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January 22, 2014

SENT VIA EMAIL AND U.S. MAIL

Orange County Planning
Attn: Mr. Ron Tippetts
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Comments on Inadequate Alternatives Section

Dear Mr. Tippetts:

This firm represents Protect Our Homes and Hills, an unincorporated citizens group consisting of residents and taxpayers in the City of Yorba Linda. We submit this comment letter on the Alternatives Section of the Draft Environmental Impact Report.

By way of brief summary, the Alternatives Section is woefully inadequate and needs to be completely revised and expanded in scope. The inadequacy of the Alternatives Section arises in substantial part from artificially narrow project objectives and reliance upon multiple unsupportable conclusions from the body of the entire DEIR.

ALTERNATIVES SELECTION

The fundamental purpose of the Alternatives Section of an EIR is to look at alternative project designs, and in appropriate cases, alternative project locations that avoid and/or mitigate significant project impacts.

Here, the unreasonably limited and largely contrived project alternatives do not include a single off-site alternative, under circumstances where there are compelling reasons to look to build the project elsewhere. The wildfire, geologic, contamination, and methane risks at the site, individually, and certainly cumulatively, virtually require a good faith look at alternative locations.

SPECIFIC ALTERNATIVES

The **No Project Alternative** is functionally rejected based upon the unsupported assumption that it is sound wildfire protection strategy to buffer existing homes with new

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homes placed in the path of advancing walls of flame. Nowhere in the document is there evidence or analysis supporting this unique assumption.

Alternative 2, Planning Area 1 Only Alternative, is fundamentally inadequate from both a legal and a common sense standpoint, because, while it changes the project footprint, it increases the number of units to be built by 47 % compared to the project. This approach is anything but a good faith proposal to reduce the major negative impacts from the Project. The alternative in fact materially increases impacts almost across the entire range of impact areas. By apparent design, it is put forward to be easily rejected.

Alternative 3, Large/Reduced Grading Alternative, is also designed to fail as a viable alternative with, for example, a “poison pill” in the form of reduced open space. Clearly the alternative could be designed to include 36.3 acres of permanent open space.

On the positive side, it is appropriate that the alternative does present the impact reduction features of reducing grading and the number of lots. However, when the alternative also wrongfully posits the apparent inalienable rights of homeowners to make “improvements” over the entire width and breadth of lands between their property boundaries and then concludes that this will result in more severe, negative visual impacts, it is clear that the alternative is constructed with the intent of creating negative impacts. Obviously landowners can be deed restricted to stay away from sensitive areas.

Another example of creating negative impacts comes with the convenient conclusion that the Alternative will have greater biological impacts than Alternative two. There is no basis to conclude that 65 lots, compared to 112, could not be placed on the site in a more biologically sensitive manner.

Alternative 4, Contested Easement Alternative, is grossly deficient as a matter of law because it does not offer up any meaningful impact reducing designs or mitigation measures.

The **Environmentally Superior Alternative** section is deficient for several reasons including its reliance upon the absence of substantial evidence and flawed analysis in each of the preceding alternatives sections.

Perhaps the most egregious example of incorporating flawed analysis comes with the conclusion that Alternative Three will result in greater wildland fire hazards. This conclusion is simply unsupportable. Among other factors in this regard is the critical fact that evacuating residents from 65 homes would be much easier than evacuating residents from 112 homes.

Off Site Alternatives

Because of the compelling need to examine possible off-site project locations, the DEIR should be revised to include 1) identification of a reasonable range of off-site properties suitable for similar density development, and 2) detailed discussion of at least one or two sites as actual project alternatives.

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As one example of off-site properties to be identified, and possibly adopted and analyzed in the DEIR as an off-site alternative location, please see the attached Google Earth view (Exhibit "A") which shows vacant properties at and near the intersection of Los Angeles Street and Imperial Highway. The parcels are also identified on the Land Use Map for the Yorba Linda General Plan. The map is attached hereto as Exhibit "B". These parcels are a logical alternative location that should be considered.

Realistic and Reasonable Onsite Alternatives

The choice of alternatives reflected in the DEIR is artificially narrowed and constrained by the unusually narrow and therefore inappropriate project objectives. The objectives collectively and automatically limit the project to the subject site and provide artificial and bad faith grounds for rejecting everything but the project as proposed by the applicant.

The project objectives need to be fairly restated and a choice of new alternatives should be made based upon the new objectives and complete, well reasoned assessment-- based upon substantial evidence-- of project impacts, available avoidance measures and appropriate mitigation measures.

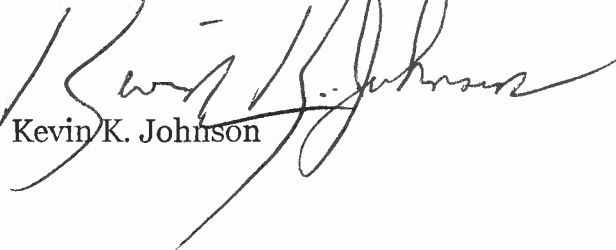
The choice of Offsite Alternative should be guided by the same standards.

In sum, the Alternatives Section is completely deficient on multiple levels. This is, in large part, due to the myriad of deficiencies throughout the DEIR that have been addressed in other comment correspondence from this office as well as a multiplicity of comment letters from experts, residents, non-profits, law firms and government entities.

The DEIR needs to be completely revised and recirculated.

Very truly yours,

KEVIN K. JOHNSON APLC

A handwritten signature in black ink, appearing to read "Kevin K. Johnson", written over a horizontal line.

Kevin K. Johnson

cc: Supervisor Todd Spitzer via email

EXHIBIT A



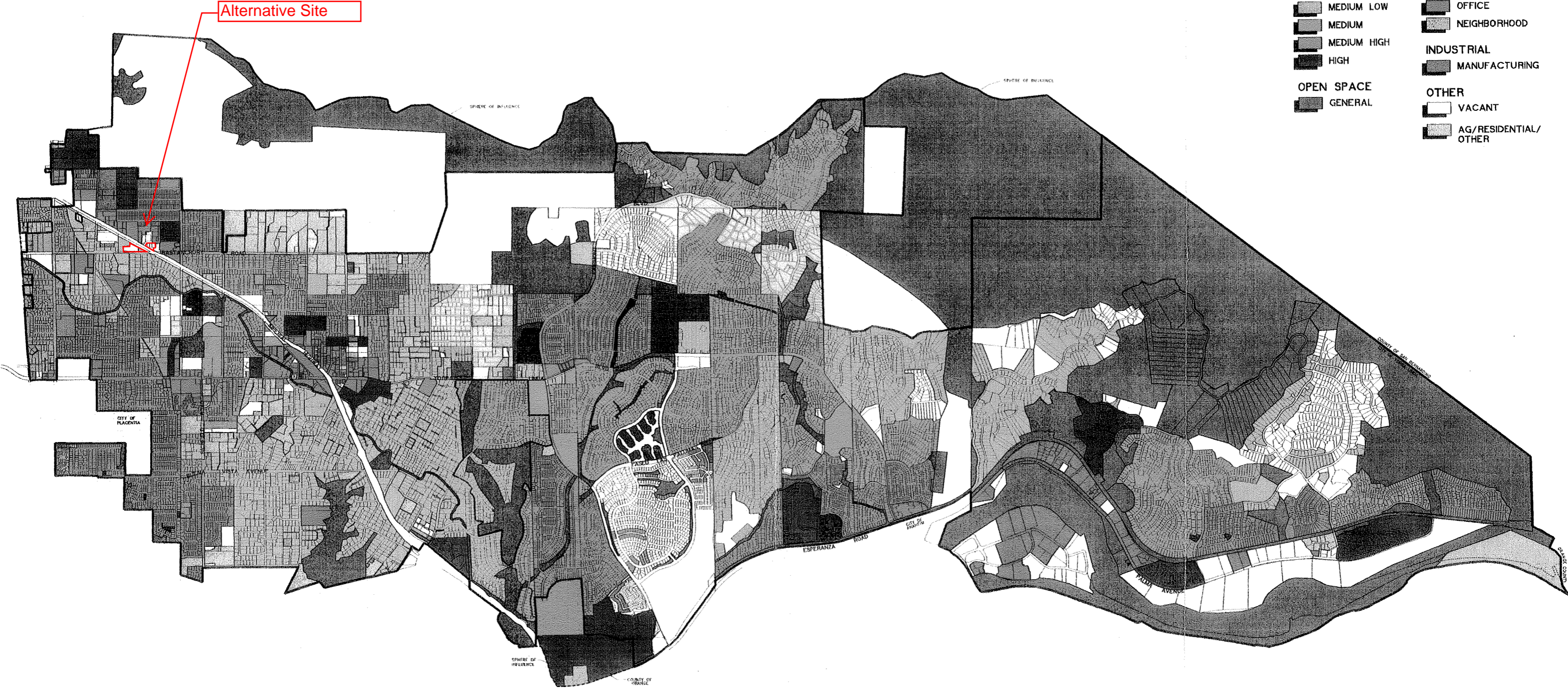
© 2013 Google

Imagery Date: 4/16/2013 33°54'00.21" N 117°49'55.26" W elev 382 ft

1995

EXHIBIT B

EXISTING LAND USE



The City of

YORBALINDA

Note: Existing Land Use Exhibit reflects status of City in 1991. Present conditions may vary.

SCALE 1" = 3000'

THE PLANNING CENTER
 GEOGRAPHIC INFORMATION SYSTEMS
 1300 DOVE STREET, SUITE ONE HUNDRED
 NEWPORT BEACH, CA 92660 (714) 851-9444

Exhibit LU-2