

Allow Bella Terra Style High-Density Highrise Housing (500 units up to 6 stories to start)

Below is the “Aesthetics sec.” rational for Bella Terra type housing.
“Population & Housing sec” will be addressed in alphabetical order.

VIS = Visual Impact Statement

KVL= Key Viewing Location

Draft EIR = Draft Environmental Impact Report

Impact VIS-2 (p. 3.1-16) does not conform to any of the thresholds listed on pp. 3.1-14 through 3.1-15. Instead, it simply states that **“Implementation of the Project could (Will) result in impacts to visual resources with future development.”** Given that the entire purpose of this chapter of the Draft EIR is to analyze potential aesthetic impacts caused by the Project, the specific focus of this impact statement is unclear. **To what threshold of significance does this correspond?**

(Demand) G. Giovinco, Esq. p. 4 & 5

The Aesthetics analysis here appears to be **inconsistent with the information being provided in the Air Quality section.** **Please provide support for this impact conclusion. (Demand)** G. Giovinco, Esq. p. 5 **VIS: No New Light ≠ EIR discloses Increased Light**

The discussion of Impact VIS-3 (pp. 3.1-17 through 3.1-18) is in no way neutral and analytical, and instead **impermissibly “reverse engineers” a less than significant impact conclusion.** The focus of the threshold of significance dealing with a change in visual character is on addressing changes to the visual landscape, including buildings that are out of conformity with existing conditions and which therefore may degrade the visual landscape by changing its character. Rather than providing a straightforward analysis of this impact here, the Draft EIR provides only **subjective and normative statements such as, “The proposed development within the region would enhance the visual characteristics of the area.** Therefore, impacts to the visual quality and characteristics of the area within KVL 2 would be *less than significant.*”

A **statement that the Project would “enhance the visual characteristics of the area” is an opinion and not a neutral analysis.** Given that the **Project would allow buildings (which) are significantly taller than those which currently exist,** a fair discussion of the Project’s potential degradation of visual resources due to changing the character of the existing surroundings is warranted. Please revise the discussion of Impact VIS-3. Please also provide visual simulations of Project buildout at all KVLs. While the specific detail of potential buildings cannot be known, the size and massing – and increased height – of buildings can be represented based on what is allowed under the proposed Specific Plan. **Please provide this information so that the public and decisionmakers can fully analyze the potential impacts to visual resources caused by the Project. (Demand)** G. Giovinco, Esq. p. 5

Given that the Activity Core Overlay would include new residential uses, please explain how new, taller buildings and admitted substantial increases in lighting would not adversely affect residential uses. (Demand) G. Giovinco, Esq. p. 5

cumulative impacts to visual resources, reach an impact conclusion, and then discuss the Project’s contribution to such cumulative impacts. Please revise the Draft EIR to provide a proper cumulative impacts discussion. (Demand) G. Giovinco, Esq. p. 5

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The analysis of potential cumulative aesthetics impacts is incomplete and impermissibly conflate (**Reduces**) the Project's potential contribution to a cumulative impact with the impact itself. The Draft EIR concludes, without any support, that although cumulative development "would result in changes to various aspects of the area's character"... the "changes would not be considered adverse." (Draft EIR, p. 3.1-21.) What is the basis of this conclusion? There is no analysis supporting this statement. The Draft EIR must provide a discussion of the cumulative impacts to visual resources, reach an impact conclusion, and *then* discuss the Project's contribution to such cumulative impacts. Please revise the Draft EIR to provide a proper cumulative impacts discussion. (**Demand**) G. Giovinco, Esq. p. 5

Legal/Statutory Authority to Compel and Demand City of Fountain Valley provide Written Responses to Questions & Comments

Fountain Valley United requests that written responses to each of the following comments be provided in accordance with CEQA Guidelines section 15088: (**Demand**) G. Giovinco, Esq. p. 1

15088. Evaluation of and Response to Comments

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- (b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- (c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- (d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:
 - (1) Revise the text in the body of the EIR, or
 - (2) Include marginal notes showing that the information is revised in the response to comments.Authority cited: Section 21083, Public Resources Code. Reference: Sections 21092.5, 21104, and 21153, Public Resources Code; *People v. County of Kern* (1974) 39 Cal. App. 3d 830; *Cleary v. County of Stanislaus* (1981) 118 Cal. App. 3d 348.

