

# LATITUDE RESIDENTIAL PROJECT



## MITIGATED NEGATIVE DECLARATION

SCH No. 2020080269

## RESPONSES TO COMMENTS AND ERRATA

Lead Agency:

### **City of Placentia**

Development Services Department  
401 East Chapman Avenue, Placentia, CA 92870  
Contact: *Andrew A. Gonzales, Senior Planner*  
(714) 993-8218; Email: [agonzales@placentia.org](mailto:agonzales@placentia.org)

**October 21, 2020**

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## **EXECUTIVE SUMMARY**

The Initial Study / Mitigated Negative Declaration (MND) for the Latitude Residential Project, dated August 10, 2020, was posted with the State Clearinghouse and distributed for public review for a 30-day period, from August 20, 2020 through September 18, 2020.

The State Clearinghouse (SCH) Number for the Project is: 2020080269.

This document contains the comments received during that 30-day review period, responses to the comments received, and an errata that documents changes to the MND made in response to comments received. None of the comments identified new significant information such as changes in the Project or environmental setting as well as additional data or other information that warrants recirculation of the MND.

Together with the MND and the Latitude Residential Project Mitigation Monitoring and Reporting Program (MMRP), this document is part of the California Environmental Quality Act (CEQA) administrative record for the Latitude Residential Project.

The Latitude Residential Project is a 139-townhome unit community, located at 443 S. Van Buren Street, Placentia, California. This proposed Project includes the following applications through the City of Placentia Development Services Department:

- (1) Zone Change No. ZC 2018-01
- (2) Development Plan Review No. DPR 2018-01
- (3) Tentative Tract Map No. TTM 19104.

## **SECTION 1.0 – COMMENTS AND RESPONSES TO COMMENTS**

Comments to the Latitude Residential Project MND were received from the following individual and public agencies:

1. JoAnn Nau, 2473 Valdina, Anaheim, California 92801.
2. Shelly Scott, Branch Chief, Regional-IGR-Transit Planning, District 12, 1750 East 4th Street, Suite 100, Santa Ana, California 92705.
3. Jessie Lane, Environmental Scientist, California Department of Fish and Wildlife, South Coast Region, Habitat Conservation Planning, 3883 Ruffin Road, San Diego, California 92123.
4. Todd McIntyre, Chief Strategy Officer, Metrolink, Southern California Regional Rail Authority, 900 Wilshire Boulevard, Suite 1500, Los Angeles, California, 90017.

A copy of each comment letter or email received by the Placentia regarding the Latitude Residential Project MND is included in this section. The comments are numbered, then followed by a summary of each comment and a response to the comment.

**1.1 JOANN NAU, 2473 VALDINA, ANAHEIM, CALIFORNIA 92801.**

4 September 2020  
To: Andrew Gonzales  
Subject: Latitude Residential Project – 443, 449, 455, & 461 S. Van Buren Street

In regards to this Residential project at the above mentioned location I have concerns and responding to the Environmental Plan submitted to the City of Placentia dated August 10, 2020. I am the daughter of the home owner at 513 S Van Buren, Mr Nathan Haney, and am his Power of Attorney.

In the pictorial below a dog park is planned right next to our home on 513 s Van Buren. This will be right up against our property line and will create a nuisance both in noise levels and potential consistent activity. This property has been considered rural and quiet for decades and the disruption of a tranquil living environment is a legitimate concern.

Creating a dog park where the residence will hear people and barking all day long is not acceptable. The bedrooms are facing the dog park and so are the living space windows. The drive way will be right up against the dog park and each time the residence get in or out of the car they will be confronted with barking, not exactly a nice welcome home.

Comment #1

I will assume that the builder has gone through this plan thoroughly and knows the issues by creating green space Dog Park right next to a residence. What is the plan for lighting, noise control, Hours of operation, park usage rules number of humans and dogs, enforcement plan of the park rules?

This will also affect the resale value of the home which is crucial for my parents income should they be forced to sell the home to care for their aging needs.

Comment # 2

In regards to the planned Bocce ball court I'm looking for the same plans: lighting, noise control, hours of operation, park usage rules, and enforcement plan of the park rules? In addition the property on 513 S Van Buren is at a lower grade level at the back of the property which will be the connecting call to the court. What is the plan for fencing there?

I understand progress is necessary yet considerations need to be made which are agreeable to both parties.

Best Regards

JoAnn Nau  
2473 Valdina Anaheim, CA 92801  
714-392-0663

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**Comment #1:** Creating a dog park where the residence will hear people and barking all day long is not acceptable...I will assume that the builder has gone through this plan thoroughly and knows the issues by creating green space Dog Park right next to a residence. What is the plan for lighting, noise control, Hours of operation, park usage rules number of humans and dogs, enforcement plan of the park rules?

**Response #1:** This comment raises questions regarding a proposed dog park within the Project, its location, lighting and noise. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted. However, this comment is appreciated and will be considered by the City of Placentia during their deliberation on the proposed Project.

**Comment #2:** In regards to the planned Bocce ball court I'm looking for the same plans: lighting, noise control, hours of operation, park usage rules, and enforcement plan of the park rules? In addition the property on 513 S. Van Buren is at a lower grade level at the back of the property which will be the connecting call to the court. What is the plan for fencing there?

**Response #2:** This comment raises questions regarding a proposed bocce court within the Project, its location, lighting and noise. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted. However, this comment is appreciated and will be considered by the City of Placentia during their deliberation on the proposed Project.

**1.2 SHELLY SCOTT, BRANCH CHIEF, REGIONAL-IGR-TRANSIT  
PLANNING, DISTRICT 12, 1750 EAST 4TH STREET, SUITE 100,  
SANTA ANA, CALIFORNIA 92705.**

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY	<b>RECEIVED</b>	GAVIN NEWSOM, Governor
<b>DEPARTMENT OF TRANSPORTATION</b>	<b>SEP 17 2020</b>	
DISTRICT 12 1750 EAST 4 <sup>TH</sup> STREET, SUITE 100 SANTA ANA, CA 92705 PHONE (657) 328-6000 FAX (657) 328-6522 TTY 711 <a href="http://www.dot.ca.gov/caltrans-near-me/district12">www.dot.ca.gov/caltrans-near-me/district12</a>	<b>PLANNING</b>	Making Conservation a California Way of Life.
September 17, 2020		
Andrew Gonzales City of Placentia 401 East Chapman Avenue Placentia, CA 92870	File: IGR/CEQA SCH: #2020080269 12-ORA-2020-01435 Latitude Residential	
Dear Mr. Gonzales,		
Thank you for including the California Department of Transportation (Caltrans) in the review of the Initial Study / Mitigated Negative Declaration (IS/MND) for the Latitude Residential Project for the City of Placentia. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.		
The Project proposes to convert a former auto wrecking facility to site to High Density Residential, and to develop the site with 139 for-sale residential townhome units. The site is 5.6 acres, and the townhome development proposes a density of 25 units per acre. As proposed, the townhomes are dispersed throughout the site, with six different unit plan types ranging in size from 734 square feet to 1,333 square feet. Given the site's three-sided shape, the townhome buildings would be setback from adjacent property lines 180 feet from the front at Van Buren Street, and 5 feet from the sides at railroad to the north and channel to the south. Where the Project site is intersected by the two existing residential properties that front on Van Buren Street, the townhome buildings would be set back a minimum of 27 feet from the rear of the existing residential properties. Maximum lot coverage would be 58.2%.		
The City of Placentia is located in northern Orange County and encompasses about 6.62 square miles. Surrounding cities include: Anaheim to the south, Yorba Linda to the East, Brea to the North, and Fullerton to the west. The Project site consists of approximately 5.6 acres located north of State Route 91 (SR 91), west of State Route 90 (SR 90) and east of State Route 57 (SR 57). Locally, the Project site is divided into four addresses: 443, 449, 455, and 461 South Van Buren Street.		

City of Placentia  
September 17, 2020  
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State Routes 91, 90, and 57 are overseen by Caltrans, and as the responsible agency, Caltrans and has the following comments:

Comment #1 **Transit Planning:**

1. Caltrans encourages the City to continue coordination with the Orange County Transportation Authority (OCTA) to ensure that construction will not interfere in the nearby transit stops.
2. Please provide adequate wayfinding signage to transit stops within the project vicinity and local roadways.

Comment #2 **NPDES/Stormwater Compliance**

3. Section 6.10.1 a) of the Initial Study/ Mitigated ND references that the analysis of impacts for water quality that includes the preparation of a WQMP per the Orange County MS4 permit requirements. Based on the discussion in this section the city has reviewed the project WQMP and has found it to be acceptable. The water quality impact analysis of this section refers to a WQMP to be acceptable to the city (per Section 6.10.1) but the reference/ attached WQMP has not been approved/ signed (attachment G) by the individual who prepared the WQMP. It is our understanding that the if the WQMP is not signed, then any changes from the preliminary to the final WQMP will require the environmental document (IS/MND) to be re validated if there are any changes to the final WQMP. Recommend that the impact analysis outlined in the WQMP be included in the IS/ MND as well as the mitigation measures (post construction BMPs).

Comment #3 **Permits:**

4. Any project work proposed in the vicinity of the State right of way would require an encroachment permit, and all environmental concerns must be adequately addressed. Please coordinate with Caltrans in order to meet the requirements for any work within or near State Right-of-Way. A fee may apply. If the cost of work within the State right of way is below one Million Dollars, the Encroachment Permit process will be handled by

City of Placentia  
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our Permits Branch; otherwise the permit should be authorized through the Caltrans's Project Development Department. When applying for Encroachment Permit, please incorporate all Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, R/W certification and all relevant design details including design exception approvals. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual. The latest edition of the Manual is available on the web site:

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, do not hesitate to contact Julie Lugaro at [Julie.lugaro@dot.ca.gov](mailto:Julie.lugaro@dot.ca.gov).

Sincerely,



SCOTT SHELLEY  
Branch Chief, Regional-IGR-Transit Planning  
District 12

**Comment #1:** Transit Planning: (1) Caltrans encourages the City to continue coordination with the Orange County Transportation Authority (OCTA) to ensure that construction will not interfere in the nearby transit stops. (2) Please provide adequate wayfinding signage to transit stops within the project vicinity and local roadways.

**Response #1:** This comment addresses coordination with OCTA and wayfinding signage to transit stops. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted. However, this comment is appreciated and will be considered by the City of Placentia during their deliberation on the proposed Project.

**Comment #2:** Section 6.10.1.a of the Initial Study / MND references that the analysis of impacts of water quality that includes the preparation of the WQMP per the Orange County MS4 permit requirements...The water quality impact analysis of this section refers to a WQMP to be acceptable to the city but the reference/attached WQMP has not been approved/ signed by the individual who prepared the WQMP. It is our understanding that the if the WQMP is not signed, then any changes from the preliminary to the final WQMP will require the environmental document to be re-validated if there are any changes to the final WQMP. Recommend that the impact analysis outlined in the WQMP be included in the IS/MND as well as the mitigation measures (post construction BMPs).

**Response #2:** City of Placentia staff have reviewed the preliminary WQMP and approved the conceptual plan. A final WQMP is required following project entitlement and prior to City review and approval of grading plans. The information contained in the Initial Study follows City requirements. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted.

**Comment #3:** Any project work proposed in the vicinity of the State right of way would require an encroachment permit, and all environmental concerns must be adequately addressed. Please coordinate with Caltrans in order to meet the requirements of any work within or near State right of way.

**Response #3:** This comment addresses encroachment permit requirements. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted.

**1.3 JESSIE LANE, ENVIRONMENTAL SCIENTIST, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, SOUTH COAST REGION, HABITAT CONSERVATION PLANNING, 3883 RUFFIN ROAD, SAN DIEGO, CALIFORNIA 92123.**

**Gonzales, Andrew**

**From:** Lane, Jessie@Wildlife <Jessie.Lane@Wildlife.ca.gov>  
**Sent:** Friday, September 18, 2020 3:34 PM  
**To:** Gonzales, Andrew  
**Cc:** Turner, Jennifer@Wildlife  
**Subject:** Latitude Residential Project MND (SCH# 2020080269)

Good afternoon Mr. Gonzales,

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Initial Study / Mitigated Negative Declaration (MND) dated August 10, 2020, for the for the Latitude Residential Project (SCH# 2020080269). CDFW is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15281, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and other sections of the Fish and Game Code (1600 *et seq.*).

Comment #1

The MND indicates, "[t]here are a substantial number of non-native trees on the site, but because they are surrounded by asphalt and structures and noise generating vehicle crushing operations, the trees are unlikely to provide suitable habitat, including nesting habitat, for migratory birds under the federal Migratory Bird Treaty Act (MBTA) and under Section 3513 *et seq.* of the CDFW Code." Although sensitive species are not identified as likely to occur on the Project site, existing ornamental vegetation has the potential to provide habitat to migratory or nesting birds protected under California Fish and Game Code Sections 3503 and 3513 *et seq.* To minimize significant impacts to migratory or nesting birds, CDFW recommends incorporating the following into the MND as a mitigation measure:

*"If Project activities cannot occur outside of the bird nesting season (January 15<sup>th</sup> through September 15<sup>th</sup> for raptors and February 15<sup>th</sup> through August 31<sup>st</sup> for songbirds), nesting bird surveys shall be conducted by a qualified biologist no more than 3 days prior to construction-related activities including clearing of vegetation, grubbing, or grading. If active nests or breeding behavior are observed within the Project area during the survey, an appropriate buffer zone as determined by the qualified biologist shall be established around the nest. The qualified biologist shall be on site to monitor activity daily during vegetation clearing and grading."*

Should any active nests be identified during preconstruction surveys or if you have any questions pertaining to biological resources for this project, please contact CDFW for additional coordination.

Thank you,

**Jessie Lane**  
Environmental Scientist  
California Department of Fish and Wildlife  
South Coast Region, Habitat Conservation Planning  
3883 Ruffin Road  
San Diego, CA 92123

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**Comment #1:** The MND indicates, "[t]here are a substantial number of non-native trees on the site, but because they are surrounded by asphalt and structures and noise generating vehicle crushing operations, the trees are unlikely to provide

suitable habitat, including nesting habitat, for migratory birds under the federal Migratory Bird Treaty Act (MBTA) and under Section 351-3 et. seq. of the CDFW Code." Although sensitive species are not identified as likely to occur on the Project site, existing ornamental vegetation has the potential to provide habitat to migratory or nesting birds protected under California Fish and Game Code Sections 3503 and 35L3 et seq. To minimize significant impacts to migratory or nesting birds, CDFW recommends incorporating the following into the MND as a mitigation measure:

"If Project activities cannot occur outside of the bird nesting season (January 75th through September 15th for raptors and February 15th through August 31st for songbirds), nesting bird surveys shall be conducted by a qualified biologist no more than 3 days prior to construction-related activities including clearing of vegetation, grubbing, or grading. If active nests or breeding behavior are observed within the Project area during the survey, an appropriate buffer zone as determined by the qualified biologist shall be established around the nest. The qualified biologist shall be on site to monitor activity daily during vegetation clearing and grading." Should any active nests be identified during preconstruction surveys or if you have any questions pertaining to biological resources for this project, please contact CDFW for additional coordination.

**Response #1:** The MND evaluates the potential for nesting birds, including potential Project interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, and potential impediment to the use of native wildlife nursery sites, consistent with Appendix G of the CEQA Guidelines. CDFW's comment does not raise any new environmental issue or provide new information that would require the recirculation of the MND. However, the City of Placentia appreciates CDFW's comment and will incorporate its recommendation by adding the following mitigation measure to the MND and MMRP. With inclusion of this measure, potential Project impacts to migratory or nesting birds will be less than significant.

**Mitigation Measure BIO-1: Nesting Birds.**

**Timing:** Prior to Issuance of any clearing, grubbing or grading.

**Department Responsible:** Development Services.

Any clearing of vegetation, grubbing, or grading on the Project site shall occur outside the bird nesting season, which occurs between January 1st to September 15th (which accommodates the nesting period for passerine birds and raptors). If the nesting season cannot be avoided, the Applicant shall retain a qualified biologist subject to the review and approval of the City to survey the site for nests. If active nests or breeding behavior are observed within the Project area during the survey, an appropriate buffer zone as determined by the qualified biologist shall be established around the nest. The qualified biologist shall notify CDFW of the active nest and shall be on site to monitor activity daily during vegetation clearing and grading.

**1.4 Todd McIntyre, Chief Strategy Officer, Metrolink, Southern California Regional Rail Authority, 900 Wilshire Boulevard, Suite 1500, Los Angeles, California, 90017.**



**METROLINK.**

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY  
900 Wilshire Blvd. Suite 1500 Los Angeles, CA 90017

[metrolinktrains.com](http://metrolinktrains.com)

September 24, 2020

Mr. Andrew Gonzales  
Senior Planner  
City of Placentia  
401 E. Chapman Avenue  
Placentia, CA 92870

**RE: Latitude Residential Project Mitigated Negative Declaration (MND) Review Comments**

Dear Mr. Gonzales:

The Southern California Regional Rail Authority (SCRRA) has recently learned of the Mitigated Negative Declaration (MND) review for the Latitude Residential Project. Thank you for the opportunity to comment on key issues related to SCRRA and operations of the railroad adjacent to the project site.

As background information, SCRRA is a five-county Joint Powers Authority (JPA) that operates the regional commuter rail system known as Metrolink. Additionally, SCRRA provides rail engineering, construction, operations, and maintenance services to its five JPA member agencies. The JPA consists of the Los Angeles County Metropolitan Transportation Authority (Metro), San Bernardino County Transportation Authority (SBCTA), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC), and Ventura County Transportation Commission (VCTC).

The railroad right of way (ROW) adjacent to the proposed project is a heavily trafficked railroad mainline. The mainline ROW is operated and maintained by SCRRA and owned by OCTA. In addition to several freight trains operated daily, there are normally 27 Metrolink train frequencies that operate on weekdays through this corridor. Fewer trains operate on the weekends. Rail traffic along this corridor occurs 24 hours a day, 7 days a week, and is expected to increase in the future to address growing demands.

Please find the general comments to the project MND review related to the railroad and its operations listed below.

Comment #1

1. On page 95 of the *Latitude Residential Project Initial Study/Mitigated Negative Declaration* document, the **Baseline Noise** (6.13.1 *Analysis of Environmental Impacts*) states that the nearest rail line carries freight and is operated by BNSF,

**Latitude Residential Project MND Review Comment**  
**Page 2**

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while the heavier used "Metrolink" line is 100+ feet away. That statement is incorrect. The nearest rail line is Metrolink's Inland Empire – Orange County Line where there are 16 weekday passenger trains (pre-COVID) and several freight trains. The tracks noted being 100+ feet away are owned and operated by BNSF. Metrolink's 91-Perris Valley Line operates on that line with 11 weekday trains (pre-COVID) and the bulk of BNSF freight trains run on those tracks also.

- Comment #2      2. All drainage from the development must drain away from the railroad corridor. This includes any irrigation runoff for landscaping along the railroad corridor.
- Comment #3      3. All trees must be set back from the ROW line so that when fully matured, the trees do not hangover the ROW line onto railroad property.
- Comment #4      4. A 6' fence is required along the railroad Property line. Since this will be a high-density residential development, it is recommended that a 6' minimum high block wall is constructed along the railroad corridor instead of a fence to better secure access to the railroad ROW.
- Comment #5      5. Although the developer has conducted a noise and vibration impact analysis and mitigation measures are proposed in the building design, the City or Developer should include informational packets to future residents and make them aware that they are moving adjacent to a very active rail line.
- Comment #6      6. On Page 11 of the *Latitude Residential Project Initial Study/Mitigated Negative Declaration* document, Figure 4 appears to show a secondary access driveway to the development. Based on the ROW lines, the driveway appears to be less than 60' from the Van Buren Street highway-rail grade crossing, which is currently within a quiet zone established through the FRA. The proposed driveway may affect the quiet zone in a negative manner causing the status to be removed and trains to resume blowing the horns through the crossing. We suggest that the developer and City reach out to the BNSF railroad (owner of the crossing) and the FRA to discuss any implication to the existing quiet zone due to the proposed driveway and any mitigation that may be needed.
- Comment #7      7. Since additional housing units are being added, which will likely increase the pedestrian volumes in the area, the Van Buren Street highway-rail grade crossing should be brought up to current crossing standards that include pedestrian gates. Any proposed roadway/railroad or pedestrian/railroad crossing improvements, whether at-grade or grade-separated, must be coordinated with the California Public Utilities Commission (CPUC) and Rail Authority with jurisdiction.

**Latitude Residential Project MND Review Comment**  
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- Comment #8 8. Any proposed utility crossings with the railroad must be coordinated with OCTA and SCRRA.
- Comment #9 9. Adequate lighting should be provided on the property along the railroad corridor to deter anyone from trespassing onto the railroad ROW.
- Comment #10 10. Site development plans (grading, drainage, landscaping, lighting, etc.) should be provided to SCRRA for review.
- Comment #11 11. To assess any requirements for construction (including demolition or alteration of structures) adjacent to the railroad, construction plans should be sent to the SCRRA Engineering Department at the following address:

SCRRA Engineering Department  
Attn: Joe McNeely, Principal Engineer  
2558 Supply Street  
Pomona, CA 91767

Plans may be sent to Joe and questions addressed via email at [mcneelyj@scrra.net](mailto:mcneelyj@scrra.net)

Please consult SCRRA Engineering and Construction standards and guidelines as necessary, including Right of Entry permit concerns, at the following web address:

<https://metrolinktrains.com/about/agency/engineering--construction/>

Thank you again for allowing us to provide commentary.

If you have any questions, please contact Roderick Diaz, Director of Planning and Development at (213) 452-0455 or via e-mail at [diazr@scrra.net](mailto:diazr@scrra.net).

Sincerely,



Todd McIntyre  
Chief Strategy Officer

Cc: Dinah Minter, OCTA

**Comment #1:** On page 95 of the Latitude Residential Project Initial Study/Mitigated Negative Declaration document, the Baseline Noise (6.13.1 Analysis of Environmental Impacts) states that the nearest rail line carries freight and is operated by BNSF, while the heavier used "Metrolink" line is 100+ feet away. That statement is incorrect. The nearest rail line is Metrolink's Inland Empire – Orange County Line where there are 16 weekday passenger trains (pre-COVID) and several freight trains. The tracks noted being 100+ feet away are owned and operated by BNSF. Metrolink's 91-Perris

Valley Line operates on that line with 11 weekday trains (pre-COVID) and the bulk of BNSF freight trains run on those tracks also.

**Response #1:** The City of Placentia appreciates Metrolink's comments and is incorporating the corrected language in Section 2, Errata, of this document. This corrected information does not raise any new environmental issue or provide new information that would require the recirculation of the MND.

**Comment #2:** All drainage from the development must drain away from the railroad corridor. This includes any irrigation runoff for landscaping along the railroad corridor.

**Response #2:** This comment is a general statement regarding drainage from development. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted.

**Comment #3:** All trees must be set back from the ROW line so that when fully matured, the trees do not hangover the ROW line onto railroad property.

**Response #3:** This comment is a general statement regarding maintenance of trees. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted. However, this comment is appreciated and will be considered by the City of Placentia during their deliberation on the proposed Project.

**Comment #4:** A 6' fence is required along the railroad Property line. Since this will be a high- density residential development, it is recommended that a 6' minimum high block wall is constructed along the railroad corridor instead of a fence to better secure access to the railroad ROW.

**Response #4:** As described in Section 2.8.2 of the MND, the Project proposes an 8-foot high concrete masonry wall (CMU) with a stucco finish on the northern boundary adjacent to the rail lines. Mitigation Measure NOI-1 of the MND requires that the 8-foot wall at the northern boundary be designed to reduce noise levels at the Project's common open space areas to 65 dB CNEL. Metrolink's Comment #4 does not raise any new environmental issue, and no additional response or mitigation is warranted.

**Comment #5:** Although the developer has conducted a noise and vibration impact analysis and mitigation measures are proposed in the building design, the City or Developer should include informational packets to future residents and make them aware that they are moving adjacent to a very active rail line.

**Response #5:** The MND evaluates noise and vibration impacts related to adjacent rail lines and includes mitigation measures to address potential rail related impacts to future Project residents. Metrolink's comment does not raise any new environmental issue or provide new information that would require the recirculation of the MND. However, the City of Placentia appreciates Metrolink's comment and will add its recommendation to Mitigation Measure NOI-2, as shown below:

**Mitigation Measure NOI-2: Operational Noise – Interior.**

**Timing:** Prior to Issuance of Building Permits for Design Approval/Prior to Certificate of Occupancy for construction.

**Department Responsible:** Development Services.

The following upgrades shall be incorporated into the building design to reduce interior noise levels to 45 dB CNEL:

- All windows throughout the Project will be dual-paned glass and all upstairs living and bedrooms of units abutting the tracks shall be equipped with supplemental ventilation supplying at least 30 CFM of fresh make-up air (Building Code requirement), and
- Upstairs windows of living or bedrooms in units with a line-of-site to the tracks shall be rated at STC=30 or better (single event noise nuisance reduction) with STC = 33 rated windows recommended for upstairs windows directly facing the train tracks.
- Because window closure is a necessary condition to meet the noise standard, the code requires the provision of supplemental ventilation, including a fresh air intake that provides 30 CFM of fresh outside air. In order to not compromise acoustic protection integrity of the HVAC systems, the fresh air inlet shall be located on the building facades away from the track.
- The Project Applicant and future property manager shall provide informational packets to all prospective residents to inform them of the location of the nearby active rail lines.

**Comment #6:** On Page 11 of the Latitude Residential Project Initial Study/Mitigated Negative Declaration document, Figure 4 appears to show a secondary access driveway to the development. Based on the ROW lines, the driveway appears to be less than 60' from the Van Buren Street highway-rail grade crossing, which is currently within a quiet zone established through the FRA. The proposed driveway may affect the quiet zone in a negative manner causing the status to be removed and trains to resume blowing the horns through the crossing. We suggest that the developer and City reach out to the BNSF railroad (owner of the crossing) and the FRA to discuss any implication to the existing quiet zone due to the proposed driveway and any mitigation that may be needed.

**Response #6:** The location noted in Metrolink's comment is an EVA gate, accessible only to emergency vehicles, and is not used by the public or

pedestrians. It is not a secondary access driveway and would not affect the quiet zone. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted.

**Comment #7:** Since additional housing units are being added, which will likely increase the pedestrian volumes in the area, the Van Buren Street highway-rail grade crossing should be brought up to current crossing standards that include pedestrian gates. Any proposed roadway/railroad or pedestrian/railroad crossing improvements, whether at-grade or grade-separated, must be coordinated with the California Public Utilities Commission (CPUC) and Rail Authority with jurisdiction.

**Response #7:** The northern boundary of the site would be completely enclosed with an 8-foot wall. The Project entry would be 452 feet from the rail lines and there would be ample dog parks and recreation areas within the Project to meet future residents' needs. There are no attractions north of the site likely to draw additional pedestrian traffic near the rail lines. Consequently, the Project would not substantially increase pedestrian crossings and additional improvements are not warranted. This comment does not raise any new environmental issue, and no additional response or mitigation is warranted.

**Comment #8:** Any proposed utility crossings with the railroad must be coordinated with OCTA and SCRRA.

**Response #8:** This is a general comment regarding utility crossings. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted. However, this comment is appreciated and will be considered by the City of Placentia during their deliberation on the proposed Project.

**Comment #9:** Site development plans (grading, drainage, landscaping, lighting, etc.) should be provided to SCRRA for review.

**Response #9:** This is a general comment regarding coordination with SCRRA. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted. However, this comment is appreciated and will be considered by the City of Placentia during their deliberation on the proposed Project.

**Comment #10:** Adequate lighting should be provided on the property along the railroad corridor to deter anyone from trespassing onto the railroad ROW.

**Response #10:** This is a general comment regarding Project lighting to

deter trespassing. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted. However, this comment is appreciated and will be considered by the City of Placentia during their deliberation on the proposed Project.

**Comment #11**: To assess any requirements for construction (including demolition or alteration of structures) adjacent to the railroad, construction plans should be sent to the SCRRA Engineering Department,

**Response #11**: This is a general comment regarding coordination with SCCRA. The comment does not address the information or analysis contained within the MND that focuses on the environmental topics contained in the Initial Study, Appendix G of the CEQA Guidelines. The comment does not raise any new environmental issue, and no additional response or mitigation is warranted. However, this comment is appreciated and will be considered by the City of Placentia during their deliberation on the proposed Project.

## **SECTION 2.0 – ERRATA**

A few of the comments received and discussed in Section 1 of this document noted corrections and/or recommended measures that are incorporated in the following Errata to the MND and MMRP. Additions are shown in double underline and deletions in cross out. Associated changes to the MND technical studies will be incorporated when final studies are submitted to the City for plan check submission.

### **2.1 ERRATA #1**

#### **Executive Summary – MND, Page 1**

This Initial Study finds with the imposition of mitigation measures related to Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Noise, Traffic, Tribal Cultural Resources and Mandatory Findings of Significance, all potentially significant impacts associated with the Project would be reduced to less than significant levels. Consequently, a Mitigated Negative Declaration will be prepared for the Project.

### **2.2 ERRATA #2**

#### **Existing and Surrounding Land Uses – MND, Page 17**

Two ~~An~~ active railroad lines are ~~is~~ located north of the ~~along the northern~~ Project site boundary, and Atwood drainage channel is located along the southern boundary. Surrounding properties are a mix of industrial and residential properties. North of the site are the ~~and~~ rail lines and ~~is~~ an equipment yard and vacant land, then E. Orangethorpe Avenue and then new multi-family residential. East of the site is S. Van Buren Street then existing single family residential. Existing single family residential also occurs adjacent to the site on the west side of S. Van Buren Street. West of the site is vacant land and various manufacturing uses. South of the flood control channel is an equipment supply facility. (Reference Figure 9, Surrounding Land Uses Aerial Map.)

**2.3 ERRATA #3**

**Biological Resources– MND, Page 43**

<b>BIOLOGICAL RESOURCES.</b> Would the project:				
	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		<u>X</u>	✗	
e) Conflict with any local policies or ordinances protecting biological				X

<b>BIOLOGICAL RESOURCES.</b> Would the project:				
	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant</b>	<b>No Impact</b>
resources, such as a tree preservation policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

**Biological Resources– MND, Page 45**

- d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?

Less Than Significant with Mitigation Incorporated. As discussed above, the Project site is surrounded by urban land uses and does not contain identified native or sensitive species, riparian or sensitive habitats or wetlands. There are a substantial number of non-native trees on the site, but because they are surrounded by asphalt and structures and noise generating vehicle crushing operations, the trees are unlikely to provide suitable habitat, including nesting habitat, for migratory birds under the federal Migratory Bird Treaty Act (MBTA) and under Section 3513 et. seq. of the CDFW Code.<sup>1</sup> The site and surroundings provide no evidence of burrows or rodent populations to support burrowing owls.

However, there is some possibility that the trees could contain bird nests. The nesting season for birds in the Los Angeles County region occurs between January 1st to September 15th (which accommodates the nesting period for passerine birds and raptors). Because there is some possibility that a bird could nest in the existing trees on the Project site, Mitigation Measure BIO-1 is added to the Project to

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<sup>1</sup> Migratory birds include all native birds in the United States, as listed in 50 CFR (Code of Federal Regulations) 10.13 (List of Migratory Birds).

require monitoring by a qualified biologist should any clearing of vegetation, grubbing, or grading occur during nesting season. With inclusion of this measure, Consequently, Project impacts regarding substantial interference with the movement of a species would be less than significant.

## **Biological Resources– MND, Page 47; MMRP, Page1**

### 6.4.3 MITIGATION MEASURES

~~The Project would not have significant impacts relative to biological resources, and no mitigation is required.~~

The following measure will be required to mitigate potential Project impacts related to biological resources to less than significant levels:

#### **Mitigation Measure BIO-1: Nesting Birds.**

Timing: Prior to Issuance of any clearing, grubbing or grading.

Department Responsible: Development Services.

Any clearing of vegetation, grubbing, or grading on the Project site shall occur outside the bird nesting season, which occurs between January 1st to September 15th (which accommodates the nesting period for passerine birds and raptors). If the nesting season cannot be avoided, the Applicant shall retain a qualified biologist subject to the review and approval of the City to survey the site for nests. If active nests or breeding behavior are observed within the Project area during the survey, an appropriate buffer zone as determined by the qualified biologist shall be established around the nest. The qualified biologist shall notify CDFW of the active nest and shall be on site to monitor activity daily during vegetation clearing and grading.

## **2.4 ERRATA #4**

### **Noise – MND, Page 96**

**Baseline Noise:** The Project site is affected by train activity on the two rail lines along the northern boundary. (Reference Figure 10. Rail Line Locations.) The nearest rail line is within 50 feet of the entire site's northern boundary. This rail line is used by Metrolink's Inland Empire – Orange County Line where there are 16 weekday passenger trains (under regular operating conditions) and several freight trains. The second rail line is located 100 feet distance from the closest property line on the east side of the site to 250 feet on the west side of the site. This line is owned and operated by Burlington Northern (BNSF) which runs freight trains on the tracks. No precise numbers of daily freight trains were available. Metrolink's 91-Perris Valley Line also operates on that line with 11 weekday trains (under regular operating conditions).

~~The nearest rail line carries freight and is operated by Burlington Northern (BNSF). This rail line is only minimally used and is within 50 feet of the entire site's northern boundary. The more heavily utilized lines are operated by Metrolink and located farther north and range from 100 feet distance from the closest property line on the east side of the site to 250 feet on the west side of the site. Metrolink rail lines handle commuter rail and freight trains. Based on recent train schedules 14 Metrolink trains traverse the line each day.~~

### **Noise – MND, Page 104; MMRP, Page 12**

#### **Mitigation Measure NOI-2: Operational Noise – Interior.**

Timing: Prior to Issuance of Building Permits for Design Approval/Prior to Certificate of Occupancy for construction.

Department Responsible: Development Services.

The following upgrades shall be incorporated into the building design to reduce interior noise levels to 45 dB CNEL:

- All windows throughout the Project will be dual-paned glass and all upstairs living and bedrooms of units abutting the tracks shall be equipped with supplemental ventilation supplying at least 30 CFM of fresh make-up air (Building Code requirement), and
- Upstairs windows of living or bedrooms in units with a line-of-site to the tracks shall be rated at STC=30 or better (single event noise nuisance reduction) with STC = 33 rated windows recommended for upstairs windows directly facing the train tracks.
- Because window closure is a necessary condition to meet the noise standard, the code requires the provision of supplemental ventilation, including a fresh air intake that provides 30 CFM of fresh outside air. In order to not compromise acoustic protection integrity of the HVAC systems, the fresh air inlet shall be located on the building facades away from the track.
- The Project Applicant and future property manager shall provide informational packets to all prospective residents to inform them of the location of the nearby active rail lines.