

## SECTION 2 INTRODUCTION

### 2.1 PURPOSE OF THE DRAFT PROGRAM EIR

This Program EIR has been prepared to evaluate the potential environmental impacts associated with the construction and implementation of the Mountain Park Specific Plan Amendment project. This EIR is a Program EIR in accordance with the California Environmental Quality Act (CEQA) Guidelines §15168. The Program EIR provides a comprehensive evaluation of the reasonable anticipated scope of the project. It is intended to serve as an informational document for public agency decision makers and the general public regarding the objectives and components of the proposed project, and any potentially significant environmental impacts that may be associated with the planning, construction, and operation of the project, as well as to identify appropriate feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these significant impacts.

The City of Anaheim is the lead agency under CEQA, and is responsible for preparing the Mountain Park Specific Plan Amendment Program EIR (State Clearinghouse No. 2004071098). This Program EIR has been prepared in conformance with the CEQA (California Public Resources Code §21000 et seq.) and California CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, §15000 et seq.). The City, as the lead agency, will review and consider this Program EIR in its decision to approve, revise, or deny the proposed project.

This Program EIR is further intended to serve as the primary environmental document for all future entitlements associated with the proposed project, including all discretionary approvals requested or required to implement the project. Subsequent actions will be reviewed as required by Public Resources Code §21166, and state CEQA Guidelines §15162. CEQA Guidelines §15168 states that “Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

- (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.
- (2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.
- (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
- (4) Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

- (5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.”

With respect to public review of these “subsequent activities,” CEQA Guidelines §15168(e) provides “When a law other than CEQA requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the activity shall include a statement that: (1) This activity is within the scope of the program approved earlier, and (2) The program EIR adequately describes the activity for the purposes of CEQA.”

The City of Anaheim, which has the principal responsibility for processing and approving the project, and other public agencies (i.e., responsible and trustee agencies) that may use this Program EIR in their decision making or permitting processes, will consider the information in this Program EIR along with other information that may be presented during the CEQA process. In addition, this Program EIR is the primary reference document in the formulation and implementation of a mitigation monitoring and reporting program for the proposed project.

In accordance with CEQA, public agencies are required to make findings for each environmental impact of the project identified in the Program EIR. If the lead agency and responsible agencies decide that the benefits of the proposed project outweigh any identified unmitigated significant environmental effects, they will be required to adopt a statement of overriding considerations supporting their actions.

The actions involved in the implementation of the proposed project are described in Section 3.8, Intended Use of the EIR. Other agencies that may have discretionary approval over the project, or components thereof, including responsible and trustee agencies, are also described in Section 3.8.

## **2.2 PROJECT BACKGROUND**

The City of Anaheim approved a Specific Plan for the Mountain Park project site (SP 90-4) and certified EIR No. 302 in 1991. SP 90-4 allowed for the development of 7,966 residential units, commercial uses, interim sand and gravel mineral extraction, schools, parks, and open space. A copy of Mountain Park Specific Plan (SP 90-4) and certified EIR No. 302 are on file in the City of Anaheim Planning Department. The development plan approved for SP 90-4 is shown in Exhibit 5-2, in Section 5, Alternatives. The approved development plan was never implemented by the project applicant.

Since approval of SP 90-4 in 1991, there have been two notable actions taken to provide for the preservation of open space areas on the property. In 1996, the County of Orange Central & Coastal Subregion Natural Communities Conservation Plan & Habitat Conservation Plan (NCCP/HCP) was adopted and subsequently entered into by the City of Anaheim, The Irvine Company (landowner), the California Department of Fish and Game (CDFG), and the U.S. Fish and Wildlife Service (USFWS) as well as other local jurisdictions and landowners. The NCCP/HCP provides for the protection of natural communities and species while allowing a reasonable amount of economic development (refer to discussion provided in Section 4.6, Biological Resources). Development within the NCCP/HCP Reserve area is restricted, and approximately 940 acres in the southern portion of the project site are within the Reserve. The Reserve boundary is consistent with the grading areas identified for SP 90-4; the Reserve is not within previously approved development areas. In November 2001, The Irvine Company

pledged over 11,000 acres, including 913 acres within the project site (Anaheim Conservation Easement [ACE]) to The Nature Conservancy (TNC). The TNC ACE was in addition to the NCCP/HCP Reserve. Development rights within the TNC ACE have been extinguished. The NCCP/HCP Reserve and TNC ACE open space areas are described in Section 3.3.2, Project Development Components. It should be noted that the TNC ACE is within areas previously identified for development in SP 90-4. In summary, the southern, northwest, and northeast portions of the project site are dedicated to open space through these programs, limiting the area within the project site available for development. This issue is described in more detail and a map depicting the conservation areas can be found in Section 3, Project Description (refer to Exhibit 3-8, Open Space, Trail and Bikeway Plan).

In May 2004, the City of Anaheim approved a General Plan Update (GPA No. 2004-00419) which, among other actions, amended the land uses in the Mountain Park Specific Plan area to decrease the intensity of development in the Mountain Park Specific Plan area from 7,966 residential units to 2,500 units; eliminated proposed commercial and mineral extraction uses, four school sites, a City maintenance yard; and reduced the number of park sites. Along with the General Plan Update, the City of Anaheim also approved an update to Title 18 (Zoning) of the Anaheim Municipal Code, and termination of Development Agreement No. 91-01 between the City of Anaheim and The Irvine Company relating to the Mountain Park Specific Plan. The actions related to the Mountain Park Specific Plan area were coordinated with The Irvine Company. The new zoning and general plan designations are described in more detail in Section 3, Project Description.

It should be noted that SR-241/Weir Canyon Road interchange and Mountain Park Drive bridge overcrossing were assumed in the previous environmental documentation prepared for SR-241 (Eastern Transportation Corridor Final Environmental Impact Statement prepared in September 1994) and the Mountain Park Specific Plan (SP 90-4) Final EIR No. 302. This EIR addresses the impacts associated with construction of these facilities as currently designed.

The proposed project consists of an Amendment to the existing Mountain Park Specific Plan to conform to current open space dedication boundaries, the adopted NCCP/HCP, the donated TNC ACE, and the recently adopted General Plan designations for the site. The Specific Plan Amendment is described in Section 3, Project Description.

## **2.3 EIR FOCUS AND EFFECTS FOUND NOT TO BE SIGNIFICANT**

### **2.3.1 SCOPING PROCESS**

In compliance with the CEQA Guidelines, the City of Anaheim has taken steps to maximize opportunities for the public and other public agencies to participate in the environmental review process. The City conducted an initial study of the proposed project and determined that an EIR was required to evaluate the potentially significant environmental effects of the proposed project and related actions. The City distributed the Initial Study along with a notice of preparation (NOP) of an EIR to responsible and interested agencies, including surrounding cities, and provided a notice of its availability to adjacent property owners and other interested parties, to solicit comments and inform the public of the proposed project. The NOP/Initial Study was distributed on July 19, 2004 for a 30-day review period as required by CEQA. A copy of the NOP/Initial Study and responses received are included in Appendix A.

The City held two public scoping meetings (on August 11 and September 8, 2004) to provide the public with a forum to identify any additional environmental issues to be evaluated in the EIR which were not previously identified in the Initial Study. Attendees were provided an opportunity to identify verbally, or in writing, the issues they felt should be addressed in this EIR. Following

is a summary of the issues raised at the two scoping meetings; the section of the EIR where each issue is addressed is provided in parentheses.

- The EIR should address increased traffic on existing adjacent roadways including Weir Canyon Road, Santa Ana Canyon Road, SR-91, and SR-241. (Section 4.7, Traffic and Circulation)
- The EIR should analyze the circulation impacts to local roadways in surrounding communities. (Section 4.7, Traffic and Circulation)
- The EIR should analyze the traffic impacts to the City of Yorba Linda. (Section 4.7, Traffic and Circulation)
- The proposed project involves a gated community. Non-project residents would not be able to use the proposed routes through the Mountain Park project site, but project residents would increase traffic on existing roadways. A non-gated community should be considered. (Section 5, Alternatives)
- Santa Ana Canyon Road should be improved and widened to provide access to and past the proposed project site. (Section 4.7, Traffic and Circulation)
- Traffic on SR-241 may affect the traffic flow of the proposed Weir Canyon off-ramp. (Section 4.7, Traffic and Circulation)
- The EIR should address potential air quality impacts to nearby residents as a result of the proposed SR-241/Weir Canyon interchange. (Section 4.8, Air Quality)
- Alternative circulation designs should be considered such as the extension of Oak Canyon Road into the project site, and extension of Weir Canyon Road east from SR-241 to Development Area 1. (Section 5, Alternatives)
- The EIR should include analysis of potential alternatives to the proposed project, including an alternative that includes commercial uses to lessen the impacts (traffic/parking) to existing commercial centers in surrounding neighborhoods. (Section 5, Alternatives)
- The EIR should use accurate generation factors to adequately address impacts to existing schools within the Orange Unified School District (OUSD). There were concerns raised that the student generation factors used by Davis Demographics are outdated. (Section 4.12, Public Services and Utilities)
- The EIR should analyze long-term impacts to schools associated with the project and the need for additional schools, including middle and high schools. (Section 12, Public Services and Utilities)
- The EIR should analyze the potential for the development of a school east of SR-241. (Section 5, Alternatives)
- The EIR should address the timeframe of construction of the school related to the Mountain Park development. The school should be provided prior to occupancy of residential uses. (Section 3, Project Description; and Section 4.12, Public Services and Utilities)

- The EIR should address impacts of the proposed community park in Development Area 3 on surrounding residences, including lighting and noise impacts. (Section 4.2, Landform and Aesthetics; Section 4.9, Noise; and Section 4.13, Recreation)
- The EIR should address accessibility to the proposed trail system along Gypsum Creek and the trail staging area by non-Mountain Park residents. (Section 3, Project Description)
- The EIR should address wildlife movement at the proposed project site, specifically involving the Coal Canyon Biological Corridor. (Section 4.6, Biological Resources)
- The EIR should analyze the impacts associated with proposed grading and topography changes, including aesthetics and noise impacts. A concern was raised that noise levels would increase since existing landforms provide a “noise buffer”. (Section 4.2, Aesthetics, and Section 4.9, Noise)
- The EIR should analyze the potential impacts from earthquake. (Section 4.3, Geology and Soils)
- The EIR should address emergency access for the proposed project site. (Section 4.10, Hazards and Hazardous Materials, and Section 4.12, Public Services and Utilities)
- The EIR should address potential hazardous materials impacts to residential uses from previous uses, including the existing quarry. (Section 4.10, Hazards and Hazardous Materials)

The initial study responses, NOP comments, and the comments provided during the public scoping meeting were used to establish the scope of the issues addressed in this EIR. The following environmental issues were identified by the City through preparation of the Initial Study and through the NOP and scoping process as being potential impacts associated with the implementation of the Mountain Park Specific Plan Amendment project to be addressed in this EIR:

- Land Use and Planning
- Aesthetics and Visual Resources
- Geology and Soils
- Hydrology and Water Quality
- Biological Resources
- Transportation/Circulation
- Air Quality
- Noise
- Hazardous Materials
- Population and Housing
- Public Services
- Utilities and Service Systems
- Recreation
- Cultural Resources

### **2.3.2 EFFECTS FOUND NOT TO BE SIGNIFICANT**

The Initial Study determined that an EIR was required to evaluate the potentially significant environmental effects of the proposed project. Following is an identification of the impact

categories that were checked “no impact” or “less than significant impact” on the Initial Study checklist and the reasons why these issues were not considered potentially significant or applicable to the project, and therefore are not addressed further in this EIR.

- **Agricultural Resources** – Based on the 2002 California Important Farmland Map, farmland designations within the Mountain Park study area include Other Land and Urban and Built-up Land. There are no areas designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. Approximately 1,790 acres of the Mountain Park study area were previously subject to California Land Conservation Act (Williamson Act) contracts; however, these contracts expired between 1981 and 1999. No impacts to agricultural resources would result from project implementation.
- **Air Quality (Gaseous Odors)** – Future residential development, as proposed, would involve minor, odor-generating activities, such as backyard barbeque smoke, lawn mower exhaust, application of exterior paints, etc. These types and concentrations of odors are typical of residential communities and are not considered significant. Additionally, gaseous odors that occur on-site as a result of quarry operations would be eliminated upon closure of the quarry following implementation of the approved Reclamation Plan.
- **Historic Resources** – A cultural resources assessment of the Mountain Park study area was conducted by LSA Associates, Inc. (LSA) (2004) and is provided in Appendix P. There are no sites within the study area listed on the National Register of Historic Places, the California Register of Historic Resources, or the City of Anaheim Qualified Historic Structures list. McDonnell Douglas leased property on the project site and operated a rocket fuel test site between 1966 and 1979. There was one structure from this facility remaining on site and it was evaluated to determine its significance and integrity, and whether it was eligible for listing on the National Register of Historic Places or the California Register of Historic Resources. Based on the historical assessment, it was determined not to be a historical structure. This structure was demolished in November 2003.
- **Soils Incapable of Supporting Septic Tanks** – The proposed project would not involve the use of septic tanks or alternative waste water disposal systems. The project would incorporate the use of City sewer lines and wastewater disposal systems. Therefore, no impact would occur.
- **Use, Transport, Disposal, and/or Emission of Hazardous Materials** – The proposed project consists of residential and open space uses and would not create a need to transport, use, or dispose of hazardous materials. Additionally, the proposed project would not include any uses that would generate hazardous emissions or involve handling hazardous materials, substances, or waste within one-quarter mile of a school site. Section 4.10, Hazards and Hazardous Materials, addresses the potential for exposure to hazardous materials present within the project site.
- **Airport/Aircraft Hazards and Noise** – The project site is not within an adopted Airport Land Use Plan or located in the vicinity of a private airstrip. There is a helistop located along Santa Ana Canyon Road, west of Weir Canyon Road, which is used by the City of Anaheim Police Department. There are no helicopters based at this location and no regularly scheduled helicopter stops; it serves as a helistop for occasional use. There is also a heliport approximately seven miles north of the project site in the City of Yorba Linda at the Robert B. Diemer Filtration Plant. This heliport is used only three to four

times per year. Implementation of the proposed project would not increase the use of these facilities and continued operation would not pose a safety threat to future residents. Additionally, the use of these facilities would not result in noise impacts to future residents due to the distance of the facilities from the site, their infrequent use, and existing ambient noise levels.

- **Flooding Due to Dam Failure** – Based on the Dam Inundation Map (Figure S-7) provided in the City of Anaheim Safety Element, the project site is not within a dam inundation area. Therefore, implementation of the proposed project would not expose people or structures to a significant risk involving flooding due to dam failure.
- **Seiche and Mudflows** – The project site is not located near any large bodies of water in which a seiche could occur. Additionally, the soil composition of the site consists of rocky formation not susceptible to mudflows.
- **Mineral Resources** – The City of Anaheim General Plan (Figure G-3, Mineral Resource Map) identifies an MRZ-2 Mineral Resource Zone, Aggregate Resources Only area within the northern portion of the Mountain Park project site. This area represents the quarry previously operated onsite and is not identified in the General Plan as containing mineral resources of regional significance. Mineral resources were extracted from this site continuously from 1954 until December 2004 when the extraction license agreement between the project applicant and the Robertson's Ready Mix expired. At that time, the majority of the economically viable sand and gravel minerals at this site had been removed. Implementation of the project would not result in the loss of the availability of mineral resources that would be of value locally or regionally.
- **Displace People or Homes** – The proposed project would not remove any existing homes or residential structures and no impacts would occur.
- **Change in Air Traffic Patterns** – The proposed project would have no effect on air traffic patterns because it is a residential development project and would not include any uses or structures that would interfere with aircraft operations, including the private helistop located along Santa Ana Canyon Road, west of Weir Canyon Road, that is used by the City of Anaheim Police Department, or the private heliport in Yorba Linda. The project site is not proximate to any airfields or airports and is not within Airport Environs Land Use Plan (AELUP).
- **Exceed Wastewater Treatment Requirements** – Wastewater originating from the project site would be generated by residential, school, limited commercial and recreational uses, and would ultimately be treated at the Orange County Sanitation District Reclamation Plant No. 1 in the City of Fountain Valley. The wastewater treatment requirements issued by the Santa Ana Regional Water Quality Control Board for the treatment plant were developed to ensure that adequate levels of treatment would be provided for the wastewater flows emanating from all land uses within its service area. Therefore, the residential wastewater from the project site will not cause the treatment plant to exceed these treatment requirements.

## 2.4 PROJECT SPONSORS AND CONTACT PERSONS

The City of Anaheim is the lead agency for preparation of this EIR. All inquiries regarding the Draft EIR should be directed to the City. The applicant for the proposed project is The Irvine Community Development Company.

Key contact persons are as follows:

<b>Lead Agency</b>	City of Anaheim Mr. Ted White Associate Planner Planning Department 200 S. Anaheim Boulevard Anaheim, CA 92805 twhite@anaheim.net (714) 765-5139 ext. 5754
<b>Project Applicant</b>	The Irvine Community Development Company Mr. Bryan Austin 550 Newport Center Drive Newport Beach, CA 92658

## 2.5 REVIEW OF THE DRAFT EIR

The Mountain Park Specific Plan Amendment Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as other parties requesting a copy of the draft EIR in accordance with Public Resources Code Section 21092. The Notice of Completion for the Draft EIR has also been filed with the California Department of Office of Planning and Research (OPR) as required by CEQA Section 15085. During the 45-day public review period, the Draft EIR is available for purchase at the City of Anaheim Planning Department and available for review at the following locations:

- City of Anaheim Civic Center, Planning Department (refer to address above)
- Anaheim Public Libraries and associated branches
  - Canyon Hills Library  
400 Scout Trail  
Anaheim, CA 92807  
Telephone: (714) 974-7630
  - Central Library  
500 W. Broadway (at the corner of Harbor and Broadway)  
Anaheim, CA 92805  
Telephone: (714) 765-1880
  - Sunkist Library  
901 S. Sunkist Avenue (between Lincoln and Ball)  
Anaheim, CA 92806  
Telephone: (714) 765-3576
- City of Anaheim Web page: [www.anaheim.net](http://www.anaheim.net). Select the Planning Department from the Department list, and then select Mountain Park from the left links column.

Written or electronic comments on the EIR should be addressed to Mr. Ted White at the address provided above. Upon completion of the 45-day public review period, written responses to all significant environmental issues raised will be prepared and available for review prior to the public hearing before the City of Anaheim Planning Commission and City Council when certification of the EIR is considered. These environmental comments and their

responses will be included as part of the environmental record for consideration by the decision makers for the project.