

MOTION:	Lutz	SECOND:	Cribb
VOTE:	AYES:	Betancourt, Cribb, De La Torre, Leo, Lutz (5)	
	NOES:	None (0)	
	ABSTAIN:	None (0)	
	ABSENT:	Gartner (1)	

3. METRO EAST OVERLAY ZONE AND FIRST & CABRILLO TOWERS DRAFT ENVIRONMENTAL IMPACT REPORT NO. 2006-01

Filed by the City of Santa Ana, Draft Environmental Impact Report No. 2006-01 for the Metro East Overlay Zone and the First and Cabrillo Towers mixed use development project located at 1900 East First Street.

1. Receive and file public testimony on the Metro East Overlay Zone draft Environmental Impact Report No. 2006-01 Volume I (State Clearing House No. 2006031041).
2. Receive and file public testimony on the First and Cabrillo mixed use development project draft Environmental Impact Report No. 2006-01 Volume II (State Clearing House No. 2006031041).

PUBLISHED IN THE ORANGE COUNTY REPORTER: January 12, 2007
PUBLICLY NOTICED: January 12, 2007

RECOMMENDATION:

Receive and file the public comments for Draft Environmental Impact Report No. 2006-01.

Planning Manager Haluza provided an overview for the public of the purpose of the public hearing to take comments on the Draft EIR.

Senior Planner Sergio Klotz stated that written public comments will be accepted up to February 5, 2007.

The public hearing was opened.

John Gallie expressed concerns with traffic on Cabrillo Park Drive (difficult to make left-turn on Shady Hollow Lane), recommended a stop sign or signal between Redwoods and Shady Hollow Lane; inquired about parking spaces and would like the Home Owners Association to be informed with project updates.

Roy Reynolds, Personal Rapid Transit representative, provided information for a transit alternative for the project.

Jim Adams, Council Representative for the Los Angeles/Orange Counties Building and Construction Trades Council, expressed his desire for a program to be developed to promote the use of local tradesmen and returning veterans.

Dave Colton, property owner, expressed willingness to increase density and work with Planning Staff to further develop the area for a combination of retail and office/work projects.

The public hearing was closed.

MOTION: Receive and file the public comments for Draft Environmental Impact Report No. 2006-01.

MOTION: Cribb	SECOND: De La Torre
VOTE: AYES:	Betancourt, Cribb, De La Torre, Leo, Lutz (5)
NOES:	None (0)
ABSTAIN:	None (0)
ABSENT:	Gartner (1)

4. Public Comments (for items not on the agenda)

STAFF AND COMMISSION COMMENTS

5. Staff Comments

6. Planning Commission Comments

7. Excuse of Absences

Commissioner De La Torre moved to excuse the absence of Commissioner Gartner. The motion was seconded by Commissioner Cribb and unanimously approved by the Commission.

8. Adjournment 8:11 p.m.


Martha Ramirez, Recording Secretary

■ Response to Comment Letter K

Public Hearing Comments, dated January 22, 2007

K-1 Traffic impacts, including parking, associated with the development of the Overlay Zone are assessed in Section 4.12 of Volume I of the EIR. Any recommended traffic mitigations/improvements are discussed on pages 4.12-49 through 4.12-53 of the EIR. Further subsequent review of traffic impacts along area roadways would occur for any development within the Overlay Zone and would have separate mitigations/improvements, which may include traffic control measures (stop lights/signs) north of the Overlay Zone along Cabrillo Park Drive, that would be conditions of the development. Parking would be provided in accordance with the requirements of the Overlay Zone, which was developed by the City based on existing parking requirements within the City.

Local residents will be notified of any further development within the Overlay Zone in accordance with the requirements of CEQA.

K-2 Comment noted.

K-3 Comment noted.

K-4 Comment noted. This comment addresses a design feature of the Overlay Zone and does not address the adequacy of the EIR or how the EIR analyzed the components of the Overlay Zone. It should be noted that the height restriction of the Overlay Zone has been incrementally increased as noted in Chapter 3 of Volume I of the Final EIR.