

WILDLIFE CORRIDOR CONSERVATION AUTHORITY

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PLANNING DIVISION

August 12, 2002

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Alan Lawson, Senior Planner
City of Brea - Planning Division
1 Civic Center Circle
Brea, California 92821-5732

**Comments on Draft Environmental Impact Report
Canyon Crest Project**

Dear Mr. Lawson:

The Wildlife Corridor Conservation Authority (WCCA) offers the following comments on the above-referenced Canyon Crest Draft Environmental Impact Report (DEIR). In conjunction with the following comments, please consider our attached July 5, 2000 letter on the Notice of Preparation (NOP). WCCA may provide additional comments to the Brea Planning Commission after WCCA's upcoming September 4, 2002 Governing Board meeting.

WCCA was created to provide for the planning, conservation, environmental protection and maintenance of habitat and wildlife corridor between the Whittier-Puente Hills and the Cleveland National Forest in the Santa Ana Mountains.

Approval of the currently proposed project would require that the City of Brea adopt Statements of Overriding Considerations for numerous significant impacts, including those to wildlife movement, plant communities, trees, and aesthetic resources. The project objectives do not warrant adopting such statements. The project footprint must be reduced and modified to further avoid significant environmental impacts. Of primary concern to WCCA are the anticipated significant and unmitigatable impacts both to habitat connectivity and core wildlife habitat. Under no circumstances should a project be approved that compromises the viability of this regionally significant wildlife corridor in this critical location.

On the 367.6-acre site, about 237.2 acres onsite and 9.6 acres offsite of vegetation communities would be graded or cleared (DEIR, Table 4.1-1). This includes substantial impacts to walnut woodland, oak woodland, coastal sage scrub, chaparral, and grassland communities. Approximately 1,622 trees would be impacted, including 917 native walnuts and 671 coast live oaks.

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City of Brea
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As stated in WCCA's previous letter, the site is poorly suited for development. Not only would it result in significant unmitigatable biological and aesthetic impacts, the project is incompatible with existing topographic and safety constraints.

Regional Significance of Project Site for Wildlife Movement

The project site is of regional importance because it provides critical core wildlife habitat and it is a key location for wildlife movement between portions of the Puente-Chino Hills separated by Carbon Canyon Road. The project is located within Section 2 of Haas and Crooks (1999) study area in the Puente-Chino Hills. Haas and Crooks (1999) state the following regarding Section 1 (between SR 91 to Carbon Canyon Road) and Section 2 (Carbon Canyon Road to SR 57) of their study area: "[c]learly, this area [Section 1], combined with Section 2, represent *the most crucial block of core habitat within the Puente/Chino Hills*" [italics added]. WCCA staff notes that the project site is located in the middle of this core habitat area.

Only two broad habitat linkages remain across Carbon Canyon Road, located on either side of Olinda Village. The subject project area comprises all but a small section of the highest quality habitat linkage across Carbon Canyon Road located northeast of Olinda Village. These two linkages provide the only remaining regional habitat connections between the northern and southern portions of the Puente-Chino Hills. The project's central wildlife corridor is considered regionally significant (DEIR, p. 4.1-44). Specifically, Haas and Crooks (1999) indicate that these two areas are critical to maintaining linkages between the major drainages to the south and east (Telegraph and Soquel canyons) and the north and west (Sonome and Tonner). At least one figure must be provided in the DEIR that clearly shows these habitat linkages. These locations are particularly important in their connectivity value to bobcats. Haas and Crooks (1999) make the following observations/conclusions:

Furthermore, because the Sonome Canyon region has the highest bobcat track indices throughout the entire corridor..., it is essential that connections to this locality are preserved so that dispersal of bobcats into and out of Sonome Canyon can continue. Additionally, the presence of mountain lion scat in Carbon Canyon emphasizes the fact that if development continues along this road, valuable connections may be severed.

In addition, the DEIR (p. 4.1-12) states, "the project site represents one of the last large undeveloped areas allowing for wildlife movement."

Impacts to Wildlife Movement

The project does not provide for even one unobstructed viable movement corridor through the site. In fact the project will create numerous obstacles and deterrents for wildlife

movement in a relatively unconstrained area. These include direct obstacles/deterrents such as: new roads, increased traffic on existing roads, residential lots, new culverts, steep manufactured slopes, fencing, and retaining walls (DEIR, p. 4.1-44). These also include indirect obstacles/deterrents such as: lighting, human activity, pets, noise, etc. The DEIR must include an analysis of the combined adverse effects of multiple obstacles/deterrents to wildlife moving through the site. The DEIR must also analyze how wildlife moving in this area would be affected during construction, and whether and when animals would continue to use this area after construction.

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While increased roadkill is mentioned briefly in the wildlife impacts section, it must be fully disclosed and analyzed in the wildlife corridors impact section with respect to new roads, and increasing traffic on existing roads (e.g., Carbon Canyon Road) (p. 4.1-42). One of the principal factors contributing to habitat fragmentation has been the construction of roadways (Meffe et al. 1997, as cited in Haas and Crooks 1999). Roads can create barriers for all terrestrial animal species attempting to move between patches, increase mortality (i.e., by collisions with vehicles), and can create deleterious edge effects.

Wildlife mortality already occurs along Carbon Canyon Road (DEIR, Appendix [App.] 10.5, Wildlife Corridor Assessment; Haas and Crooks 1999). The project would result in approximately 2,400 new daily car trips (DEIR, p. 4.3-20). As Haas and Crooks (1999) point out: "...increasing traffic volume may have a significant impact on wildlife mortality along this stretch of road" (i.e., Carbon Canyon Road). The DEIR must specifically address the amount of roadkill in light of the proposed amount of trips, measures to minimize roadkill, and how proposed fencing (if any) would negatively affect wildlife movement.

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The DEIR is also deficient in that it does not recognize the inherent and unmitigatable pressure to manage (i.e., kill) wildlife when encounters between wildlife and people/pets increase.

The DEIR indicates that there are inherent problems with the proposed wildlife movement areas (p. 4.1-44). Proposals to accommodate wildlife movement on the site under the current project are an experiment with a high potential for failure and huge implications if they do fail. The project relies on mitigation to minimize these anticipated significant impacts to wildlife movement. Nevertheless, the DEIR (p. 4.1-45) acknowledges significant impacts to wildlife corridors would still result.

Need for Constraints Analysis

The Wildlife Corridor Assessment (DEIR, App. 10.5) provides useful information; however, any meaningful grasp of the potential impacts of this project on wildlife movement must be based on the following additional information (see five numbered items below). For

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example, a thorough constraints analysis must be conducted on the area that includes the two habitat linkages across Carbon Canyon Road located on either side of Olinda Village, including 2,000 feet on either side of the road. This information is vital to understanding the impacts from the project. Quite simply, one cannot assume that the offsite open space connections will be preserved in perpetuity. The probability of adjacent areas being developed must be disclosed.

1. Show all property ownership boundaries, including access, slope, and utility or access easements, overlain on USGS topographic base.
2. Show footprint of all approved development and all existing structures.
3. Provide a brief profile of the development footprint potential on each property based on general plan, access, sensitive biological resources, and topographic constraints.
4. Describe any special legal or recorded development constraints.
5. Provide detailed information about topographic constraints that would impede rapid movement by medium and large-bodied mammals.

Of note, this information must be provided for the area between Carbon Canyon Road and the southeastern boundary of the project. Without this information, and without assurances that this area will be protected in perpetuity, there is no justification for the DEIR to conclude that the proposed Wildlife Corridor B (DEIR, Exhibit 4.1-8) includes this area and will provide viably connected open space areas in perpetuity.

Specifically, the DEIR should identify current ownership, as well as future anticipated uses, of the area in the remainder of the Carbon Canyon Specific Plan area.

Other Biological Impacts

Significant ecological impacts would result from the loss of 1,622 trees. The project must be redesigned to maximize avoidance of native trees. The DEIR must identify the locations and acres to be planted for mitigation (including figure[s]), and must demonstrate how the mitigation will provide the same or better habitat values as those that are lost. The DEIR must disclose additional potential impacts to existing plant communities resulting from implementing this mitigation.

The DEIR must consistently reflect the acres of plant communities to be impacted (on and offsite), natural open space, and disturbed open space. Specifically, on p. 3-12, the acres of identified "natural open space" and "manufactured slopes" do not correspond with the "preserved acres onsite" in Table 4.1-1 (p.4.1-3). Fuel modification zones must not be

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quantified within "natural open space" (p. 3-12). A separate open space category is warranted for fuel modification.

The project site is located in Unit 9 of critical habitat for the federally threatened coastal California gnatcatcher, and a California gnatcatcher was heard adjacent to the site. This area potentially provides a linkage between breeding populations to the west and the south (App. 10.5, Biological Resources Assessment), and provides primary connectivity between core gnatcatcher populations and sage scrub habitat within the Central/Coastal Subregions of the Orange County Natural Communities Conservation Plan and the Western Riverside County Multiple Species Habitat Conservation Plan (FR 65; 206:63680-63743).

The cumulative impacts to California gnatcatchers in the Puente-Chino Hills from past and proposed projects are regionally significant. It is critical that this population of gnatcatchers in the Puente-Chino Hills be preserved. Locations of gnatcatchers can change from year-to-year and population numbers fluctuate naturally and as a result of anthropogenic causes. The currently known locations of gnatcatchers in the Puente-Chino Hills are not static. The site provides potential habitat. The DEIR must disclose the value of the site as potential habitat for gnatcatchers and the importance of the area for connectivity for this species. Additional avoidance must be implemented, along with appropriate mitigation for unavoidable significant impacts to gnatcatchers (e.g., restoration).

The project site has not adequately analyzed the impacts to southwestern pond turtle onsite. A pond turtle was observed onsite. The DEIR must identify the value of the site for dispersing individuals as well as potential breeders. Pond turtles rely on aquatic and upland habitats. The pond turtles could be adversely affected by new barriers to dispersal, changes in water quality, increased pet collecting, etc. Specifically, a reduction in overall peak runoff to Carbon Canyon Creek would result from the project (p. 4.8-6), which may also affect pond turtles.

Mitigation Measures for Significant Impacts

Some mitigation measures are ill-defined with minimal specificity, and there is no assurance they will be implemented. The proposed mitigation "possible land dedication to put greater distance between the project and the Park" (p. 4.5-29) is a good idea. The DEIR must specifically identify which areas and how much must be dedicated to a public agency. Other vague language that needs additional explanation includes: "[p]otential mitigation...may include...contribution to funding for wildlife crossings on Carbon Canyon Road" (p. 4.5-29). This must be presented as a highly specific and detailed requirement in the DEIR, and the DEIR must identify the amount to be contributed accompanied by a schedule for implementation.



Hills State Park would further exacerbate urban edge effects along the park edge and reduce the wilderness experience of park users on the trail system (DEIR, p. 4.2-9). Alternatives must be considered to reduce the degree of the aesthetic impacts.

DEIR Alternatives

As we stated in our July 5, 2000 letter, there is a direct correlation between reducing all of the potentially significant environmental impacts and incrementally downsizing the project. WCCA emphasizes that comparing the sizes of grading footprints for various alternatives, rather than the number of units, provides a more meaningful analysis for ecological impacts. We urge the City to require DEIR alternatives that maximize the avoidance of biological and visual impacts. Several viable open space areas should be provided for wildlife movement, one of which must completely include and preserve the large central drainage. Existing drainages should be preserved to the maximum extent. Redundancy in wildlife linkages areas provides the greatest potential that wildlife will successfully move through the site. In other words, if one linkage turns out to be ineffective, there are one or more other options. Project alternatives should also maximize avoidance of existing trees and more sensitive plant communities. In addition, project alternatives should minimize impacts to ridgelines, and minimize aesthetic impacts to Chino Hills State Park and Carbon Canyon Road.

WCCA's previous recommendation (WCCA's July 5, 2000 letter, pp. 3-4) for a reduced project footprint alternative should be analyzed in the CEQA document (see dark cross-hatched polygon on attached figure).

The "Reduced Density/Environmentally Superior Alternative" (DEIR, Exhibit 6.1-2) has some merit in that it provides for a largely undisturbed southeast-northwest wildlife movement area through the northern portion of the site. The CEQA document should consider a modified version of this alternative. The large drainage in the middle of the site should be completely avoided and a clear span bridge should be constructed over the creek. One or more wildlife movement east-west linkages should be provided at the southern end of the project. This might be accomplished by cutting off the southern-most lobe of the project and deleting any units directly adjacent to the proposed road at the western edge of the site and placing culverts to allow movement for small mammals (see modified Exhibit 6.1-2, attached).

In both of these above-recommended alternatives, WCCA's previous recommendations (from July 5, 2000 letter) should be incorporated. These include project modifications to reduce visual impacts to Chino Hills State Park to the west by using a berm and utilizing single story houses on the portion of the project closest to the park, using the approved water district access road to Olinda Village for emergency access, and incorporating clear span bridges over Carbon Canyon Creek. (We recognize that the following mitigation measure is proposed: "landscape materials may be used in conjunction with berming")



The following mitigation measure also warrants additional specificity: "[h]abitat restoration at edges of the road in the northern portion of the site and at road crossings with Carbon Canyon Road will be implemented" (p. 4.1-53, Measure 4.1-6). WCCA concurs that habitat restoration is a valuable tool to promote usage by wildlife. However, the following questions must be answered regarding this restoration: where, how much, how will success be ensured, will the restoration site be preserved in perpetuity, what are contingency measures, how will it be assured that this will not be a population sink? A mitigation measure states that fuel modification zones will include tall, dense plantings which will provide cover and encourage wildlife movement (p. 4.1-53). If the point of a fuel modification area is to thin out the vegetation, it is unclear how the vegetation will be dense and will encourage wildlife movement.

Mitigation for sensitive wildlife is inadequate (e.g., Measure 4.1-3b, p. 4.1-50). Conducting surveys is not mitigation; the purpose of a California Environmental Quality Act (CEQA) document is to identify sensitive resources, identify impacts, then propose mitigation based on those known or expected impacts. Deferring mitigation to the U.S. Army Corps of Engineers/California Department of Fish and Game permitting process and listing vague possibilities for mitigation is inadequate. The DEIR already concludes that numerous sensitive species are known to occur or are expected to occur onsite; those impacts should be analyzed and avoided in the DEIR. Furthermore, it appears the applicant is trying to defer mitigation for sensitive upland species through a permitting process for riparian impacts. Instead the DEIR must identify the impacts to sensitive wildlife species, avoidance measures, as well as the specifics of the mitigation, including locations and quantities of open space areas to be mitigated, methods for mitigation (e.g., preservation, restoration, etc.), mechanisms for permanent funding, etc.

Analysis of Impacts

Clearly any DEIR that is to be deemed complete must analyze all potential project elements. The following potential project elements may result in additional impacts which have not been analyzed: fire station, fire station helipad, and additional grading and fuel modification associated with any design changes (DEIR, p. 1-37). WCCA assumes any subsequent CEQA documents for this project will include analyses of impacts from these additional project elements. Otherwise, the environmental analysis is being piece-mealed.

Aesthetic Impacts

WCCA concurs that significant long-term aesthetical impacts onsite and offsite would result from the project (p. 4.2-8,9), and that approval of the proposed project would require a Statement of Overriding Considerations for these impacts. The DEIR indicates that "[t]he project would be highly visible along Carbon Canyon Road [a scenic highway per Brea's General Plan], as well as from more distant portions of Chino Hills State Park" (DEIR, p. 4.2-9). WCCA concurs that the off-site view of the development from the adjacent Chino



[Aesthetics; p. 1-8]. However, the current language does not ensure the berm will in fact be built.)

An independent economic analysis is the only way to determine the economic feasibility of these or other less damaging alternatives.

Preservation of Open Space

WCCA emphasizes that the project must be modified to further avoid impacts to wildlife linkages, ecological resources, and aesthetics. The language in the DEIR must guarantee that any project will permanently protect all ungraded areas through public fee and easement dedications. WCCA concurs with the intent of Mitigation Measure 4.1-1c: "Prior to Final Map Approval, permanent ungraded open space shall be identified as a combination of either conservation easement and/or agency fee title dedication." Specifically, WCCA recommends that the conservation easement(s) or land *be dedicated concurrent* with map recordation. Additionally, WCCA recommends that the DEIR specifically require overlapping conservation easements be granted to a public park agency and the City of Brea. It is critical that the DEIR specifically outline certain activities to be prohibited in the natural open space areas that could compromise the values of the natural open space. If such uses are allowed, the land should not be considered "natural open space" in the DEIR. The following is a partial list of activities that should not be allowed in the conservation easement areas: development, utilities, roads, grading, and grazing.

Please direct any questions and future correspondence to Judi Tamasi of our staff at (310) 589-3200 ext. 121.

Sincerely,



Bob Henderson
Vice-Chair

cc: U.S. Fish and Wildlife Service (Jonathan Snyder)
California Department of Fish and Game (Brad Henderson)
U.S. Army Corps of Engineers (Phyllis Traebold)
California Department of Parks and Recreation (Enrique Arroyo)
State Clearinghouse (Scott Morgan)

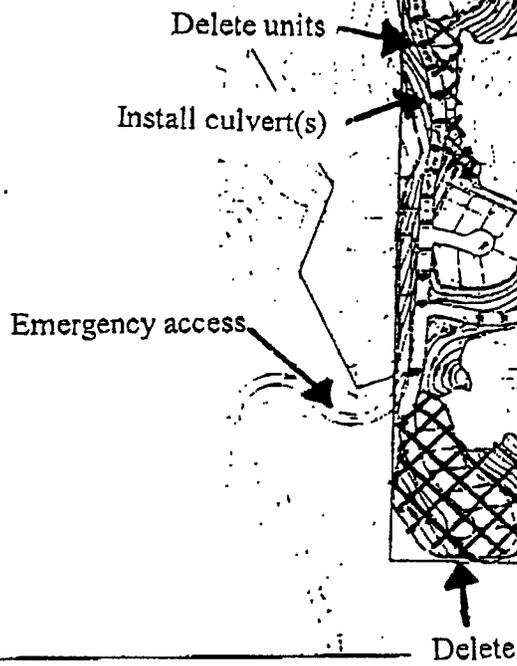
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Literature cited

Federal Register Vol. 65, No. 206:63680-63743. Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Coastal California Gnatcatcher; Final Rule.

Haas, C. and K. Crooks. 1999. Carnivore, Abundance and Distribution Throughout the Puente-Chino Hills: Final Report. Prepared for the Mountains Recreation and Conservation Authority and State of California Department of Transportation District 8.

Meffe, G.K., R.C. Carroll, and contributors. 1997. Principles of Conservation Biology. Sinauer Associates, Inc. Sunderland, MA.



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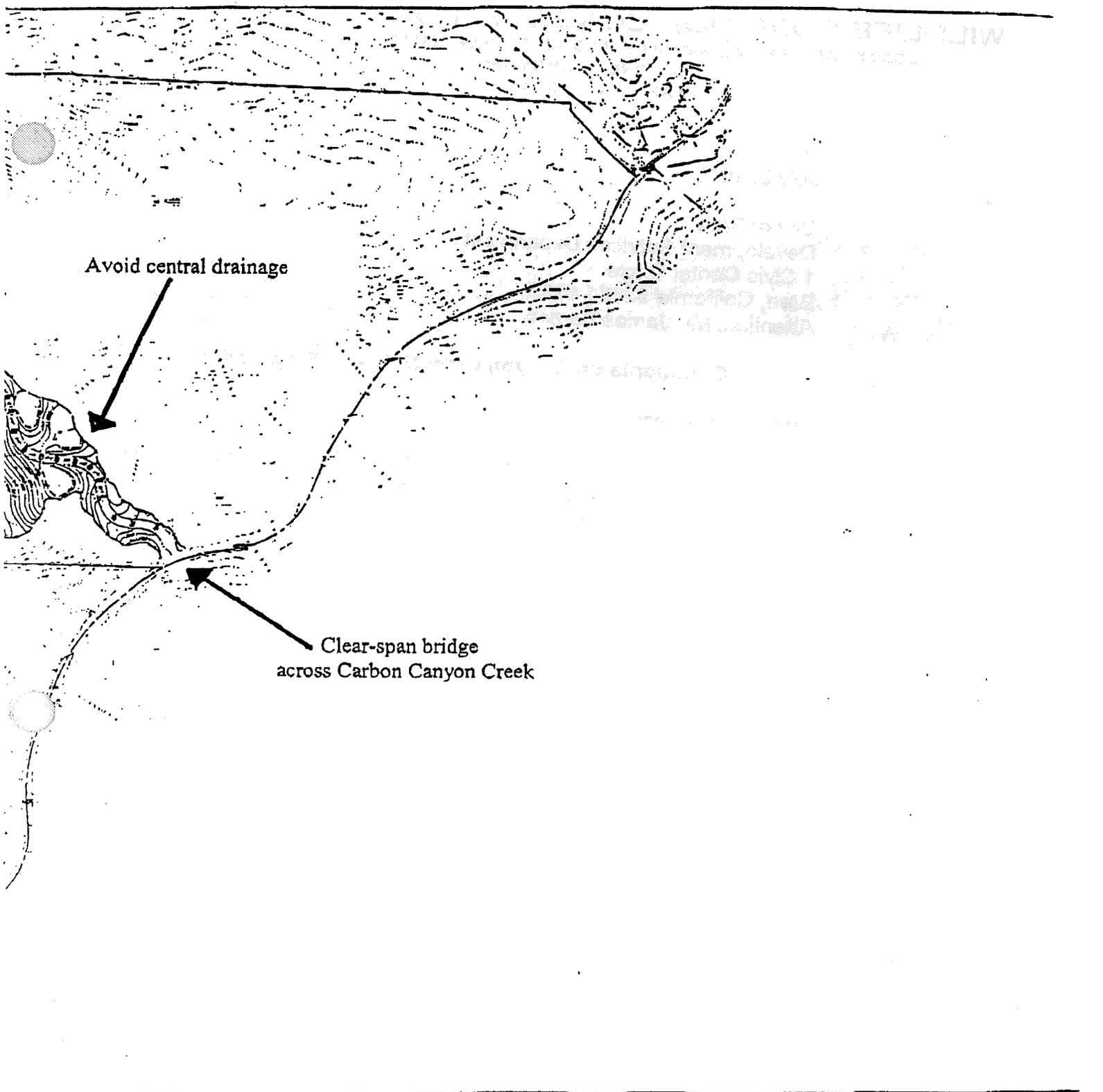
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Scale

F PLANNING ■ DESIGN ■ CONSTRUCTION

06/02

JN 10-100349



See WCCA's August 12, 2002
letter for explanation

MODIFIED

CANYON CREEK
ENVIRONMENTAL IMPACT REPORT
Environmentally Superior Alternative

Exhibit 6.

WILDLIFE CORRIDOR CONSERVATION AUTHORITY

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July 5, 2000

City of Brea
Development Services Department
1 Civic Center Circle
Brea, California 92821-5732
Attention: Mr. James Barnes

Comments on Canyon Crest Notice of Preparation

Dear Mr. Barnes:

The Wildlife Corridor Conservation Authority offers the following comments on the Notice of Preparation of an Environmental Impact Report for the proposed Canyon Crest project. This agency concurs in full with the comments dated June 20, 2000, submitted by the Los Lagos District of the California Department of Parks and Recreation.

Prior project descriptions included an additional north-south trending area along the project's current western boundary north of Olinda Village. The Draft Environmental Impact Report should address why this area has been omitted and the property's current ownership.

This agency concurs with the Initial Study that the project has the potential to result in significant impacts in the following areas: traffic, aesthetics, air quality, biological resources, geology and soils, fire hazard, water quality and hydrology, population and housing, and utilities and services.

The proposed project area is poorly suited for development. All of the developable area is located on ridgelines visible from Chino Hills State Park and Carbon Canyon Road. In addition, multi-thousand foot access roads through steep terrain are necessary to access these proposed ridgeline development areas.

The proposed development area is also in an ecologically rich habitat linkage that connects the two principal core habitat areas of the Puente

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OF FISH AND GAME

Canyon Crest NOP Comments

July 5, 2000

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Hills. The development outcome of the subject property will directly determine the long-term ability of the Puente Hills and all connected habitat areas to the west to maintain populations of medium and large-bodied mammals.

The Draft Environmental Impact Report (DEIR) must address, and show graphically, the fact that only two broad habitat linkages remain across Carbon Canyon Road. These two linkages are located on either side of Olinda Village. These linkages offer the last opportunity to maintain a regional level habitat connection between the northern and southern portions of the Puente Hills. The DEIR must address the potential consequences of either of these two cross-Carbon Canyon Road natural connections being irreparably compromised by residential development. The subject project area comprises all but a small section of the highest quality habitat linkage across Carbon Canyon Road located northeast of Olinda Village.

The DEIR must disclose a broad list of constraints within these two described habitat linkages that also connect the two main lobes of Chino Hills State Park. The two areas that must be focused on are swaths of land 2,000 feet to either side of Carbon Canyon Road between the Olinda Heights project and Olinda Village and between the San Bernardino County line and Olinda Village. The inclusion of the following list of information and constraints in the DEIR is imperative to allow decision-makers to understand the direct and cumulative ecological impacts of developing the subject property at different intensities. The absence of any of this information will not allow decision-makers to make a fully informed decision. Even if the applicant must fund preliminary title reports on all the relevant parcels, each piece of information is crucial to adequately plan wildlife corridors.

1. Show all property ownership boundaries, including access, slope, and utility or access easements, overlain on USGS topo base.
2. Show all approved development and all existing structures.
3. Provide a brief profile of the development footprint potential on each property based on general plan, access, sensitive biological resources, and topographic constraints.
4. Describe any special legal or recorded development constraints.
5. Provide detailed information about topographic constraints that would impede rapid movement by medium and large-bodied mammals.

For example, the project applicant may not have connecting ownership interface along Carbon Canyon Road for a distance of several thousand feet north of Olinda Village. The

DEIR analysis must fully address the opportunities and constraints on these private sections of land for connecting the proposed open space areas on the Canyon Crest property to Carbon Canyon Road.

Our scientific staff has determined that a direct correlation exists between reducing all of the potentially significant environmental impacts and incrementally downsizing the project. Correspondingly the level of public benefit also increases incrementally as the project is incrementally downsized.

Because of the litany of potential significant impacts identified in Initial Study, the California Environmental Quality Act requires the City to design the project to avoid, minimize, or mitigate these potential impacts to the maximum extent possible. We urge the City to require DEIR alternatives that fully maximize the avoidance of biological and visual impacts. This agency cannot foresee any overriding considerations to support any development above or beyond the legally permissible minimum allowable density.

The relevant 1986 Specific Plan allows an absolute maximum density of 358 units. That number was derived in a time prior to extensive understanding about regional habitat linkages. The DEIR must provide a complete and definitive answer to the following question: With the strictest application of the City's Hillside Development Ordinance, what is the minimum number of units and minimum lot sizes to which the applicant would have to adhere?

The best way to compare the ecological impacts of development scenarios is by the size of their grading footprints as opposed to the number of housing units. The DEIR discussion of the above subject must address the importance of this distinction. Ecologically the grading footprint of a project has more bearing on the severity of impacts than the number of units. For example two quarter-acre home sites, for most intents and purposes, have the same impact as one half-acre home site.

DEIR Alternatives

The proposed project fails to avoid significant impacts to the described wildlife habitat linkage across Carbon Canyon Road and to over one mile of prominent ridgeline. For this reason the DEIR must include at least two economically feasible alternatives that maximize avoidance of these significant impacts.

The DEIR must address the issue of the applicant's authority to deem what constitutes an economically feasible development alternative. In our experience the only credible and objective tool for making such determinations is to fund an independent economic analysis of the various development proposals.

Based on the economic feasibility criteria used in the DEIR, the DEIR range of alternatives should include one proposed project that is configured to be at the threshold between economic feasibility and infeasibility. If this threshold is not approximately definable via a hypothetical project footprint(s) in the DEIR, then any statement by the applicant about what is feasible or infeasible is ungrounded and subjective.

The City does not have to approve any portion of a project that is totally incompatible with existing terrain. Since this alternative has not been defined in a DEIR, we have provided a map that defines where all onsite development should be restricted to adequately provide for viewshed, habitat linkage, and general habitat resources. This suggested "developable" area is shown as a single darkly cross-hatched polygon overlain on the existing NOP development proposal.

Several critical development conditions must accompany this suggested maximum grading footprint. Because the entire western flank of suggested development area would abut, and be visible from, Chino Hills State Park, one of two methods must be employed to screen the western edge of the development. Either a back cut, or more likely, a berm would define the western edge of the development area. This elevated earthen boundary would screen any view of structures from any point in the State Park west of the project site that is at an equal or lesser elevation than the proposed structures. The use of single story homes and low road lines would help accomplish this objective.

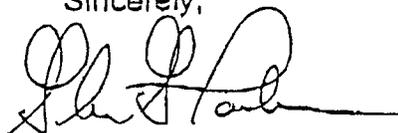
The only emergency access road allowed to Olinda Village should be duplicative of the approved water district access road. Preferably no new access roads should be extended from Olinda Village with the water district taking access from the proposed tract.

All DEIR alternatives should require clear span bridges over Carbon Canyon Creek to maintain aquatic habitat continuity.

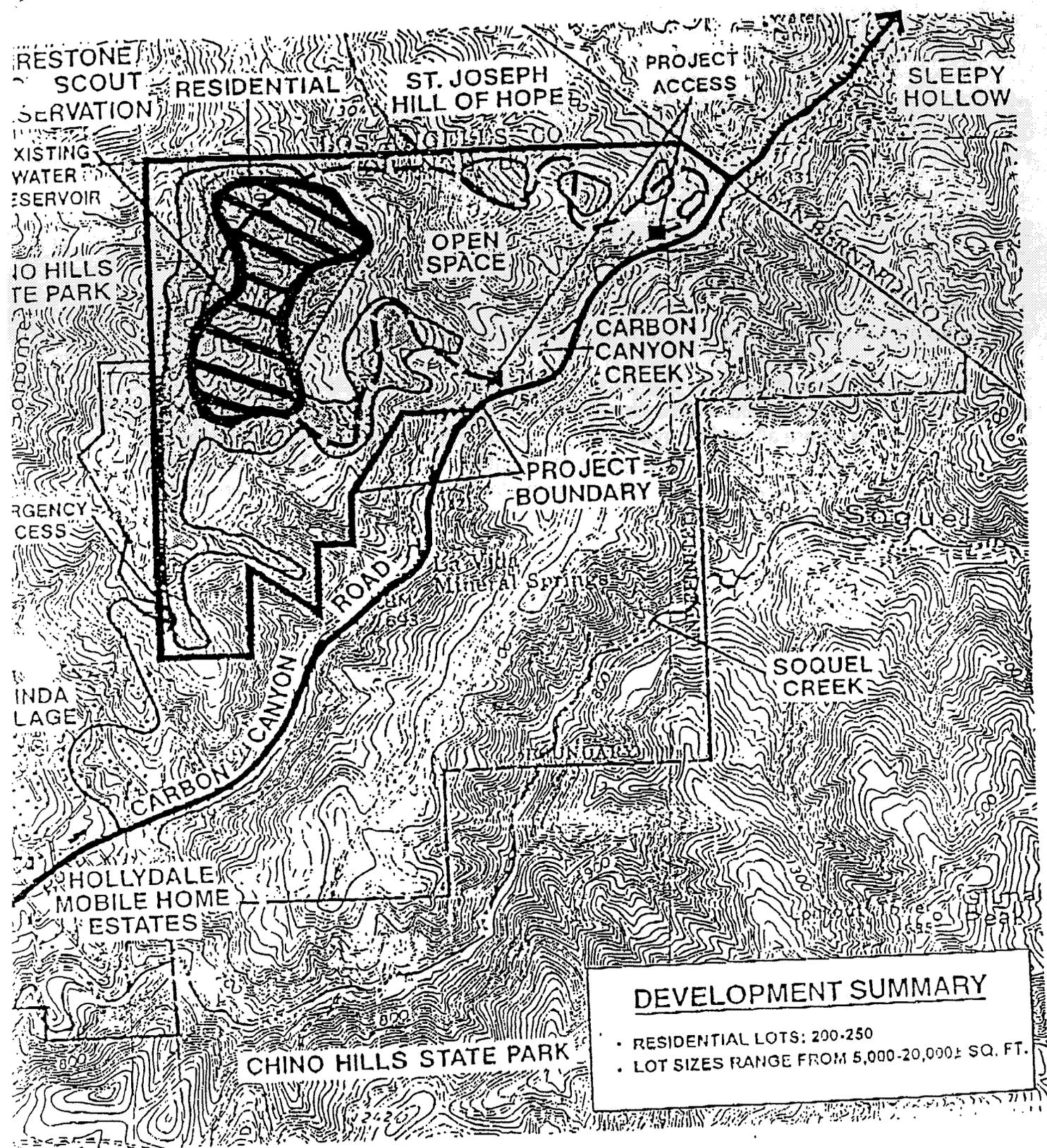
All DEIR alternatives must include permanent protection of all ungraded area via granting a combination of conservation easements and fee title dedications to a public park agency and the City of Brea.

Please contact Paul Edelman of our staff at (310) 589-3230 ext. 128 if you have any questions.

Sincerely,



Glenn Parker
Vice-Chairperson



DEVELOPMENT SUMMARY

- RESIDENTIAL LOTS: 200-250
- LOT SIZES RANGE FROM 5,000-20,000± SQ. FT.

CONCEPTUAL DEVELOPMENT PLAN
CANYON CREST

