

City of Fullerton: West Coyote Hills Specific Plan Amendment

Frequently Asked Questions (FAQ)

The following Frequently Asked Questions (FAQ) document summarizes the questions raised at a series of public meetings conducted by the City of Fullerton during the summer of 2009 to discuss aspects of the West Coyote Hills Specific Plan Amendment and development proposal.

Where possible, answers have been provided by City of Fullerton staff. Where applicable, questions and answers are listed according to EIR categories.

- A. Land Use
- B. Transportation and Circulation
- C. Noise
- D. Air Quality
- E. Soil and Geology
- F. Population and Housing
- G. Cultural/Scientific Resources
- H. Public Services and Utilities
- I. Public Health and Safety
- J. Hydrology and Flood Control
- K. Biological Resources
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- M. Cumulative Impacts
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For further information, contact:

Joan Wolff
Planning Consultant to City of Fullerton
303 W. Commonwealth Ave.
Fullerton, CA 92832
(714) 738-6837
JoanW@ci.fullerton.ca.us

John Godlewski
Community Development Director
303 W. Commonwealth Ave.
Fullerton, CA 92832
(714) 738-6554
JohnG@ci.fullerton.ca.us

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A. Land Use

1. How will the West Coyote Hills Specific Plan Amendment and the City of Fullerton General Plan Update interact?

During the current General Plan Update process, the area addressed by the West Coyote Hills Specific Plan has been classified as one of twelve Focus Areas. The General Plan update recommends that these areas require further study and investigation than is afforded in the General Plan Update process. The current project review process for the West Coyote Hills project will provide the opportunity for further discussion of study and analysis that has gone into project design.

2. How was the location and configuration of Open Space determined?

Location of areas disturbed by previous activities, as well as site topography, was a determining factor. Additionally, direction provided by the U.S. Fish and Wildlife Service (USFWS) in their review of a previous, but similar, site design proposal was a factor in the overall site plan. USFWS determined that the site design and configuration of open space will not generate significant habitat impacts. USFWS will review all future design proposals and may impose mitigations to address any potential habitat impacts.

B. Transportation and Circulation

1. How were trip generation estimates developed for the EIR?

Trip generation estimates are developed based on development type including single-family, multi-family and retail, utilizing rates and procedures contained in the Institute of Transportation Engineers Trip Generation manual, in accordance with Intersection Capacity Utilization methodology prescribed by the City of Fullerton. A Traffic Analysis prepared by the traffic engineering firm Kunzman Associates estimates that future operation of the proposed development will result in an additional 8,584 trips per day.

2. What impact will the project have on Parks Road? Can speed bumps be installed?

The project circulation plan does not extend Parks Road into the project area, and there are no project streets that directly connect to Parks Road. Traffic Impact Analysis considers the distribution of traffic onto the street network, and concludes that circulation impacts on Parks Road will be less than significant. The City of Fullerton does not use speed bumps to slow traffic on public streets.

3. If traffic is worse than predicted by the traffic report, who pays for mitigation?

Once a project is in operation, it is very difficult to differentiate between traffic generated by the project and that attributable to other sources. The City collects Traffic Impact Mitigation Fees prior to issuance of building permits for new development; these fees are

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then utilized for circulation improvements throughout the City as prioritized by the Fullerton City Council through the Capital Improvement Program.

4. Why don't project roads connect up with roads in La Habra to better distribute traffic?

One of the proposed entry points (Risner Way) connects with Idaho Street in La Habra. Some of the other streets in the project vicinity are private streets within gated communities, controlled by Homeowners Associations. The project was designed by the applicant and is the proposal for which the property owner seeks approval.

5. Does the project collector road intersect Euclid at Lakeview?

No, the project collector intersects Euclid approximately one quarter mile north of this intersection. An emergency access road will connect the development to the Euclid/Lakeview intersection; however this access point will be gated and available only to emergency vehicles.

6. Are roadway modifications needed at the intersection of Rosecrans and Gilbert?

No.

C. Noise

No questions raised.

D. Air Quality

No questions raised.

E. Soil and Geology

1. What, if any, seismic concerns are there on the site?

All seismic issues related to the site are detailed in the EIR Section 4.5, Soils and Geology. See: http://www.ci.fullerton.ca.us/2006/Soils03_06.pdf

2. What is the plan for clean-up of the site and the Nature Preserve?

The EIR contains a Remedial Action Plan for remediation of the prior oil fields, and this plan has been approved by the Orange County Healthcare Agency (OCHCA), who will oversee remediation activities. The project was designed to build on areas of previous oil field operations, e.g., grading, wells, and pipelines. A "Phase II Assessment," conducted to identify type and location of contamination, noted that the majority of impacts would be contained within the "development envelope" rather than in the open space. All areas found to be hazardous would be subject to federal, state and local clean up standards. A Human Health Risk Assessment, which includes actions needed to protect human health, was also performed.

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3. If future development were to be impacted by unstable geologic conditions, who would be liable for damage?

The Geotechnical Report addresses liquefaction, compaction, slope failure, seismic activity and other potential site problems. The report contains recommendations for grading and construction to mitigate geotechnical impacts. As detailed grading and building plans are developed, licensed engineers will establish project specific geotechnical measures to mitigate potential impacts. The City, through the plan check process, will require compliance with these measures, and the project engineer will certify implementation. The process engages appropriate technical expertise through all stages of design and construction to identify and correct unstable geologic conditions which may affect future development. The process is intended to prevent impacts due to geologic conditions, and to safeguard life and property. If, however, damage were to occur in the future, there would be investigation to determine the cause of the damage and liability would be assigned to the responsible party.

F. Population and Housing

1. The current proposal calls for the development of 760 housing units. Have previous proposals called for the development of fewer units?

The specific plan adopted in 1977 allows for development of 1,169 housing units on the 510 acre site. The number of proposed units has decreased over time to the current proposal of 760 units. There have been no proposals calling for fewer than 760 units.

2. Does the proposed development include any provision of low-income or workforce housing?

The proposed development identifies a range of housing options, including single-family detached housing, multi-family housing and estate lots. The proposed project includes only market rate housing.

If the community would like to see affordable housing options included in the plan, this can be raised at the Planning Commission and City Council hearings.

3. Who developed the school-age children population forecasts?

These forecasts were developed by the Fullerton Joint Union High School District and the Fullerton [Elementary] School District.

G. Cultural/Scientific Resources

No questions raised.

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H. Public Services and Utilities

1. Does the City have an adequate water supply to serve this project?

A Water Supply Analysis and Water Assessment and Verification Report were prepared for this project. The study estimated that the project would use 810 acre feet of water per year, which is about 2.5% of the City's current water usage.

The project will likely use less water than estimated, because the analysis utilized average water use factors which do not consider the use of drought tolerant landscaping as proposed by this project and as required under the City's new Landscape Ordinance, or the more restrictive provisions for water conserving plumbing fixtures contained in current and future building codes.

The City has adequate water supplies to serve this project based on current water allocations by Metropolitan Water District (MWD).

2. How can the City ensure that future residents of the proposed development adhere to water conservation guidelines such as drought tolerant landscaping and use of low-flow devices?

The City has recently adopted a new Landscape Ordinance that mandates water efficient landscape and irrigation design. This ordinance will apply to the West Coyote Hills development project. Water conservation standards will also be addressed in project conditions, through Home Owners Associations (HOA) CC&R's and development standards. Certain water efficient devices (such as low flow toilets) are mandated by the California Building Code.

3. Does the project include any provisions to offset water use in other areas of the City?

The proposal does not include such provisions.

4. Will the project use reclaimed water?

Use of reclaimed water is not part of the proposal at this time.

5. Will the proposed reservoir serve the project only, or would it also serve the general vicinity? Would the reservoir be constructed without the project?

The reservoir would store water for the project and fire fighting in the general vicinity; it would not increase the water supply. The reservoir would not be built unless this project goes forward.

I. Public Health and Safety

1. Is Chevron required to clean up the property if the site is not developed?

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Site remediation standards vary by land use. Initial cleanup has been completed to standards applicable to private property. If the proposed development for expanded public use and access moves forward, the developer would be responsible for additional clean-up, per the Remedial Action Plan (found in Volume 3, Appendix 4.9 of the 2006 RDEIR).

2. How many capped oil wells and disposal sites are on site?

Approximately 190 producing wells were historically located on the Fullerton portion of the West Coyote Hills property. A majority of the oil wells have been abandoned/closed in accordance with the standards and oversight of the California Division of Oil, Gas and Geothermal Resources (DOGGR). Any remaining abandonment activities would also be conducted under the direction of DOGGR.

There are approximately 69 disposal sites, which identified in the RRDIER as “Historical Sites” and include locations utilized as containment sumps (reservoirs) for spills, drilling mud and oil production discharges.

J. Hydrology and Flood Control

No questions raised.

K. Biological Resources

1. The Army Corps of Engineers and Orange County completed a Coyote Creek Watershed study that recommended preserving all of Coyote Hills. Was the City involved with that study or has the study been considered when reviewing the proposed project?

The City of Fullerton participated in development of the Coyote Creek Watershed Management Plan (CCWMP). The purpose of the 2007 CCWMP is to improve the health of the watershed through voluntary action by public agencies, developers, and even individual homeowners. The CCWMP is not a regulatory document, but is intended to provide guidance that would minimize impacts to the watershed. The CCWMP acknowledges that the proposed West Coyote Hills project includes measures to protect and enhance habitat. The project also incorporates additional stormwater management practices to minimize its impacts on the watershed.

2. The Coyote Hills provide habitat and habitat linkages for a variety of species, how will the proposed project impact these habitats and how will habitat be maintained?

The proposed project sets aside 283 acres as Open Space in addition to the 72-acre Robert E Ward Nature Preserve. The U.S. Fish and Wildlife Service has determined that with implementation of mitigation measures that include habitat enhancements, the proposed project includes adequate open space acreage to support surrounding wildlife populations.

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If the project is approved, the applicant would be responsible to comply with all project conditions and mitigation measures, including those measures required by the USFWS to preserve and enhance habitat. These measures included phasing of grading and development to maintain existing habitat prior to reestablishment of new or replacement habitat, planting of native/indigenous landscaping to maintain and upgrade wildlife habitat, and monitoring of habitat and wildlife to allow for corrective action to be taken if or when needed.

Under the current proposal, Pacific Coast Homes will establish an endowment that will fund habitat monitoring and maintenance on the property. As part of this arrangement, the Center for Natural Lands Management (see <http://cnlm.org/cms/>) or a similar management entity would monitor habitat condition and provide maintenance assistance. The Center for Natural Lands Management manages the open space preserve in the East Coyote Hills and has been successful in maintaining gnatcatcher populations in that area.

3. How will wildlife cross project roads?

The project includes an under-crossing beneath the project collector, to allow wildlife to pass through.

L. Parks and Recreation

1. What types of features are going to be included in the 283 acres of Open Space?

Most of the acreage would be preserved as habitat. Some of the acreage near homes would be managed for fire prevention and some would be dedicated as Vista Park areas for passive park use. A public trail network (of approximately 8 miles) is also proposed within the Open Space area.

2. What will be the character of the six-acre park?

The park would be public and would go through the typical planning process with a planning committee including the public; due to USFWS restrictions, there can be no lighted fields.

3. How many parking spaces will be provided for the open space and recreation resources?

The designs for the six-acre park, Nature Preserve and Vista Parks are still conceptual at this time. As site plans are developed, parking demands will be calculated based on the types of facilities to be installed and parking lots designed in a manner that would not detract from the open space experience. The plans currently show parking at three trailheads, 30 spaces and bus stalls at the Nature Center, and two other parking areas with 8 – 10 spaces each, close to the key vistas. The Parks and Recreation Commission

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will have the opportunity to review and take action on park site plans as the project progresses.

4. What will the trail experience be like? What percent of proposed trails are located adjacent to backyards and roadways?

About half the trails in the project area would be near homes and roads, with the other half running through open space areas. From the two miles of trails in the Nature Preserve, the proposed development would not be visible. Trails would be built to approved trail design standards, generally calling for a natural surface.

5. How can City assure access to trails if individual neighborhoods were to be gated?

All public trails would be located on City property within the 283 acres to be dedicated to the City. Plans show that trail access points would be provided from future public roads and/or the existing public trail systems.

6. What would the hours of operation be for trails?

There are no set hours of operation for City trails.

7. Will trails impact wildlife?

USFWS reviewed the development plans and added conditions as appropriate. The habitat areas will be monitored, and if there is a need to temporarily shut down a trail segment (for example, to protect nesting birds), the open space managers will have the ability to do so.

8. How does the extension of Coyote Hills Drive affect the trail?

The trail will cross Coyote Hills Drive near its intersection with the project collector. Specific site planning efforts will be directed to creating a safe crossing at this location. The project has not progressed to this level of detail.

9. Is the proposed endowment adequate to provide funds to maintain the open space areas to be dedicated to the city in perpetuity? What happens if the endowment runs short?

The City and applicant are working toward agreement on the size of the cash grant needed to fund an endowment to allow the City to maintain the property in perpetuity. The Center for Natural Lands Management, the agency that manages the open space preserve in the East Coyote Hills, uses a formula to calculate the amount of funding required up-front to generate the income needed to provide for annual maintenance. Their calculations look at many details pertaining to the area to be managed, such as total area, type and extent of improvements, habitat characteristics, frequency of monitoring, etc. They have refined this formula over the years to reflect their

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management experience. Staff is negotiating the endowment and back up provisions should the endowment be insufficient, to assure that maintenance costs would not fall back to the City's General Fund.

10. Have any efforts been made to broker a multi-jurisdictional arrangement to acquire the property for Open Space and Recreational purposes?

Yes, however previous efforts to broker such an arrangement have been unsuccessful due to the lack of funding. See Exhibit 1, which recounts City efforts to seek funding to retain the property as open space.

11. Does the city have the power of eminent domain to acquire all or part of the property for public recreational use?

There are many statutory requirements that must be met in order for the City to acquire property by eminent domain. Among these are requirements to make "every reasonable effort" to acquire property through negotiation, property appraisal, establishing property value, extending an offer of purchase and adopting a resolution of necessity in accordance with California Code of Civil Procedure. Under eminent domain procedures, a property owner is entitled to just compensation for its land.

M. Cumulative Impacts

No questions raised.

N. Project Alternatives

1. What are the disadvantages of not developing the land?

The City does not have money to acquire or maintain the land, and without the project, all of the land will remain in private ownership. Developing the land according to the current proposal would allow for increased public access to some of this property for recreational purposes.

City staff has worked with Pacific Coast Homes to maximize the amount of Open Space lands to be dedicated to the City, along with an endowment to fund maintenance activities in perpetuity.

2. Would the City support a grassroots effort to acquire the property?

The land is private property and not owned by the City. The City is not opposed to such an effort, but to date, the property has not been for sale. If a grassroots group should come forward with adequate funding to acquire the property, the City would be happy to broker discussions between the property owner and such a community group.

O. Additional Questions and Discussion Topics

1. Environmental Impact Report questions

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a. Is the public comment period for the updated EIR components (Air Quality, Biological Resources and Hydrology) still open?

No, the public comment period for the Revised Recirculated DEIR closed in February 2008. There were 60 day comment periods established for both the March 2006 and January 2008 DEIR updates, both of which are now closed. Responses are being prepared to all comments.

b. Who writes the EIR?

An EIR consultant, Keeton Kreitzer, is under contract with the City of Fullerton to complete the EIR. The consultant has contracted out the technical studies for various aspects of the project such as Noise, Air Quality, Biological Resources and other components of the EIR. The work of the consultant is being managed by the City and funded by fees paid by Pacific Coast Homes.

c. How are “Significant Impacts” determined in an EIR?

Significant Impacts are those that cross established thresholds (e.g. noise and air quality standards or traffic Level of Service standards.) Determining significance of impacts for certain areas such as visual resources are more subjective, and the city uses qualitative analyses such as design guidelines and standards to inform these conclusions.

2. Sustainable Development Practices Questions

a. How is the City working to encourage sustainable development practices for the project?

Sustainable development includes designing, constructing, operating, maintaining, and removing improvements in ways that conserve natural resources and reduce their impact on the environment and global warming. The City has directed the applicant to prepare a plan to establish a variety of sustainability practices to guide development of the site, including water and energy conservation measures and use of native/indigenous landscaping materials. A new section of the EIR was prepared to evaluate project greenhouse gas emissions, and to identify potential sustainability measures to minimize impacts on climate.

b. Has applicant considered large scale use of solar panels within the development?

The applicant states that solar electric systems would be an option offered to future home buyers by builders.

c. Will the project exceed Title 24 Energy Conservation Standards?

The intent of the applicant is to comply with Title 24 as it evolves; for example, when the 2008 update is adopted, its requirements will represent a 15% reduction in energy

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consumption over pre-2008 requirements. Future requirements are expected to have even more stringent requirements. Detailed building plans have not yet been developed.

d. Will the Nature Center be constructed as a “green building”?

The center will be designed and constructed to be a green-certified building using the state of the art technology. We anticipate that this issue will be addressed in a Development Agreement.

e. Would homeowners be allowed to plant non-native species in their yards?

This has not yet been determined. Design guidelines will be developed if the project is approved that will go into this level of detail.

3. Other Questions

a. Is there a contract between the City of Fullerton and Chevron?

In 1977 the City and Chevron entered into a development agreement which considered ultimate planning needs for the West Coyote Hills site. The 1977 development agreement applied to roughly the same area that is now under consideration, and was intended to provide for integration of open space and circulation between the original 300 acre development area and the area to be developed in the future. A new development agreement is under negotiation for the proposed project, and includes more detailed provisions than contained in the 1977 agreement.

b. How does the project financially impact the city?

A Fiscal Impact Analysis was prepared to analyze the net impacts of the project on the City. The analysis considered the cost of providing services to the development in relation to the fees and property taxes that would be collected and concludes that the project would have a net positive fiscal impact on the City. The Fiscal Impact Analysis is provided as Exhibit 2.

c. I received a color flyer in the mail in February 2009 that gave me the impression that the project concept was approved. Who produced and distributed this flyer?

The brochure was produced and distributed by the property owner, Pacific Coast Homes. Fullerton City Council has made no decision on this project.