

- 1a. ENVIRONMENTAL IMPACT REPORT NO. 331 AND
MITIGATION MONITORING PROGRAM NO. 137 (Recommendation Resolution)
- 1b. GENERAL PLAN AMENDMENT NO. 2005-00436 (Recommendation Resolution)
- 1c. AMENDMENT NO. 1 TO THE MOUNTAIN PARK
SPECIFIC PLAN NO. 90-4 (SPN2005-00031) (Recommendation Resolution)

SITE LOCATION AND DESCRIPTION:

- (1) The subject property consists of approximately 3,001 acres (the Mountain Park Specific Plan area), including 2,161 acres which have been annexed to the City of Anaheim and 840 acres of unincorporated land located within the County of Orange in the City of Anaheim's sphere-of-influence (an additional approximately 172 acres bisecting the western portion of the Mountain Park site have been developed with the Eastern Transportation Corridor (SR-241)). The subject site is generally located in Gypsum Canyon, bordered on the north by the Riverside (SR-91) Freeway and the Gypsum Canyon Road interchange, on the west by The Summit of Anaheim Hills and Sycamore Canyon developments, on the south by unincorporated property within the County of Orange in the City of Orange's sphere-of-influence, and on the east by the Coal Canyon Wildlife Corridor (part of the Chino Hills State Park). (See Attachment 1A)

REQUEST:

- (2) The applicant requests approval of the following:
 - (a) Environmental Impact Report No. 331 and Mitigation Monitoring Program No. 137 Certification of Final Environmental Impact Report No. 331 ("FEIR No. 331"), including adoption of a Statement of Findings of Fact, a Statement of Overriding Considerations and Mitigation Monitoring Program No. 137. FEIR No. 331 has been prepared to serve as the environmental documentation for General Plan Amendment No. 2005-00436 and the adoption and implementation of the Mountain Park Specific Plan Amendment. Implementation is intended to include, but not be limited to, the approval of development area plans, subdivision maps, grading permits, street improvement plans, Site Plans, and other related actions. A Draft Environmental Impact Report No. 331 ("DEIR No. 331") was circulated for public and responsible agency review in compliance with the California Environmental Quality Act ("CEQA") and the State and City of Anaheim CEQA Guidelines. A Response to Comments document has also been prepared in compliance with CEQA requirements to address the public/responsible agency comments on the Draft EIR. The FEIR includes the DEIR, the Response to Comments document, Mitigation Monitoring Program No. 137 and any documents submitted as part of the public record for the DEIR.
 - (b) General Plan Amendment No. 2005-00436 Request to amend the City of Anaheim General Plan Safety Element Figure S-5, Fire Protection Areas, to remove the Mountain Park development areas from the Very High Fire Hazard Severity Zone designation.
 - (c) Amendment No. 1 to the Mountain Park Specific Plan No. 90-4 (SPN2005-00031) Request to amend the Mountain Park Specific Plan to implement the adopted City of Anaheim General Plan by reducing the number of residential units from a maximum of 7,966 to a maximum of 2,500; amending the City of Anaheim Zoning Code (Chapter 18.112) to replace and supersede current Zoning and Development

Standards; and, providing for the following uses: a City fire station; a school site and adjacent public community park; public and private recreational facilities, including riding and hiking trails and a trail staging area; an interpretive center and store concession; and, roadways and utilities necessary to serve the proposed development.

BACKGROUND:

- (3) On September 10, 1991, the City Council adopted Resolution Nos. 91R-263 and 91R-264 approving the Mountain Park Specific Plan No. 90-4 and certifying Environmental Impact Report No. 302 to provide a comprehensive plan of land use regulations, conditions of approval and mitigation measures for development of the Mountain Park area with up to 7,966 residential dwelling units, 179 acres of commercial uses, schools, parks, public facilities and open space. The City Council subsequently adopted Ordinance No. 5253 to reclassify the property to the Mountain Park Specific Plan No. 90-4 Zone and Ordinance No. 5254 to establish the zoning and development standards for the specific plan as part of Chapter 18.76 of the Anaheim Municipal Code. A copy of the adopted Development Plan depicting the location of the above-noted land uses is provided in Attachments 1B and 1C.
- (4) On November 5, 1991, the City Council adopted Ordinance No. 5271 authorizing the City to enter into Development Agreement No. 91-01 between the City of Anaheim and The Irvine Company to further provide for the development of the Mountain Park Specific Plan project. On June 2, 1992, Development Agreement No. 91-01 was executed between the City of Anaheim and The Irvine Company and subsequently recorded in the Official Records of Orange County.
- (5) Since the 1991 approval of the Mountain Park Specific Plan, several actions have occurred related to the subject 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, the California Department of Fish and Game (DCFG), 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, and identifies areas that are appropriate for development. The portion of the Mountain Park project site that is proposed for development is identified as a development area in the NCCP/HCP. Approximately 940 acres in the southern portion of the project site are in the NCCP/HCP Reserve, and are no longer eligible for development.
 - In November 2001, The Irvine Company dedicated 913 acres within the project site (Anaheim Conservation Easement) to The Nature Conservancy (a non-profit environmental management entity) and extinguished development rights within this Conservation Easement (TNC ACE). The establishment of the NCCP/HCP and dedication of the TNC ACE combined to provide permanent protection for 1,853 acres of open space on the 3,001 acre project site. See Section 3.3.2 of the Draft EIR for a detailed description of these open space areas.
 - In 2001, the City commenced work on a comprehensive citywide update of the General Plan and Zoning Code. The Irvine Company subsequently requested that the City study and incorporate contemplated revisions to the Mountain Park Specific Plan land uses as a part of the update.

The proposed amendments to the General Plan for the Mountain Park area included redesignating the property to the Low Medium Density Residential (up to 16 du/ac) and Low-Medium Hillside Density Residential (up to 6 du/ac) land use designations and limiting the maximum number of units to 2,500 dwelling units and further allowing for the development of a fire station site, a park site, a school site, trails and open space. Other related changes related to the Mountain Park area pertained to the Circulation Element and included modifications to the roadway system relative to Santa Ana Canyon Road, Gypsum Canyon Road and Weir Canyon Road. These amended designations were depicted and evaluated in the General Plan Update Program and associated FEIR No. 330 that was considered and approved by City Council on May 25, 2005. The adopted General Plan designations are depicted on the Mountain Park Specific Plan Amendment No. 1 Development Plan provided as Attachment 1D to this report.

- On May 24, 2004, the OCTA Board approved an amendment of the Master Plan of Arterial Highways (MPAH) to incorporate modifications to the roadway system for the streets listed above (as well as other changes not related to the Mountain Park area). The MPAH amendment became effective following the City of Anaheim's adoption of the General Plan Update.
 - At the request of The Irvine Company, an amendment to the MPAH to delete the extension of Jamboree Road from its existing terminus in the City of Orange to the future extension of Weir Canyon Road in the City of Anaheim is in process. The City of Orange, in conjunction with their consideration of an Environmental Impact Report for the Santiago Hills II/East Orange project is the Lead Agency for the requested amendment to the MPAH. This amendment would need to be approved by OCTA prior to the cities of Orange or Anaheim amending their respective General Plans to delete the subject segment of Jamboree Road. The City of Orange scheduled a Planning Commission public hearing on July 18, 2005 (continued to August 15, 2005) to consider the subject requests, and will continue to act as the Lead Agency through OCTA's MPAH amendment process. The OCTA staff recently provided a letter, dated July 13, 2005, to the City of Orange indicating their support of the requested deletion of the subject segment of Jamboree from the MPAH. If the OCTA Board approves the requested amendment, a future action related to the Mountain Park Specific Plan would be the processing of a General Plan Amendment to delete Jamboree Road from the City of Anaheim General Plan Circulation Element.
- (6) In connection with the processing of the General Plan Update, at the request of The Irvine Company, the City Council on May 25, 2004, adopted Ordinance No. 5924 to terminate Development Agreement No. 90-01. The cancellation of the Development Agreement was recorded in the Official Records of Orange County on October 4, 2004.
- (7) The project site is currently undeveloped with the exception of an approximately 300-acre sand and gravel mining operation (closed in January 2004 – currently under reclamation) located in the northeastern portion of Gypsum Canyon along the SR-91 Freeway (see an aerial photograph of the site in Attachment 1A).
- (8) Past uses associated with the property include mining, sheep herding, cattle grazing and a rocket fuel testing facility that was operated by McDonnell Douglas in the 1960's and 1970's. The last remaining structure associated with this facility was demolished in 2003.

- (9) Access to the project site is currently provided from Gypsum Canyon Road via Santa Ana Canyon Road and the Gypsum Canyon Road interchange with SR-91. There are a number of unimproved dirt roads that traverse the site that were previously used for on-site operations and emergency access.

ENVIRONMENTAL IMPACT ANALYSIS:

- (10) On July 19, 2004, the City of Anaheim circulated a Notice of Preparation (NOP) for DEIR No. 331 to public agencies, contiguous property owners and other interested parties for a 30-day comment period. The NOP outlined the environmental issues to be addressed in the DEIR including: Aesthetic/Visual, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, Transportation/Traffic, and Utilities/Service Systems. The NOP further indicated that the City of Anaheim would serve as Lead Agency and prepare an EIR for the project. The City of Anaheim subsequently held two scoping meetings on August 11, 2004 and September 8, 2004 to provide public agencies, contiguous property owners and other interested parties the opportunity to comment on issues to be addressed in the DEIR.
- (11) DEIR No. 331 was prepared in compliance with the California Environmental Quality Act (CEQA) and the State and City CEQA Guidelines. The City conducted its own independent evaluation and analysis of the DEIR, including conducting a peer review of the document, prior to circulating it to responsible agencies, organizations and interested parties and making it available for a 45-day public review period from April 4, 2005 to May 19, 2005. A copy of the Draft EIR was also provided to the Planning Commission and City Council. The DEIR was available on the City's website at www.anaheim.net in addition to the following locations:
- City of Anaheim Planning Department, 200 S. Anaheim Boulevard, Anaheim
 - City of Anaheim Main Library, 500 W. Broadway, Anaheim
 - Sunkist Branch Library, 901 S. Sunkist Street, Anaheim
 - Canyon Hills Branch Library, 400 Scout Trail, Anaheim
- (12) By the close of the 45-day public review period, staff had received eleven comment letters from responsible agencies, nine comment letters from interested organizations, and thirty-five comment letters from interested individuals. In addition, the City also accepted and responded to one letter from a responsible agency and one letter from an individual after the comment period had ended. The most frequent comments received pertained to traffic and congestion on the SR-91 Freeway, traffic on local streets and at local commercial centers, impacts to schools, and construction-related impacts such as noise and air quality.
- (13) On July 19, 2005, a Response to Comments document was made available for public review and mailed, or emailed, to all agencies, organizations and interested parties who provided comments on the Draft EIR. In addition, the Response to Comments document was also provided to the Planning Commission and made available for public review on the City's website and locations listed in paragraph (11) of this staff report. This document includes responses that address public/responsible agency comments received during the review period, in addition to refinements to the DEIR. As with the DEIR, the Responses to Comments document was prepared under the City's direction, and staff performed an independent evaluation and analysis of the document, as well as conducted a peer review of the document, prior to releasing it for public review.

- (14) DEIR No. 331 addresses the environmental impacts including project-related and cumulative impacts associated with the proposed project. The DEIR indicates that the following environmental categories will be significantly impacted by development of the Mountain Park project: Aesthetics and Visual Resources, Transportation/Circulation, and Air Quality. All other project impacts can be mitigated to an acceptable level with the incorporation of the recommended mitigation measures set forth in Mitigation Monitoring Program No. 137 (Attachment 2).
- (15) CEQA requires that one or more findings be made for each significant environmental impact identified. When a project results in an impact that cannot be feasibly mitigated below a level of significance, CEQA also requires the decision-making agency to balance anticipated benefits of the project against its unavoidable environmental impacts; if the benefits of the project outweigh the unavoidable adverse impacts, the project may be approved if the agency issues a Statement of Overriding Considerations stating the specific reasons to support its actions. Therefore, a Statement of Findings of Fact addressing each of the project impacts, recommended mitigation measures and level of significance following mitigation for each of the topical issues addressed in the DEIR is provided in Attachment 2 of this staff report. A Statement of Overriding Considerations addressing how the benefits of the project outweigh the unavoidable adverse environmental impacts associated with the project is also provided in said Attachment.
- (16) As previously indicated in paragraph (2), FEIR No. 331 includes the DEIR, Mitigation Monitoring Program No. 137, the Response to Comments document and any documents submitted as part of the public record for the DEIR. The information set forth in the FEIR represents the independent judgment of the City of Anaheim with respect to all analysis and conclusions presented in the FEIR.

DISCUSSION:

General Plan Amendment No. 2005-00436:

- (17) The applicant proposes an amendment to the Safety Element of the City of Anaheim General Plan, Figure S-5, Fire Protection Areas. Said Figure currently identifies the project site as being located in a Very High Fire Hazard Severity Zone. This designation is applied to ridgeline areas and undeveloped areas east of the Costa Mesa (SR-55) Freeway and south of the Riverside (SR-91) Freeway. The applicant has requested that the development areas within the project site be removed from the Very High Fire Hazard Severity Zone and redesignated to the Special Protection Area designation, as shown on the proposed General Plan Amendment Resolution (Attachment 3). Special Protection Area provisions emphasize the prevention and control of urban/wildland interface fires through the enforcement of fire regulations such as the removal of combustible vegetation, establishment of wet zones, and preventive building features such as spark arrestors on fire places.
- (18) The Mountain Park Specific Plan, Chapter II(D)2, Fuel Modification Areas (Pg. II-38 through II-40) describes the fuel modification design criteria proposed for the wildland edges of the project site. In addition, the applicant submitted a Preliminary Fire Master Plan that includes measures that will be incorporated into the development to protect against wildland fires. The Preliminary Fire Master Plan is included as Appendix R to Draft Environmental Impact Report No. 331. A final Fire Master Plan is required to be submitted for review and approval by the Anaheim Fire Department prior to approval of the first

tentative tract or parcel map, or approval of the first grading plan, whichever occurs first (Mitigation Measure 10-2 of Mitigation Monitoring Program No. 137).

- (19) The City of Anaheim Fire Department and California Board of Forestry and Fire Protection have reviewed the proposed request to remove the Very High Fire Hazard Severity Zone designation from the Mountain Park development areas and are supportive of the request. A letter of recommendation from the California Board of Forestry and Fire Protection is provided as Attachment A to the Responses to Comments document (Volume IV of the EIR). The letter commends the City “on its efforts to create a contemporary standard for new development that will resist wildland fire”, and further states that the building code/construction standards, fuel modification zones, and fire safe development planning for circulation, fire flow, and a fire station are well integrated and state of the art.

Amendment No. 1 to the Mountain Park Specific Plan No. 90-4 (SPN2005-00031):

- (20) The applicant proposes an amendment to the Mountain Park Specific Plan (SP90-4) to implement and be consistent with the adopted City of Anaheim General Plan. The proposed uses include: 2,500 dwelling units (1,675 single-family detached units and 825 single-family attached units); a City fire station; a 15-acre public community park; private parks and recreational facilities; an elementary school site; a trail staging area and store concession; and public and private riding and hiking trails. If adopted, the proposed Specific Plan Amendment would replace and supersede the Mountain Park Specific Plan approved in 1991 including the zoning and development standards set forth for Mountain Park in Chapter 18.72 of the Anaheim Municipal Code.
- (21) The proposed Specific Plan Amendment is set forth in a document dated March 2005 and incorporated as Volume II of the DEIR No. 331. Refinements to the document, which were identified following the circulation of the DEIR are provided in Attachment 4 to this staff report and include the following:
- Road Sections: Correction to the Standard Detail for Rolled-Curb Private Streets;
 - Additional definitions for “Lot, Reversed Building Frontage” and “Lot, Reversed Corner”;
 - Correction to exhibits showing garage setbacks;
 - Clarification of single-family detached street side setbacks;
 - Clarification of the permissibility of landscaped common lots in relation to required setbacks; and
 - Additional standards related to crib and retaining walls in setback areas.
- (22) The Mountain Park Specific Plan, Amendment No. 1 establishes the framework for the development of the project site. Pursuant to Chapter 18.72 (Specific Plans), the proposed Specific Plan Amendment includes text and diagrams providing detailed specifications relating to land uses; circulation; public services and facilities; and zoning and development standards. The proposed Specific Plan Amendment also includes policies and guidelines relating to housing/population, community design, grading, phasing, and open space/conservation.

General Plan Consistency

- (23) Code Section 18.72.050, “General Plan Consistency”, requires Specific Plan amendments to be consistent with the General Plan. The Specific Plan document includes a detailed analysis of the Specific Plan Amendment’s consistency with the various elements of the

General Plan, including Land Use, Circulation, Green Element, Safety, Noise, and Community Design (see Appendix A, "Consistency of the Mountain Park Specific Plan with the Goals and Policies of the Anaheim General Plan" of the Mountain Park Specific Plan). Staff has reviewed the consistency analysis and concurs that the project is consistent with the goals and policies of the General Plan.

- (24) General Plan - Housing Element Consistency: Effective January 1, 2003, Government Code Section 65863 restricts cities' ability to reduce the maximum allowable density on property in areas already designated or zoned for residential uses to a level below the density used by the State of California Housing and Community Development Department (HCD) when determining whether a city's housing element complied with state law. It is immaterial under the statute whether the reduction is initiated by a city or by a member of the public. A city may neither require nor permit the reduction of density of any such residentially-designated parcel, unless the following findings are made:
- (a) That the proposed reduction in density is consistent with the General Plan, including the Housing Element.
 - (b) That the remaining sites identified in the Housing Element are adequate to accommodate the City's share of the regional housing needs.

If a city cannot make the second finding, it may still make the reduction in density if it identifies sufficient "additional, adequate, and available sites" with an equal or greater residential capacity in the jurisdiction so that there is no net loss of residential unit capacity. In some instances, it may be necessary for the city to "up-zone" some other area of the city in order to legally accomplish a down zoning (Government Code Section 65863).

The City Attorney's Office has reviewed Section 65863 and advised that Government Code Section 65803 states that sections in Chapter 4, of which 65863 is a part, do not apply to charter cities except as otherwise provided. Since Section 65863 does not specifically indicate applicability to charter cities, it is believed that such provision does not apply to Anaheim, a charter city. However, as a practical matter the reclassification of property needs to be consistent with the General Plan, including the Housing Element. Anaheim has a Housing Element, approved by HCD, based upon the City's provision of certain identified Housing Opportunity Sites. To ensure that zoning actions remain consistent with the General Plan, the City utilizes the findings in Section 65863 as a model when property is rezoned to a density below that considered in the approved Housing Element as a method of determining continuing conformance with the assumptions contained therein.

The Housing Element was most recently updated in October 2002. It is a stand-alone document which includes an assessment of current and projected housing needs, and sets forth policies and proposals for the improvement of housing and the provision of adequate sites for housing to meet the needs of all economic segments of the City. It is important to note that the other General Plan Elements, including the Land Use Element, prepared in connection with the General Plan Update adopted in 2004, were prepared consistent with the goals and policies of the Housing Element.

As indicated in the Housing Element, the Southern California Association of Governments (SCAG) has identified the City's Regional Housing Needs as being 2,710 very low income units, 1,639 low income units, 2,625 low-moderate units and 4,534 above-moderate income units.

Overall, the adopted General Plan, as updated in May, 2004, provides for a slightly greater number of dwelling units (up to 129,159 units) than provided through the previously-existing General Plan (up to 126,821 units) and maintains the above-noted low income and low-moderate income dwelling unit requirements and more than satisfies the number of required above-moderate units. While some density reductions were adopted in certain areas of the City (e.g., the Mountain Park Specific Plan area) and within some primarily single-family residential neighborhoods in and around The Colony historic district), this is balanced by the introduction of additional residential development in the Downtown area (approximately 1,000 new housing units) and The Platinum Triangle (up to 9,175 new housing units) as well as opportunities to redevelop underutilized mid-block commercial areas with residential uses in the central and western portions of the City.

As mentioned above, the City's assigned number of above-moderate income housing units identified in the Housing Element is 4,534. The Element also provides credit for 750 units which have been constructed since 1998, leaving a remaining balance of 3,784 units to be accommodated. It was presumed when the Housing Element was adopted that many, if not all, of this remaining balance would be developed within the Mountain Park Specific Plan area. When the General Plan was updated in 2004, at the request of The Irvine Company, the land use designations for the Mountain Park area were modified to cap the density at a maximum of 2,500 dwelling units (versus the 7,966 units originally designated and entitled as part of the Mountain Park Specific Plan No. 90-4). As a result, 1,284 of the above-moderate income units originally assumed for Mountain Park are now being accommodated elsewhere in the City. For example, the 9,175 units adopted for The Platinum Triangle alone will more than accommodate the remaining balance of above-moderate income units identified in the Housing Element.

In September, 2004, the City Council adopted The Platinum Triangle Master Land Use Plan, the Platinum Triangle Mixed Use Overlay Zone and a Standardized Development Agreement to implement the PTMU Overlay Zone. These actions provide the planning framework and zoning for the implementation of the 9,175 units in The Platinum Triangle. Since that date, nine applications have been processed (four applications have been approved totaling 1,513 residential units and five applications are under review totaling 3,800 residential units).

The Housing Element will ultimately be updated in accordance with the timing specified per State law (Government Code Section 65588) and this update will reflect the land use changes identified in the adopted General Plan and Zoning Code Update (i.e., the changes to Mountain Park, The Colony and Downtown area and The Platinum Triangle), as well as any other changes which many occur in the interim as a result of future development proposals.

With regard to residential density, the proposed Mountain Park Specific Plan Amendment, which includes a reduction in residential density from 7,966 units to a maximum of 2,500 units, is in conformance with the adopted General Plan, including the Housing Element. The amendment to the Specific Plan zone to reduce the intensity of development was contemplated at the time the General Plan Update was adopted. Further, the overall number of above-moderate units assumed for the Mountain Park area in 2002, when the Housing Element was adopted, will be accommodated in Mountain Park and in other areas of the city as discussed above.

In addition, although the Zoning Code has no requirement for inclusionary housing, the project applicant has agreed to the following condition of approval (Attachment 4): "Upon

release for sale of any attached units within Development Area 5, the property owner/ builder will notify the Community Development Department of the sales prices of the attached units. If any of the units are within the affordable price range as defined by the Community Development Department, the property owner/ builder will, for a period of sixty (60) days from the release for sale, make up to twenty (20) percent of the released units exclusively available to the City to submit buyers to the property owner/ builder. If the City determines to use down payment assistance, the precise program, the number of units involved and the degree of assistance for first time buyers will be based upon available funding as determined by the City of Anaheim."

Development Area Plan:

- (25) The proposed Specific Plan amendment provides for the development of eleven (11) Development Areas (see the proposed Development Area Plan and statistical summary in Attachments 1D and 1E) for a list of land uses and zoning designations applicable to each Development Area). Chapter II(A) of the Specific Plan provides a detailed description of the various land use categories. Land uses proposed for Development Areas 1 through 11 are as follows:
- (a) Development Area 1: This development area consists of approximately 161 acres and is the southernmost development area within Gypsum Canyon on the east side of the Eastern Transportation Corridor (SR-241). The General Plan Land Use Element designates this area for Low-Medium Hillside Density Residential land uses. Proposed land uses include a maximum of 210 single-family detached dwelling units. Lot sizes within this development area will range from 5,000 square feet to 7,000 square feet. The Specific Plan requires at least 40% of these residential lots to be a minimum of 7,000 square feet in area.
 - (b) Development Area 2: This development area consists of approximately 87 acres and is located on the eastern edge of Gypsum Canyon on the east side of SR-241. The General Plan Land Use Element designates this area for Low-Medium Hillside Density Residential land uses. Proposed land uses include a maximum of 130 single-family detached dwelling units. Lot sizes within this development area will range from 4,000 square feet to 5,000 square feet.
 - (c) Development Area 3: This development area consists of approximately 88 acres and is located on the west side of SR-241. The General Plan Land Use Element designates this area for Low-Medium Hillside Density Residential land uses. Proposed land uses include a maximum of 50 single-family detached dwelling units, a 15-acre public community park site, and a 10-acre elementary school site. Lot sizes within this development area will range from 3,375 square feet to 4,000 square feet.
 - (d) Development Area 4: This development area consists of approximately 163 acres and is located adjacent to, and east of SR-241. The General Plan Land Use Element designates this area for Low-Medium Density Residential land uses. Proposed land uses include a maximum of 420 single-family detached dwelling units. This development area will consist of cluster-type residential products.
 - (e) Development Area 5: This development area consists of approximately 291 acres and is located at the northeast corner of the project site, on the east side of SR-241 adjacent to SR-91. The General Plan Land Use Element designates this area for

Low-Medium Density Residential land uses. Proposed land uses include a maximum of 1,595 units, including 770 single-family detached dwelling units and a maximum of 825 single-family attached dwelling units, and a private recreational facility. This development area will consist of cluster-type products and townhomes.

- (f) Development Area 6: This development area consists of approximately 5 acres and is located at the northwest corner of Santa Ana Canyon Road and Gypsum Canyon Road. Proposed land uses include a city-owned fire station, a trail staging area, and an approximately 3,000 square foot convenience store. The General Plan Land Use Element designates this area for Institutional land uses.
- (g) Development Area 7: This development area consists of approximately 36 acres and is located on the west side of SR-241, on the south side of the proposed Weir Canyon Road extension. The General Plan Land Use Element designates this area for Low-Medium Hillside Density Residential land uses. Proposed land uses include a maximum of 95 single-family detached dwelling units. Lot sizes within this development area will range from 3,375 square feet to 4,000 square feet.
- (h) Development Area Nos. 8, 9, 10, and 11: These development areas are preserved as permanent Open Space consisting of land designated for the Natural Communities Conservation Plan & Habitat Conservation Plan (NCCP/HCP - 940 acres), The Nature Conservancy Anaheim Conservation Easement (TNC ACE – 913 acres) or other Open Space (310 acres).

Circulation:

- (26) Chapter II(B) of the Specific Plan provides a detailed discussion and exhibits of the proposed Circulation System including roadway improvements for Weir Canyon Road, Santa Ana Canyon Road, and Gypsum Canyon Road. In addition, the SR-241/Weir Canyon Road interchange will be constructed as part of the project and a new over-crossing (Mountain Park Drive) connecting development areas on the west side of SR-241 to development areas on the east side of SR-241 is proposed.
- (27) Mountain Park will primarily be a gated community. The exceptions will be the dwelling units in Development Area 7 (south side of the Weir Canyon Road extension) and the public community park and elementary school site in Development Area 3. The project will have two (2) 24-hour guard gated entrances: one at Gypsum Canyon Road, south of Santa Ana Canyon Road, and another located on Mountain Park Drive, east of Weir Canyon Road. Vehicular access to the development will be limited; however, public access to regional riding and hiking trails and bikeways will not be restricted. All roadways within the gated areas of the development will be privately-owned and maintained.

Public Services and Facilities:

- (28) A detailed description of the Public Facilities Plan for Mountain Park is described in Chapter IV of the Specific Plan. City staff have analyzed the proposed Public Facilities Plan and have found that the proposed public services and facilities are adequate to serve the proposed development, with implementation of the project design features, standard conditions and mitigation measures in the Mitigation Monitoring Program No. 137 and the recommended conditions of approval for the project. Infrastructure and public services

covered by the Public Facilities Plan include the following (the exhibits referenced below are included in the Specific Plan amendment document):

- Drainage System: The drainage system is comprised of three systems including a high flow bypass line for undisturbed areas, an on-site storm drain system to collect water flow from the developed areas, and a low-flow water quality system to divert initial storm flows and dry-weather flows to a series of water quality basins. See Exhibit 15, Proposed Drainage System.
- Water System: The project includes the extension of water transmission mains to the project site and construction of three water storage reservoirs that will be screened from view by a combination of 1) partially burying the reservoirs, 2) berming or filling around the perimeter of the reservoir, and 3) landscaping. The exact location and design of the water reservoirs will be determined in conjunction with the preparation of project tentative tract or parcel maps. See Exhibit 16, Water System Plan.
- Sanitary Sewer System: The sanitary sewer system is divided into two service areas; East Basin and West Basin, that will serve development areas on the east and west sides of SR-241, respectively. See Exhibits 17-A and 17-B for the proposed Sanitary Sewer Plan and Alternative Sanitary Sewer Plans.
- Electrical and Telecommunications: Electrical service to the proposed development will be provided by Anaheim Public Utilities. Telecommunications circuits will primarily serve the communications needs of the electric, water and municipal facilities within the project site. Exhibit 18, Dry Utilities Plan, shows the proposed electrical and telecommunication systems.
- Natural Gas: Natural Gas will be provided to the project site by Southern California Gas (SCG) from two existing pipeline interceptors in the area. Proposed natural gas facilities are shown on Exhibit 18, Dry Utilities Plan.
- Telephone: Local telephone service to the project site will be provided by SBC Pacific Bell via its remote center at the intersection of Weir Canyon Road and Santa Ana Canyon Road. Exhibit 18, Dry Utilities Plan, shows the location of telephone facilities.
- Cable Television: Cable television and internet services within the project site will be provided by Adelphia Communications Company. See Exhibit 18, Dry Utilities Plan.
- Southern Trails (Questar) Pipeline: The project involves the relocation of a portion of the existing Southern Trails Pipeline in areas where the pipeline will be affected by grading. The pipeline is not currently in operation; however Questar (the owner of the pipeline) has plans to convert the pipeline from oil products transmission to a high-pressure natural gas line. Any relocation of the pipeline would need to be reviewed and approved by the City and the California Public Utilities Commission in accordance with the requirements set forth in Mitigation Measures MM10-2, MM10-3 and MM10-4 of Mitigation Monitoring Program No. 137.

Zoning and Development Standards:

- (29) The Mountain Park Specific Plan, Amendment No.1 includes new zoning and development standards intended to replace and supersede Chapter 18.112 "Mountain Park Specific Plan No. 90-4" of the Anaheim Municipal Code. The proposed zoning and development standards are modeled after the comprehensively-updated citywide Zoning Code. Chapter III of the proposed Specific Plan includes the proposed zoning designations and development standards (a copy of these standards are also provided in the draft resolution in Attachment 4 to this staff report).
- (30) The Mountain Park Specific Plan includes four Single-Family Detached Residential zone designations (RMP-1, RMP-2, RMP-3, and RMP-4) that are intended to regulate the development of development areas consisting of traditional single-family residential subdivisions. There are two Single-Family Cluster Residential zone designations (RMP-5 and RMP-6) that are unique to the Mountain Park Specific Plan and are intended to regulate the development of single-family attached products as well as unique small-lot single-family detached product types in Development Areas 4 and 5. Staff has reviewed the proposed development standards, including reviewing product types that are associated with the proposed standards and visiting developments in surrounding communities that were developed with similar standards and has determined that the development standards are appropriate to implement the goals and objectives of the community and will result in a safe, high quality development.

The Specific Plan also includes two Public and Special Purpose Zones: OSMP "Open Space Mountain Park Zone", which provides land use regulations for the preservation of open space areas within the project site, and PRMP "Public Recreational Mountain Park Zone", which serves to regulate properties located in Development Area 6, including the City-owned fire station, trail staging area and convenience store concession.

- (31) Chapter III, Zoning and Development Standards, also outlines procedures for the implementation of the Specific Plan. The Specific Plan shall be implemented through the processing of Development Area Plans, Large-lot Subdivisions, subsequent (builder) tentative tract or parcel maps, Site Plans and Specimen Tree Removal permits, as follows:
- (a) Development Area Plans (DAPs) will be processed for each of the residential Development Areas. A DAP will consist of all roadways, subdivision map boundaries, size and location of any public facilities (including school, park, or public recreational facilities, etc.), acreage and configuration of zoning districts, number and type of dwelling units, and a statistical summary. DAPs will be reviewed at duly noticed public hearings by the Planning Commission prior to or concurrent with the approval of the first tentative tract or parcel map within the Development Area.
- (b) Site Plans shall also be reviewed for consistency with the standards set forth in the Specific Plan at a duly noticed public hearings by the Planning Commission prior to or concurrent with the approval of residential tentative tract or parcel maps (except Large-Lot Subdivisions), or prior to issuance of building permits for proposed developments for which a tract or parcel map is not required.
- (c) The Mountain Park Specific Plan sets forth standards and procedures for the removal of specimen trees similar to the standards of the Scenic Corridor Overlay Zone. However, replacement of all specimen trees will be accomplished at a ratio of 4:1 with trees from the City's Replacement Tree List, regardless of the size of the specimen

tree being replaced. Additionally, the Specific Plan also establishes a separate Mountain Park Tree List to allow for the replacement of specimen trees up to an overall replacement of 20:1.

- (32) The Mountain Park Specific Plan also includes regulations for the following uses:
- (a) Signage: The Specific Plan sets forth standards for the regulation of temporary directional signage, permanent community entry signage, and neighborhood identification signage.
 - (b) Parking: The Mountain Park Specific Plan parking requirements meet citywide parking standards.
- (33) A comparison of the proposed zoning and development standards and citywide development standards is provided in Appendix D "Explanation of Proposed Development Standards" to the Specific Plan. This section also includes the justification for differences in development standards between the citywide Zoning Code and the proposed Specific Plan. Staff has reviewed and concurs with the submitted justifications. The proposed development standards are appropriate to meet the goals of the project, including minimizing the development footprint and impact to the project site by providing cluster-type development standards that efficiently utilize space, while encouraging social interaction through the provision of community recreational facilities and open space amenities.
- (34) The proposed development standards were also determined to be compatible with the existing development standards and product types in the adjacent communities of Sycamore Canyon and The Summit of Anaheim Hills. Section 4.1 of the Draft EIR contains a comprehensive land use compatibility analysis.
- To the east of the Mountain Park Specific Plan area is Coal Canyon. The Cypress Canyon Specific Plan (SP90-3) Zone for Coal Canyon was deleted from the City of Anaheim Zoning Code as part of the General Plan and Zoning Code update. A 15-acre parcel owned by Robertson's Ready-Mix is the only remaining part of the Cypress Canyon Specific Plan that could potentially be developed. The remainder of the Coal Canyon area is now part of the Coal Canyon Biological Corridor and is designated for Open Space Land Uses on the General Plan and is zoned for Open Space. The Robertson's parcel has a General Plan designation of Low-Medium Density Residential and is zoned RM-3. The site could be developed with up to 140 residential units; however, any development would be subject to separate environmental review pursuant to CEQA.
- (35) Fiscal Impact Analysis: For the Commission's information, the City Council will be considering the fiscal impacts of the project at their public hearing on the project. The proposed Specific Plan Amendment includes a condition of approval (Attachment 4) that requires the applicant to submit a fiscal impact report to the City Council prior to the Council hearing considering this request.
- (36) The Specific Plan includes a project phasing schedule that includes an estimated timeframe for buildout of the project. As currently envisioned, the project will have five (5) phases of development, as shown in the following table:

Phasing of Residential Development Areas					
Phase	Dev. Area	Gross Acres	Max. SFD*	Max SFA**	Total DU
I	3 and 7	128	145	0	145
II	4	163	420	0	420
III	5	291	770	825	1,595
IV	2	87	130	0	130
V	1	161	210	0	210
		830	1,675	825	2,500

* SFD – Single-Family Detached
 ** SFA – Single-Family Attached

- (37) An interdepartmental team of City staff has compiled the appropriate conditions of approval for the project to ensure the safe and orderly development of the Specific Plan area. A complete list of the proposed conditions of approval can be found in the draft resolution for the Specific Plan amendment (Attachment No. 4).
- (38) Based upon a review of the proposed Specific Plan and supporting documentation, staff has determined that the proposed Specific Plan amendment is in conformance with the adopted City of Anaheim General Plan and that the proposed zoning and development standards are appropriate for this community.

FINDINGS:

- (39) As previously indicated in paragraph (15), a Statement of Findings of Fact and a Statement of Overriding Considerations for Draft EIR No. 331 has been prepared for the proposed project and is included in Attachment 2 to this staff report. Said attachment may be revised, as appropriate, to reflect evidence presented during the public hearing process, project refinements and the final actions taken by the Planning commission.
- (40) Before the Commission grants any specific plan amendment, it must make a finding of fact that the evidence presented shows that all of the following conditions exist:
 - (a) That the property proposed for the specific plan has unique site characteristics such as topography, location or surroundings that are enhanced by special land use and development standards;
 - (b) That the specific plan is consistent with the goals and policies of the General Plan and with the purposes, standards and land use guidelines therein;
 - (c) That the specific plan results in development of desirable character that will be compatible with existing and proposed development in the surrounding neighborhood;
 - (d) That the specific plan respects environmental, aesthetic and historic resources consistent with economic realities.

RECOMMENDATION:

- (41) Staff recommends that unless additional or contrary information is received during the public hearing and, based upon its review and consideration of Final EIR No. 331 and the evidence submitted to the Commission, including the evidence presented in this Staff Report, and oral and written evidence presented at the public hearing, the Planning Commission take the following actions:
- (a) By resolution (Attachment No. 2), recommend that the City Council, unless additional or contrary information is received during the public hearing,, certify FEIR No. 331 and adopt a Statement of Findings of Fact, a Statement of Overriding Considerations and Mitigation Monitoring Program No. 137 and, determine that FEIR No. 331, and Mitigation Monitoring Program No. 137 for the Mountain Park Specific Plan, Amendment No. 1 and General Plan Amendment No. 2005-00436 are in compliance with CEQA and the State and City CEQA Guidelines and are adequate to serve as the required environmental documentation for the Proposed Project Actions based upon the findings set forth in the attached draft resolution.
 - (b) By resolution (Attachment No. 3), recommend that the City Council adopt General Plan Amendment No. 2005-00436, amending the Safety Element of the General Plan, Figure S-5, Fire Protection Areas to remove Mountain Park development areas from the Very High Fire Hazard Severity Zone, based on the findings set forth in the attached draft resolution.
 - (c) By resolution (Attachment No. 4), recommend that the City Council approve Amendment No. 1 to the Mountain Park Specific Plan No. 90-4, and further, amend the zoning and development standards of the Mountain Park Specific Plan by replacing and superseding Chapter 18.112 of the Anaheim Municipal Code as outlined in the attached resolution, based upon the findings set forth in the attached draft resolution.