

Introduction

As provided in Section 15088(c) of the State CEQA Guidelines, responses to comments may take the form of a revision to a draft EIR or may be a separate section in the final EIR. This section complies with the latter and provides changes to the draft EIR in revision-mode text (i.e., deletions are shown with ~~strike through~~ and additions are shown with double underline). These notations are meant to provide clarification, corrections, or minor revisions as needed as a result of public comments or because of changes in the project since the release of the draft EIR as required by Section 15132 of the CEQA Guidelines. None of the corrections and additions constitutes significant new information or substantial project changes requiring recirculation as defined by Section 15088.5 of the CEQA Guidelines.

Changes to the Draft EIR

The following changes to the text are incorporated into the final EIR as presented below.

Executive Summary

Executive Summary Table, Page ES-9 – ES-10, ES-13 – ES-14

Table ES-1. Summary Table

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Section 3.1 Aesthetics			
<p>Impact AES-1. The project would substantially damage scenic resources, including scenic vistas from public parks and views from designated scenic highways or arterial roadways.</p>	Significant	<p>Mitigation Measure AES-1. Re-establish native vegetation along project ridgeline and associated slopes. During the final stages of construction as part of the landscape installation, ridgeline and sloped areas disturbed by grading and project construction will be replanted and seeded with species and in density patterns that naturally occur on site. If feasible, plant material that can be successfully replanted, and topsoil containing native seeds, will be stockpiled and used in the revegetation plan. Seed may be collected from plant material that has adapted to local conditions from the site prior to grading to be used in conjunction with container stock to obtain maximum coverage for aesthetics and erosion control. Weedy areas shall be mapped and avoided when topsoil is salvaged. Planting design will be conducted to accomplish at a minimum maintenance of the visual link connecting the ridgeline with the natural areas and open space within the viewshed.</p> <p>Supplemental temporary irrigation will be installed and maintained to promote the establishment of planted and transplanted seedlings and development of extensive root systems. Irrigation intensity and duration will be tapered seasonally to better mimic natural precipitation patterns and help to acclimate the revegetation areas to the natural environment. Irrigation systems will remain in place until revegetation is considered successful based on the established monitoring criteria for plant health and vigor.</p> <p>Monitoring may involve assessing individual species and/or annual aerial assessments. Individual re-plants will be identified by location and may be considered to be on their own annual monitoring cycle that will continue for 5 years and be considered successful after meeting health <u>health</u> and vigor criteria with no supplemental irrigation for a minimum of two growing seasons. Alternatively, the revegetation area will be monitored for a minimum of 5 years, and if after two growing seasons, plant density, aerial coverage, and health and vigor</p>	Significant and Unavoidable

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>criteria are met without supplemental irrigation, the revegetation will be considered successful.</p> <p>Success criteria that may trigger replanting may involve a combination of survival and health and vigor and percent coverage. This may include the following criteria:</p> <ul style="list-style-type: none"> ● 90% survival or 10% coverage of native species at the end of year 1, ● 80% survival or 20% coverage of native species at the end of year 2, ● 70% survival or 35% coverage of native species at the end of year 3, ● 60% survival or 50% coverage of native species at the end of year 4, ● 50% survival or 60% coverage of native species at the end of year 5. <p>If after year 5, success criteria is not met, the revegetation shall be compared to cover of adjacent areas. Remedial measures would involve re-planting and re-seeding and continued irrigation, or regrading the slopes to create terraces or pockets that would hold topsoil and re-plant. A detailed revegetation and monitoring plan will be prepared, which will identify the planting palette, methodology, irrigation requirements, monitoring frequency and duration, success criteria, and contingency measures.</p>	
Section 3.2 Air Quality			
<p>Impact AQ-2: The proposed project would violate an air quality standard or contribute substantially to an existing or projected air quality violation.</p>	<p>Significant</p>	<p>Mitigation Measure AQ-1: Construction-period engine/equipment emissions. During project construction, all internal combustion engines/construction equipment operating on the project site will meet EPA-Certified Tier 2 emissions standards, or higher <u>according to the following:</u></p> <ul style="list-style-type: none"> ● <u>Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or</u> 	<p>Significant and Unavoidable</p>

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</u></p> <ul style="list-style-type: none"> • <u>January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</u> • <u>Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</u> • <u>A copy of each unit’s certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.</u> • <u>Encourage construction contractors to apply for AQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for AQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm</u> <p>Mitigation Measure AQ-2: Construction-period engine/equipment oxides catalyst. During project construction, all equipment operating on the project site will be fitted with an oxides catalyst.</p> <p>Mitigation Measure AQ-3: Use of low-NO_x diesel fuel. The</p>	

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>City will require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at a project site within the project area will use low-NO_x diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California ARB diesel) in the South Coast Air Basin (this does not apply to diesel-powered trucks traveling to and from the project sites within the project area). Contract specification language will be reviewed prior to issuance of a grading permit (OSA Mitigation Measure 3.3-2).</p> <p>Mitigation Measure AQ-4: Use of alternative fuel and low-emission diesel equipment. The City will require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) and low-emission diesel construction equipment will be utilized to the extent that the equipment is readily available and cost effective in the South Coast Air Basin. Contract specification language will be reviewed prior to issuance of a grading permit (OSA Mitigation Measure 3.3-3).</p> <p>Mitigation Measure AQ-5: Turn off equipment when not in use. The City will require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. Contract specification language will be reviewed prior to issuance of a grading permit (OSA Mitigation Measure 3.3-5)</p> <p>Mitigation Measure AQ-6: Use of existing electricity infrastructure. The City will require by contract specifications that construction operations will rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specification language will be reviewed prior to issuance of a grading permit (OSA Mitigation Measure 3.3-6).</p> <p><u>Mitigation Measure AQ-7: Use of temporary traffic controls.</u> <u>Provide temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow.</u></p>	

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>Mitigation Measure AQ-8: Use of dedicated turn lanes.</u> <u>Dedicated access ways for construction traffic will be addressed during preparation and implementation of the Construction Traffic Management Plan as part of MM TC-1.</u></p> <p><u>Mitigation Measure AQ-9: Reroute construction trucks away from congested areas.</u> <u>Reroute construction trucks away from congested streets or sensitive receptor areas.</u></p> <p><u>Mitigation Measure AQ-10: Appoint construction relations officer.</u> <u>Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.</u></p> <p><u>Mitigation Measure AQ-11: Improve traffic flow.</u> <u>Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.</u></p> <p><u>Mitigation Measure AQ-12: Use of newer diesel haul trucks.</u> <u>Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export).</u></p>	

Section 3-2. Air Quality

Page 3.2-16 – 3.2-17 Mitigation Measures for Impact AQ-2

Mitigation Measures

Mitigation Measure AQ-1: Construction-period engine/equipment emissions.

During project construction, all internal combustion engines/construction equipment operating on the project site will meet EPA-Certified Tier 2 emissions standards, or higher according to the following:

- Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

Mitigation Measure AQ-2: Construction-period engine/equipment oxides catalyst.

During project construction, all equipment operating on the project site will be fitted with an oxides catalyst.

Mitigation Measure AQ-3: Use of low-NOX diesel fuel.

The City will require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at a project site within the project area will use low-NOx diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California ARB diesel) in the South Coast Air Basin (this does not apply to diesel-powered trucks traveling to and from the project sites within the project area). Contract specification language will be reviewed prior to issuance of a grading permit (OSA Mitigation Measure 3.3-2).

Mitigation Measure AQ-4: Use of alternative fuel and low-emission diesel equipment.

The City will require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) and low-emission diesel construction equipment will be utilized to the extent that the equipment is readily available and cost effective in the South Coast Air Basin. Contract specification language will be reviewed prior to issuance of a grading permit (OSA Mitigation Measure 3.3-3).

Mitigation Measure AQ-5: Turn off equipment when not in use.

The City will require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. Contract specification language will be reviewed prior to issuance of a grading permit (OSA Mitigation Measure 3.3-5).

Mitigation Measure AQ-6: Use of existing electricity infrastructure.

The City will require by contract specifications that construction operations will rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specification language will be reviewed prior to issuance of a grading permit (OSA Mitigation Measure 3.3-6).

Mitigation Measure AQ-7: Use of temporary traffic controls.

Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.

Mitigation Measure AQ-8: Use of dedicated turn lanes.

Dedicated access ways for construction traffic will be addressed during preparation and implementation of the Construction Traffic Management Plan as part of MM TC-1.

Mitigation Measure AQ-9: Reroute construction trucks away from congested areas.

Reroute construction trucks away from congested streets or sensitive receptor areas.

Mitigation Measure AQ-10: Appoint construction relation officer

Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.

Mitigation Measure AQ-11: Improve traffic flow

Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.

Mitigation Measure AQ-12: Use of newer diesel haul trucks

Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export).

Section 3-8. Hydrology and Water Quality

Page 3.8-10 NPDES Permits

National Pollutant Discharge Elimination System Phase I General Construction Activities Permit

Pursuant to CWA Section 402(p), which requires regulations for permitting of certain stormwater discharges, the SWRCB has issued a statewide general NPDES Permit for stormwater discharges from construction sites (Construction General Permit). Construction activity subject to the NPDES General

Permit includes clearing, grading, and disturbances to the ground, such as stockpiling or excavation that results in soil disturbances of at least 1 or more acres (Phase 1) of total land area. Construction activity that results in soil disturbances less than 1 acre is subject to this General Construction Permit if the construction activity is part of a larger common plan of development that encompasses 1 or more acres of soil disturbance, or if there is significant water quality impairment resulting from the activity. The SWRCB permits all regulated construction activities under Order No. ~~99-08-DWQ (1999)~~2009-0009-DWQ. This order requires that prior to beginning any construction activities, the permit applicant must obtain coverage under the General Construction Permit by preparing and submitting a Notice of Intent (NOI) and appropriate fee to the SWRCB. Additionally, coverage would not occur until an adequate Stormwater Pollution Prevention Plan (SWPPP) has been prepared prior to grading and is implemented during construction. The primary objective of the SWPPP is to identify, construct, implement, and maintain Best Management Practices (BMPs) to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the construction site during construction. BMPs include programs, technologies, processes, practices, and devices that control, prevent, remove, or reduce pollution.

Because construction of the proposed project would disturb more than 1 acre, it would be subject to these permit requirements. These permit requirements are enforced through the Orange County Drainage Area Management Plan (DAMP), with which the City must comply, and City Municipal Code Ordinances.

Page 3.8-11 NPDES Permits

Construction Dewatering

Clean or relatively pollutant-free, non-stormwater, construction-generated water that poses little or no threat to water quality may be discharged directly to surface water under certain conditions pursuant to the Santa Ana RWQCB's General Waste Discharge Requirements for Short-Term Groundwater-Related Discharges and De Minimus Wastewater Discharges to Surface Waters within the San Diego Creek/Newport Bay Watershed, Order No. ~~R8-2004-0021 (NPDES No. CAG998002)~~ R9-2008-0002 and R8-2007-0041 for drainage within the Santa Ana Region. Permit conditions for the discharge of these types of wastewaters to surface water are specified in that order. Discharges may be covered by the permit provided either (1) they are 1 year or less in duration, or (2) the discharge does not pose a threat to water quality, generally because it is de minimus in nature. Construction dewatering, well development water, pump/well testing, and miscellaneous dewatering/low-threat discharges are among the types of discharges that may be covered by the permit. The general permit also specifies standards for testing, monitoring and reporting, receiving water limitations, and discharge prohibitions. Construction dewatering in the San Diego Region would be covered under the General Waste Discharge Requirements Groundwater Extraction Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region Except for San Diego Bay (Order No. ~~2001-96, NPDES AG919002~~ R9-2008-0002, CAG919002).

Page 3.8-20 Impact HWQ-2

Long-Term (Operational) Impacts

The proposed project design would include compaction of soils; development of park facilities, including permeable/pervious pavement, roadways, and other hardscape; as well as irrigation of the site. Similar to the discussion under Impact HWQ-1, the proposed project operations would modify the runoff and potentially increase flows in downstream surface water bodies, which currently serve as stormwater drainage. The City proposes to collect stormwater in water quality detention facilities and would attempt to replicate the existing hydrology and runoff discharges from the site into Glass Creek. In addition, OSA PEIR MM 3.8-5 requires studies be conducted prior to the issuance of grading permits that allow the design and implementation of facilities (such as the water quality detention facility under the proposed

project) prevent operation (i.e., post-construction) stormwater flows from exceeding pre-construction volumes and rates. Therefore, implementation of Mitigation Measure HWQ-2 1 would reduce potential impacts to less-than-significant levels.

Mitigation Measures

Implement Mitigation Measure HWQ-1.

Residual Impacts

With the incorporation of the WQMP and Mitigation Measure HWQ-1, impacts would be less than significant.

Page 3.8-28, Residual Impacts for Impact HWQ-6

Residual Impacts

With the incorporation of Mitigation Measures HWQ-1 through HWQ-~~64~~, impacts on water quality would be reduced to less than significant.