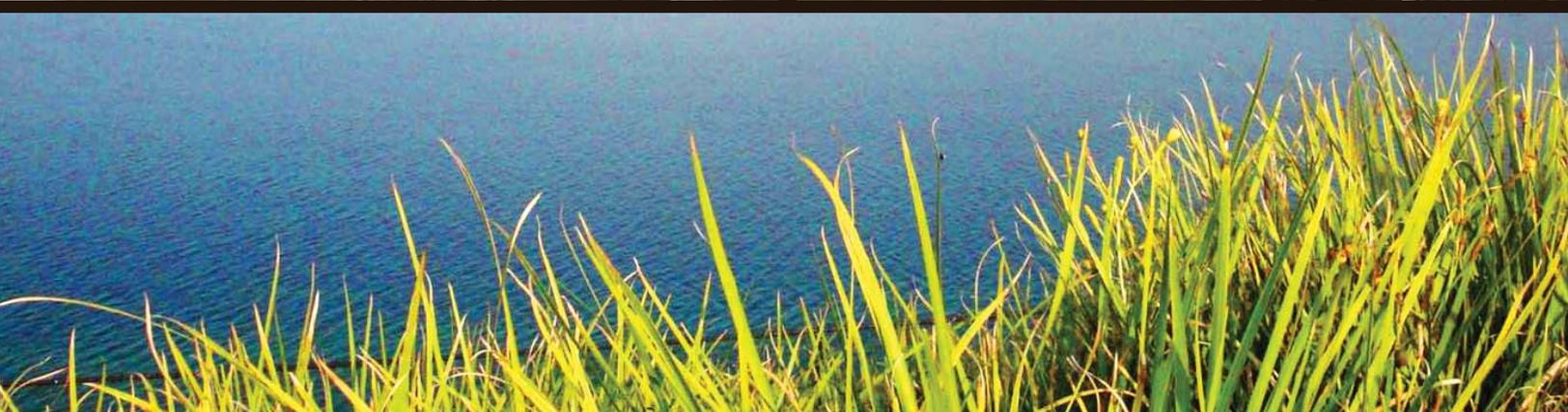




City of Mission Viejo

MISSION VIEJO GENERAL PLAN FINAL PROGRAM EIR AND RESPONSES TO COMMENTS

May 2013





Final Program EIR and Responses to Comments Mission Viejo General Plan Update

State Clearinghouse # 2012031065

May 2013

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Table of Contents

<u>Section</u>	<u>Page</u>
1.0 INTRODUCTION.....	1-1
1.1 Organization.....	1-1
1.2 Environmental Review Process.....	1-2
1.3 Comment Letters	1-2
1.4 Project Summary.....	1-3
2.0 DRAFT PROGRAM EIR COMMENTS AND RESPONSES.....	2-1
2.1 Written Comments and Responses	2-1
2.1.1 List of Comment Letters.....	2-1
Letter 1 – Public Utilities Commission	2-2
Letter 2 - Native American Heritage Commission	2-4
Letter 3 - The Gas Company.....	2-9
Letter 4 - Airport Land Use Commission.....	2-11
Letter 5 - Department of Transportation, District 12	2-14
Letter 6 - Orange County Transportation Authority	2-17
Letter 7 - City of Rancho Santa Margarita	2-19
Letter 8 - Governor's Office of Planning and Research	2-21
Letter 9 - Orange County Public Works	2-24
3.0 CHANGES TO THE DRAFT PROGRAM EIR	3-1
3.1 Introduction	3-1
3.2 Errata Pages	3-1



LIST OF FIGURES

<u>Figure</u>		<u>Page</u>
3.5-2	Existing Public Transportation and Railroad.....	3-2

LIST OF TABLES

<u>Table</u>		<u>Page</u>
1-1	Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan.....	1-4
2-1	Comment Letters Received on the Draft Program EIR	2-1



CHAPTER 1 – INTRODUCTION

1.1 Organization

This document is the Final Environmental Impact Report (Final EIR) for the Mission Viejo General Plan Update project. It also serves as the Responses to Comments on the March 2013 Draft Program EIR. This document relies on and references information available in the City's public record related to the proposed project and Draft Program EIR and is an informational document that has been prepared by the City of Mission Viejo as the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.).

According to the CEQA Guidelines (Section 15132), a Final EIR must consist of the following elements:

- The Draft EIR or a revision of that draft.
- Comment and recommendations received on the Draft EIR either verbatim or in summary.
- A list of persons, organizations, and public agencies that commented on the Draft EIR.
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- Any other information added by the Lead Agency.

This Final EIR serves to complete the environmental document process required by CEQA and includes the following information:

Section 1.0 – Introduction: This section provides an introduction to the Final Program EIR and a list of comment letters received on the Draft Program EIR.

Section 2.0 – Comment Letters and Responses: This section provides a list of persons commenting on the Draft Program EIR, copies of the written comments (numerically coded for reference), and the responses to those comments put forth by the City of Mission Viejo.

Section 3.0 – Changes to the Draft Program EIR: This section includes all corrections and additions to the Draft Program EIR text made as a result of comments received. Additional revisions include accuracy and completeness corrections. Any changes in text are indicated by underline/strikeout revisions.

Although not included within the cover of this Final Program EIR, the Draft Program EIR, as issued for public review on March 22, 2013, is incorporated herein by reference and is revised as shown in Section 3.0. Collectively, this document and the Draft Program EIR, as revised by Section 3.0 herein, constitute the Final Program EIR.



1.2 Environmental Review Process

The City of Mission Viejo issued a Notice of Preparation of Draft Program EIR (NOP) on March 19, 2012, announcing preparation of an environmental document for the proposed Mission Viejo General Plan Update project.

The NOP with CEQA Initial Study were sent to various persons, agencies, and organizations that would likely be interested or affected by the proposed project. Additionally, a notice was published notifying agencies and persons about the environmental process, where to review copies of the NOP/IS, and how to participate in the process. Two project scoping meetings were also held at the City of Mission Viejo on April 2, 2012 in the afternoon and in the evening to solicit input and comments from the public. The meetings were announced through a notice in the local paper and notifications to the surrounding jurisdictions and related responsible agencies.

A total of eight comment letters/emails were received during the NOP review period, which began on March 19, 2012 and ended April 19, 2012. The comments received during the 30-day public review period were considered by the lead agency in determining the scope of the issues to be addressed in the Draft Program EIR.

Upon completion and finalization of the Draft program EIR, it was circulated for the CEQA mandated 45-day review period, which began on March 22, 2013 and ended on May 6, 2013. A total of nine comment letters were received on the Draft Program EIR.

A Planning and Transportation Commission hearing will be held on June 10, 2013 to take public testimony regarding the proposed project and to make a recommendation to the City Council. The City Council will consider the project after the Planning and Transportation Commission has forwarded its recommendations.

1.3 Comment Letters

During the public review period a total of nine comment letters on the Draft Program EIR were received by the City of Mission Viejo. The comment letters were received from:

1. Public Utilities Commission (PUC), March 29, 2013
2. Native American Heritage Commission (NAHC), April 2, 2013
3. The Gas Company (TGC), April 11, 2013
4. Airport Land Use Commission (ALUC), May 6, 2013
5. Department of Transportation (DOT), May 6, 2013
6. Orange County Transportation Authority (OCTA), May 6, 2013
7. City of Rancho Santa Margarita (RSM), May 6, 2013
8. Governor's Office of Planning and Research (OPR), May 7, 2013

9. Orange County Public Works (OCPW), May 8, 2013

The City's responses to these comment letters are contained in Section 2.0 of this document.

1.4 Project Summary

The Draft Program EIR for this project addressed the environmental issues, alternatives, and impacts associated with implementation of the proposed project. This EIR has been prepared in conformance with the California Environmental Quality Act of 1970 (CEQA) statutes (California Public Resources Code, Section 21000 et. seq.), and the Guidelines for Implementation of CEQA published by the Resources Agency of the State of California (California Administrative Code Section 15000 et. seq.). The Draft Program EIR complies with rules, regulations, and procedures of CEQA Guidelines Section 15080 through 15097 regarding the EIR process. The City of Mission Viejo is identified as the lead agency for the proposed project.

The proposed project is the adoption and implementation of updates to the three elements of the Mission Viejo General Plan: the Land Use Element, Conservation/Open Space Element and Circulation Element. The Program EIR provides a program-level assessment of the general environmental impacts resulting from the updates to and implementation of policies established within the General Plan, in addition to any impacts related to preparation and implementation of the proposed Sustainability Action Plan.

The Draft Program EIR analyzed the potentially significant environmental impacts of the proposed project. The potential cumulative impacts, that is, the effects of the proposed project in conjunction with past, present, and reasonably foreseeable future projects in the surrounding area, were also analyzed. The Draft Program EIR identified alternatives to the proposed project and discussed possible ways to reduce or avoid the potentially significant environmental impacts.

For purposes of providing a summary of the Draft Program EIR, the project summary matrix is included herein, which shows project-specific and cumulative significant impacts, the level of significance, and the mitigation measures recommended in the Draft Program EIR. The project summary matrix incorporates the changes to the mitigation measures, if necessary; however, Section 3.0 of this Final Program EIR specifically includes the changes and the errata pages to the Draft Program EIR.



Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
3.1 AIR QUALITY		
Conflict with or obstruct implementation of the applicable air quality plan Implementation of the General Plan update and Sustainability Action Plan would not conflict with or obstruct the implementation of the RAQS and/or applicable portions of the SIP, and, therefore, is consistent with SCAQMD current air quality planning efforts. (Less than Significant)	No mitigation is required.	Less than Significant



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Violate any air quality standard or contribute substantially to an existing or projected air quality violation</p> <p>The General Plan update and Sustainability Action Plan would result in significant construction and operational impacts associated with criteria air pollutants and precursors that could violate any air quality standard or contribute substantially to an existing or projected air quality violation. (Significant)</p>	<p>AQ-1 Reduce Construction-Related Emissions. The City and project contractors shall implement the following measures during all construction activities involving demolition or exterior construction. Furthermore, a fugitive dust control plan shall be developed and approved by SCAQMD for all projects prior to issuance of a grading permit and commencement of construction activities. The dust control plan shall specifically identify measures that would minimize generation of fugitive dust from all construction activities. In addition, the following standard measures shall be implemented:</p> <ul style="list-style-type: none"> • Comply with and implement all applicable SCAQMD rules and regulations that pertain to construction activities (e.g., asphalt paving ROG requirements, administrative requirements, fugitive dust management practices). Implement all construction-related requirements recommended by the air district or local government. • Apply water as necessary to prevent visible dust emissions. • Apply water, nontoxic chemical stabilizers, or dust suppressants, or use tarps or other suitable material in all disturbed areas that will not be utilized for 10 days or more. • Prevent carryout and track out of fugitive dust on construction vehicles. Methods to limit carryout and track include, but are not limited to, using wheel washers and/or metal tracks at the site egress(es), sweeping any track out on adjacent public streets at the end of each workday, and lining access points with gravel, mulch, or wood chips. 	<p>Construction: Significant and Unavoidable</p> <p>Operation: Significant and Unavoidable</p>



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
	<ul style="list-style-type: none"> • Cover or wet the filled cargo compartment of all transport trucks to limit visible dust emissions during transport, and maintain at least 2 feet of freeboard space from the top of a container. • Install sandbags or other erosion control measures on sites with a slope greater than 1 percent to prevent silt runoff to public roadways. • Maintain all construction equipment according to the manufacturers’ specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated. • Minimize idling time either by shutting off equipment when it is not in use or reducing the time of idling to no more than 5 minutes. Provide clear signage regarding idling at site access points. • Use alternative fueled (e.g., compressed natural gas [CNG], liquefied natural gas [LNG], propane), or electric-powered construction equipment where feasible. • Use equipment with diesel oxidation catalysts, catalyzed diesel PM filters, or other applicable air district-approved emission reduction retrofit devices where feasible. <p>AQ-2 The City shall work with SCAQMD and new development to identify projects that would cause a significant air quality impact. When significant impacts are determined, the City shall work with new development to ensure all applicable General Plan policies are fulfilled by the project and identify and require the implementation of additional mitigation measures that would be consistent with the</p>	



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>General Plan goals and policies to reduce air quality pollutant emissions.</p> <p>AQ-3 The City shall work with SCAQMD and SCAG to implement and enforce air quality reduction measures in the AQMP to meet all federal and state ambient air quality standards. Projects within the City that have significant air quality impacts should be required by the City to implement mitigation consistent with the goals and measures in the AQMP. The City shall participate in any future amendments and updates to the AQMP when possible.</p>	



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Expose sensitive receptors to substantial pollutant concentrations</p> <p>Implementation of the General Plan update and Sustainability Action Plan would expose sensitive receptors to substantial TAC concentrations. (Significant)</p>	<p>AQ-4 Require use of SCAQMD’s Localized Significance Thresholds (LST) for construction-related emissions. If construction emissions would exceed the SCAQMD’s LSTs, the project shall prepare a health risk assessment of construction emissions and implement all feasible mitigation to reduce impacts to a less-than-significant level (i.e., less than 10 in a million cancer risk and less than 1.0 hazard index).</p> <p>AQ-5 If and when needed, which should be determined through the environmental review process under CEQA, a health risk assessment that identifies health risk levels from nearby TAC sources shall be prepared for sensitive land uses (e.g., residential, hospital, convalescent home) that would be developed within 500 feet of I-5 or other stationary sources producing TACs. When health risk levels at the proposed sensitive receptor land uses are determined to exceed applicable significance thresholds, the proposed project shall implement mitigation measures into the project’s design and/or implement alternative approaches to land use development that would reduce TAC exposure to proposed or nearby sensitive receptors. These mitigation measures and land use development approaches should use recommendations from ARB and local air districts, if and when possible. Mitigation measures to reduce TAC impacts to a less-than-significant level include, but should not be limited to setbacks, buffers, and air filters.</p>	<p>Less than Significant</p>



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Create objectionable odors affecting a substantial number of people</p> <p>Implementation of the General Plan update and Sustainability Action Plan would not create objectionable odors affecting a substantial number of people. (Less than Significant)</p>	<p>No mitigation is required.</p>	<p>Less than Significant</p>
<p>3.2 GREENHOUSE GAS EMISSIONS</p>		
<p>Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment</p> <p>Implementation of the General Plan update and Sustainability Action Plan would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (Significant)</p>	<p>GHG-1 To reduce construction-generated GHG emissions, projects seeking discretionary approval from the City shall implement all feasible measures for reducing GHG emissions associated with construction that are recommended by the City and/or SCAQMD at the time individual portions of the site undergo construction.</p> <p>The project applicant(s) for any particular discretionary project may submit a report to the City that substantiates why specific measures are considered infeasible for construction of that particular discretionary project and/or at that point in time. By requiring that the list of feasible measures be established prior to the selection of a primary contractor, this measure requires that the ability of a contractor to effectively implement the selected GHG reduction measures be inherent to the selection process.</p> <p>The recommended measures for reducing construction-related GHG emissions at the time of writing this EIR are listed below. The list will be updated as new technologies or methods become available. The</p>	<p>Construction: Less than Significant Operation: Significant and Unavoidable</p>



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>project applicant(s) shall, at a minimum, be required to implement the following:</p> <ul style="list-style-type: none"> • Improve fuel efficiency of construction equipment: <ul style="list-style-type: none"> ○ reduce unnecessary idling (modify work practices, install auxiliary power for driver comfort); ○ perform equipment maintenance (inspections, detect failures early, corrections); ○ train equipment operators in proper use of equipment; ○ use the proper size of equipment for the job; and ○ use equipment with new technologies (repowered engines, electric drive trains). • Use alternative fuels for electricity generators and welders at construction sites such as propane or solar, or use electrical power. • Use an ARB-approved low-carbon fuel, such as biodiesel or renewable diesel for construction equipment. Emissions of NO_x from the use of low carbon fuel must be reviewed and increases mitigated. Additional information about low-carbon fuels is available from ARB’s Low Carbon Fuel Standard Program. • Reduce electricity use in the construction offices by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones. 	



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
	<ul style="list-style-type: none"> • Recycle or salvage nonhazardous construction and demolition debris. • Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk, and curb materials). • Develop a plan to efficiently use water for adequate dust control. This may consist of the use of nonpotable water from a local source. <p>GHG-2 As a part of a contractor demolition package, require 25 percent of nonhazardous debris (excluding excavated soil and land-clearing debris) to be recycled or salvaged. Work with contractors to share best practices on building recycling and reuse and demolition techniques to minimize waste, dust generation, water and energy use and other impacts of construction and demolition work.</p> <p>GHG-3 Upgrade the local building code to incorporate California Green Building Standards Code requirements on a regular and timely manner as mainline construction practices develop and new materials and building products become available with the goal of meeting the state’s Net Zero Energy goals for new residential development by 2020 and new commercial development by 2030.</p>	
<p>Conflict with an applicable plan, policy, or regulation adopted to reduce greenhouse gas emissions Implementation of the General Plan would not conflict with the AB 32</p>	<p>GHG-4 Update the Sustainability Action Plan to meet any future community-level emissions targets established by the State.</p> <p>Developing additional mitigation to meet statewide emission reduction goals to the year 2050 is currently infeasible.</p>	<p>Significant and Unavoidable</p>



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Scoping Plan for purpose of reducing GHG emissions. However, reductions beyond 2020 capable of achieving an emission level of 80 percent below 1990 levels are uncertain at this time, as is the City’s role in developing local measures to parallel the state’s efforts. (Significant)</p>		
<p>3.3 LAND USE</p>		
<p>Physically divide an established community Implementation of the General Plan update and Sustainability Action Plan would not result in the division of an established community. (Less than Significant)</p>	<p>No mitigation is required.</p>	<p>Less than Significant</p>
<p>Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect Implementation of the General Plan update and Sustainability Action Plan would result in land use</p>	<p>No mitigation is required.</p>	<p>Less than Significant</p>



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
designation changes that would conflict with the existing Zoning Ordinance. (Less than Significant)		
3.4 NOISE		
<p>Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or Municipal Code, or applicable standards of other agencies</p> <p>Implementation of the General Plan update and Sustainability Action Plan would allow for development and redevelopment that could conflict with adopted noise standards. (Significant)</p>	<p>N-1 Acoustical studies shall be required for all discretionary projects where any of the following apply:</p> <ul style="list-style-type: none"> • The project includes a noise-sensitive land use that is located within the existing or future 60-dBA CNEL contour for transportation noise sources. • The project will cause future traffic volumes to increase by 25 percent or more on any roadway that fronts residential, institutional, or open space land uses. • The project will expose a noise-sensitive land use to a stationary noise source exceeding the standards outlined in the Noise Element. Such stationary sources may include mechanical equipment operations, entertainment venues, industrial facilities, and property maintenance. • The project includes a noise-sensitive land use in the vicinity of existing or proposed commercial and industrial areas. • The project is a mixed-use development that includes a residential component. The focus of this type of acoustical study is to determine likely interior and exterior noise levels and to recommend appropriate design features to reduce noise. <ul style="list-style-type: none"> ○ Recommend appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise 	<p>Less than Significant</p>



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>Element. Where the noise source in question consists of intermittent single events, the report must address the effects of maximum noise levels in sleeping rooms in terms of possible sleep disturbance. An acoustical analysis prepared in accordance with the Noise Element shall:</p> <ul style="list-style-type: none"> ▪ be the financial responsibility of the applicant seeking City approval of a project; ▪ be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics; ▪ include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and predominant noise sources; ▪ estimate existing and projected cumulative (20 years) noise in terms of CNEL or L_{dn}, and compare those noise levels to the adopted standards and policies of the Noise Element; ▪ estimate noise exposure after the prescribed mitigation measures have been implemented; and ▪ describe a post-project assessment program that could be used to evaluate the effectiveness of the proposed mitigation measures. <p>In addition, see Mitigation Measure N-3 below.</p>	



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Exposure of persons to or generation of excessive groundborne vibration or noise levels</p> <p>Implementation of the General Plan update and Sustainability Action Plan would allow for development and redevelopment that could result in significant groundborne vibration and noise. (Significant)</p>	<p>See Mitigation Measure N-1, and the following:</p> <p>N-2 A vibration analysis shall be required as part of all acoustical studies required under Mitigation Measure N-1. Where a noise study is not required, the City shall require construction contractors to implement the following measures during construction activities through contract provisions and/or conditions of approval as appropriate:</p> <ul style="list-style-type: none"> • For projects where construction will include vibration-generating activities, such as pile driving, within 100 feet of existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following: <ul style="list-style-type: none"> ○ Identify sites that would include vibration compaction activities such as pile driving and have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. This task should be conducted by a qualified structural engineer. ○ Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted; set up a vibration monitoring schedule; define structure-specific vibration limits; and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approached the limits. 	<p>Less than Significant</p>



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
	<ul style="list-style-type: none"> ○ At a minimum, monitor vibration during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. ○ When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. ○ Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. 	
<p>A substantial temporary or periodic and permanent increase in ambient noise levels in the project vicinity above levels existing without the project</p> <p>Implementation of the General Plan update and Sustainability Action Plan would allow for development and redevelopment that would result in temporary or periodic ambient noise levels. (Significant)</p> <p>However, the proposed project would not result in permanent increases over existing noise levels greater than 2dBA along any</p>	<p>See Mitigation Measure N-1, and the following:</p> <p>N-3 The City shall require construction contractors to implement the following measures during construction activities through contract provisions and/or conditions of approval as appropriate:</p> <ul style="list-style-type: none"> ● Construction equipment shall be properly maintained per manufacturers’ specifications and fitted with the best available noise suppression devices (e.g., mufflers, silencers, wraps). ● Construction operations and related activities associated with the project shall comply with the operational hours outlined in the City of Mission Viejo Municipal Code (Noise Control). ● Construction equipment shall not be idled for extended periods of time in the vicinity of noise-sensitive receptors. ● Locate fixed and/or stationary construction equipment as far as possible from noise-sensitive receptors (e.g., generators, 	<p>Temporary and Periodic: Less than Significant</p> <p>Permanent: Less than Significant</p>



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>affected roadways. (Less than Significant)</p>	<p>compressors, rock crushers, cement mixers).</p> <ul style="list-style-type: none"> • Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on powered construction equipment. • Where feasible, temporary barriers shall be placed as close to the noise source or as close to the receptor as possible and break the line of sight between the source and receptor where modeled levels exceed applicable standards. Acoustical barriers shall be constructed material having a minimum surface weight of 2 pounds per square foot or greater, and a demonstrated Sound Transmission Class (STC) rating of 25 or greater as defined by American Society for Testing and Materials (ASTM) Test Method E90. Placement, orientation, size, and density of acoustical barriers shall be determined by analysis. 	
<p>3.5 TRANSPORTATION AND CIRCULATION</p>		
<p>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and</p>	<p>Mitigation Measures TT-1 and TT-2 are applicable to both Daily and Peak Hour Roadway Segment LOS and Intersection ICU LOS:</p> <p>TT-1 The City shall implement the improvements to intersections listed below that have been identified in Table 3.5-9. All of the improvements include additional turn lane capacity provisions. These provisions will require further evaluation to ensure the improvements are appropriate and necessary. Prior to implementation of the identified improvements, the intersections should be monitored to ensure the improvements are ultimately necessary as the surrounding developments mature.</p> <ul style="list-style-type: none"> • I-5 northbound ramp/Oso Parkway (PM peak hour LOS E) 	<p>Daily and Peak Hour Roadway Segment LOS: Significant and Unavoidable</p> <p>Intersection ICU LOS: Less than Significant</p>



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>mass transit Implementation of the General Plan update and Sustainability Action Plan would result in significant impacts related to daily and peak hour roadway segment LOS and intersection ICU LOS. (Significant)</p>	<p>TT-2</p> <ul style="list-style-type: none"> • I-5 northbound ramp/Avery Parkway (PM peak hour LOS F) • Trabuco Road/Los Alisos Boulevard (AM peak hour LOS E) • Los Alisos Boulevard /Santa Margarita Parkway (AM and PM peak hour LOS E/E) • Marguerite Parkway/Jeronimo Road (AM peak hour LOS E) • Marguerite Parkway/Avery Parkway (AM and PM peak hour LOS E/E) • Felipe Road/Oso Parkway (AM and PM peak hour LOS E/E) <p>Support alternative modes of travel by continuously developing and supporting these modes of travel. This can continually occur by:</p> <ul style="list-style-type: none"> • Continued implementation and update of the Bicycle Master Plan and integrating it with a Pedestrian Master Plan; • Update and maintain City Roadway Standards to consider the public realm of the street and implement complete streets, as appropriate; • Consider development of a neighborhood electric vehicle (NEV) master plan to encourage use of no emission vehicles on appropriate facilities. Coordinate with SCAG and the State Legislature to allow NEVs on public roadways with greater than 35 miles per hour posted speed limit; • Develop innovative funding mechanisms (such as fee districts or Transnet funding) to assist in implementing, operating, and maintaining the proposed shuttle system and bike share facilities within the City; 	



**Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan**

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
	<ul style="list-style-type: none"> Work with developers to integrate bicycle and pedestrian amenities within their development plans. 	
<p>Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways</p> <p>All CMP facilities within Mission Viejo are expected to operate within the CMP acceptable levels of service. (Less than Significant)</p>	<p>No mitigation is required.</p>	<p>Less than Significant</p>
<p>Result in inadequate emergency access</p> <p>Implementation of the General Plan update and Sustainability Action Plan would not result in impacts related to emergency access. (Less than Significant)</p>	<p>No mitigation is required.</p>	<p>Less than Significant</p>



Table 1-1
Summary of Environmental Impacts and Mitigation Measures for the Mission Viejo General Plan

Potential Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities</p> <p>Implementation of the General Plan update and Sustainability Action Plan would not result in conflicts with adopted policies or plans associated with alternative transportation. (Less than Significant)</p>	<p>No mitigation is required.</p>	<p>Less than Significant</p>



CHAPTER 2 – DRAFT PROGRAM EIR COMMENTS AND RESPONSES

2.1 Written Comments and Responses

This section provides responses to the written comments made on the Draft Program EIR during the Office of Planning and Research (OPR) published public review period of March 22, 2013 to May 6, 2013. The comment letters received on the Draft Program EIR are numbered, as listed below, and are included in this section along with the formal responses prepared for the comments. To assist in referencing comments and responses, each specific comment is numbered and refers to a statement or paragraph in the corresponding letter. Comments which present opinions about the project or which raise issues not directly related to the substance of the Draft Program EIR are noted without a detailed response. Comment-initiated revisions/clarifications to the Draft Program EIR text are provided and are demarcated with revision marks in Section 3.0, *Changes to the Draft Program EIR*, of this document.

2.1.1 List of Comment Letters

The nine comment letters received on the Draft Program EIR are listed below in Table 2-1. The letters listed below and incorporated in this section are in chronological order. The paragraphs in the letters have been numbered and are referred to in the responses that directly follow each comment letter.

**Table 2-1
Comment Letters Received on the Draft Program EIR**

Letter No.	Agency	Letter Code	Date
1	Public Utilities Commission	PUC	3/29/13
2	Native American Heritage Commission	NAHC	4/2/13
3	The Gas Company	GC	4/11/13
4	Airport Land Use Commission	ALUC	5/6/13
5	Department of Transportation	DOT	5/6/13
6	Orange County Transportation Authority	OCTA	5/6/13
7	City of Rancho Santa Margarita	RSM	5/6/13
8	Governor's Office of Planning and Research, State Clearinghouse	OPR	5/7/13
9	Orange County Public Works	OCPW	5/8/13

The comment letters and responses follow.



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Letter No. 1



STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



March 29, 2013

Elaine Lister
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

Dear Ms. Lister:

Re: SCH 2012031065 Mission Viejo General Plan Update DEIR

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed City of Mission Viejo (City) General Plan Update Project.

PUC-1

The project site area includes active Orange County Transportation railroad tracks. RCES recommends that the City add language to the General Plan Update so that any future development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

PUC-2

If you have any questions in this matter, please contact me at (213) 576-7076, ykc@cpuc.ca.gov.

Sincerely,

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

C: State Clearinghouse



**Response to Letter No. 1
Public Utilities Commission
March 29, 2013**

Response PUC-1

Thank you for participating in the Draft Program EIR public review process. We appreciate your time and effort.

Response PUC-2

Your comment regarding active Orange County Transportation railroad tracks is noted. We acknowledge the importance of rail corridor safety. As such and to ensure safety of future developments, we have already included language in the General Plan Update.

Regarding at-grade crossings, please note, currently there are no at-grade crossings within the City of Mission Viejo. Therefore, increased traffic volumes with regard to at-grade crossing will not be an issue.

In terms of overall safety within railroad ROW and implementation of fencing, please note, these measures fall within the OCTA jurisdiction. If needed, and as appropriate, OCTA will address such issues and implement measures to ensure safety within railroad ROW.



STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
(916) 657-5390 - FAX

April 2, 2013

Ms. Elaine Lister

City of Mission Viejo

200 Civic Center
Mission Viejo, CA 92691

APR 08 13 09:00

RE: SCH# 2013031065 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) – **“city of Mission Viejo General Plan Update EIR;”** located in the City of Mission Viejo; Orange County, California

Dear Ms. Lister:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

NAHC-1

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resources, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources, which we know that it has. The NAHC recommends that known cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10. Contact has been made to the Native American Heritage Commission for :a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine

NAHC-2



Letter No. 2,
continued

if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

↑
NAHC-2,
continued

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

NAHC-3

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list



**Native American Contacts
Orange County
April 2, 2013**

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles, CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675 m
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674

(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva

tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower, CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel, CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana, CA 92799
alfredcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013031065; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the City of Mission Viejo General Plan Update EIR; located in the City of Mission Viejo; Orange County, California



**Native American Contacts
Orange County
April 2, 2013**

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.
com

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
(619) 294-6660-work
(310) 428-5690 - cell
(760) 636-0854- FAX
bacuna1@gabrieinotribe.org

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall , CA 92003

760-636-0854 - FAX

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
kaamalam@gmail.com
949-293-8522

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013031065; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the City of Mission Viejo General Plan Update EIR; located in the City of Mission Viejo; Orange County, California



Response to Letter No. 2
Native American Heritage Commission
April 2, 2013

Response NAHC-1

Thank you for participating in the Draft Program EIR public review process. We appreciate your time and effort. Your comment is acknowledged.

Response NAHC-2

Your comment is acknowledged. However, the proposed project is an update to three elements of the City's General Plan: the Land Use Element, the Conservation and Open Space Element, and the Circulation Element in addition to preparation and implementation of a Sustainability Action Plan. The update to the Conservation and Open Space Element, which includes policies related to the preservation of cultural resources, consists of additional conservation and open space plans, programs, goals, policies and measures related to ecological and biological resources, cultural and historic resources, parks, recreation, and open space, water supply and conservation, water quality, storm water, and urban runoff, air quality, climate change, energy conservation and green building practices. The proposed project provides an overall plan but does not identify specific development proposals that could change the significance of a cultural or historic resource. No new development is proposed as part of the project at this time; however, future development would be subject to further discretionary consideration and environmental analysis once detailed project development plans are filed with the City. Therefore, the City believes that a record search is not warranted at this time, but future development may be subject to such requirement.

Response NAHC-3

Your comment is acknowledged. Please see Response NAHC-2, above.



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1919 S. State College Blvd.
Anaheim, CA 92806-6114

A Sempra Energy utility™

April 11, 2013

City of Mission Viejo
Community Development Dept.
200 Civic Center
Mission Viejo, CA 92691

Attn: Charles Wilson

Subject: Environmental Impact Report for City of Mission Viejo General Plan Update and Sustainability Action Plan

Thank you for providing the opportunity to respond to this E.I.R. Document. We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from an existing gas main located in various locations. The service will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a Public Utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Estimates of gas usage for residential and non-residential projects are developed on an individual basis and are obtained from the Commercial-Industrial/Residential Market Services Staff by calling (800) 427-2000 (Commercial/Industrial Customers) (800) 427-2200 (Residential Customers). We have developed several programs, which are available upon request to provide assistance in selecting the most energy efficient appliances or systems for a particular project. If you desire further information on any of our energy conservation programs, please contact this office for assistance.

Sincerely,

Armando Torrez
Technical Services Supervisor
Orange Coast Region - Anaheim

AT/ps
EIR.doc

TGC-1



**Response to Letter No. 3
The Gas Company
April 11, 2013**

Response TGC-1

Thank you for participating in the Draft Program EIR public review process. We appreciate your time and effort.

Your comment is acknowledged. However, please note, no new development is proposed as part of the project at this time; however, future development projects would be subject to further discretionary consideration and environmental analysis once detailed project development plans are filed with the City.



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.5178

May 6, 2013

Elaine Lister, Planning Manager
City of Mission Viejo
Community Development Department
200 Civic Center
Mission Viejo, CA 92691

Subject: NOA of DEIR for the City of Mission Viejo General Plan Update and Sustainability Action Plan

Dear Ms. Lister:

Thank you for the opportunity to review the Draft Program Environmental Impact Report (DPEIR) for the City of Mission Viejo General Plan Update and Sustainability Action Plan in the context of the Airport Land Use Commission’s *Airport Environs Land Use Plan for Heliports*. The proposed project includes the adoption and implementation of updates to three elements of the Mission Viejo General Plan: the Land Use Element, the Conservation/Open Space Element, and the Circulation Element. The project also includes the implementation of the proposed Sustainability Action Plan.

ALUC-1

The DPEIR does discuss the Airport Land Use Commission (ALUC) for Orange County and the *ALUC for Heliports*. In addition, we recommend that the DPEIR and General Plan Update discuss building height restrictions imposed by the FAA. Development proposals including the construction or alteration of a structure more than 200 feet above ground level must fully comply with procedures provided by Federal and State law, with the referral requirements of the ALUC, and with all conditions of approval imposed or recommended by the FAA and ALUC including filing form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration (FAA).

ALUC-2

We also suggest that the DPEIR and General Plan Update discuss whether the development of heliports will be allowed within the city limits. As you know, should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5 and the *ALUC for Heliports*. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

ALUC-3



DPEIR Comments Mission Viejo
Page 2
5/6/13

A referral by the City to the ALUC is recommended for this project due to the nature of the required City approvals (i.e., General Plan Amendment) under PUC Section 21676(b). In this regard, please note that the Commission suggests such referrals be submitted to the ALUC for a determination, between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis and agendaing.

ALUC-4

Thank you again for the opportunity to comment on this DPEIR. Once the updates to the three elements are complete, we would appreciate an opportunity to review those documents as well. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com should you have any questions related to the Airport Land Use Commission for Orange County.

ALUC-5

Sincerely,

Kari A. Rigoni
Executive Officer



Response to Letter No. 4
Airport Land Use Commission
May 6, 2013

Response ALUC-1

Thank you for participating in the Draft Program EIR public review process. We appreciate your time and effort.

Response ALUC-2

Your comment is acknowledged. However, the proposed project is an update to three elements of the General Plan, and no new development is proposed at this time. We acknowledge FAA's building height restrictions, other procedural requirements, and conditions of approval for future development projects should they propose construction or alteration of structures more than 200 feet above ground. Such projects would be subject to further discretionary considerations, including filing of form 7460-1 with FAA.

Response ALUC-3

The Draft Program EIR acknowledges that currently one private heliport is operating in the City. However, no new development is proposed as part of the project at this time. As the comment suggests, should future projects propose or include heliports, the development will be subject to PUC Section 21661.5 and the *AELUP for Heliports*. Such projects would be subject to state permit procedures and all conditions of approval recommended by FAA, the ALUC for Orange County, and Caltrans/Division of Aeronautics.

Response ALUC-4

The City has been in communication with ALUC, and as recommend in the comment, referrals will be submitted to ALUC by the City.

Response ALUC-5

The City has been in communication with ALUC, and as recommend in the comment, the updated General Plan Update elements will be provided to ALUC for review and consistency determination.



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Letter No. 5

DEPARTMENT OF TRANSPORTATION

District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Tel: (949) 724-2241
Fax: (949) 724-2592



Flex your power!
Be energy efficient!

May 6, 2013

Elaine Lister
City of Mission Viejo
200 Civic Center
Mission Viejo, California 9261

File: IGR/CEQA
SCH#: 2012031065
Log #: 2962C
I-5, SR-241

Subject: City of Mission Viejo General Plan Update & Sustainability Action Plan

Dear Ms. Lister,

Thank you for the opportunity to review and comment on the Environmental Impact Report (EIR) for the City's General Plan Update & Sustainability Action Plan. The update is for several elements of the General Plan: Land Use, Conservation/Open Space, and Circulation. The Sustainability Action Plan will be prepared as the primary document designed to implement and achieve such climate change goals and policies. The planning area is consistent with the existing City of Mission Viejo boundaries and its sphere of influence.

DOT-1

The Department of Transportation (Department) is a responsible agency on this project and we have the following comments:

- 1. As listed on Page 3.5-28 of the EIR, the Department is in agreement that the I-5/Avery Parkway ramp intersection is currently operating at a deficient Level of Service (LOS) and alternatives are currently being studied to accommodate existing and future demand at this intersection. However, if there are developments within the City which may exacerbate the LOS at this location, which may require coordination with the Department, mitigation may be recommended.
2. The Department has interest in working cooperatively to achieve mitigation for transportation related impacts for local roads, including the State Highway System within the City of Mission Viejo. Similar to the City's Development Mitigation as described in Chapter 2.1.2.11 of the General Plan Program EIR, the Development Mitigation can include mitigation for the State Highway System or a new TIF program may be considered. The Department requests the opportunity to participate in the City's fair share mitigation process.
3. Noting the Performance Criteria - Level of Service (LOS) Standards for Congestion Management Plan (CMP) Intersections within Mission Viejo as listed in Section 3.5.1.4 of the EIR, the General Plan should also acknowledge the Departments' standard of maintaining a target LOS at the transition between LOS D and LOS E on State highway facilities. For future projects that may impact State facilities, the Department recommends the City continue to work with the Department on thresholds of significance related to all State facilities that experience unacceptable LOS (worse than the operating standard of LOS D).

DOT-2

DOT-3

DOT-4

"Caltrans improves mobility across California"



Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Marlon Regisford at (949) 724-2241.

DOT-5

Sincerely,

A handwritten signature in black ink that reads "Marlon Regisford for".

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Scott Morgan, Office of Planning and Research

"Caltrans improves mobility across California"



Response to Letter No. 5
Department of Transportation, District 12
May 6, 2013

Response DOT-1

Thank you for participating in the Draft Program EIR public review process. We appreciate your time and effort.

Response DOT-2

Your comment is acknowledged. However, no new development is proposed as part of the project at this time. Should future development projects exacerbate the LOS at this location (i.e., I-5/Avery Parkway ramp intersection), the City would coordinate with the DOT and those projects would be subject to mitigation.

Response DOT-3

Your comment is acknowledged. However, no new development is proposed as part of the project at this time. The City regularly provides notification to the DOT as part of our normal process and will continue to do so for future projects that would involve mitigation for impacts on local roadways and the State Highway System within the City and the City's fair share mitigation process.

Response DOT-4

Your comment is acknowledged. However, no new development is proposed as part of the project at this time. The City regularly provides notification to the DOT as part of our normal process, and we will continue to work cooperatively with the DOT on thresholds of significance related to future projects that would impact state facilities.

Response DOT-5

Your comment is acknowledged.



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May 6, 2013

BOARD OF DIRECTORS

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Darrell Johnson
Chief Executive Officer

Ms. Elaine Lister
Planning Manager
Community Development Department
200 Civic Center
Mission Viejo, CA 92691

Subject: City of Mission Viejo General Plan Update and Sustainability Action Plan

Dear Ms. Lister:

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document. The following comment is provided for your consideration:

- Page 3.5-5 in the "Bus Service" section refers to bus routes shown on Figure 3.5-2. This figure does not appear to show the bus routes. OCTA would like to review this map to make sure it is consistent with our current bus alignments.

If you have any questions or comments, please contact me by phone at (714) 560-5907 or by email at dphu@octa.net.

Sincerely,

Dan Phu
Section Manager, Environmental Programs

OCTA-1



Response to Letter No. 6
Orange County Transportation Authority
May 6, 2013

Response OCTA-1

Thank you for participating in the Draft Program EIR public review process. We appreciate your time and effort.

Your comment is acknowledged. The OCTA-operated bus routes were inadvertently left out on Figure 3.5-2. A revised Figure 3.5-2 showing the OCTA-operated bus routes has been included in the Final Program EIR. Please see Section 3.0, *Changes to the Draft Program EIR*.



CITY OF RANCHO SANTA MARGARITA

Mayor
L. Anthony Beall

Mayor Pro Tempore
Carol Gamble

Council Members
Steven Baric
Bradley J. McGirr
Jesse Petrilla

City Manager
Jennifer M. Cervantez

May 6, 2013

Elaine Lister
Planning Manager
200 Civic Center
Mission Viejo, CA 92691

**SUBJECT: DRAFT PROGRAM ENVIRONMENTAL IMPACT
REPORT FOR THE CITY OF MISSION VIEJO
GENERAL PLAN UPDATE AND SUSTAINABILITY
ACTION PLAN**

Dear Ms. Lister:

The City of Rancho Santa Margarita appreciates the opportunity to review and comment on the proposed project. At this time, the City of Rancho Santa Margarita does not have any comments.

Please keep the City informed about the status of the project by forwarding any future studies, public notices, meeting notices, and environmental review documents to the City as part of the public review process. If you have any questions, please contact me at (949) 635-1800.

Sincerely,

Nate Farnsworth
Senior Planner

PM12:35 MAY08'13 CHUCE

RSM-1



**Response to Letter No. 7
City of Rancho Santa Margarita
May 6, 2013**

Response RSM-1

Thank you for participating in the Draft Program EIR public review process. We appreciate your time and effort.

Letter No. 8



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



May 7, 2013

Elaine Lister
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

Subject: General Plan Update EIR
SCH#: 2012031065

Dear Elaine Lister:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 6, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

OPR-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov



**Document Details Report
State Clearinghouse Data Base**

SCH# 2012031065
Project Title General Plan Update EIR
Lead Agency Mission Viejo, City of

Type EIR Draft EIR
Description The project is an update of the City of Mission Viejo's General Plan Land Use, Conservation/Open Space and Circulation Elements, and a Sustainability Action Plan. The Sustainability Action Plan will include greenhouse gas emissions reduction goals and measures, actions to implement the measures, and metrics to monitor the plan measure its performance.

Lead Agency Contact

Name Elaine Lister
Agency City of Mission Viejo
Phone (949) 470-3053 **Fax**
email
Address 200 Civic Center
City Mission Viejo **State** CA **Zip** 92691

Project Location

County Orange
City Mission Viejo
Region
Lat / Long
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways I-5
Airports
Railways OCTA MetroLink RR
Waterways Aliso Creek
Schools SVUSD & CUSD
Land Use

Project Issues Air Quality; Noise; Traffic/Circulation; Growth Inducing; Cumulative Effects; Landuse; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Caltrans, Division of Transportation Planning; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 03/22/2013 **Start of Review** 03/22/2013 **End of Review** 05/06/2013

Note: Blanks in data fields result from insufficient information provided by lead agency.



Response to Letter No. 8
Governor's Office of Planning and Research, State Clearinghouse and Planning Unit
May 7, 2013

Response OPR-1

Thank you for your letter. We appreciate your time and effort.

Your comment is acknowledged. However, since it does not raise an issue regarding the environmental analysis contained in the Draft Program EIR, no response is warranted.



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NCL-13-016

PM 1:20 MAY 10 '13 CWUCGT

May 8, 2013

Ms. Elaine Lister, Planning Manager
City of Mission Viejo
Community Development Department
200 Civic Center
Mission Viejo, California 92691

SUBJECT: Notice of Availability of a Draft Program Environmental Impact Report (EIR) for City of Mission Viejo General Plan Update and Sustainability Action Plan

Dear Ms. Lister:

The County of Orange has reviewed the Notice of Availability of a Draft Program Environmental Impact Report for the Mission Viejo General Plan Update and Sustainability Action Plan and offers the following comment:

OCPW-1

OC Planning:

In the Land Use Section, the document refers to Mixed Use zones but the Zoning Map provided does not designate any mixed use zones. Please ensure that the Final EIR includes a Zoning Map that delineates all the mixed use zones as discussed in the Draft EIR.

OCPW-1

Sincerely,

Polin Modanlou, Manager
Strategic Land Planning
OC Public Works/OC Planning Services
300 North Flower Street
Santa Ana, California 92702-4048
Polin.Modanlou@ocpw.ocgov.com

cc: Richard Vuong, OC Planning/Current & Environmental Planning



**Response to Letter No. 9
Orange County Public Works
May 8, 2013**

Response OCWP-1

Thank you for participating in the Draft Program EIR public review process. We appreciate your time and effort.

Response OCWP-2

Your comment is acknowledged. However, please note the Mixed Use category of the General Plan is reflected in Figure 3.3-1 (page 3.3-2 of the Draft Program EIR), which is a graphic representation of the General Plan land use categories. Based on Figure 3.3-1, the Mixed Use category accounts for approximately one percent of land uses within the City of Mission Viejo.



CHAPTER 3 – CHANGES TO THE DRAFT PROGRAM EIR

3.1 Introduction

The revisions and modifications included in this section have resulted from the comments on the Draft Program EIR during the 45-day public review period (March 22 through May 6, 2013). In some instances, recommendations and questions raised in the comments have necessitated revisions to the Draft Program EIR. Additionally, completeness or accuracy edits are corrected at this time through errata. Revisions made to the Draft Program EIR text are indicated in ~~strikeout~~ (deletion) and underlined (addition) text. The errata pages, starting in Section 3.2, reflect these changes and modifications to the Draft Program EIR.

The changes to the Draft Program EIR as they related to issues contained within this section do not affect the overall conclusions of the environmental document relative to significance of impacts or mitigation required for significant impacts.

3.2 Errata Pages

In response to comment by the Orange County Transportation Authority (OCTA) regarding Figure 3.5-2, *Existing Public Transportation and Railroad*, the Figure is revised to correctly reflect the description on page 3.5-5 of the Draft Program EIR and show the OCTA-operated bus routes within the City of Mission Viejo.

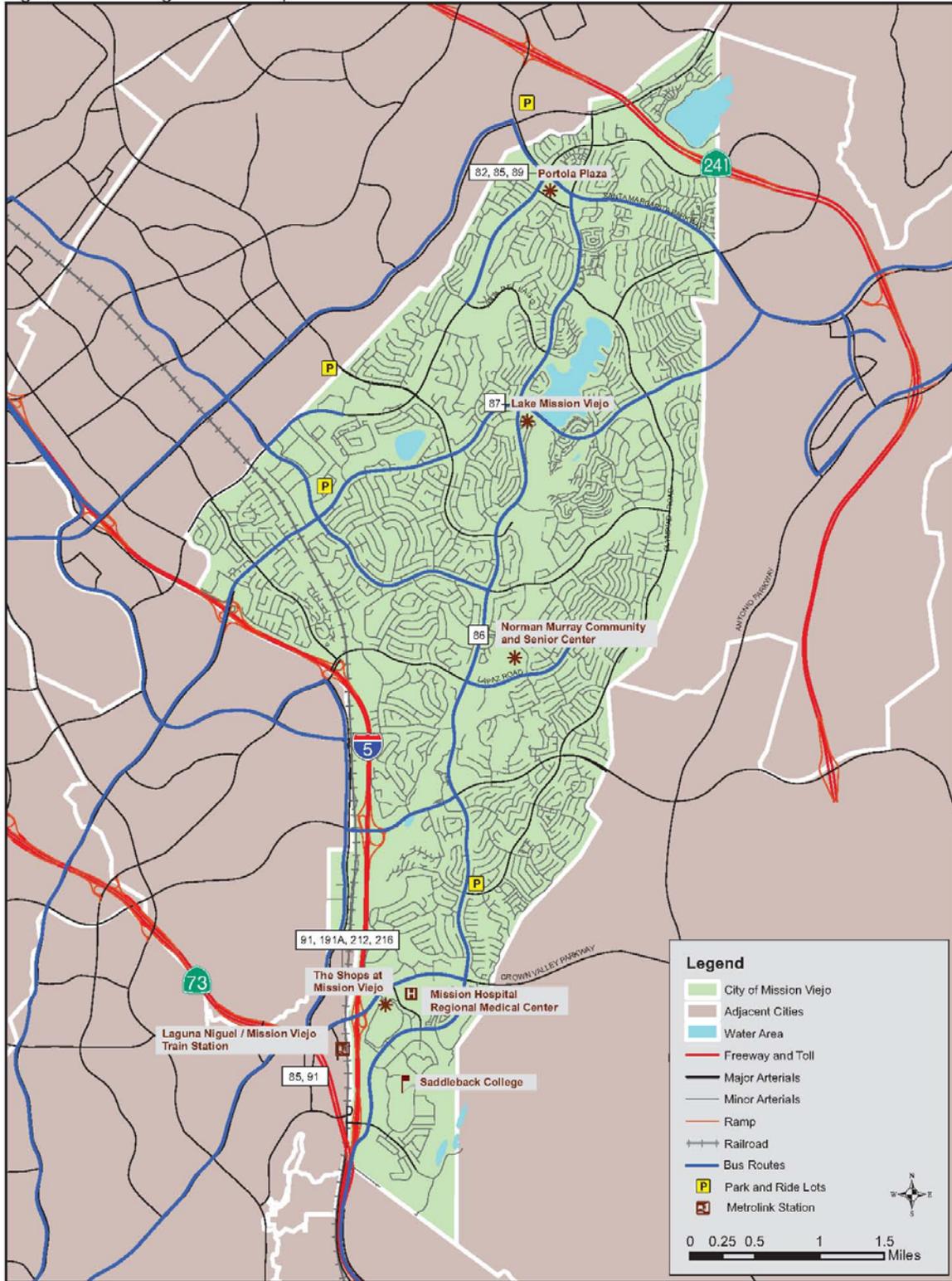


Figure 3.5-2
Existing Public Transportation and Railroad



In response to accuracy error, Section ES.4, *Issues to be Resolved*, on page ES-2 of the Draft Program EIR is revised as follows:

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR contain a discussion of issues to be resolved. Issues to be resolved in this EIR include the decision among alternatives, and deciding how to feasibly mitigate significant environmental impacts. Additional issues to be resolved include deciding whether the benefits of the project override those environmental impacts that cannot be feasibly avoided or mitigated to a level of insignificance (i.e., adopting a Statement of Overriding Considerations). ~~Since no impacts remain significant and unavoidable in light of the proposed mitigation measures, a decision over whether the benefits of the project override those environmental impacts that cannot be feasibly avoided or mitigated to less than significant does not become an issue. Therefore, adopting a Statement of Overriding Considerations would not be required for this project.~~

A Statement of Overriding Considerations will be prepared for the following significant and unavoidable impacts:

Air Quality

Violate air quality standard or contribute substantially to an existing or projected air quality violation

Construction and Operation: The proposed project would result in significant construction and operational impacts associated with criteria air pollutants and precursors that could violate any air quality standard or contribute substantially to an existing or projected air quality violation. Without complete information for construction and operation parameters and detail for future projects, even with implementation of proposed mitigation measures, the impacts could remain significant and unavoidable.

Greenhouse Gas Emissions

Generation of GHG Emissions

Operation: Implementation of the proposed project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Even with a full range of potential emission reduction strategies and implementation of the Sustainability Action Plan, no additional feasible mitigation is available to reduce this impact. Therefore, community wide emissions associated with future land uses consistent with the General Plan would remain cumulatively considerable, and this impact is considered significant and unavoidable.



Conflict with an applicable plan, policy, or regulation adopted to reduce GHG emissions

Implementation of the proposed project would not conflict with the AB 32 Scoping Plan for purpose of reducing GHG emissions. However, reductions beyond 2020 capable of achieving an emission level of 80 percent below 1990 levels are uncertain at this time, as is the City's role in developing local measures to parallel the state's efforts. Therefore, this impact is considered **significant and unavoidable**.

Transportation and Circulation

Peak Hour Segment Level of Service

Implementation of the proposed project would result in significant impacts related to daily and peak hour roadway segment LOS. Additional mitigation has not been identified for the arterial segments that operate at deficient levels under future conditions. Therefore, the impact at the segments of Oso parkway east of Felipe Road/Olympiad Road and Marguerite Parkway between Felipe Road and Crown Valley Parkway are considered **significant and unavoidable**.



