

West Coyote Hills Public Meeting
September 5, 2006
Plummer Auditorium

Joel Rosen opened the meeting at 7:00 pm, making a presentation on the current project status and processing requirements. He noted that this was an informational meeting, and that staff would respond to questions about project status and process, but would research project related questions and respond on the City's website. Approximately 150 people attended the meeting, which went from 7:00 pm to 8:30 pm. The presentation can be found on this website under the West Coyote Hills "Presentations" link.

The questions and comments are grouped below by subject matter, with responses following each question.

Process/Timing

- Q** When will the responses to comments be completed?
A *Estimate – about a month to month and a half (late October to early November 2006)*
- Q** Who will prepare responses?
A *The City's Environmental Consultant, Keeton Kreitzer Consulting, with assistance from those specialized sub-consultants who prepared the technical studies (such as traffic, geology, biology, etc) upon which much of the analysis presented in the Draft EIR is based*
- Q** After responses to comments are completed, what is scheduling for Planning Commission and City Council hearings?
A *Planning Commission meeting is likely to occur approximately 60 days after release of the responses to comments, City Council meeting would occur approximately 30-45 days after Planning Commission hearing.*
- Q** Will hearings occur before the end of the year?
A *Possibly*
- Q** Request that the City avoid holding hearings during the holidays.
A *City will attempt to avoid hearings toward the end of December*
- Q** Why is the City rushing to push the plan forward?
A *The EIR process for this project began in 1997. Work on the project and impact assessment has been ongoing since that time. After 9 years the environmental process is nearing completion, and it is time to advance the project to public hearings.*
- Q** Would the City consider other proposals for this property? If so, what would the process be?
A *Applications for development projects can be filed only by the property owner, or with written authorization of the property owner (FMC 15.76.010). The City would accept and process any proposal put forward or authorized by the property owner. Normal processing would occur per the Zoning Ordinance requirements for the particular applications filed.*

Liability

Q How many oil wells are on the property?

A *The DEIR states that approximately 190 producing oil wells were historically located on the West Coyote Hills property (page 4.9-2).*

Q Who assumes liability for the oil wells?

A *Owner/Developer assumes all liability for oil wells on the site.*

Q Who assumes liability if the developer files for bankruptcy?

A *Chevron will retain responsibility for liability. The State Division of Oil, Gas and Geothermal Resources (DOGGR) oversees the drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells. The regulatory program emphasizes sound engineering practices that protect the environment, prevent pollution, and ensure public safety.*

Fiscal Impact/Benefit

Q How does the City determine the project's fiscal impact? What is the financial benefit of the project to the City?

A *A Fiscal Impact Analysis was prepared for the project in October 2003 by Douglas Ford and Associates. The fiscal impacts were analyzed using two different methodologies. One method shows that the project will create annual revenue for the City of \$307,570 in excess of service costs; the other method shows annual revenue of \$159,605.*

Q What is the potential tax benefit to Chevron if it donated the land for open space purposes?

A *This question would need to be posed to Chevron. The City is not in a position to fully understand Chevron's finances, or the financial ramifications of their donation of the property.*

Health Risks

Q Speaker stated that when Chevron offices were still located on the property, Chevron employees received MRI's annually to look for brain tumors. What was the basis for this health concern and why would Chevron have paid for this procedure? Property poses risks to human health.

A *The Chevron Research Lab was located on the now developed La Habra portion of the project. Health risks related to materials and conditions present in a research facility would likely be different from those related to the oil and gas production that has taken place on the project site in Fullerton. The City of Fullerton evaluated the health risks associated with the Fullerton property in the EIR, Section 4.9, Public Health and Safety, and in the Remedial Action Plan and Human Health Risk Assessment contained in Appendices 4.9 and 4.10.*

Open Space/Habitat

Q Who would be responsible for maintaining the open space of the WCH project area? Will there be an endowment? What is the estimated dollar amount needed to maintain the Preserve? Have budget estimates been prepared? What entity would manage the endowment? Who will fund the endowment?

A *This subject will be covered in the Development Agreement. Negotiations are ongoing to address these issues, but they have not yet been resolved. The City does expect that Chevron will fund an endowment to maintain the open space areas, but the dollar amount and management are still under discussion.*

- Q** Would the open space areas adjacent to the new homes be cleared for fire protection, and if so, will it be counted as open space?
- A** *Areas between development and natural open space are subject to fuel modification requirements to reduce the exposure of homes to wildland fires, as described in the DEIR on page 4.8-26. Fuel modification areas are kept cleared of dry, dead brush, and are irrigated; plant materials used are those which will not burn quickly. Because construction is not permitted in these areas, they are counted as open space; however they are not classified as natural, undisturbed open space.*
- Q** What is the project acreage that will be left in a natural state, where no grading or other disturbances will occur during construction?
- A** *Approximately 246 acres will be left in a natural state, where no grading, construction or even temporary disturbances will occur. This number includes the 72 acre Robert E Ward Nature Preserve. An additional 88± acres will ultimately be restored as open space and revegetated in accordance with the US Fish and Wildlife service permit, though the 88 acres will experience temporary impacts (such as grading, clearing, etc) prior to restoration. This issue is addressed in the DEIR beginning on page 4.12-34.*
- Q** Has the City considered endangered species? Will re-vegetation plans be adequate to keep bird populations alive during construction?
- A** *Yes, the City has extensively considered endangered species and adequacy of re-vegetation plans. Section 4.12 of the DEIR addresses in detail impacts upon species designated with special classifications (endangered, threatened, sensitive, protected) by the US Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). The California gnatcatcher is the only species found on-site classified by the USFWS as threatened; several species of wildlife found on site are identified by CDFG as species of special concern. The USFWS issued a Biological Opinion that the project would maintain a viable gnatcatcher population in the area. (DEIR p 4.12-39). Technical reports substantiating these conclusions are found in Appendices 4.12-1 through 4.12-7; Biological Resources Report and Impact Assessment, Dudek & Associates, Biological Opinion, US Fish and Wildlife Service, Coastal California Gnatcatcher Surveys, Bon Terra Consulting, Results of Presence/Absence Surveys for the Burrowing Owl, Bon Terra Consulting, Results of Focused Surveys for Nesting Raptors, Bon Terra Consulting, Spring Botanical Survey, Bon Terra Consulting, Supplemental Biological Impact Analysis, Dudek & Associates.*

Public Opinion

- Q** Is Fullerton considering the projects impact on adjacent cities, and will the City listen to input from those cities? What were the comments made by other cities?
- A** *Fullerton sent copies of the Draft EIR to the surrounding cities of La Habra, La Mirada, Buena Park, Brea, Placentia, and Anaheim for their review and comment. Only the City of La Habra commented on the DEIR regarding issues related to traffic, infrastructure, open space and residences adjacent to the project site. The City tries to be responsive to all comments and concerns received on the project.*

- Q** Has the City received more comments in favor of or opposed to the WCH project?
- A** *Comments received on the DEIR during the public review and comment period tended to be from those opposed to the project, or from agencies with comments on the analysis presented in the Draft EIR related to technical issues. The City has received a large number of letters and emails both in favor of and opposed to the project.*
- Q** Due to the level of public interest in this project, why isn't the City putting it to a vote of the people?
- A** *The project is subject to the "normal" review process, based on the applications required for the specific development proposal. The applications filed include a General Plan Amendment, Zone Change, Specific Plan Amendment and Development Agreement, and the Municipal Code sets forth the review process for each. The City Council has authority to decide whether to put the project to a vote of the people.*
- Q** Are City Council members at this meeting to listen to community comments?
- A** *The Sept. 5 informational meeting was intended to provide a project status update to the community. The focus was not on obtaining community input. Staff observed at least one Councilmember in the audience.*
- Q** There is consensus in the community to keep the property as open space; has the City made an effort to research possible funding sources?
- A** *Although the property is not for sale, the City has made efforts to research possible funding sources for property acquisition. In May 2003, Mayor Mike Clesceri formed a "Think Tank" for the purpose of seeking funding sources to explore alternatives to the development of West Coyote Hills. The group, consisting of representatives from the Fullerton City Council, Supervisor Norby's office, FSD trustees, State Parks and Recreation, Rivers and Mountains Conservancy, Trust for Public Lands, Friends of Coyote Hills, and the equestrian community, found that money in the amount needed to purchase 510 acres was not available from county, state or federal levels. In May 2006, Mayor Leland Wilson contacted the Mayors of Buena Park, La Habra and La Mirada asking them to consider working with Fullerton to secure funding to expand the open space in West Coyote Hills.*

Schools

- Q** What is school district's view of the project; do the schools have openings for the new students? Why does the EIR report that students will attend Laguna Road School rather than Sunset Lane School? Isn't Laguna Road filled?
- A** *Typically the school districts neither support nor oppose proposed development projects; their policy is to negotiate with the developers to attain financial contributions needed to serve the anticipated increase in student population. Input from the Fullerton School District (FSD) and Fullerton Joint Union High School District (FJUHS) was used as the basis for preparing the School Facilities section of the DEIR, and neither agency commented on the DEIR's sent to them for their review. The FSD boundary map (found at <http://www.fsd.k12.ca.us/menus/boundaries/elemap.jpg>) confirms that the West Coyote Hills property lies within both the Laguna Road and Sunset Lane attendance boundaries. At the meeting, a representative of FJUHS stated that project area would feed into Sonora and La Habra High Schools, both of which can accommodate the additional students.*

Q How can a resident get a copy of the agreement between developer and School District?

A *They would need to contact the school district directly.*

Q Handout prepared by developer understates project's impact on schools, speaker believes development generates one student per residence.

A *The project generated student rates used in the DEIR were obtained from the school districts. See p. 4.8-33 of the DEIR.*

Q Speaker notes that in her experience as a substitute teacher, neither Sonora nor La Habra High Schools have room for new students.

A *This observation conflicts with information provided by the FJUHSD.*

Traffic

Q City lacks needed north/south roadways to carry traffic to the 91 freeway. Has the City looked at options such as widening Gilbert or extending Brookhurst to alleviate traffic? This project will add to existing congestion.

A *The City has considered both options. At this time, the City does not have plans to extend Brookhurst due to cost; the widening of Gilbert is constrained by houses lining the street in the area between Commonwealth and Orangethorpe.*

Q Numbers used in traffic study do not reflect reality, would like City to use more realistic traffic figures and include traffic impacts from other projects.

A *The traffic study was prepared by William Kunzman (Kunzman Associates), a Registered Professional Traffic Engineer, in accordance with the City's prescribed methodology. The traffic analysis was reviewed and accepted by the City Traffic Engineer as accurately reflecting existing and proposed conditions.*

Public Meeting

Q Comment made that notice was inadequate, notification area should be expanded.

A *The City attempted to widely advertise this meeting. A press release was issued on August 3. On August 7, notices were mailed and emailed to all persons requesting notification about the West Coyote Hills project. Notice appeared in the Fullerton Tribune on August 17 and 24. The City's website contained notice under the West Coyote Hills link. Anyone wishing to be added to the City's mailing list for notification of activities pertaining to this project may call the City at 738-6837 or email joanw@ci.fullerton.ca.us, and provide a name and email or mailing address.*

Q Meeting was scheduled for a difficult time, at the beginning of the school year.

A *Timing was constrained by the availability of Plummer Auditorium, schedule of other city meetings, and a desire to update the public on the status of the project in a timely manner.*

Q The two handouts distributed at the meeting contain contradictory information.

A *Handouts were supplied by the project developer and by community organizations (Pacific Coast Homes and Save Coyote Hills), without participation or prior knowledge by the City.*

Q What is the purpose of this meeting? Speaker is disappointed that questions are not being answered. Will this meeting have any impact on the decision on the project?

A *The purpose of the meeting was to provide the public with a status update on the West Coyote Hills project due to the high level of interest within the community and the time elapsed since the last public meeting. The meeting was not intended to present a detailed discussion of all aspects of the project. This follow up was prepared to address questions that staff was unable to answer at the meeting. The questions and comments made at the meeting will be provided to the Planning Commission and City Council, as part of the back-up material they will receive prior to making their decisions at the public hearings.*

Miscellaneous

Q Does the City's General Plan consider the development of the Hughes property (Amerige Heights)?

A *Yes, the General Plan was amended as a result of the review process for the Amerige Heights project.*

Q Was the cumulative impact of the Hughes project and the proposed West Coyote Hills project considered?

A *Yes, the DEIR for this project considers the Hughes/Amerige Heights project as existing development, and evaluates the cumulative impacts of West Coyote Hills, Amerige Heights and other existing and approved development.*

Q Are there aspects of the proposed WCH project that the City does not like?

A *The City has not taken a position on this project. The EIR has been prepared to provide information about the project's impacts, and a staff recommendation will come out as part of the staff report to the hearing bodies.*

Q Resident on W. Las Palmas has concern with lack of street maintenance; her street is in bad condition. How can the City approve new development when it can't take care of existing neighborhoods?

A *A Community Facilities District or Landscape and Lighting District are proposed to maintain many of the common facilities within the project area, and streets other than the project collector are proposed as private streets. Therefore, much of the maintenance will not rely on City funding.*

Q There are discrepancies in the EIR between the population figures used in the EIR (traffic report) and the figure shown on the City's website. Is correct data being used?

A *The traffic report does not contain population figures. Traffic generation rates are determined based on land use rather than population. Section 4.6 of the DEIR addresses population and housing, and cites a population figure of 135,672 based on California Department of Finance (CDF) estimate of January 1, 2005. The website contains a population figure of 136,428, based on a May 2006 estimate. The DEIR was prepared prior to CDF's announcement of the updated population estimates.*

Q Speaker points out contradiction between Fullerton Chamber of Commerce endorsement of project due to additional sales tax revenue for Fullerton, but the traffic report shows that half the traffic leaves the City.

A *The Fullerton Chamber stated the following in its news release of January 4, 2006, endorsing the project: "From a business perspective, West Coyote Hills is good for Fullerton... The plan would provide a variety of housing options for the local workforce, create new customers for local businesses and open 352 acres of open space for the community to enjoy – making Fullerton an even more attractive location to live and work." It appears that their endorsement was based on a number of factors.*

Q What will developer have to do to create stable slopes, so that the proposed development does not have the same problems as the slope along Euclid near Rosecrans?

A *Slopes along Euclid were constructed many years ago, under former codes and standards. The slopes are comprised of a series of parcels, each under private ownership, with each individual property owner responsible for maintaining their own portion of that slope. The proposed West Coyote Hills project is subject to geotechnical studies, with grading subject to compliance with recommendations of the geotechnical engineers. Additionally, most of the slopes within the West Coyote Hills project would be held in common and maintained by an association in a more consistent and uniform manner.*

Q How can City help attain a win-win-win solution (City, citizens, Chevron, wildlife)? Would like to see exploration of alternatives to proposed development. Referenced a facility in Diamond Bar that hosts outdoor weddings; could an acceptable compromise be reached if project area were to be developed with a similar facility or other unique use?

A *At this point the City is obligated to process the project based on the applicant's submittal. During the hearing process, the Planning Commission and City Council can provide additional direction to the developer, recommending/requiring changes to the project based on their assessment of the project's impacts on the environment and the surrounding community.*