

**PRELIMINARY
SUBDIVISION COMMITTEE REPORT**

DATE: October 7, 2015

TO: OC Subdivision Committee

FROM: OC Development Services

SUBJECT: Vesting Tentative Tract Map 17522, Esperanza Hills Specific Plan area

PROPOSAL: The applicant requests the approval of VTTM 17522, which would allow the creation of 340 single family lots, 5 lots for utility or community uses, and various lettered lots for private streets, open space, park and landscaped slope lots. The map will also establish the main project access configuration from San Antonio Road and a secondary public access from Stonehaven Drive.

ZONING: Esperanza Hills Specific Plan

GENERAL PLAN: 1B "Suburban Residential"

LOCATION: The Project is located within the unincorporated area of Orange County north of the SR-91 freeway off Yorba Linda Boulevard, south and west of Chino Hills State Park, east and north of the proposed Cielo Vista project and adjacent to the existing residential development located in the City of Yorba Linda, within the Third (3rd) Supervisorial District.

**LANDOWNER/
SUBDIVIDER:** Yorba Linda Estates, LLC (Douglas Wymore)

APPLICANT: Yorba Linda Estates, LLC (Douglas Wymore)

STAFF CONTACT: Kevin Canning, Contract Planner
Phone: (714) 667-8847 Email: Kevin.Canning@ocpw.ocgov.com

RECOMMENDED ACTIONS

Development Services/Planning recommends that the Subdivision Committee:

- a) Receive staff report and public comment, as appropriate;
- b) Find that proposed project (VTTM17522) is covered by Final EIR No. 616, previously certified BY THE Board of Supervisors on March 10, 2015, satisfies the requirements of CEQA; and,
- c) Recommend to the Board of Supervisors that Vesting Tentative Tract Map 17522 be approved, subject to the attached Findings and Conditions of Approval (Appendices A and B),

and such additional findings that the Board shall determine appropriate under Section 13.3 of the Esperanza Hills Specific Plan

NOTE: Per State Law, for any improvements required prior to the recordation of a final map, the developer may instead enter into an agreement with the County of Orange guaranteeing all required improvements. Said agreement shall be accompanied by financial security.

BACKGROUND AND EXISTING CONDITIONS

The subject property (APN 351-031-04, APN 351-031-06 and APN 326-031-06) is a privately-owned, 469 acre landholding within unincorporated Orange County generally bounded by Chino Hills State Park on the north and east, existing residential communities to the south and west and a proposed adjacent residential subdivision within the unincorporated County to the west and southwest (see Figure 1). The property is owned by three entities including OC 33, LLC, Yorba Linda Estates LLC and the Nicholas/Long family trusts. OC 33, LLC owns approximately 33 acres on the western portion of the project. Yorba Linda Estates, LLC owns approximately 279 acres in the center of the project and the Nicholas/Long family owns approximately 157 acres that form the northeast portion of the project. The site is within the City of Yorba Linda Sphere of Influence.

The property is currently undeveloped with the exception of several oil wells that will be closed or relocated subject to appropriate requirements.

The Esperanza Hills project, including a General Plan Amendment, Zone Change and adoption of the Esperanza Hills Specific Plan (Specific Plan), received approval from the Board of Supervisors on June 2, 2015. The Esperanza Hills Specific Plan which will serve as the zoning and development regulatory document for the project. Final EIR 616 was previously certified as a project EIR on March 10, 2015.

The Esperanza Hills Specific Plan, as approved, includes two different public access roadway configurations from existing roadways to the development area. One configuration proposes the primary public access from San Antonio Road; the other alternative provides primary access from Aspen Way. Both alternatives would have a secondary public access from Stonehaven Drive. The pattern of development within the approved project area would not differ significantly for either access alternative.

Utilization of either configuration for the primary access roadway requires that additional off-site agreements or permissions be secured for right of way improvements. At the time of the Specific Plan approval these actions had not been completed.

To address these additional agreements and permissions, the Board included special provisions within the Specific Plan (Section 13.3) that required the Board of Supervisors' approval for the first tentative tract map that would establish the public access roadway configuration. Any and all subsequent tentative maps would be reviewed per standard procedures, that is, requiring only Subdivision Committee action.

To implement the Board's condition, Section 13.3 of the Specific Plan specifies that the tentative map that would establish the route of the primary access roadway must first be reviewed by the Subdivision Committee and then forwarded to the Board with the Committee's recommendations and findings.

With the Subdivision Committee's recommendation, the Board will then address the additional findings per Section 13.3 of the Esperanza Hills Specific Plan necessary for map approval, as follows:

- 1. That permission to gain access across land area not owned by the Project Applicant has been secured or it is reasonably assured that access rights will be secured*
- 2. That permission to allow for off-site grading has been secured or it is reasonably assured that permission will be secured*
- 3. That a Pre-annexation Agreement between the City of Yorba Linda and the developer has been completed*
- 4. Finding of consistency with Final Environmental Impact Report No. 616*
- 5. Finding of consistency with Final Environmental Impact Report No. 616 Mitigation Monitoring and Reporting Program*
- 6. Findings of consistency with this Specific Plan, the Orange County Zoning Code, the Orange County Subdivisions Code, and applicable laws and regulations.*

Therefore, the Subdivision Committee is being asked to review VTTM 17522, as it would any proposed tentative tract map, and then to forward to the Board the Committee's recommendation regarding map approval. With this recommendation, the Board will also consider compliance with the six special findings noted above prior to acting upon the map.

PROJECT PROPOSAL SUMMARY

The applicant proposes a Vesting Tentative Tract Map for the Esperanza Hills Specific Plan area. The proposed map covers the entire development area within the Specific Plan. The map includes:

- 340 residential lots (including two estate lots)
- 4 reservoirs or booster station lots
- 1 lot for a community office
- 9 private park lots (including two that will also serve drainage and WQMP purposes)
- various lettered lots for:
 - private streets
 - natural open space
 - slope lots and fuel modification areas
 - OCFA staging areas

All streets within the gated community will be private. Project access street lots will be public streets up to the point of the gated entries, however it is anticipated that these streets will be maintained by the project's master association. Because the project access streets will be largely within the City of Yorba, the maintenance of the roadways is subject to separate agreements between the developer and the City, and such agreements are currently being discussed.

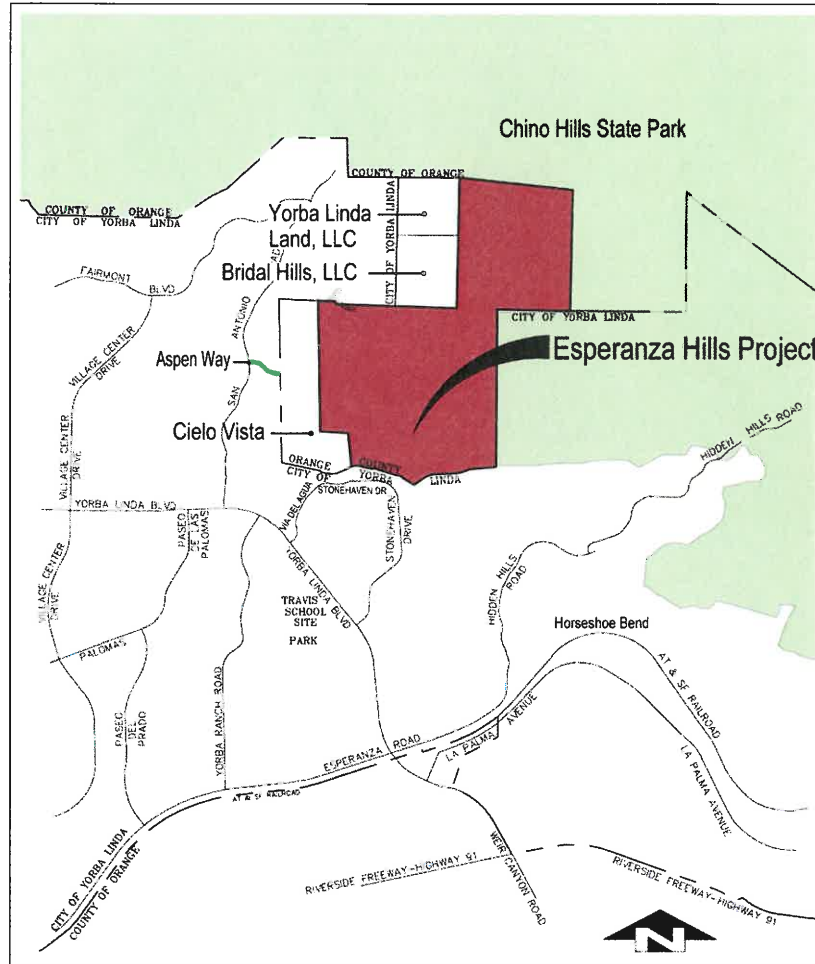
SURROUNDING LAND USE

Land uses immediately surrounding the project site include the following:

- Northerly: Chino Hills State Park and undeveloped unincorporated properties
- Easterly: Chino Hills State Park, developed and undeveloped City of Yorba Linda

- Southerly: Existing City of Yorba Linda residential development
- Westerly: Undeveloped unincorporated property and City of Yorba Linda residential

LOCATION MAP



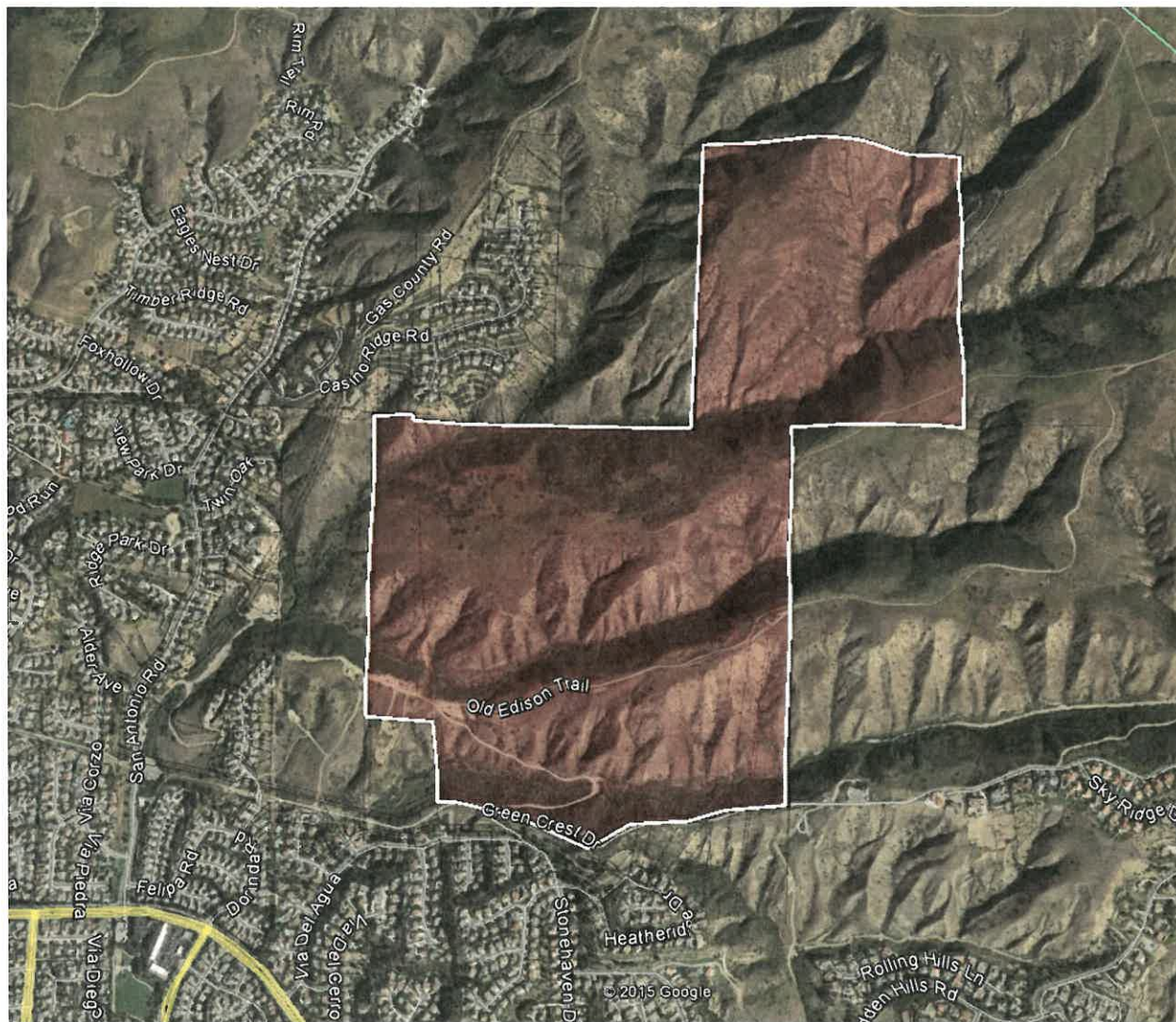
REFERRAL FOR COMMENT AND PUBLIC NOTICE

Copies of the map were distributed for review and comment to County staff and all comments were addressed through plan revisions and incorporated into the Board's approval action for the construction and creation of the project. Through focused coordination meetings and a collaborative effort with County staff, the applicant adequately addressed all comments. As of the writing of this staff report, no further comments have been received by any County divisions.

VTTM 17522 was also referred to the City of Yorba Linda for review and comment. The City responded that because the project was within the County, the City did not have a responsibility to review the map. They further noted that the City had not yet taken the necessary action regarding map's proposal to utilize the San Antonio Road access configuration. Staff notes that this action by the City is one of the Board of Supervisor's conditions for map approval noted within Specific Plan Section 13.3.

Public notices were mailed to all owners of record within 300 feet of the subject property, and posted in front of the project site, the Orange County Hall of Administration at 333 W. Santa Ana Boulevard, and in the lobby at the HGO building located at 300 N. Flower Street at least ten days prior to this public hearing, as required by established public hearing posting procedures. No public comments have been received to date.

AERIAL OF PROJECT SITE



CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

On March 10, 2015, the Board of Supervisors certified Esperanza Hills Final EIR No. 616 ("FEIR616") thereby finding it in compliance with CEQA and the CEQA Guidelines to serve as a Project EIR as defined by CEQA Guidelines Section 15161, and that it addressed the potentially significant environmental impacts associated with the Project, including the approval of a Specific Plan, a General Plan Amendment, a Zone Change and related programs and entitlements, as well as

the impacts anticipated from subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project. The Board action included adoption of a Mitigation Measure and Reporting Program (MMRP) that includes mitigations measures, project design features and conditions of approval to address identified potential impacts. The requirements of the MMRP will continue to be implemented through all stages of project approvals and implementation. The MMRP is attached as a reference for Subdivision Committee members.

DISCUSSION/ANALYSIS

Consistency Analysis:

The proposed map is consistent with the County General Plan designation of 1B Suburban Residential and the Esperanza Hills Specific Plan.

Drainage:

The map has been reviewed by Orange County Flood Control District who found that the project can be implemented in compliance with their requirements and standards subject to review and approval of further detailed and engineered plans by the District. Following meetings with the District and the developer, staff worked in coordination with the District and proposes Condition of approval No. 9 which will require the review and approval of the necessary detailed engineering plans prior to the recordation of a map or issuance of a grading permit, whichever comes first.

Recreation and Open Space:

- Master Plan of Regional Recreation Facilities - There are no regional park dedication requirements of the subject map.
- Master Plan of Regional Riding and Hiking Trails - There are no County riding and hiking trail requirements of the subject map. However, the project will extend and connect trails within the City of Yorba Linda and Chino Hills State Park. There will be a total 6.7 miles of multi-use and equestrian trails and in-tract pedestrian pathways (separate from sidewalks) constructed as part of the project.
- Master Plan of Local Parks (Local Park Code) – The Local Park Code requirement for the project is 2.72 acres (340 dwelling units at 0.008 acres per unit). The subject map, in compliance with the approved Esperanza Hills Specific Plan, proposes nine private park facilities, both passive and active, within the community, with additional recreational facilities proposed in conjunction with dual uses for drainage and WQMP facilities. The Specific Plan includes conceptual park development plans for each proposed site. The park sites are spread throughout the community. The total area of proposed private parks is estimated by the approved Specific Plan to be up 12 acres (gross), although no park credit above the minimum requirement of 2.72 acres is permitted, and the determination of actual local park credit will be subject to refined plans. Condition of approval No. 8B will require the developer to receive Subdivision Committee approval of a Local Park Implementation Plan (LPIP) prior to recordation of the first map. The LPIP will provide details regarding the area, improvements and phasing of the park sites.
- Resources Element - Open Space Component - There are no open space dedication requirements of the subject map.

- OCTA Strategic Plan for Bikeways – There are no bikeways within Specific Plan area.

Public Services & Utilities:

- Schools - This property is within the boundaries of the Placentia-Yorba Linda Union School District. Appropriate fees will be paid at the issuance of the building permit.
- Facilities Fees Programs - This project area is not included within a facilities fee program area.
- Water/Sewer - This project is served by the Yorba Linda Water District, who has indicated in a will-serve letter the ability to serve the project, subject to the completion of specified improvements by the developer.
- Water Quality Control - This project will be required to operate in accordance with requirements prescribed by the California Regional Water Quality Control Board. A Conceptual Water Quality Plan was approved prior to the approval of the Specific Plan.
- Fire Protection and Safety – As a mitigation measure within FEIR 616, prior to the issuance of a grading permit, the developer will be required to enter into a Secured Fire Protection Agreement with the Orange County Fire Authority (OCFA), if determined necessary by OCFA. During the review of the Specific Plan, Orange County Sheriff's Department stated that they had sufficient resources to serve the project.

Traffic/Circulation:

- Scenic Highway Corridors – There are no scenic highway dedications associated with the project. The project area will be visible in a long-range view from the SR-91 Freeway (a Cal-Trans-designated Scenic Highway and a County-designated Scenic Highway – Viewscape Corridor). FEIR 616 assessed the potential impacts to this specially designated roadway and concluded that the project impacts related to scenic vistas would be less than significant.
- Access/Highways/Streets/Roads - Access to the site will be via a new roadway extending from San Antonio Road and Stonehaven Drive, existing roadways within the City of Yorba Linda. The new roadway extensions will be public streets up to the point of the gated project entries. The Specific Plan requires that necessary permissions and agreements either be secured or it is reasonably assured that access rights will be secured prior to the approval of the map. It is the Board of Supervisor's responsibility and discretion to assess and make the findings that these agreements and permission are adequate to allow approval of VTTM 17522.
- Major Thoroughfare and Bridge Fee Program - This project lies within the area of benefit of the Foothill Eastern Corridor Area of Benefit.
- Off-Site Fee Program – The project does not lie within the area of benefit of an off-site fee program.

DEVIATIONS FROM STANDARDS OF DESIGN

The developer may request deviations from County standard design criteria in accordance with Subdivision Code section 7-9-291. In the absence of any specifically approved deviation request, the County-approved standard design criteria will prevail. The developer requests the following deviations:

- To allow grades on streets with residential driveway access to be greater than 10% but equal to or less than 12% grades for the following street:
 - “A” Street – adjacent to Lots 39 to 43
- To allow grades on streets without residential driveway access to be greater than 10% but equal to or less than 12% grades for the following streets:
 - Esperanza Hills Parkway
 - “C” Street

OCPW Traffic has concurred in the approval of these deviations.

CONCLUSION

Staff recommends that the Subdivision Committee forward a recommendation to the Board of Supervisors for approval of VTTM 17522, subject to the attached Findings and Conditions of Approval, and such additional findings that the Board shall determine appropriate under Section 13.3 of the Esperanza Hills Specific Plan.

Respectfully reviewed and submitted by:



Jerome Olivera, Manager, Land Use Development
OC Development Services

CERTIFICATION

I hereby certify that Vesting Tentative Tract Map 17522 was recommended for Board of Supervisors approval by the Orange County Subdivision Committee on October 8, 2015, subject to the findings in Appendix A and the conditions of approval in Appendix B.

Colby Cataldi
Chair, Subdivision Committee

APPENDICES

- A. Recommended Findings
- B. Recommended Conditions of Approval

ATTACHMENTS

1. Proposed Subdivision Committee Resolution to Board of Supervisors
2. Board Resolution 15-018 Certification of FEIR 616, Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program
3. Esperanza Hills Specific Plan (located at <http://ocplanning.net/code>)



Appendix A
Findings
VTTM17522

1 **GENERAL PLAN** **VTTM17522**

That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

2 **DESIGN & IMPROVEMENT** **VTTM17522**

That the design and improvement of the proposed subdivision are consistent with the Orange County General Plan.

3 **GENERAL PLAN CONSISTENCY** **VTTM17522**

That the proposed map is consistent with the Orange County General Plan.

4 **PROJECT LEVEL EIR** **VTTM17522**

That Final EIR No. 661, previously certified by the Board of Supervisors on March 10, 2015 reflects the independent judgment of the County of Orange and satisfies the requirements of CEQA for VTTM 17522, which is a necessarily included element contemplated as part of the whole of the action.

A. The circumstances of the project are substantially the same as described in FEIR No. 661 which adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken, and no new information of substantial importance to the project which was not known or could not have been known when the previous FEIR No. 661 was adopted has become known, and no further environmental review is required.

B. FEIR No. 661 is adequate to satisfy the requirements of CEQA for VTTM 17522.

C. The Board of Supervisors as the decision-maker adopted Resolution No. 15-018, attached hereto, which includes:

1. Findings for each of the significant impacts identified in the Final EIR;
2. A Statement of Overriding Consideration; and,
3. A Mitigation Monitoring and Reporting Program.

D. All mitigation measures are fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and have either been adopted as conditions, incorporated as part of the project design, or included in the procedures of project implementation.

5 **DEVELOPMENT TYPE** **VTTM17522**

That the proposed site is physically suitable for the proposed type of development.

6 **DEVELOPMENT DENSITY** **VTTM17522**

That the proposed site is physically suitable for the proposed density of development.

- 7** **NCCP NOT SIGNIFICANT** **VTTM17522**
That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.
- 8** **PUBLIC HEALTH** **VTTM17522**
That the design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems.
- 9** **PUBLIC EASEMENTS** **VTTM17522**
That the design of the subdivision and the type of improvements proposed will not conflict with easements of record or established by court judgment acquired by the public-at-large for access through or use of property within the proposed subdivision.
- 10** **DESIGN COMPLIANCE** **VTTM17522**
That the design and improvement of the proposed subdivision is suitable for the uses proposed, and the subdivision can be developed in compliance with applicable zoning regulations pursuant to Section 7-9-254 of the Subdivision Code.
- 11** **COMPATIBILITY** **VTTM17522**
That the use, activity or improvement(s) proposed, subject to the specified conditions and adopted Mitigation Monitoring and Reporting Program (MMRP), is consistent with the provisions of the Zoning Code and the Esperanza Hills Specific Plan regulations applicable to the property.
- 12** **PUBLIC FACILITIES** **VTTM17522**
That the approval of the map is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).
- 13** **SUBDIVISION AND ZONING CODE COMPLIANCE** **TT1752**
That the proposed subdivision complies with the requirements set forth in the Orange County Subdivision Code and the Orange County Zoning Code.
- 15** **SPECIFIC PLAN CONSISTENCY** **VTTM17522**
That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Esperanza Hills Specific Plan.
- 16** **SEWER SYSTEM** **VTTM17522**
That the discharge of waste from the proposed subdivision into the existing sewer system of the Yorba Linda Water District will not result in violations of existing requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region.
- 17** **DEVIATION FROM STANDARD DESIGN** **VTTM17522**
That the Subdivision Committee has individually considered the requested two deviations from County standard designs and that based upon special circumstances in this situation, specifically the site topography, the proposed private street system and the desired avoidance of excessive retaining walls finds that the deviations are acceptable.



**Appendix B
Conditions of Approval
VTTM 17522**

1 BASIC/ZONING REG VTTM 17522

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Subdivision and Zoning Codes and any other applicable zoning regulations, as amended. Approval does not include any action or finding as to compliance of approval of the project regarding any other ordinance, regulation or requirement.

2 BASIC/TIME LIMIT VTTM 17522

This approval is valid for a period of 36 months from the date of final determination, unless an extension is otherwise allowable by State law. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3 BASIC/COMPLIANCE VTTM 17522

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Subdivision Committee.

4 INDEMNIFICATION VTTM 17522

Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Subdivision Committee, Zoning Administrator, Director of OC Public Works, or Director of Planning concerning this application. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action or the County's participation in such defense. The County shall promptly notify the applicant of any such claim, action or proceeding.

5 BASIC APPEAL/EXACTIONS VTTM 17522

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

6 MAP NOTES VTTM 17522

Prior to recordation of a subdivision map (except maps for financing and conveyance purposes only), the following notes shall be placed on the map in a manner meeting the approval of the Manager, OC Planning:

1. The subdivider/property owner is advised that the Mitigation Measures, Project Design Features and Conditions of Approval of FEIR 616 Mitigation Monitoring and Reporting Program (MMRP) shall be satisfied.
2. The property lies within a Fire Hazard Severity Zones within State Responsibility Areas (SRA) and

within a Very High Fire Hazard Severity Zones within the Local Responsibility Areas (LRA), and advising that all structures will be required to demonstrate compliance with all requirements of Chapter 47 and Chapter 7A or shall have and approved Fire Protection Plan which provides protection equivalent to the risk for the site and structure.

3. The property lies within a Major Thoroughfare and Bridge Fee Program, specifically the Foothill/Eastern Transportation Corridor and applicable fees pursuant to this program will be assessed at the issuance of building permits.
4. The private streets constructed within this map shall be owned, operated and maintained by the developer, successors or assigns. The County of Orange shall have no responsibility therefore unless pursuant to appropriate sections of the Streets and Highways Code of the State of California the said private streets have been accepted into the County Road System by appropriate resolution of the Orange County Board of Supervisors.

7 REQUEST FOR DEVIATIONS VTTM 17522

Prior to the recordation of a subdivision map, the subdivider shall place a note on the map, in a manner that meets the approval of the Manager, Permit Services. that states the following:

- (1) Deviation to Orange County Public Works centerline radius of 250 feet for local streets.
- (2) Deviation to Orange County Public Works Standard Plan 1107 for reduced parkway width – no sidewalks to be provided to be designed and constructed per the Foothill/Trabuco Specific Plan guidelines.

8 PRIVATE LOCAL PARK VTTM 17522

A. Prior to the recordation of an applicable subdivision map, the subdivider shall make an irrevocable offer to dedicate an easement over Lot(s) E, H, K, N, MM, NN, TT, VV, and NNN for private local park purposes to the County of Orange in a form approved by the Manager, OC Planning. The subdivider shall not grant any other easement over the private park easement which is inconsistent with the local park uses, unless that easement is made subordinate to said local park easement in a manner meeting the approval of the Manager, OC Planning.

B. Prior to the recordation of the first final subdivision map, the subdivider shall submit a Local Parks Implementation Plan (LPIP) for review and approval by the Subdivision Committee. The LPIP shall address estimated creditable park land, conceptual improvements and park phasing commensurate with housing occupancies.

Note: The irrevocable offer of dedication (IOD) may be satisfied per the appropriate designation (notes and delineation) on the subject final subdivision map.

9 REGIONAL DRAINAGE STUDIES VTTM 17522

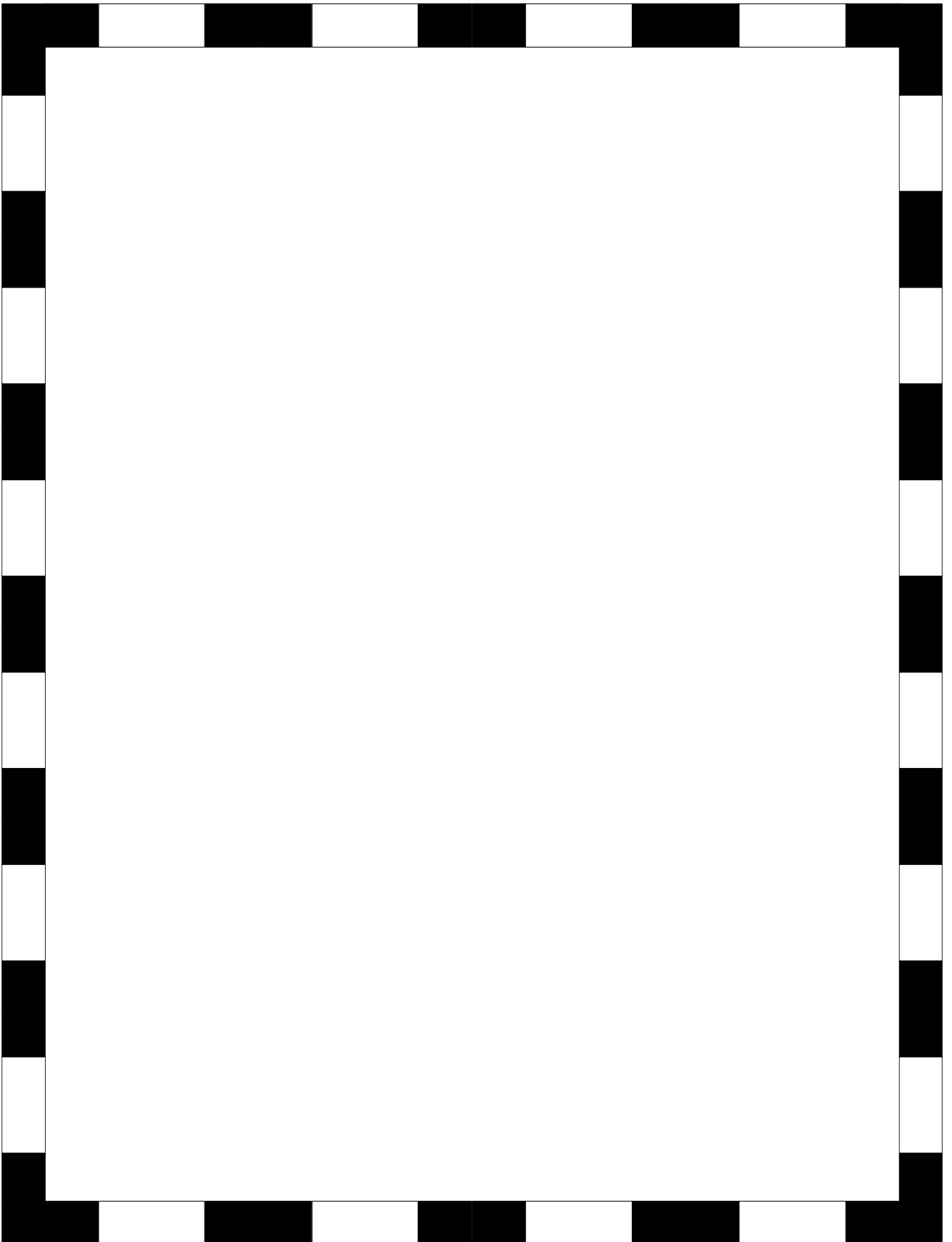
Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, a final drainage report shall be submitted to and approved by the County Manager, Permit Services. The final drainage report shall address Condition of Approval COA-1 and include detailed engineering analyses/calculations demonstrating:

- 1) Proposed mitigation basins shall, to extent feasible, reduce post-development runoff to pre-development levels, and
- 2) Post development impacts to downstream Esperanza Channel (OCFCD Facility No. E06) are mitigated to a level of insignificance.

Engineering analyses/calculations shall conform to the criteria and standards set forth in the 1986 Orange County Hydrology Manual and its Addendum No. 1, Orange County Flood Control Design Manual, Orange County Local Drainage Manual, and other appropriate County of Orange criteria.

10**EASEMENT SUBORDINATION****VTTM 17522**

Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the County of Orange or the Orange County Flood Control District, unless such easements are expressly made subordinate to the easements to be offered for dedication to the County. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the Manager, Permit Services, for review and approval. Further, a copy of the approved easement shall be furnished to the Manager, Permit Services, prior to the final inspection approval.

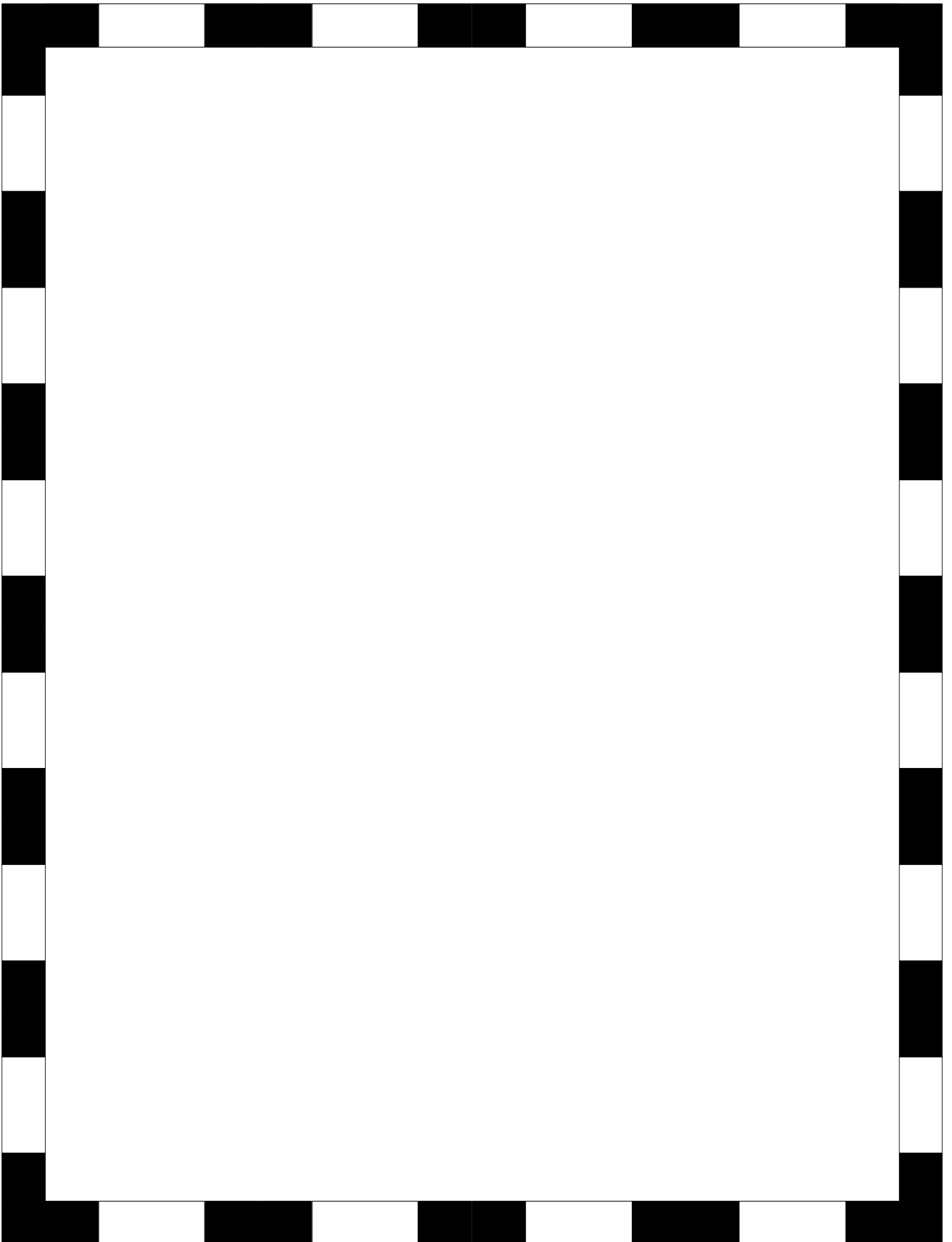


RESOLUTION NO. _____
RESOLUTION OF THE SUBDIVISIONS COMMITTEE
OF
ORANGE COUNTY, CALIFORNIA
RECOMMENDING BOARD OF SUPERVISORS APPROVAL
OF VESTING TENTATIVE TRACT MAP 17522

October 7, 2015

NOTE TO SUBDIVISION COMMITTEE MEMBERS

The proposed resolution will be forwarded separately



RESOLUTION NO. 15-018
RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT 616
FOR THE ESPERANZA HILLS RESIDENTIAL DEVELOPMENT PROJECT

March 10, 2015

WHEREAS, Yorba Linda Estates, LLC, OC 33, LLC and the Nicholas/Long family trusts (collectively "Applicant") have submitted Planning Application 120037 ("PA120037"), requesting approval of a residential development consisting of 340 single-family residential units including adoption of a General Plan Amendment (Land Use Element) ("GPA LUE 14-02"), adoption of a Specific Plan, and certification of an Environmental Impact Report ("EIR") (collectively, the "Project"); and

WHEREAS, the County of Orange ("County") is the lead agency under the California Environmental Quality Act ("CEQA"), for the proposed Project; and

WHEREAS, in accordance with Section 15063 of the CEQA Guidelines, the County prepared an Initial Study/Environmental Checklist for the Project and distributed it, along with the Notice of Preparation ("NOP") to responsible and interested agencies and key interest groups for comment for a 42-day public review period from December 22, 2012 to February 1, 2013; and

WHEREAS, pursuant to the Initial Study prepared for the Project and in recognition of the comments received in response to the NOP, the County of Orange prepared Draft Environmental Impact Report #616 dated November 27, 2013 ("DEIR #616"); and

WHEREAS, the subsequent actions addressed in DEIR #616 include, but are not limited to, County approval of a Vesting Tentative Tract Map and site development permits; and

WHEREAS, a Notice of Availability for DEIR #616 was filed with the State Clearinghouse and posted on December 2, 2013, giving public notice of the availability of DEIR #616 for review and comment; and

WHEREAS, copies of DEIR #616 were circulated for public review and comment for a 62-day period between December 4, 2013 and February 3, 2014; and

WHEREAS, a public meeting was held on January 16, 2014 to solicit comments from interested parties; and

WHEREAS, during the public review period, a total of 85 letters and emails were received and 19 public meeting commenters made comments on DEIR #616; and

WHEREAS, in accordance with the requirements of CEQA, full and complete responses to those comments received during the public review period were prepared and included in Esperanza Hills Final EIR No. 616 ("FEIR #616"); and

WHEREAS, All the information comprising the FEIR #616 is on file with OC Public Works/Planning Division, 300 North Flower Street, Santa Ana, California; and

WHEREAS, in furtherance of CEQA's goal of promoting public participation in the environmental review process, the Orange County Planning Commission ("Planning Commission") conducted a public hearing on January 14, 2015 to receive and consider information, including the staff report and public testimony with respect to the Esperanza Hills development and FEIR #616 and reviewed the findings contained in the Statement of Findings, attached hereto as Exhibit A, with respect to significant impacts identified in FEIR #616; and

WHEREAS, in connection with the January 14, 2015 public hearing, the County of Orange Planning Commission approved Resolution No. 15-01 recommending that the Board of Supervisors find FEIR #616 adequate and complete and certify that FEIR #616 in compliance with CEQA Guidelines Section 15090; and

WHEREAS, proposed FEIR #616 will be comprised of (i) DEIR #616, (ii) the Responses to Comments which includes a list of persons, organizations and public agencies commenting on DEIR #616 along with the letters and emails received from such commenters, public meeting testimony and corresponding responses to comments, (iii) revisions to the DEIR #616 reflecting changes made in response to comments and other information as detailed in the Response to Comments Errata and (iv) all attachments and documents incorporated by reference into DEIR #616; and

WHEREAS, FEIR #616 is in compliance with the CEQA (California Public Resources Code, Sections 21000 *et seq.*) and the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq.*) ("CEQA Guidelines") and is a Project EIR as defined by CEQA Guidelines Section 15161, and as such addressed the potentially significant environmental impacts associated with the Project, including the approval of a Specific Plan adoption, GPA LUE 14-02, a Zone Change and related programs and entitlements, as well as the impacts anticipated from subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and

WHEREAS, the subsequent actions addressed in FEIR #616 include, but are not limited to, County approval of Vesting Tentative Tract Map and site development permits, a Biological Opinion Section 404 Permit, Section 401 certification, Local Agency Formation Commission consideration of potential annexation and City of Yorba Linda for an encroachment permit; and

WHEREAS, the Board of Supervisors has reviewed the findings contained in the Statement of Findings, attached hereto as Exhibit A and incorporated herein by this reference, with respect to significant impacts identified in FEIR #616; and

WHEREAS, included in the Statement of Findings is a Statement of Overriding Considerations listing the Unavoidable Adverse Significant Impacts of the Project; and

WHEREAS, as part of the certification of the adequacy of FEIR #616, per California Public Resources Code Section 21081.6, a Mitigation Monitoring and Reporting Program ("MMRP") is included identifying Mitigation Measures ("MM(s)") and Standard Conditions

(“SC(s)”), all of which have been identified as measures to reduce potential adverse significant impacts; and

WHEREAS, the principal purpose of the MMRP is to ensure that the approved mitigation measures for the adopted Project are implemented and monitored for compliance during subsequent planning stages and, ultimately, during project implementation; and

WHEREAS, a copy of the MMRP is attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the Board of Supervisors conducted a public hearing on March 10, 2015 regarding PA120037, including FEIR #616, GPA LUE 14-02, the Specific Plan and the Zone Change; and

WHEREAS, the Board of Supervisors reviewed all documentation and materials comprising FEIR #616 and found that FEIR #616 reflects the independent judgment and analysis of the County, considers all environmental effects of the Project and is complete and adequate and fully complies with all requirements of CEQA and CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Supervisors hereby certifies FEIR #616 as complete and adequate in that it addresses all environmental effects of the Project and fully complies with the requirements of CEQA, the CEQA Guidelines and the County of Orange CEQA Guidelines. All of the information comprising FEIR #616 is on file with the County of Orange/OC Development Services at 300 N. Flower Street, Santa Ana, California.
2. The Board of Supervisors approves and adopts the Statement of Findings, including the Statement of Overriding Considerations prepared for the Project, attached as Exhibit A. Specifically, the Board of Supervisors finds that each fact in support of the individual findings is true and based upon substantial evidence in the record, including FEIR #616.
3. The Board of Supervisors finds that FEIR #616 identifies all significant environmental effects of the Project, and that there are no known potential environmental impacts which are not specifically and adequately addressed in FEIR #616.
4. The Board of Supervisors finds that although FEIR #616 identifies certain significant environmental effects that will result if the Project is approved; those significant effects which can be feasibly mitigated or avoided have been reduced to an acceptable level by the incorporation in the approved Project of the individual mitigation measures identified in the Statement of Findings, included as Exhibit A, and the MMRP, included in Exhibit B.
5. The Board of Supervisors finds that FEIR #616 describes a reasonable range of alternatives to the Project that could feasibly obtain most of the basis objectives of the Project but would avoid or substantially lessen one or more of the significant effects associated with the proposed project (including the "No Project Alternative") even though these alternatives might be more costly or infeasible.

6. The Board of Supervisors finds that no substantial evidence has been presented which would call into question the facts and conclusions appearing in FEIR #616.
7. The Board of Supervisors finds that no significant new information has been added to FEIR #616 such that recirculation for additional public review is necessary or required pursuant to CEQA Guidelines Section 150885.5.
8. The Board of Supervisors finds that the MMRP, attached as Exhibit B, establishes a mechanism and procedures for implementing and verifying the project mitigation prior to or concurrent with Project approval and implementation.
9. The Board of Supervisors hereby adopts the MMRP, and directs that the mitigation measures be incorporated into the Project prior to or concurrent with Project approval and implementation.
10. The Board of Supervisors finds that the unavoidable adverse effects of the Project (as identified in the "Statement of Overriding Considerations," included in the Statement of Findings as Exhibit A) that have not been reduced to a level of less than significant have been, nonetheless, lessened in their severity by the imposition of the mitigation measures identified in the MMRP. The Board further finds that any remaining, unavoidable significant impacts are clearly outweighed by the specific economic, legal, social, and other benefits of the Project (as more particularly described in the Statement of Overriding Considerations) and that the adverse environmental effects are therefore considered acceptable.
11. The Board of Supervisors adopts the Statement of Overriding Considerations, included in Exhibit A, which identifies the economic, legal, social, and other benefits of the Project which support approval of the Project notwithstanding certain unavoidable significant environmental effects which cannot be feasibly and substantially mitigated, and finds that the Statement of Overriding Considerations sets forth all of the facts upon which it is based.
12. The Board of Supervisors finds that FEIR #616 reflects the independent review and judgment of the County.
13. The Board of Supervisors finds that FEIR #616 serves as adequate and appropriate to comply with the requirements of CEQA.

Exhibit A

ESPERANZA HILLS
DRAFT ENVIRONMENTAL IMPACT REPORT No. 616
CEQA FINDINGS OF FACT
SCH No: 2012121071
Project No. PA120037
County of Orange

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires that written findings be made by the lead agency in connection with certification of an Environmental Impact Report (EIR) prior to approval of the project (Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the State of California Public Resources Code). CEQA Guidelines Section 15091 states:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR;
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

- f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

CEQA Guidelines Section 15093 provides that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits, including region-wide or statewide environmental benefits of a proposed project, against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits, including region-wide or statewide environmental benefits, or a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of de3terminatin. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The County of Orange, as lead agency, having received, reviewed and considered the Draft Environmental Impact Report (DEIR) and the Final Environmental Impact Report (FEIR) for the Esperanza Hills Project, SCH No. 2012121071, as well as all other information in the record of proceedings on this matter, hereby adopts the following Findings and Facts in Support of Findings (Findings) and Statement of Overriding Considerations (SOC).

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the County of Orange for the development of the Project. This action includes the approval of the following:

- Draft Environmental Impact Report SCH No. 201212107
- A) Document Format

These Findings have been organized into the following sections:

- 1) Section 1 - Introduction to these Findings
- 2) Section 2 – Summary of the project, including an overview of the discretionary actions required for project approval and a statement of the project objectives
- 3) Section 3 – Findings regarding the environmental impacts that were determined as a result of the Initial Study, Notice of Preparation (NOP) and consideration of comments received during the NOP comment period.
- 4) Section 4 – Findings regarding significant or potentially significant environmental impacts identified in the DEIR that the County has determined are either not significant or can feasibly be mitigated to a less than significant level through project design features (PDFs), conditions of approval (COAs), standard conditions of approval or mitigation measures (MMs). All of these measures will be included in a Mitigation Monitoring and Reporting Program (MMRP) in order

to ensure compliance with all conditions adopted by the Lead Agency. Where potentially significant impacts can be reduced to less than significant levels through adherence to PDFs and COAs, these Findings specify how those impacts were reduced to an acceptable level. This section also includes findings regarding significant or potentially significant environmental impacts identified in the DEIR that will or may result from the project and which the County has determined cannot feasibly be mitigated to a less than significant level.

5) Section 5 – Findings regarding Alternatives to the proposed project.

B) Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the County in conjunction with the proposed project.
- The Draft EIR for the proposed project
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR
- The reports and technical memoranda included or referenced in the Response to Comments
- All written and verbal public testimony presented during a noticed public hearing for the proposed project
- The Mitigation Monitoring and Reporting Program
- All documents, studies, EIRs or other materials incorporated by reference in the DEIR and FEIR
- The Resolutions adopted by the County of Orange in connection with the proposed project and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the County, including but not limited to federal, state and local laws and regulations
- Any documents expressly cited in these Findings
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e)
- The Final EIR for the proposed project

C) Custodian and Location of Records

The documents and other material that constitute the record of proceedings on which these findings are based are located at the County of Orange, OC Public Works/OC Planning Department. The custodian for these documents is the County of Orange. Copies of these documents which constitute the record of proceedings are and at all relevant times have been and will be available upon request at the County of Orange. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code of Regulations, Title 14, Chapter 3, Section 15091(e).

II. PROJECT SUMMARY

A) Project Location

The proposed Project, known as Esperanza Hills, is located within unincorporated area of the County of Orange, east of San Antonio Road and north of Stonehaven Drive (Via del Agua) near the City of Yorba Linda. The site is north of Yorba Linda Boulevard and east of SR-90 (Imperial Highway). To the south and west are existing residential communities previously approved and developed in the City of Yorba Linda. To the north and east the site is bordered by Chino Hills State Park.

B) Project Description

The Project site contains a total area of approximately 468.9 acres and has been designed to provide a maximum of 340 residences in large-lot, low-density neighborhoods. The site has been utilized historically for animal grazing and oil production beginning in the mid 1950's. Currently, the major use of the site is as open space, for energy transmission associated with Southern California Edison, for water transmission for the Metropolitan Water District and the Yorba Linda Water District, and for some limited oil production. The existing land use is consistent with County of Orange General Plan Land Use designation of Open Space (5) and Zoning Code designation of General Agricultural (A1) and with a General Agriculture/Oil Production overlay (O) for the property.

Development will occur in two phases (Planning Area 1 and Planning Area 2). Planning Area 1 provides up to 218 lots on 310 acres with a minimum lot size of approximately 12,000 square feet and building pads that are 70 feet wide and 140 feet deep. Planning Area 1 contains four parks, an underground water reservoir, open space, existing natural open space, riparian areas and a trail corridor linking the Project to surrounding properties. Planning Area 1 is located on land owned by Yorba Linda Estates, LLC and Yorba Trails, LLC.

Planning Area 2 provides 122 units (including two estate lots) on 159 acres located at the higher elevation on the portion of the property owned by the Nicholas Long family. The minimum size of building pads is 90 feet wide and 110 feet deep. Planning Area 2 will contain five parks, an underground water reservoir, open space, existing natural open space, a trail system that connects to Canyon B to the west and two estate lots that have the opportunity for ancillary uses such as equestrian and/or viticulture. The estate lots are 1.11 acres).

Project construction is anticipated to take one to two years for grading and three to seven years for construction. Construction will include rough grading, relocation/cleanup of oil wells, trenching, foundation work and construction of housing, parks, roadways and reservoirs.

The Esperanza Hills Specific Plan has been prepared to provide for the development of a low-density master planned community. The Specific Plan includes regulatory text and maps necessary to provide for the described development, maintenance and use of the Esperanza Hills property in compliance with the policies and programs of the County of Orange General Plan. The specific plan includes two possible access configurations. The primary access configuration is from Stonehaven Drive with emergency access through

the adjacent property known as the proposed Cielo Vista project. The alternate access configuration is from San Antonio Road, with secondary access from Stonehaven Drive.

These access configurations are described and analyzed in the EIR. Specifically, the Stonehaven Drive access configuration is identified as Option 1 in the EIR, and the San Antonio Road access configuration is identified as Alternative 3, Option 2B. Both access configurations is fully analyzed in the EIR and impacts associated with both configurations are disclosed and mitigated. The Specific Plan provides a listing of conditions precedent to implementation of the alternate San Antonio Road access configuration, along with a timing mechanism, which is recordation of a tentative vesting tract map (VTTM). Only one access configuration will be part of the VTTM considered by the County Subdivision Committee.

C) Discretionary Actions

Implementation of the project requires several actions by the County, including:

- Draft Environmental Impact Report (SCH 2012121071). Certification of the Draft Environmental Impact Report (DEIR) evaluating the environmental impacts resulting from the proposed project, in accordance with the California Environmental Quality Act of 1970 (CEA), as amended (Public Resources Code Sections 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.)
- Final DEIR. The Final DEIR would also provide environmental information to responsible agencies, trustee agencies, and other public agencies that may be required to grant approvals and permits or coordinate with the County as part of project implementation.
- Esperanza Hills Specific Plan. Adoption of a Specific Plan will replace the existing A1 and A1(O) zoning designations and to regulate and guide development of the property. The Specific Plan will serve as the regulatory and policy document for future development.
- Vesting Tentative Map (VTTM 17522). Approval of the vesting tentative map to confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved. Approval of a VTTM is anticipated to be a future action considered by the County Subdivision Committee.

D. Statement of Project Objectives

The statement of objective sought by the project and set forth in the Final DEIR is provided as follows:

- Create a low-density single-family development
- Create a planned community of appropriate density and scale that respects the existing topography and natural backdrop of the Project Site.
- Create clustered residential neighborhoods buffered from adjacent development by abundant open space while preserving and enhancing permanent open space and habitat.
- Provide recreational opportunities for residents in the project vicinity for access to Chino Hills State Park from the west to Old Edison Trail.
- Design compatible land uses within the project and to surrounding areas.

- Preserve open space, natural landforms and vegetation surrounding and within planned and developed residential areas.
- Preserve the northern and eastern ridgelines adjacent to Chino Hills State Park.
- Provide fire breaks, firefighting staging areas, access points, and emergency ingress/egress plans to enhance safety to the residents and surrounding community.
- Provide construction standards and requirements that meet or exceed Orange County Fire Authority requirements for communities bordered by wildland areas.
- Enhance the visual quality of the areas around the oil extraction operations to the extent that extraction operations are continued.
- Integrate hydromodification principles with biological resources to create bio-retention and bio-detention areas passive parks and aesthetically pleasing landscape features.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

In conformance with CEQA and the State CEQA Guidelines the County conducted an extensive environmental review of the proposed project.

- The County determined that a DEIR would be required for the proposed project and issued a Notice of Preparation (NOP) and Initial Study on December 21, 2012. The NOP was distributed to all public agencies, trustee agencies and the State Office of Planning Research and posted at the Orange County Clerk-Recorder's office and on the County's website on December 21, 2012. The public review period was extended beyond the 30-day period to 42 days from December 21, 2012 to February 1, 2013.
- Based on the Initial Study and Environmental Check List Form (CEQA Appendix G), the County staff determined that a Draft Environmental Impact Report (DEIR) should be prepared for the proposed project. A scoping meeting was held during the NOP review period to allow local residents and interested persons an opportunity to review the proposed project and provide input on issues to be addressed in the DEIR. The scoping meeting was held on January 31, 2013 at Travis Ranch School in the City of Yorba Linda. Notice of the scoping meeting was sent to state and local agencies, cities, individuals who expressed interest in the project and residents/occupants within a 2,000' radius of the project boundaries.
 - The scope of the DEIR was determine based on the County's Initial Study, comments received in response to the NOP and comments received at the scoping meeting conducted by the County. Section 1.3 of the DEIR summarizes the issues identified for analysis.
 - The County of Orange prepared a Draft EIR, which was made available for a 60-day public review period beginning on December 4, 2013 and ending on February 3, 2014. The Notice of Completion was sent to all interested persons, agencies, cities and organizations. The Notice of Completion was also sent to the State Clearinghouse for distribution to additional public agencies. Copies of the DEIR were made available at the City of Yorba Linda, the City of Yorba Linda Public Library, the East Anaheim Library, the County Planning Services Department and on the County website.
 - The DEIR consists of seven volumes including fifteen technical studies:
 - Volume I – DEIR
 - Volume II – Appendices A through G (IS/NOP, Air Quality/Greenhouse Gas Emissions, Biological Resources,

- Jurisdictional Delineation, Archaeological/Paleontological Resources, Geotechnical Report)
- Volume III – Appendices H through J (Fault Hazard Assessment, Phase I ESA, Fire Protection and Emergency Evacuation Plan)
- Volume IV – Appendix K (Preliminary Drainage Reports)
- Volume V – Appendices L through N (Conceptual Water Quality Management Plans and Addendums, Noise Impact Analysis)
- Volume VI – Appendices O through Q (Traffic Impact Analysis, Preliminary Water Reports, Preliminary Sewer Reports)
- Volume VII – Appendices R through U (Northeast Area Planning Study, Yorba Linda Water District 2005 Domestic Water System Master Plan, Yorba Linda Water District 2010 Urban Water Management Plan, Service Request Letters)
- A study session was held by the County Planning Commission on November 6, 2014 in the Hall of Administration, 333 W. Santa Ana Boulevard, Santa Ana CA. The meeting was noticed on the County’s website.
- In compliance with Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines), the County has met its obligation to provide written Responses to Comments to public agencies at least 10 days prior to certifying the Final EIR.
- Preparation of the Final DEIR includes comments on the DEIR, responses to those comments, clarifications/revisions to the DEIR and appended documents. The Final DEIR was released on December 5, 2014 and posted on the County’s website.
- A Board of Supervisors public hearing was held on March 10, 2015 in the Board Chambers at 333 W. Santa Ana Boulevard, Santa Ana, CA. A notice of time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and the County’s noticing requirements. Notices were mailed to property owners within a 2000’ radius of the project, as well as to agencies, cities and interested parties. The mailing and notifications occurred at a minimum 10 days in advance of the meeting, consistent with the Board of Supervisors noticing requirements. The Draft and Final EIR, staff report and evidence, both written and oral, were presented to and considered by the Board of Supervisors at this hearing.

IV. ENVIRONMENTAL ISSUES THAT WERE DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROPOSED PROJECT

A. Impacts determined to be Less Than Significant in the Initial Study

As a result of the project scoping process including the NOP circulated by the County on December 21, 2012, in connection with preparation of the Draft EIR, the preparation of the Initial Study and the Public Scoping meeting, the County determined, based upon the threshold criteria for significance that the project would have no impact or a less than significant impact on the following potential environmental issue.

Agricultural Resources – No farmland exists on or near the site and no farmland will be converted to non-agriculture use.

Mineral Resources – The project would not result in the loss of availability of a known mineral resource or locally important mineral resource recovery site.

B. Impacts Determined To Be Less Than Significant in the DEIR

This section identifies impacts of the proposed project determined to be less than significant without implementation of project-specific mitigation measures. This determination, however, does assume compliance with existing regulations, conditions of approval and relevant General Plan policies as detailed in each respective topical section of Chapter 5 in the DEIR.

Hydrology and Water Quality – The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. Conditions of approval applied to the project will ensure that project is consistent with County requirements related to drainage, sewer erosion and water quality, thereby reducing impacts to less than significant.

Land Use and Planning – The project would not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Population and Housing – The project will not conflict with population and housing projections and housing needs, displace existing housing or displace substantial numbers of people.

Recreation – The project would not have a substantial adverse effect on recreational facilities or require additional facilities beyond those provided in the DEIR. The project will provide in excess of County requirements for the provision of parkland.

V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The following potentially significant environmental impacts were analyzed in the Draft EIR and the effects of the project were considered. Identification of relevant General Plan policies, compliance with existing laws, codes and statutes and the identification of feasible mitigation measures, project design features and conditions of approval have reduced potential impacts to a level of less than significant as determined by the County. Therefore, the County has determined, in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1) that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment” are referred to as Finding 1 herein.

Where the County has determined, pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2) that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,” the County’s finding is referred to as Finding 2.

Where the County has determined that either (1) even with identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, project design features or conditions of approval, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the County

has found in accordance with CEQA Section 21081(1)(3) and State CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” Per CEQA Guidelines, this is herein referred to as Finding 3.

A. Impacts Mitigated to Less Than Significant

The following summary describes impacts of the proposed project that, without mitigation would result in significant adverse impacts. Upon implementation of the mitigation measures, project design features or conditions of approval provided in the DEIR, the impacts would be considered less than significant.

1. Aesthetics

Environmental Impact: The proposed project will permanently alter portions of the site through landform modification. The project is designed to retain ridgelines whenever possible and includes development plan components and design features that will minimize impacts to aesthetics. Potential impacts from light and glare have been addressed with mitigation.

Finding 1 – Mitigation Measure AE-1 would minimize visibility of light sources by directing lighting toward the on-site structures and not illuminating areas outside property boundaries. Therefore, the County makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Facts in Support of Finding

The proposed project will not have a substantial adverse effect on a scenic vista, damage scenic resources or degrade the existing character or quality of the site. Development standards have been included in the DEIR that provide a framework for project implementation including design guidelines pertaining to the project’s community structure, visual appearance, walls and fences, community furnishings and landscape furnishings. Mitigation Measure AE-1 will reduce light and glare impacts by controlling light spill and confining lighting to within each property’s boundaries. Therefore, aesthetic impacts have been reduced to less than significant.

Mitigation Measure

The following Mitigation Measure has been included in the Draft EIR:

AE-1 Prior to the issuance of building permits, the Project Applicant shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property in a manner meeting the approval of the Manager OC Planning, or designee. Lighting shall be designed to minimize visibility of light sources by directing lighting toward the on-site structures and not illuminating areas outside property boundaries.

2. Air Quality

Environmental Impact: Emissions modeling for construction of the project show that the emissions would remain below levels of significance for each of the air quality constituents for which the SCAB is currently in non-attainment. However, the project, in conjunction with growth and development within the SCAB, would hinder conformance with the regional AQMP. Because the SCAB has been classified as a non-attainment basin for compliance with the Federal Clean Air Act, the project will have an incremental impact on cumulative air quality conditions.

Finding 1 – Mitigation Measures AQ-1, AQ-2 and AQ-3 would reduce air quality impacts to a less than significant level. The County therefore makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Facts in Support of Finding

Analysis in the DEIR shows that project construction or operational emissions will not exceed the SCAQMD recommended threshold levels and will not violate any air quality standard or contribute substantially to an existing or project air quality violation. Cumulatively, the project emissions would not add significantly to non-attainment criteria pollutants in the SCAB. Mitigation Measures have been incorporated into the project to reduce impacts to a less than significant level.

Mitigation Measures

The following Mitigation Measures have been included in the Draft EIR:

- AQ-1 During construction, the Project Applicant shall ensure the use of enhanced control measures for diesel exhaust emissions to maintain NOX impacts at a less than significant level. These measures shall include:
- Utilize well-tuned off-road construction equipment
 - During grading, require that contractors use Tier 3 on all heavy equipment (excavators, graders, and scrapers exceeding 100 HP rated power) if the entire project is graded at one time for NOX emissions, unless use of such mitigation is demonstrated to be technically infeasible for a given piece of equipment
 - During grading, require that contractors employ oxidation catalysts during grading for excavation graders and scrapers exceeding 100 HP rated power if the entire project is graded at one time, unless use of such mitigation is demonstrated to be technically infeasible for a given piece of equipment.
 - Enforce 5-minute idling limits for on-road trucks and off-road equipment
- AQ-2 During construction, the Project Applicant shall ensure that standard construction practices as set forth in the SCAQMD Handbook shall be implemented.
- AQ-3 During construction, the Project Applicant shall ensure that best management practices for dust control are implemented. These include:
- Apply soil stabilizers or moisten areas that are inactive for 96 hours or more.
 - Prepare a high wind dust control plan
 - Address previously disturbed areas if subsequent construction is delayed more than 96 hours

- Water exposed surfaces as needed to avoid visible dust leaving the construction site (typically three times per day)
- Wet down or cover all stockpiles with tarps at the end of each day or as needed
- Provide water spray during loading and unloading of earthen materials
- Minimize in-out traffic from construction zone
- Cover all trucks hauling dirt, sand or loose material or require all trucks to maintain at least two feet of freeboard
- Sweep streets daily if visible soil material is carried out from the construction site
- Use perimeter sandbags and wind fences for erosion control

3. Biological Resources

Environmental Impact: The project has the potential to result in impacts to sensitive biological resources and place fill in drainages within ACOE, CDFW and RWQCB jurisdictions. Direct and indirect impacts have been identified in the DEIR related to walnut woodland and blue elderberry woodland, Braunton's milk-vetch, intermediate mariposa lily, catalina mariposa lily, small flowered microseris, least Bell's vireo, nesting birds, southern willow scrub, southern California walnut, special status wildlife, raptor foraging habitat and ACOE/CDFW/RWQCB jurisdictions.

Finding 1 - Mitigation Measures Bio-1 through Bio-1 and project design features would reduce impacts to biological resources to a less than significant level. The County therefore makes Finding 1 that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment."

Facts in Support of Finding

Vegetation that will be directly impacted by removal will be replaced in accordance with a Habitat Mitigation and Monitoring Program. Avoidance of occupied riparian habitat will be implemented via monitoring and best management practices regarding nesting seasons, noise and coordination with resources agencies. Project design features, in addition to mitigation measures, have been incorporated into the project to minimize impacts related to trash and debris, light pollution, minimization of edge effects along open space areas and plants used for fuel modification areas. A wetland/riparian habitat restoration plan will be implemented to minimize impacts to resource agency jurisdictional areas. Therefore, the County finds that impacts related to biological resources will be reduced to a less than significant level.

Mitigation Measures

The following Mitigation Measures have been included in the Draft EIR:

Bio-1 Prior to the issuance of grading permits, the Project Applicant shall prepare a re-vegetation plan for mulefat scrub, black willow riparian forest, and blue elderberry woodland located within Blue Mud Canyon. The plan will also incorporate California black walnut into the plant palette to mitigate the loss of 0.48 or 0.22 acre of walnut woodland associated with Options 1 and Option 2, respectively. The plan shall be prepared by a qualified biologist for review and approval by the Manager of OC Planning. At a minimum, the plan shall include restoration of mulefat scrub and black willow riparian forest vegetation that also includes a black walnut component. The plan

shall include replacement of habitat at a minimum a ratio of 1:1; responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; monitoring plan; and long-term preservation.

Bio-2 Prior to the issuance of grading permits, a detailed restoration program shall be prepared by a qualified biologist for approval by the County of Orange. The program shall provide for planting of 326 greenhouse-propagated individuals of intermediate mariposa lily in the Study Area within an undisturbed area of coastal sage scrub. This mitigation program will be considered successful if at least 80% of 326 flowering individuals, or 261 flowering individuals, are observed five years after planting. If success criteria are not met after five years, remedial measures shall include greenhouse propagation and planting of additional individuals on the Project Site.

Bio-3 Prior to the issuance of grading permits, a detailed restoration program shall be prepared by a qualified biologist for approval by the County of Orange. The program shall provide for planting of 400 greenhouse-propagated individuals of Braunton's milk-vetch in the Study Area within an undisturbed area of suitable habitat and soils, slope and exposure. This mitigation program will be considered successful if at least 80% of 400 individuals, or 320 individuals, flower and set seed prior to senescence. If success criteria are not met prior to senescence of the planted individuals, remedial measures shall include greenhouse propagation and planting of additional individuals on the Project Site.

Bio-4 Prior to the issuance of grading permits, the Project Applicant shall prepare a re-vegetation plan for mulefat scrub and black willow riparian forest located within Blue Mud Canyon. The plan will also incorporate California black walnut into the plant palette to mitigate the loss of walnut woodland as described in Mitigation Measure Bio-1. The plan shall be prepared by a qualified biologist for review and approval by the Manager of OC Planning. At a minimum, the plan shall include: restoration of mulefat scrub and black willow riparian forest vegetation at a ratio of 1:1; responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; monitoring plan; and long-term preservation.

Bio-5 Prior to the issuance of grading permits, the Project Applicant shall include the following measures on the grading plan to be implemented with grading operations:

1. Prior to the commencement of clearing operations or other activities involving significant soil disturbance, all areas of mulefat scrub and black willow riparian forest habitat to be avoided shall be identified with temporary fencing or other markers that are clearly visible to construction personnel.
2. A USFWS-approved Biological Monitor shall be on-site during any clearing of mulefat scrub and black willow riparian forest. The Project Applicant shall advise the U.S. Fish & Wildlife Service at least 7 calendar days – but preferably 14 calendar days – prior to the clearing of mulefat scrub and black willow riparian forest. The Biological Monitor shall flush avian or other mobile species from habitat areas immediately prior to brush-clearing and earth-moving activities. It shall be the responsibility of the monitoring biologist to ensure that identified bird species are not directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities to continue on a timely basis.
3. Following the completion of initial clearing activities, all areas of mulefat scrub and black willow riparian forest habitat to be avoided by construction equipment and

personnel shall be marked with temporary fencing or other clearly visible, appropriate markers. No construction access, parking, or storage of equipment shall be permitted within such marked areas.

Bio-6 Prior to the issuance of grading permits, the Project Applicant shall prepare a Restoration Plan for mulefat scrub, black willow riparian forest, coast live oak riparian woodland, and other appropriate wetland/riparian habitats at an acreage ratio of 1:1 to be located within Blue Mud Canyon. The plan shall be prepared by a qualified biologist for review and approval by the Manager of OC Planning. The Restoration Plan shall include the following:

1. Impacts to living coast live oak trees within CDFW jurisdiction will be mitigated through planting liners or locally collected acorns within Blue Mud Canyon at the following ratios:
 - For healthy trees to be removed for development:
 - trees less than 5 inches diameter at breast height (DBH) should be replaced at 3:1
 - trees between 5 and 12 inches DBH should be replaced at 5:1
 - trees between 12 and 36 inches DBH should be replaced at 10:1
 - trees greater than 36 inches DBH should be replaced at 20:1
 - For damaged trees (including trees damaged by construction and fire damaged trees to be removed for development):
 - trees less than 12 inches DBH should be replaced at 3:1
 - trees greater than 12 inches DBH should be replaced at 5:1
 - Impacts to trees that were killed by the 2008 Freeway Complex Fire do not require mitigation.
2. The sizes, condition, and total number of impacted trees will be determined after verification of the limits of CDFW jurisdiction and prior to issuance of any permit that results in ground disturbance.

Bio-7 Prior to the issuance of grading permits, the Project Applicant shall prepare a Habitat Mitigation and Monitoring Program (HMMP). The HMMP shall be prepared by a qualified biologist for review and approval by the Manager of OC Planning. The HMMP shall include responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; monitoring plan; and long-term preservation. The Project Applicant shall be fully responsible for the implementation of the Habitat Mitigation and Monitoring Program until the restoration areas have met the success criteria outlined in the approved plan. The Manager of OC Planning shall have final authority over mitigation area sign-off.

Bio-8 Prior to the issuance of any grading permit the Project Applicant shall include the following measures on the grading plan to be implemented with grading operations:

1. Prior to the commencement of clearing operations or other activities involving significant soil disturbance, all areas of ACOE and CDFW jurisdiction to be avoided shall be identified with temporary fencing or other markers that are clearly visible to construction personnel.
2. A USFWS-approved Biological Monitor shall be on-site during any clearing of riparian vegetation. The Project Applicant shall advise the US Fish & Wildlife Service at least 7 calendar days – but preferably 14 calendar days – prior to the clearing of riparian vegetation. The Biological Monitor shall flush avian or other mobile species from habitat areas immediately prior to brush-clearing and earth-moving activities. It shall be the responsibility of the monitoring biologist to ensure

that identified bird species are not directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities to continue on a timely basis.

3. Following the completion of initial clearing activities, all areas of ACOE and CDFW jurisdiction to be avoided by construction equipment and personnel shall be marked with temporary fencing or other clearly visible, appropriate markers. No construction access, parking, or storage of equipment shall be permitted within such marked areas.

Bio-9 Prior to the issuance of grading permits, the Project Applicant shall include the following condition on the grading plan for implementation during vegetation removal operations:

No vegetation removal shall occur between the dates of March 15 to August 31, unless a qualified biologist surveys the Project's impact area prior to disturbance to confirm the absence of active nests. If an active nest is discovered, vegetation removal within a particular buffer surrounding the nest shall be prohibited until nesting is complete; the buffer distance shall be determined by a qualified biologist (in consultation with the CDFW or the USFWS, if applicable) and in consideration of species sensitivity and existing nest site conditions. Limits of avoidance, which can be up to 300 feet for nesting raptors, shall be demarcated with flagging or fencing. The Biologist shall record the results of the recommended protective measures described above and shall submit a memo summarizing any nest avoidance measures to the Manager of OC Planning to document compliance with applicable state and federal laws pertaining to the protection of native birds, including nesting raptors.

Bio-10 Prior to the issuance of building permits, the Project Applicant shall prepare a resident Environmental Awareness Program to be reviewed and approved by the Manager of OC Planning. The Environmental Awareness Program is intended to increase awareness to residents of the sensitive plants, wildlife, and associated habitats that occur in the preserved open space areas. The intention of the program shall be to encourage active conservation efforts among the residents to help conserve the habitats in the preserved open space. The program shall address inadvertent impacts from the introduction of invasive plant species (including escapees), human intrusion, trash and debris, creation of ad hoc trails, domestic cats, and light pollution. At a minimum, the Environmental Awareness Program shall include the following components:

- Informational kiosks shall be constructed at entrance points to hiking and equestrian trails and at various locations along the fence line that separates the Project Site and the open space area to inform residents and trail users on the sensitive flora and fauna that rely on the habitats found within the preserved open space. The intent of these kiosks is to bring awareness to the sensitive plants, wildlife and associated habitats which occur in the area along with discouraging creation of ad hoc trails and trash and debris.
- The Project Applicant shall provide residents or the HOA for nearby subdivisions (if applicable) with a brochure that includes a list of plant species to avoid in residential landscaping to prevent the introduction of invasive plant species and impacts from human intrusion, light pollution and domestic cats to the surrounding natural communities.

- Bio-11 Prior to the issuance of grading permits the Project Applicant shall include the following measures on the grading plan to be implemented with grading operations:
- No clearing, grubbing, grading, or other construction activities shall occur within and in the vicinity of riparian habitat occupied by least Bell's vireo between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met:
1. A qualified biologist shall survey riparian areas that would potentially be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish & Wildlife Service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
 - a. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist;
 - b. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician and/or qualified biologist (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the U.S. Fish & Wildlife Service at least two weeks prior to the commencement of construction activities. Prior to the commencement of any construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist;
 - c. If it is desired to conduct construction activities adjacent to habitat determined to be occupied by least Bell's vireo during pre-construction surveys, then at least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician and/or qualified biologist, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of occupied area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician and/or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level of it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60

dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireos are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the U.S. Fish & Wildlife Service that demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
 - If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition 1.c shall be adhered to as specified above.
 - If this evidence concludes that no impacts to this species are anticipated, no further surveys or monitoring would be necessary.

4. Cultural Resources

Environmental Impact: The cultural resources impact analysis for the project determined that there is no evidence of historical resources, archaeological resources or human burials within the project boundaries. A historical and archaeological records search indicated that there are no known cultural resources within the project area. However, in the event such resources are encountered during the grading and excavation phase of the project, mitigation measures have been incorporated in the DEIR.

Finding 1 – Mitigation Measures CR-1 and CR-2 would minimize any impacts by stopping grading and evaluating the find if resources are discovered. A Paleontological Resources Mitigation Plan would also require awareness training for earthmoving personnel, monitoring of excavations and recovery and curation of fossils meeting the significance criteria established in the plan. Therefore, the County makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Facts in Support of Finding

The project will not cause a substantial adverse change in the significance of a historical or archaeological resource or directly or indirectly destroy a unique paleontological resource or site. No evidence of historical, archaeological or paleontological resources exists in the records or based on site reconnaissance. Mitigation Measure CR-1 will address the unanticipated discovery of cultural resources during grading operations. Mitigation Measure CR-2 will address the discovery of paleontological resources during project construction. The County has determined that impacts to cultural resources would be less than significant.

Mitigation Measures

The following Mitigation Measures have been included in the Draft EIR:

- CR-1 Prior to the issuance of any grading permit, a grading note shall be added to the grading plan that states: “If any unanticipated cultural resources, including human remains, are discovered during ground-disturbing activities; work in that location shall be temporarily diverted a minimum of 25 feet away until a County qualified archaeologist can evaluate the find. Recommendations by the archaeologist and as approved by the

County of Orange Planning Manager shall be complied with for any further ground-disturbing work.”

CR-2 Prior to the issuance of any grading permit, the Project Applicant shall prepare and submit to the Manager, OC Planning for review and approval a Paleontological Resources Mitigation Plan as detailed in the “Archaeological and Paleontological Resources Assessment Update” for the Esperanza Hills Project, dated January 2013, prepared by Cogstone. The Paleontological Resources Mitigation Plan shall include the following: 1) paleontological resources awareness training for all earthmoving personnel, 2) monitoring of excavations more than five feet below the current surface (not for shallow excavations), 3) adjustments by the principal paleontologist to monitoring requirements based on fossil yield, depth and location of impact, and 4) recovery and curation of fossils meeting the significance criteria established in the Paleontological Resources Mitigation Plan.

5. Geology and Soils

Environmental Impact: The DEIR identified potential geotechnical and engineering hazards related to primary and secondary impacts. Primary impacts could include gross slope stability, ground rupture, earthquake fault zones, landslide deposition/debris flows, ground water conditions and retaining wall stability. Secondary impacts could include surficial slope stability, strong ground shaking, deep fill settlement, steep cut/fill transitions, soils (compressible, corrosive, expansive) and liquefaction. Mitigation Measures Geo-1 through Geo-19 have been included to specifically address each potential impact.

Finding 1 – Mitigation Measures Geo-1 through Geo 19 would minimize potential primary and secondary impacts due to geotechnical and soils constraints on the project site. A Fault Hazard Assessment was required due to the Project’s proximity to the Whittier Fault Zone which is designated as an Alquist-Priolo Earthquake Fault Zone. The Fault Hazard Assessment analyzed potential surface rupture. Adherence to recommendations in the Geotechnical Review and the Fault Hazard Report in the DEIR would further reduce impacts to the extent feasible. Therefore, the County makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Facts in Support of Finding

The Geotechnical Review and Fault Hazard Report have identified impacts that may be encountered during grading or construction including slope stability, ground rupture, retaining wall stability, ground shaking, fill settlement, compressible soils, liquefaction, groundwater and expansive soils. Development of the project will place housing in an area that is subject to earthquakes and seismic ground shaking. Strong seismic ground shaking is endemic in southern California and future residents of Esperanza Hills will be subject to this risk. The Fault Hazard Assessment included recommendations pertaining to implementation of the conceptual design plan to reduce potential impacts from faulting and seismicity. All feasible mitigation measures in the DEIR, along with adherence to state and local building and construction standards, will reduce potential impacts to a less than significant level.

Mitigation Measures

The following Mitigation Measures have been included in the Draft EIR:

- Geo-1 Prior to issuance of building permits, the Project Applicant and the County shall ensure that geologic conditions underlying design slopes and those to remain natural in areas adjacent to the development perimeter shall be investigated and analyzed for gross stability in accordance with current geotechnical engineering practice. Investigation shall include areas where larger landslides are suspected to exist, mainly in natural slope areas bordering the development, including analysis of distribution and dimension regarding conditions of gross stability.
- Geo-2 During grading, the Project Applicant and the County shall ensure that unstable areas be avoided or that design slopes determined to be grossly unstable be stabilized by construction of buttresses or stabilization fills, flattening gradients, lowering overall heights, improving stability through use of tie-back/grade-beam systems, use of geogrid, use of cement-treated-soil or similar supplemental stabilization measures or combinations of these methods.
- Geo-3 During grading, the Project Applicant shall ensure that zones of weathered bedrock be removed from back cuts and/or areas upon which new fill is to be placed.
- Geo-4 Prior to issuance of building permits, the Project Applicant shall ensure that construction across the trace of active faults and/or outside the limits of the setback zone will be avoided to the maximum extent practicable, and no residential lots are designed within the setback zone established for the Whittier Fault. Where access roads, retaining walls, bridge structures or structural fills are planned within the setback zone, the direction and magnitude of anticipated fault offset and severity of anticipated ground shaking shall be incorporated into the design.
- Geo-5 Prior to issuance of building permits, the Project Applicant shall ensure that the design for improvements that cross the Whittier Fault should be minimal, and the trend in which crossings are made should be oriented as nearly perpendicular (20 degrees east of north) to the trend of the fault as possible. The prefabricated bridge structure spanning Blue Mud Canyon under Option 1 shall be positioned and designed to accommodate expected fault offset. The Project Applicant shall consider use of alternative geotechnical engineering technologies to minimize impacts to structures constructed above active fault strands. These may include the incorporation of geofabric materials into fill bodies to add to fill strength and/or select placement of gravel blankets within subgrade areas to diffuse shear forces relating to ground rupture.
- Geo-6 Prior to issuance of building permits, the Project Applicant shall ensure that utility lines located in or near the Whittier Fault incorporate flexible joints into their design, to accommodate anticipated ground rupture in a right-lateral strike-slip sense.
- Geo-7 Prior to issuance of building permits, the Project Applicant shall verify that the existing seismic setback zone margins are appropriate for encountered geologic conditions and, where changes are warranted, evaluate any impacts to design plan elements and assure any revisions to the margins are depicted on final plan sets.
- Geo-8 Prior to issuance of building permits, the County shall ensure that the Project Applicant has provided geotechnical investigations and engineering analyses to evaluate retaining wall design and stability, establish foundation design recommendations and determine conditions of gross and surficial stability of overall wall/slope combinations. In surficially unstable slopes where no remedial grading is permitted, wall foundations

shall be strengthened to accommodate a potential loss of lateral support. Where natural slopes are grossly unstable, possibly due to the presence of a larger landslide, the slope shall be stabilized or buttressed through grading methods. Where grading is not permitted, structural stabilization shall be accomplished through the design of retaining walls and/or soldier pile walls, tie backs, or some combination of both.

Geo-9 Prior to issuance of building permits, the Project Applicant shall ensure that natural slope areas adjacent to development are analyzed for stability and estimated volumes of failure material determined. Setback zones or design of a bench in the upper slopes shall be employed to reduce the potential for failures to migrate into graded areas. Areas of rock creep influence shall require use of tie-backs and structural sheets to prevent this occurrence.

Geo-10 Prior to issuance of building and grading permits, the Project Applicant shall ensure that the following methods are incorporated into the design to prevent slope failure:

- Where daylight fill lots lie adjacent to ascending natural slopes, building pad elevations shall be raised, and toe-of-slope catchment troughs have been designed into which the failure materials can accumulate. These areas should be designated as “common areas” and maintained by homeowners associations.
- In areas where a more significant volume of debris is expected, such as an area situated within the path of adjacent natural drainage swales, impact or deflection walls shall be installed.
- Use of design stabilization fills, which are typically the width of standard grading equipment, shall be used for surficially unstable cut or fill slopes.

Geo-11 During the conceptual design phase, the Project Applicant and the County shall ensure that no lots are designed with habitable structures within the fault hazard setback zone as determined in the Fault Study, and no building permits shall be applied for or granted for any habitable structures within the hazard fault setback zone in the future. Asymmetrical floor plans shall be avoided, because these kinds of buildings tend to twist in addition to shaking laterally.

Geo-12 Prior to issuance of building permits, the Project Applicant shall demonstrate to the County that deep fills have undergone a cycle of “primary” settlement sufficient to allow safe construction. The Project Applicant may opt to employ supplemental geotechnical measures to minimize anticipated settlement time. Such measures could include vertical wick-drain installation, use of higher fill compaction standards, use of granular fill zones prone to less settlement and/or placement of surcharge fills.

Geo-13 During construction, Project Applicant and the County shall ensure that appropriate conventional engineering measures are implemented to reduce impacts of excessive differential settlement in cut/fill transition areas as determined by the County building official. These measures can include a flattening of removal profiles to 2:1 or shallower, deepening over-excavation of building pads within zones of expected impacts, use of higher compaction standards, limiting construction of certain improvements within structural setback zones or construction of stiffened foundation systems including post-tension foundations caisson walls or mat slabs as determined feasible and appropriate.

Geo-14 During grading, the Project Applicant and the County shall ensure that removal and re-compaction of compressible native soils shall be performed in areas of proposed structural fills to minimize settlement of new fill and/or prevent loss of lateral support. The limits of removals shall extend beyond conceptual plan boundaries and potentially beyond the limits of grading into areas to remain natural. Where no removals are

permitted beyond the boundaries of design, engineered structures shall be installed such as pin piles to achieve proper slope stability.

- Geo-15 Prior to issuance of building permits, the County shall verify that testing has been conducted to evaluate the chemical character of fill soils. Result of such testing shall be used to formulate appropriate foundation design criteria to reduce the adverse effects of corrosive soils.
- Geo-16 Prior to issuance of building permits, the County shall ensure that the Project Applicant has provided geotechnical studies to evaluate the occurrence and character of expansive clay soil on the Project Site. Based on the results of the studies, criteria for foundation design shall be formulated to reduce adverse effects such as selective grading methods including placement of adverse clay soils in deeper fill areas, or non-bedrock and design structures through building pad over-excavation. Post grading studies and testing shall be conducted on finished building pads to verify the adequacy of foundation design.
- Geo-17 Prior to grading, the County shall ensure that the Project Applicant has conducted geotechnical investigations of recent alluvium deposits to evaluate the potential for liquefaction. Findings of such investigations shall be incorporated into the design of structures proposed in areas where there is a potential for liquefaction to occur.
- Geo-18 Prior to construction, the Project Applicant shall ensure that a network of subdrains and back-drains shall be installed in areas of expected groundwater or active seepage.
- Geo-19 Prior to issuance of building permits, the County shall ensure that the Project Applicant has conducted geotechnical investigations and engineering analyses in areas where proposed roadways cross existing natural gas pipelines or transmission towers exist adjacent to proposed cut slopes and designed roadway crossings to avoid or minimize damage to these facilities.

6. Hazards and Hazardous Materials

Environmental Impact: The project is located within a Very High Fire Hazard Severity Zone, as designated by the County, and has historically experienced wildfires. The site is currently undeveloped with the exception of oil well operations in the western portion of the site where three operating oil wells are located. Fire protection has been a key element in the design of the project. A water distribution system has been incorporated that will achieve OCFA standards for the provision of adequate capacity for normal and fire-fighting use. The project also includes a community evacuation plan designed in conjunction with OCFA and OCSD. A Combustible Gas/Methane Assessment study is required to assess the release of combustible gas/methane from the continued operation of the oil wells. Mitigation Measures Haz 1 through Haz-14 have been incorporated to reduce hazards and hazardous materials impacts.

Finding 1 – Mitigation Measures Haz-1 through Haz-14 would reduce impacts due to hazards and hazardous materials to a level of less than significance related to fire and oil well operations. A Fire Protection and Emergency Evacuation Plan (FPEP) prepared for the Project assessed fire risks and identified requirements and proposed recommendations for water supply, fuel modification, emergency access, building ignition and fire resistance, fire protection systems and wildfire emergency pre-planning and evacuation plans. The FPEP concluded that the recommendations would provide protection against wildfires spreading from Chino Hills State Park and significantly reduce the Project site as an ignition source, thereby providing a buffer as protection to adjacent existing residences. Therefore, the County makes Finding 1 that “Changes

or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Facts in Support of Finding

The project has a potential to expose people or structures to a significant risk of loss, injury or death involving wildfire given the climate, topography and wildland-urban interface. The project includes a reduction of roughly 70% of the native fuels on the site which will be replaced with lower flammability landscape. A fuel modification plan, approved by OCFA, will work in tandem with other components of the fire protection system including ignition-resistant construction, interior automatic fire sprinklers with attic heads in each structure, infrastructure upgrades and water supply. The project structural and infrastructural fire protection components will comply with the current Building and Fire Codes. Emergency ingress/egress plans for evacuation and entry of emergency vehicles simultaneously have been incorporated into the project's circulation design. Mitigation Measures Haz-1 through Haz-14, in addition to twelve Project Design Features will reduce impacts to a less than significant level.

Mitigation Measures

The following Mitigation Measures have been included in the Draft EIR:

- Haz-1 Prior to the issuance of building permits the Project Applicant shall provide a Combustible Gas/Methane Assessment Study for review and approval by the OCFA. The Project Applicant shall submit and obtain OCFA approval for a Methane Control Plan to control the release of combustible gas/methane from operation oil wells in the event that measurable quantity of methane gas is identified in the Combustible Gas/Methane Assessment Study.
- Haz-2 Prior to the issuance of grading permits the Project Applicant shall ensure that a Phase II ESA is prepared for review and approval by the Manager of OC Planning. The Phase II ESA shall identify the abandoned well locations, and any hidden pits or accumulations of drilling mud in the vicinity of the wells. The assessment shall include a review of available well logs and abandonment documentation in order to verify regulatory compliance of previously abandoned wells. In the event pits are encountered during the Phase II ESA investigation or during grading, the pits will be sampled for hazardous substances and will be disposed of at a certified hazardous waste facility.
- Haz-3 Prior to the issuance of grading permits, the Project Applicant shall ensure that an RAP is prepared for the previously abandoned oil wells to address the appropriate measures consistent with state law.
- Haz-4 Prior to the closure of any existing oil wells, the Project Applicant shall ensure that the operators of the oil wells prepare an RAP to address appropriate measures for closure consistent with state law.
- Haz-5 Prior to the issuance of any grading permit that results in the disturbance of any vegetation, the Project Applicant shall submit a Fire Master Plan for review and approval by the OCFA. The Fire Master Plan shall be based on the Esperanza Hills FPEP and shall contain details regarding evacuation roads, including road surface type, firefighting staging areas, emergency secondary access, turning radii, vegetation clearance buffers along roadways, exits, and locations of hydrants and reservoir.

- Haz-6 Prior to the issuance of any occupancy permit, the Project Applicant shall submit a Community Evacuation Plan (CEP) for the Project for review by the OCFA and the OCSD and approved by the OCFA. The CEP will incorporate the information on community plans from the Orange County Office of Emergency Services and the San Diego Office of Emergency Services. The Esperanza Hills FPEP shall be the basis of the CEP, which shall include provisions for:
- Pre-fire planning and preparations
 - Post-fire recovery actions
 - Communications/registering with Alert OC (Orange County's Reverse 911 system and sign-up for cell phone/text notice)
 - Prevention (maintenance of fuels around buildings, gutter and roof clearance, vent protection)
 - Emergency contact numbers
 - Annual evacuation training schedule
 - Fire Prevention Measures during High Fire Danger and Red Flag Warning periods
 - Annual review and update requirements
 - Wildfire Emergency Evacuation Plan Details
 - On-site partial relocation versus off-site evacuation
 - Revisions/updates to the CEP shall be reviewed and approved by OCFA
- Haz-7 Prior to the recordation of the final tract map, the Project Applicant shall record the deed restrictions for each residential lot. The deed restriction shall include any portion of the FMZs on the private lot, approved plant palettes, and prohibitions regarding combustible structures, including fencing and other accessory structures. Deed restrictions will run with the land and be conveyed to any subsequent owner of the private lot.
- Haz-8 Prior to the recordation of the Final Tract Map for Lots 7, 8, 9, 224, 225, 236, 237, 253, 254, and 278 in Option 1 and Lots 8, 9, 10, 224, 225, 236, 237, 253, 254, and 278 in Option 2 that include an FMZ that extends beyond the private lot or development, the Project Applicant shall obtain written legal permission in the form of a Fuel Modification Easement from any off-site landowners. The Fuel Modification Easement shall be recorded for each lot. In any situations where the FMZ extends into biological open space or other sensitive biological areas, or other areas controlled by the County and/or resource agencies, formal written permission shall be obtained from all applicable agencies.
- Haz-9 Prior to the issuance of building permits, the Project Applicant shall prepare a Private Property Owners' Guide for fire-safe vegetation management, which shall be distributed by the Esperanza Hills HOA to each new home buyer. The Guide shall be based on the Orange County Fire Authority Vegetation Management Guidelines as approved in the Fuel Modification Plan approved by the OCFA. Periodic inspections by the OCFA shall be at the expense of the Esperanza Hills HOA.
- Haz-10 Prior to the recordation of the final tract map, the Project Applicant shall submit the Project Covenants, Conditions, and Restrictions (CC&Rs) to the Manager of OC Planning for review and acceptance by County Counsel and will include:
- A reference to the Esperanza Hills FPEP to ensure compliance with the features with the plan. The HOA is required to enforce compliance with the Plan. Owners of private lots will be notified in the project's CC&Rs and property disclosures that they are prohibited from conducting any vegetation management activities outside their private property.

- Provisions for continuous maintenance of common areas by the Esperanza Hills Homeowners' Association and individual properties by owners. Maintenance refers to anything needed to maintain the fuel modification area in a fire safe condition as required by the OCFA, including periodic removal of undesirable, combustible vegetation; replacement of dead and dying fire-resistant plantings; maintenance of the operational integrity and programming of irrigation systems; and preservation of identification markers.
- A provision that the HOA is responsible for and has the authority to ensure long-term funding, and ongoing compliance with all provisions of the approved Fire Master Plan and Community Evacuation Plan, including vegetation planting, fuel modification, vegetation management, and maintenance requirements on all private lots, parks, common areas, roadsides, and open space under their control (if not considered biological open space). Any water quality basins, flood control basins, channels, and waterways should be kept clear of flammable vegetation, subject to the environmental restrictions.
- A provision that the HOA will annually fund and obtain an inspection and report from an OCFA-approved Wildland Urban Interface Fire Safety Inspector in June, certifying that vegetation management activities throughout the Project Site have been performed pursuant to the approved Fire Master Plan.

Haz-11 Prior to the issuance of building permits, the Project Applicant shall submit to the Manager of OC Planning plans demonstrating a water system for the Project capable of handling the minimum fire flow storage of 1,500 gallons per minute for a 2-hour duration with a minimum residual pressure of 20 pounds per square inch.

Haz-12 Prior to issuance of building permits, the Project Applicant shall provide a plan that depicts the appropriate number of fire hydrants and their specific locations to be constructed for each phase of development for review and approval by the OCFA Fire Marshal.

Haz-13 Prior to ground disturbance in environmentally sensitive areas that contain sensitive habitat, cultural sites, riparian areas, biological buffer areas, detention basins, etc., the Project Applicant shall obtain written permission from the OC Planning Manager, and the appropriate resource agencies (e.g., the CDFW, the USFWS, and the ACOE) prior to any vegetation management activities occurring.

Haz-14 Prior to the issuance of any building permit for access gates the Project Applicant shall submit for review and approval by the OCFA access gate plans consistent with the applicable Fire Code, and all operated gates shall be equipped with emergency opening devices approved by the OCFA.

7. Public Services

Environmental Impact: The project will add 340 dwelling units and an estimated 1,088 residents to a currently undeveloped site, requiring police protection, fire and emergency services, schools, libraries and medical facilities.

Finding 1 – Mitigation Measures PS-1 would require the project applicant to enter into a Secured Fire Protection Agreement with the OCFA providing for payment of fair share fees towards fire protection needs. Mitigation Measure PS-2 would require the project applicant to pay applicable school fees. Therefore, the County makes the finding that “Changes or alterations have been

required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Facts in Support of Finding

The proposed project would increase the need for fire, police, schools, parks and public facilities by introducing an additional 340 houses and an estimated 1,088 persons to an existing urban area. The project has been designed to include features and technologies to assist the police and fire departments to protect the residents of both Esperanza Hills and adjacent communities. Provision of parks exceeds the County requirement. Payment of fees to OCFA and Placentia-Yorba Linda Unified School District will provide financing for additional services, if needed. Therefore, the County makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Mitigation Measures

The following Mitigation Measures have been included in the Draft EIR:

- PS-1 Prior to issuance of the grading permit, if deemed necessary by the Orange County Fire Authority, the Project Applicant shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority providing for payment of fair share fees for impacts to capital and infrastructure needs.
- PS-2 Prior to issuance of building permits, the Project Applicant will be required to comply with Senate Bill 50 and pay the applicable school impact fees as adopted by the Placentia-Yorba Linda Unified School District.

8. Transportation and Traffic

Environmental Impact: Access to the site is currently via unpaved dirt roadways used to access oil well operations and utilities. Internal roadways have been designed to connect to existing streets via several access options analyzed in the DEIR. The project has the potential to impact surrounding intersections with an estimated average daily trip total of 3,617 trips.

Finding 1 – Mitigation Measures T-1 through T-3 would reduce potential impacts to Traffic with the installation of a traffic signal and the payment of fair share fees to provide roadway improvements. Therefore, the County makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Facts in Support of Finding

The project will contribute to the installation of a traffic signal at Yorba Linda Boulevard and Via del Agua, which will alleviate the adverse conditions caused by the project. Mitigation Measure T-1 has been included for Option 1 and Option 2B to reduce impacts to a less than significant level at that intersection. However, the intersection is within the jurisdiction of the City of Yorba Linda and the County cannot compel the City to implement the proposed mitigation. Therefore, the impact if the signal is not installed is considered significant and unavoidable as outlined in Section B below due to the uncertainty related to mitigation implementation.

Payment of fair share fees for roadway improvements at Yorba Linda Boulevard at Savi Ranch Parkway (Anaheim) and Yorba Linda Boulevard at Via del Agua (Yorba Linda) will result in improved level of service at each intersection. Therefore, implementation of mitigation measures T-2 and T-3 included in the DEIR will reduce potentially significant impacts to a less than significant level. However, the intersections are within the jurisdictions of the Cities of Yorba Linda and Anaheim and the County cannot compel the Cities to implement the proposed mitigation. Therefore, if the Cities do not implement the improvements, the impact will be significant and unavoidable.

Mitigation Measures

The following mitigation measures for roadway improvements have been included in the Draft EIR. Mitigation Measure T-2 applies to all Options. Mitigation Measure T-3 applies to Options 1 and 2B.

- T-1 For Option 1, prior to issuance of building permits, the Project Applicant shall contribute to the installation of a three-phase traffic signal at the Yorba Linda Boulevard/Via del Agua intersection in the event the Cielo Vista project is not constructed. The Project Applicant's fair share contribution shall be 39% with the proposed Cielo Vista project as part of the cumulative base traffic condition, and 46% without the Cielo Vista project. The first project to be constructed, either Esperanza Hills or Cielo Vista, will pay 100% for the signal installation with an agreement between applicants to reimburse the fair share amount at the time the second project is constructed. If the City does not implement the improvement, the impact will be significant and unavoidable.
- T-2 Prior to issuance of building permits, the Project Applicant shall pay a 9% fair-share contribution for the following improvement at Yorba Linda Boulevard at Savi Ranch Parkway: Widen and re-stripe the westbound approach to provide an additional (third) westbound left-turn lane.
- T-3 Prior to issuance of certificates of occupancy, Project Applicant shall pay a 9% fair-share contribution for the following improvement: extend the left-turn pocket along Yorba Linda Boulevard at Via del Agua from the existing 100 feet to 275 feet, with 11 feet in the transition area of the turn pocket to achieve 286 feet. However, the County cannot compel the City to implement such improvement. If the City does not implement the improvement, the impact will be significant and unavoidable.

9. Utilities and Service Systems

Environmental Impact: The project will result in incremental increases in the demand for utilities and service systems. The demands are within the capacity of the existing service provides. However, the site is undeveloped and project design includes the extension of water, gas, electric, sewer and telephone/cable service. Water service will be provided from two underground reservoirs which are included in the project. Potential impacts related to utilities and service systems have been addressed with Mitigation Measures U-1 through U-6.

Finding 1 – Mitigation Measures U-1 through U-6 would provide coordination with service and utility providers for the provision of water, sewer, electric, gas, telephone and cable services to

the site. Water and sewer service will be provided in compliance with existing master plans and facility design requirements of individual providers. Therefore, potential impacts are mitigated to a less than significant level and the County makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Facts in Support of Finding

Utilities and service systems are not anticipated to experience significant impacts due to developer and service fees typically allocated to fund necessary on-site and off-site improvements, as well as the provision of water and sewer system improvements identified in the DEIR. Mitigation Measures U-1 through U-6 have been identified to ensure coordination with service providers. Therefore, potential impacts have been reduced to a less than significant level.

Mitigation Measures

The following mitigation measures have been included in the Draft EIR:

- U-1 Prior to issuance of building permits, the Project Applicant shall enter into a Development Agreement with the Yorba Linda Water District for the provision of water facilities and service.
- U-2 Prior to issuance of building permits, the Project Applicant shall enter into a Development Agreement with the Yorba Linda Water District for the provision of sanitary sewer facilities and service.
- U-3 Prior to issuance of building permits, project developer shall coordinate with Southern California Edison to identify the location of the connection to existing electric service lines based on the final determination of access and to protect existing transmission lines on the Project Site.
- U-4 Prior to issuance of building permits, project developer shall coordinate with Southern California Gas to identify the location of the connection to existing natural gas lines based on the final determination of access.
- U-5 Prior to issuance of building permits, project developer shall coordinate with AT&T to identify the location of the connection to existing telephone service lines based on the final determination of access via.
- U-6 Prior to issuance of building permits, project developer shall coordinate with Time Warner Cable to determine the location of the connection to existing cable service lines based on the final determination of access.

B. Significant Unavoidable Adverse Impacts

The following summary describes the significant, unavoidable adverse impacts of the proposed project:

1. Greenhouse Gas Emissions

Environmental Impact: The project will add direct construction emissions and long-term operational emissions above the SCAQMD’s advisory level threshold of 3,000 MT CO_{2(e)}. In

addition, the proposed project combined with “related projects” in the project vicinity will further contribute to an exceedance of GHG emissions resulting in a cumulative impact.

- GHG-1 Prior to issuance of building permits for residential units, the County shall ensure that all fireplaces are gas rather than wood burning.
- GHG-2 Prior to construction of project, the developer shall implement or develop a plan for implementation of one or more mitigation strategies for the reduction of greenhouse gas (GHG) emissions from the report “CEQA and Climate Change” prepared by the California Air Pollution Control Officers Association (CAPCOA) as updated in 2010. The total benefit of the mitigation strategies must result in a minimum 5% reduction in GHG emissions from the business-as-usual value. Alternative strategies not listed in the CAPCOA report may be used with approval of the Orange County Planning Director. The selected strategies, including measures for their long-term maintenance, must be described in a memo submitted to and approved by the County Planning Department prior to initial occupancy of any on-site facility.

Finding 3 – The County hereby makes Finding 3 that “specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” There are no mitigation measures to reduce this impact to a less than significant level. Therefore, this impact is significant and unavoidable and would require the adoption of a Statement of Overriding Considerations.

Facts in Support of Finding

The size of the project is such that direct construction GHG emissions and indirect operational GHG emissions will exceed the SCAQMD screening level threshold (3,000 MT CO_{2(e)}) by a large margin (3,889.6 MT per year). This finding is based on a Business As Usual assumption and does not include statewide or locally sponsored mitigation. However, even with the implementation of required and discretionary GHG reduction measures, annual emissions cannot be reduced below the ACAQMD advisory level and the impact remains significant and unavoidable.

2. Noise

Environmental Impact:

Under Option 2, the addition of project traffic to Aspen Way increases the noise levels by +14.6 dB under near term conditions and +10.6 dB in year 2020, which both exceed the +10 dB increase Caltrans threshold even though the noise levels do not exceed 65 dB CNEL County exterior noise level thresholds. Certification of Final EIR No. 616 requires a Statement of Overriding Considerations for this impact, for access Option 2 only. This is not an impact under Options 1, 2A and 2B.

- N-1 Prior to issuance of grading permit, the Project Applicant shall ensure that all construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no construction permitted on national holidays or Sundays in compliance with the Orange County Noise Ordinance. High noise-

- producing activities should be scheduled between the hours of 8:00 a.m. and 5:00 p.m. to minimize disruption to sensitive uses.
- N-2 Prior to issuance of grading permit, the Project Applicant shall ensure that all construction and demolition equipment shall be fitted with properly operating and maintained mufflers.
- N-3 Prior to issuance of grading permit, the Project Applicant shall ensure that all noise-generating construction equipment and construction staging areas should be located as far as possible from existing residences.
- N-4 Prior to issuance of grading permit, the Project Applicant shall ensure that construction-related equipment, including heavy duty equipment, shall be turned off when not in use for more than 10 minutes.
- N-5 Prior to issuance of grading permit, the Project Applicant shall prepare and submit to the County for approval a haul plan for construction-related traffic that limits impacts on residential development by avoiding such residential development areas where feasible.
- N-6 Prior to issuance of grading permit, the Project Applicant shall ensure that construction hours, allowable work days and the telephone number of the job superintendent are clearly posted at all construction entrances to allow residents to contact the job superintendent. If the County of Orange or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action and report the action taken to the appropriate reporting party. Contact specifications shall be included in the proposed project construction documents which shall be reviewed by the County of Orange prior to issuance of grading permits.

Finding 3 - The County hereby makes Finding 3 that “specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” This impact is significant and unavoidable and would require the adoption of a Statement of Overriding Considerations.

Facts in Support of Finding

The Noise Analysis states that noise impacts are considered significant if they result in a substantial permanent or temporary increase above ambient noise levels. The term “substantial” is not quantified in CEQA guidelines but is generally identified as a +3dB increase. However, where the County’s 65 dB CNEL threshold is not exceeded, a noise increase above 3 dB may not be considered significant, because the 65 dB CNEL threshold is maintained. Some agencies such as Caltrans consider increases substantial if they are +10dB or more above ambient noise levels. For analysis purposes, the DEIR considered a +3dB increase as significant under CEQA, in addition to increases in the residential noise/land use guidelines that exceed 65 dBA CNEL. A +10 dB increase would also be considered significant even if the residential noise/land use guidelines of 65 dBA CNEL are not exceeded.

As shown in the Noise Impact Analyses, this increase is not realized under Options 1, 2A or 2B, because the levels will remain under the 65 dBA CNEL threshold, and increases in noise levels are less than +10 dBA CNEL and also less than the 65 dB CNEL. However, implementation of Option 2 would significantly increase noise related to traffic because ambient noise levels along

Aspen Way are low due to the very low traffic volume. Therefore, any increase in traffic noise results in a noise impact for Option 2 along Aspen Way.

While cumulative operational noise for typical residential uses will be within the County noise compatibility guidelines, a significant increase will occur under the +10dB CNEL threshold. There are no feasible mitigation measures to reduce the impact and the impact remains significant and unavoidable.

3. Traffic

Environmental Impact: Existing plus Option 1 Project and existing plus Option 2 traffic will significantly impact the intersection of Yorba Linda Boulevard at Via del Agua. Installation of a traffic signal will reduce the level of impact to less than significant. Therefore, Mitigation Measure T-1 has been included in the DEIR as follows:

- T-1 For Option 1, prior to issuance of building permits, the Project Applicant shall contribute to the installation of a three-phase traffic signal at the Yorba Linda Boulevard and Via del Agua intersection in the event the Cielo Vista project is not constructed. The Project Applicant's fair share contribution shall be 39% with the proposed Cielo Vista project as part of the cumulative base traffic condition, and 46% without the Cielo Vista project. The first project to be constructed will pay 100% for the signal installation with an agreement between applicants to reimburse the fair share amount at the time the second project is constructed. If the City does not implement the improvement, the impact will be significant and unavoidable.
- T-2 Prior to issuance of building permits, the Project Applicant shall pay a 9% fair-share contribution for the following improvement at Yorba Linda Boulevard at Savi Ranch Parkway: Widen and re-stripe the westbound approach to provide an additional (third) westbound left-turn lane.
- T-3 Prior to issuance of certificates of occupancy, Project Applicant shall pay a 9% fair-share contribution for the following improvement: extend the left-turn pocket along Yorba Linda Boulevard at Via del Agua from the existing 100 feet to 275 feet, with 11 feet in the transition area of the turn pocket to achieve 286 feet. However, the County cannot compel the City to implement such improvement. If the City does not implement the improvement, the impact will be significant and unavoidable.

Finding 2 – The County hereby makes Finding 2 with regard to installation of a traffic signal and intersection improvements that “Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding.” This impact is significant and unavoidable and would require the adoption of a Statement of Overriding Considerations.

Facts in Support of Finding

Mitigation Measure T-1 has been included in the DEIR for the installation of a traffic signal at Yorba Linda Boulevard and Via del Agua. Mitigation Measures T-2 and T-3 include payment of fair share fees by the Esperanza Hills and Cielo Vista projects at the intersections of Yorba Linda Boulevard at Savi Ranch Parkway (Anaheim) and Yorba Linda Boulevard at Via del Agua (Yorba Linda). However, the intersections are within the jurisdiction of the Cities of Yorba Linda and Anaheim and the County cannot compel the Cities to implement the mitigation

measures. While the traffic signal and intersection improvements would reduce impacts to a less than significant level, the impacts are only considered significant and unavoidable because of the uncertainty related to mitigation implementation. With installation, the impacts would be reduced to a less than significant level.

VI. FINDINGS REGARDING ALTERNATIVES

A. Alternatives Considered and Rejected During the Scoping/Project Planning Process

Alternative Project Location

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the DEIR (CEQA Guidelines Section 15126.6(f)(2)(A)).

The surrounding area is nearly built-out, and few larger tracts of vacant land remain for development within this area of unincorporated Orange County. The project site was designated in the Orange County General Plan as Open Space. This designation is not an indication of a long-term commitment to open space uses and may be developed for other uses. The Yorba Linda General Plan has identified the project site for future residential development. Because another site that meets the project objectives was not available or owned by project applicant, this Alternative was not considered.

Option 1 (Stonehaven Drive) and Option 2 (Aspen Way) Access

This alternative was based on a comment letter received during the IS/NOP public review period. The letter suggested that the Open 2 access (Aspen Way) could still be construction after another access was approved (Option 1 – Stonehaven Drive). The letter stated that cumulative impacts would result to on-site drainage and other local resources and these impacts should be analyzed.

The DEIR fully analyzed all potential ingress/egress options and considered all access points as both main access and emergency access. Therefore, all impacts have been fully analyzed and no further analysis is required. Only the Option approved by the County will be constructed.

B. Alternatives Selected for Further Analysis

In accordance with CEQA Guidelines Section 15126.6, “An EIR shall describe a range of reasonable alternatives to the project . . .” including the “No Project” alternative. The following alternatives have been determined to represent a reasonable range of alternatives to supplement the access alternatives presented in the DEIR. The Alternatives presented could potentially attain most of the basic objectives of the project and have the potential to avoid or substantially lessen one or more of the significant effects of the project.

Alternative 1 - No Project Alternative

Description: This Alternative allows decision makers to compare the impacts of approving the Project with the impacts of not approving the Project and leaving the site in its current condition.

Environmental Effects: The No Project alternative would eliminate the significant impacts of the proposed project, including significant, unavoidable impacts related to greenhouse gas emissions and noise. The Project proposes less density than permitted under the existing County General Plan/Zoning designations. The General Plan Land Use Element allows for other types of development based on market pressures to serve a growing County population, allowing the site to be built to a more intense use than currently exists.

Ability to Achieve Project Objectives: With the exception of preserving the vast majority of the Project site as open space, the No Project Alternative is not capable of attaining most of the project objectives which include development of a single-family residential community in accordance with development envisioned in the County and City of Yorba Linda General Plans, providing facilities for upgrading existing water quality impacts due to runoff, enhancing vegetation and natural open space areas to promote recovery from recent wildfire damage, providing enhanced wildfire protection to enhance safety to existing and future residents and homes and creating new recreational opportunities including equestrian, hiking and biking trails with links to existing trails.

Feasibility: The No Project Alternative would be physically feasible but would not be as economically, legally or technologically feasible as the proposed Project. The County's General Plan allows for the uses proposed and the addition of 340 residences would meet the needs of a growing population. Advances in technology will be incorporated into the Project in terms of fire resistant structures and landscaping, as well as advanced fire-fighting capabilities via underground water reservoirs and water delivery systems. The Project will provide fair share fees to OCFA and the public school system that will provide a benefit to surrounding development areas.

Finding: The No Project Alternative would reduce impacts in the areas of aesthetics, air quality, biological resources, geology and soils, greenhouse gas emissions, land use, noise, population and housing, public schools and traffic, thereby eliminating the significant, unavoidable impacts identified in the DEIR. The No Project Alternative would not require the amendment of the County General Plan land use designation and a change in the zoning designation. However, if the Project site is left undeveloped, the risk from fire hazards on existing residential communities would remain and improved fire protection capabilities in the area would not be implemented. Therefore, the No Project Alternative has been rejected by the County.

Alternative 2 – Option 2A Access Alternative

Description: This Alternative is substantially the same as Option 2 in the DEIR which provides a primary connection going west from the site to Aspen Way, which then connects to San Antonio Road. This Alternative provides access to the site via a main access roadway connected to San Antonio Road approximately 1,850 feet south of Aspen Way.

Environmental Effects: The realignment of the access roadway would result in fewer noise impacts to sensitive receptors under both short-term construction and long-term operational conditions due to a greater set-back. The same number of homes would be constructed and, therefore, construction activity, provision of water, sewer and utility services, traffic and the requirement for public services such as school, fire and police protection and libraries would remain substantially the same as with the proposed Project. Impacts would be similar with

respect to air quality (except with respect to sensitive receptors), aesthetics, geology and soils, recreation and the potential for wildfires. Impacts to biological resources would be greater than under Option 1.

Ability to Achieve Project Objectives: While this Alternative would achieve the majority of Project objectives and goals, it would create a greater impact to biological resources in the area of protection of habitat due to the off-site grading required to accomplish the access location.

Feasibility: The Option 2A access would require crossing open space owned by the City of Yorba Linda and the adjacent Cielo Vista property. Therefore, this Option may not be physically feasible if easements cannot be obtained from the City and the adjacent property owner. Without such easements, implementation of this Alternative would not be legally permitted.

Finding: The Option 2A Alternative would reduce impacts in the areas of air quality and noise to sensitive receptors by re-aligning the access roadway further from existing residences. It is unknown if the City of Yorba Linda and the adjacent property owner would provide the required easements for this Alternative. Therefore, the County has rejected the Option 2A Alternative.

Alternative 3 – Option 2B Access Alternative

Description: This Alternative is substantially the same as Option 2A (Alternative 2) except for the provision of a secondary access road and a modification to the grading plan, which will reduce off-site grading and reduce retaining wall heights. Under this Alternative, access would be provided via both San Antonio Road approximately 1,850 feet south of Aspen Way and Stonehaven Drive. The San Antonio Road access will be the primary access and a secondary project access will be provided via Stonehaven Drive. Both access roadways will serve residents and guests, in addition to emergency access.

Feasibility: Environmental and economic impacts under this Alternative would be substantially the same as under Option 1 and Option 2A. However, the Option 2B access would require crossing open space owned by the City of Yorba Linda. Therefore, this Option may not be physically feasible if easements cannot be obtained from the City. Without such easements, implementation of this Alternative would not be legally permitted. This access configuration is identified in the Specific Plan, and could be implemented based on several conditions precedent to approval.

Environmental Effects: As with Option 2A, this Alternative would result in fewer noise impacts to sensitive receptors under both short-term construction and long-term operational conditions due to realignment of the roadway. The same number of homes would be constructed and, therefore, construction activity, provision of water, sewer and utility services, traffic and the requirement for public services such as school, fire and police protection and libraries would remain substantially the same as with the proposed Project. Impacts would be similar with respect to air quality (except with respect to sensitive receptors), aesthetics, geology and soils, recreation and the potential for wildfires. This Alternative would substantially alter views compared to the Project with the realignment of the roadway. Views would be improved at the western edge of the property where off-site grading would be avoided and lower retaining walls would replace higher walls. Less grading would occur on the western edge where development is pulled back. In the event of a fire evacuation, traffic would be diverted in two directions with the

provision of the two proposed access roads. This Alternative also reduces noise impacts to sensitive receptors with the road realignment. Public Services would result in fewer impacts than the proposed Project by providing easier access and potentially reduced response times. The only change related to traffic would result from the redistribution of traffic at certain intersections which is an improved condition compared to one main access point. However, this Alternative would result in a marginal increase in biological impacts compared to the proposed Project. Alternative 2B proposes the same roadway configuration as Option 2A and, therefore, would also result in greater impacts to vegetation than the proposed Project.

Ability to Achieve Project Objectives: This Alternative provides improvements in the areas of aesthetics and geology through redesign of the western edge, including a reduction in the amount of grading. The same number of homes would be constructed and, therefore, provision of water, sewer and utility services and the requirement for public services such as schools, fire and police protection and libraries would remain substantially the same as with the proposed Project. Impacts to recreation and the potential for wildfires would also remain the same. This Alternative would attain most of the Project goals and objectives, would reduce impacts on the environment compared to the proposed Project and would not result in greater impacts compared to Options 1, 2 and 2A.

Finding: The County has recommended Option 2B. Noise is not a significant unavoidable impact with this Option. However, due to the GHG emissions and traffic mitigation implementation uncertainty, a Statement of Overriding Considerations will be required. This access configuration is preferred by the Orange County Fire Authority and the Orange County Sheriff's Department because it provides two points of ingress and egress as compared to one access point, with a second emergency-only access. The Specific Plan includes this access configuration, which could be implemented based on several conditions precedent to approval, namely, legal authority, or permission, to allow for offsite grading and access across offsite property.

Alternative 4 – Lower/Reduced Density

Description: The Lower/Reduced Density Alternative assumes development of Planning Area 1 only, with Planning Area 2 remaining in its current condition. Planning Area 1 includes up to 218 residential lots on 310 acres and includes four parks, an underground water reservoir, open space, existing natural open space, riparian areas and a trail corridor linking to surrounding properties.

Environmental Effects: Aesthetic impacts would be reduced with the elimination of development on the higher elevations of the project site. This Alternative would reduce the disturbed area by up to 159 acres, resulting in fewer biological impacts. Grading and landform alteration would be reduced in addition to reductions in traffic, the need for public services such as police, fire, parks and schools and utilities and service systems. However, the County's General Plan and the City of Yorba Linda General Plan allow for a building intensity that exceeds the 0.73 unit per acre intensity with the proposed Project. Otherwise, this Alternative would remain consistent with long-range local and regional planning programs and policies. Greenhouse gas emissions would remain significant and unavoidable as with the Project because development under this Alternative would exceed the SCAQMD interim threshold.

Ability to Achieve Project Objectives: This Alternative achieves a majority of the goals and objectives of the proposed Project and fewer environmental impacts in the areas of aesthetics, air quality, geology, noise, public services and traffic. However, this Alternative would also reduce recreation opportunities with fewer parks and trails, including linkages proposed in Planning Area 2. The elimination of one underground reservoir would also reduce fire-fighting capabilities due to reduced water storage capacity and availability. The number of residences considered in the County's General Plan for future development would not be achieved under the Lower/Reduced Density Alternative.

Feasibility: A reduction in the number of residences for the Project site would impact economic viability, general plan consistency and the Project's ability to meet new housing needs and advance the County's goal of providing linkages to existing trails.

Finding: The Lower/Reduced Density Alternative would reduce impacts in the areas of aesthetics, biological resources, geology, noise, public services, traffic and utilities and service systems. However, it would increase impacts in the areas of hazards, population and housing and recreation in addition to being inconsistent with the County and City vision for residential development of the site. Therefore, the Lower/Reduced Density Alternative has been rejected by the County.

Alternative 5 – Yorba Linda General Plan

Description: This Alternative considers development of the Project using the General Plan and Zoning designations established by the City of Yorba Linda for the 630-acre Murdock property, of which the Project site is a part. The General Plan contemplated an overall development density of 1.0 dwelling unit per acre with clustered residential units to allow open space and recreation opportunities, as well as consideration of the site's topography. Using the General Plan density, the Project would result in the construction of up to 469 residential units.

Environmental Effects: Under this Alternative, impacts to air quality, biological resources, noise, recreation and traffic would be greater than the proposed Project. Aesthetics impacts could be greater due to the increased hillside disturbance to accommodate the additional homes, which could be more visually apparent due to the increased density. The proposed Project provides more recreational opportunities with parks and trails than required by the General Plan. Traffic would be commensurately less with the Project which proposes 129 fewer residences. Utility and service system use would increase incrementally due to the additional residences. However, unavoidable impacts would remain substantially the same with either the Project of this Alternative.

Ability to Achieve Project Objectives: This Alternative meets the goals and objectives of the Project because the Project has been analyzed for potential annexation to the City of Yorba Linda. The Yorba Linda General Plan goals and policies were included in order to determine if the Project was consistent. Thresholds established by the City were also included to analyze deficiencies with the Project in meeting those thresholds.

Feasibility: Yorba Linda General Plan Alternative is feasible from an economic standpoint and the proposed Project has been designed to be consistent with the City's goals and policies. However, to date, The Orange County Local Agency Formation Commission (LAFCO) has

declined to advance the Applicant's request to consider annexation. Until such time as the City of Yorba Linda annexes the property, the Project is subject to the Orange County General Plan. Therefore, the County has rejected this Alternative.

STATEMENT OF OVERRIDING CONSIDERATIONS
Esperanza Hills

Introduction

The County of Orange is the Lead Agency under CEQA responsible for preparation, review and certification of the Final EIR for the Esperanza Hills project. As the Lead Agency, the County is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant and can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project (Project). In making this determination, the County is guided by State CEQA Guidelines Section 15093 which provides as follows:

15093. Statement of Overriding Considerations.

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits including region-wide or statewide environmental benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the County has balanced the benefits of the Project against the following unavoidable adverse impacts associated with the Project and has adopted all feasible mitigation measures with respect to these impacts. The County also has examined alternatives to the Project, most of which do not meet the Project objectives and are environmentally preferable to the proposed Project for the reasons discussed in the Findings and Facts in Support of Findings. Option 2B

(Alternative 3) would result in only one unavoidable adverse impact (greenhouse gas emissions) as discussed herein.

The County of Orange, the Lead Agency for this Project, having reviewed the Final EIR for the Esperanza Hills Project and reviewed all written materials within the County's public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the proposed Project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the Project.

Significant Unavoidable Adverse Environmental Impacts

Although most potential Project impacts have been substantially avoided or mitigated, as described in the Findings and Facts in Support of Findings, there remain some Project impacts for which complete mitigation is not feasible. For some impacts, mitigation measures were identified, included within the Mitigation Monitoring and Reporting Program, and adopted by the County as Lead Agency. However, even with implementation of the measures, the County finds that the impact cannot be reduced to a level of less than significant. The impacts and alternatives are described below and were also addressed in the Findings.

The Draft EIR identified the following unavoidable adverse impacts of the proposed Project.

Greenhouse Gas Emissions

The proposed Project includes Mitigation Measures and reasonable control measures as identified by the California Air Pollution Control Officers Association (CAPCOA) for the reduction of greenhouse gas emissions. However, the size of the Project is such that direct construction GHG emissions and indirect operations GHG emissions will exceed the SCAQMD screening level threshold (3,000 MT CO_{2(e)}) by a large margin (+3,373 MT per year). This finding is based on a business-as-usual (BAU) assumption and does not include state-wide or locally sponsored mitigation. State program reductions reduce emissions in the BAU scenario by 23.9%. Feasible local reductions, with application of reasonable control measures, would result in an additional 5.8% reduction. Specific local reductions to be implemented on the site would be determined prior to construction based on then-current strategies and technologies and as required by Mitigation Measures in the DEIR. However, even with implementation of required and discretionary GHG reduction measures, annual emissions cannot be reduced below the SCAQMD's advisory level and the impact remains significant and unavoidable. The addition of the adjacent proposed Cielo Vista project (PA100004) and the 18 related projects identified in the Cumulative Impacts section of the DEIR will further contribute to an exceedance of GHG emissions and, therefore, cumulative impacts remain significant and unavoidable.

Noise

Short-term construction noise and vibration impacts will be limited by the requirement for compliance with County of Orange regulations and ordinances. Peak daily construction traffic noise would be noticeable for either Stonehaven Drive (Option 1) or Aspen Way (Option 2) but is not expected to exceed the General Plan standard of 65 dB CNEL.

The Noise Analysis states that noise impacts are considered significant if they result in a substantial permanent or temporary increase above ambient noise levels. The term "substantial" is not quantified in CEQA guidelines but is generally identified as a +3dB increase. However,

where the County's 65 dB CNEL threshold is not exceeded, a noise increase above 3 dB may not be considered significant, because the 65 dB CNEL threshold is maintained. Some agencies such as Caltrans consider increases substantial if they are +10dB or more above ambient noise levels. For analysis purposes, the DEIR considered a +3dB increase as significant under CEQA, in addition to increases in the residential noise/land use guidelines that exceed 65 dBA CNEL. A +10 dB increase would also be considered significant even if the residential noise/land use guidelines of 65 dBA CNEL are not exceeded.

The +10 dB increase is not realized under Options 1, 2A or 2B, because the levels will remain under the 65 dBA CNEL threshold, and increases in noise levels are less than +10 dBA CNEL and also less than the 65 dB CNEL. There is no significant unavoidable noise impact related to Options 1, 2A or 2B. However, implementation of Option 2 would significantly increase noise related to traffic because ambient noise levels along Aspen Way are low due to the very low traffic volume. Therefore, any increase in traffic noise results in a noise impact for Option 2 along Aspen Way. The addition of project traffic increases the noise levels by +14.6 dB under near term conditions and +10.6 dB in year 2020, which both exceed the +10 dB increase threshold even though the noise levels do not exceed 65 dB CNEL. The permanent increase in ambient noise levels along Aspen Way, for Option 2, is considered a significant and unavoidable impact.

Traffic

Mitigation Measures T-1 through T-3 provide for traffic improvements at three separate intersections. These improvements are located within the jurisdiction of the Cities of Yorba Linda and Anaheim and the County cannot compel the implementation of the proposed mitigation measures. While Mitigation Measures T-1 through T-3 would reduce impacts to a less than significant level, the impact is only considered significant and unavoidable because of the uncertainty related to mitigation implementation by the Cities of Yorba Linda and Anaheim.

Alternatives

The DEIR evaluated five Project Alternatives including the No Project Alternative, Option 2A Access Alternative, Option 2B Access Alternative, Lower/Reduced Density Alternative and the Yorba Linda General Plan Alternative. While the No Project Alternative would lessen and avoid some of the unavoidable impacts of the proposed Project, it would not achieve most of the project objectives.

The Option 2A Access Alternative would attain most of the Project objectives but would create a greater impact to biological resources due to off-site grading required to accomplish the access location. Discretionary approval from the City of Yorba Linda would be required under this Alternative to provide for access across City open space. This Alternative would reduce impacts related to air quality and noise.

The Option 2B Access Alternative is substantially the same as Option 2A in that it would achieve many of the Project objectives. An additional access road would be provided under this Option for resident and guest ingress/egress. Discretionary approval from the City of Yorba Linda would be required under this Alternative to provide for access across City open space. This Alternative would reduce impacts related to geology/soils, noise, public services and traffic

compared to the proposed Project. This access configuration is included in the Specific Plan and could be implemented based on conditions precedent to approval.

The Lower/Reduced Density Alternative achieves many of the project objectives. However, the reduction in residences, recreational amenities and one of the proposed underground water reservoirs would result in negative impacts. The reduction in housing stock would impact housing needs in the area, trails and linkages would be eliminated if Planning Area 2 is not developed and the elimination of a water reservoir would reduce capacity for fire-fighting purposes.

The Yorba Linda General Plan Alternative is feasible from an economic standpoint and achieves the project goals and objectives. The Project was analyzed in terms of future annexation to the City of Yorba Linda and is substantially consistent with the City's goals and policies. However, to date, LAFCO has declined to advance the Applicant's request to consider annexation and the Project remains subject to the County of Orange General Plan goals and policies.

The No Project Alternative would be the most successful in reducing the level of significant impacts associated with the proposed Project, including the unavoidable adverse impacts associated with greenhouse gas emissions and noise. As required by CEQA Guidelines Section 15126.6(e)(2), if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the others analyzed. Chapter 6.10 – Environmentally Superior Alternative – in the DEIR indicates that the Lower/Reduced Density Alternative is the superior alternative. This Alternative would result in reduced impacts in the areas of Aesthetics, Air Quality, Biological Resources, Geology, Noise, Public Services and Transportation and Traffic compared to the proposed Project.

Overriding Considerations

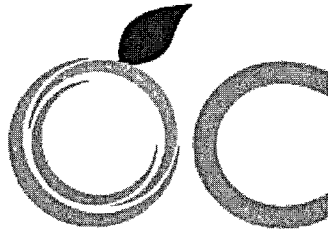
The County, after balancing the specific economic, legal, social, technological and other benefits, including region-wide or statewide environmental benefits of the proposed Project, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations which outweigh the unavoidable, adverse environmental impacts of the proposed Project, in accordance with Public Resources Code Section 21081(b) and CEQA Guideline Section 15093. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Project. The benefits of the Projects are as follows:

1. Consistency with County of Orange General Plan Land Use Element goals and associated policies for the development of the Project site.
2. Increase the number of housing units to meet Regional Housing Needs Assessment goals.
3. Provide construction standards and requirements that meet or exceed Orange County Fire Authority requirements for communities bordered by wildland fire zones.
4. Provide water storage capability for community use and to aid in fire-fighting in an area where no capacity of similar size exists.
5. Provide recreational amenities that link to existing County trails and access to Chino Hills State Park.

Exhibit B

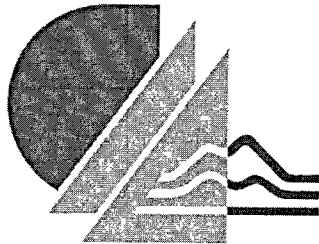
EIR #616
**Mitigation Monitoring
and Reporting Program (MMRP)**

Esperanza Hills
Project No. PA120037
SCH #2012121071



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The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation measures adopted as conditions of approval in order to mitigate or avoid significant project impacts. Specifically, §21081.6(a)(1) states:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

CEQA Guidelines §15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. It is the responsibility of the Lead Agency to ensure that implementation of the mitigation measures occurs in accordance with the Mitigation Monitoring and Reporting Program. The reporting or monitoring program must be designed to ensure compliance during project implementation. The following Mitigation Monitoring and Reporting Program includes mitigation measures from the Draft Environmental Impact Report (DEIR 616) (Project No. PA120037) for the Esperanza Hills Project in unincorporated Orange County.

Mitigation measures have been drafted to meet the requirements of *California Public Resources Code* §21081.6 as fully enforceable monitoring programs. The Mitigation Monitoring and Reporting Program defines the following for each mitigation measure:

1. **A time for performance.** In each case, a time for performance of the mitigation measure, or review of evidence that mitigation has taken place, is provided. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or assured.
2. **A responsible party for supervising performance.** In each case, a specific party is named in the as the person responsible for ensuring that the mitigation is carried out. To guarantee that the mitigation measure will not be inadvertently overlooked the responsible person is the official who grants the permit or authorization called for in the performance or the on-site authority during the identified phase of project development or operation.
3. **Definition of mitigation.** In each case (except where a mitigation measure, such as a geotechnical report, is a well-known procedure or term of art), the mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

Matrix Orientation

The following matrix lists all mitigation measures from the DEIR referenced above. The matrix also identifies the required timing, the responsible parties for implementation, and the monitoring agency or party for the required mitigation.

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|--|---|--------------------------|----------------|
| Aesthetics | | | |
| AE-1 Prior to issuance of building permits, the Project Applicant shall provide proof that demonstrates that all exterior lighting has been designed and located so that all direct rays are confined to the property in a manner meeting the approval of the Manager, Permit Services, or designee. Lighting shall be designed to minimize visibility of light sources by directing lighting toward the on-site structures and not illuminating areas outside property boundaries. | Prior to issuance of building permits | Manager, Permit Services | |
| Air Quality | | | |
| AQ-1 Prior to issuance of grading permit, the Project Applicant shall provide evidence that ensures the use of enhanced control measures for diesel exhaust emissions to maintain NOx impacts at a less than significant level to the Manager, Permit Services. These measures shall include: <ul style="list-style-type: none"> Utilize well-tuned off-road construction equipment During grading, require that contractors use Tier 3 on all heavy equipment (excavators, graders, and scrapers exceeding 100 HP rated power) if the entire project is graded at one time for NOx emissions, unless use of such mitigation is demonstrated to be technically infeasible for a given piece of equipment During grading, require that contractors employ oxidation catalysts that shall achieve 40% reduction during grading for excavation graders and scrapers exceeding 100 HP rated power if the entire project is graded at one time, unless use of such mitigation is demonstrated to be technically infeasible for a given piece of equipment Enforce 5-minute idling limits for on-road trucks and off-road equipment. | Prior to grading permit Plans/Monitoring | Manager, Permit Services | |
| AQ-2 Prior to issuance of grading permit, the Project Applicant shall provide evidence, which ensures that standard construction practices as set forth in the SCAQMD Handbook shall be implemented, to the Manager, Permit Services. | During construction activities | Manager, Permit Services | |
| AQ-3 During construction, the Project Applicant shall ensure that best management practices for dust control are implemented. These include: <ul style="list-style-type: none"> Apply soil stabilizers or moisten areas that are inactive for 96 hours or more Prepare a high wind dust control plan Address previously disturbed areas if subsequent construction is delayed more than 96 hours Water exposed surfaces as needed to avoid visible dust leaving the construction site (typically three times per day) Wet down or cover all stockpiles with tarps at the end of each day or as needed Provide water spray during loading and unloading of earthen materials Minimize in-out traffic from construction zone | During construction activities | Manager, Permit Services | |

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| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|---|---|---|----------------|
| <ul style="list-style-type: none"> Cover all trucks hauling dirt, sand or loose material or require all trucks to maintain at least two feet of freeboard Sweep streets daily if visible soil material is carried out from the construction site Use perimeter sandbags and wind fences for erosion control | | | |
| Biological Resources | | | |
| <p>Bio-1</p> <p>Prior to issuance of grading permits, the Project Applicant shall prepare a re-vegetation plan for mulefat scrub, black willow riparian forest, and blue elderberry woodland located within Blue Mud Canyon. The plan will also incorporate California black walnut into the plant palette to mitigate the loss of 0.48 or 0.22 acre of walnut woodland associated with Options 1 and Option 2, respectively. The plan shall be prepared by a qualified biologist for review and approval by the Manager of Planning, OC Development Services. At a minimum, the plan shall include restoration of mulefat scrub and black willow riparian forest vegetation that also includes a black walnut component. The plan shall include replacement of habitat at a minimum a ratio of 1:1; responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; five year monitoring plan with reporting to the Orange County Manager of Planning; and long-term preservation.</p> | <p>Prior to issuance of grading permits</p> | <p>Manager, Planning, OC Development Services</p> | |
| <p>Bio-2</p> <p>Prior to issuance of grading permits, a Special Status Planting and Monitoring Plan detailed restoration program shall be prepared by a qualified biologist in consultation with the CDFW and the USFWS for approval by the Orange County Manager, Planning, OC Development Services. The plan program shall provide for planting at the appropriate time of the year for success of 326 greenhouse-propagated individuals of intermediate mariposa lily in the Study Area within an undisturbed area of coastal sage scrub of same habitat quality with respect to soil type and its characteristics. The plan shall include a maintenance program for weed removal, supplemental watering, fencing, and other forms of site protection. This mitigation plan program will be considered successful if at least 80% of 326 flowering individuals, or 261 flowering individuals, are observed five years after planting. If success criteria are not met after five years, remedial measures shall include greenhouse propagation and planting of additional individuals on the Project Site.</p> | <p>Prior to issuance of grading permits</p> | <p>Manager, Planning, OC Development Services</p> | |
| <p>Bio-3</p> <p>Prior to issuance of grading permits, a Special Status Planting and Monitoring Plan detailed restoration program shall be prepared by a qualified biologist in consultation with the CDFW and the USFWS for approval by the Orange County Manager, Planning, OC Development Services. The plan program shall provide for planting of 400 greenhouse-propagated individuals of Braunton's milk-vetch</p> | <p>Prior to issuance of grading permits</p> | <p>Project Applicant/Manager, Planning, OC Development Services</p> | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|---|---|---|----------------|
| <p>in the Study Area within an undisturbed area of suitable habitat and soils, slope and exposure. The plan shall include a maintenance program for weed removal, supplemental watering, fencing and other forms of site protection. This mitigation plan program will be considered successful if at least 80% of individuals, or 320 individuals, flower and set seed prior to senescence. If success criteria are not met prior to senescence of the planted individuals, remedial measures shall include greenhouse propagation and planting of additional individuals on the Project Site.</p> | | | |
| <p>Bio-4 Prior to the issuance of grading permits, the Project Applicant shall prepare a re-vegetation plan for mulefat scrub and black willow riparian forest located within Blue Mud Canyon. The plan will also incorporate California black walnut into the plant palette to mitigate the loss of walnut woodland as described in Mitigation Measure Bio-1. The plan shall be prepared by a qualified biologist for review and approval by the Manager of OC Development Services. At a minimum, the plan shall include: restoration of mulefat scrub and black willow riparian forest vegetation at a ratio of 1:1; responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; monitoring plan; and long-term preservation.</p> | <p>Prior to issuance of grading permits</p> | <p>Manager, Planning, OC Development Services</p> | |
| <p>Bio-5 Prior to issuance of grading permits, the Project Applicant shall include the following measures on the grading plan to be implemented with grading operations:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of clearing operations or other activities involving significant soil disturbance, all areas of mulefat scrub and black willow riparian forest habitat to be avoided shall be identified with temporary fencing or other markers that are clearly visible to construction personnel. 2. A USFWS-approved Biological Monitor shall be on-site during any clearing of mulefat scrub and black willow riparian forest. The Project Applicant shall advise the U.S. Fish & Wildlife Service at least 7 calendar days – but preferably 14 calendar days – prior to the clearing of mulefat scrub and black willow riparian forest. The Biological Monitor shall flush avian or other mobile species from habitat areas immediately prior to brush-clearing and earth-moving activities. It shall be the responsibility of the monitoring biologist to ensure that identified bird species are not directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities to continue on a timely basis. 3. Following the completion of initial clearing activities, all areas of mulefat scrub and black willow riparian forest habitat to be avoided by construction equipment and personnel shall be marked with temporary fencing or other clearly visible, appropriate markers. No construction access, parking, or storage of equipment | <p>Prior to issuance of grading permits</p> | <p>Manager, Planning, OC Development Services</p> | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|---|---|---|----------------|
| <p>shall be permitted within such marked areas.</p> <p>Bio-6 Prior to issuance of grading permits, the Project Applicant shall prepare a Restoration Plan for mulefat scrub, black willow riparian forest, coast live oak riparian woodland, and other appropriate wetland/riparian habitats at an acreage ratio of 1:1 to be located within Blue Mud Canyon. The plan shall be prepared by a qualified biologist for review and approval by the Manager of OC Development Services. The Restoration Plan shall include the following:</p> <ol style="list-style-type: none"> Impacts to living coast live oak trees within CDFW jurisdiction will be mitigated through planting liners or locally collected acorns within Blue Mud Canyon at the following ratios: <ul style="list-style-type: none"> For healthy trees to be removed for development: trees less than 5 inches diameter at breast height (DBH) should be replaced at 3:1 trees between 5 and 12 inches DBH should be replaced at 5:1 trees between 12 and 36 inches DBH should be replaced at 10:1 trees greater than 36 inches DBH should be replaced at 20:1 For damaged trees (including trees damaged by construction and fire damaged trees to be removed for development): <ul style="list-style-type: none"> trees less than 12 inches DBH should be replaced at 3:1 trees greater than 12 inches DBH should be replaced at 5:1 Impacts to trees that were killed by the 2008 Freeway Complex Fire do not require mitigation <ol style="list-style-type: none"> The sizes, condition, and total number of impacted trees will be determined after verification of the limits of CDFW jurisdiction and prior to issuance of any permit that results in ground disturbance. The plan shall include responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; five year monitoring plan with reporting to the Orange County Manager of Planning; and long-term preservation. The Project Applicant shall notify CDFW, pursuant to Section 1600 of the <i>California Fish and Game Code</i>, of lake and streambed alterations (LSA), including activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank of a river or stream, or use materials from a streambed. A copy of the LSA notice shall be provided to the Orange County Manager of Planning. | <p>Prior to issuance of grading permits</p> | <p>Manager, Planning, OC Development Services</p> | |
| <p>Bio-7 Prior to issuance of grading permits, the Project Applicant shall prepare a Habitat Mitigation and Monitoring Program (HMMP). The HMMP shall be prepared by a qualified biologist for review and approval by the Manager of OC</p> | <p>Prior to issuance of grading permits</p> | <p>Manager, Planning, OC Development Services</p> | |

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| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|--|---|---|----------------|
| <p>Development Services. The HMMP shall include responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; five-year monitoring plan with reporting; and long-term preservation.</p> <p>The Project Applicant shall be fully responsible for the implementation of the Habitat Mitigation and Monitoring Program until the restoration areas have met the success criteria outlined in the approved plan. The Manager, Planning, OC Development Services shall have final authority over mitigation area sign-off.</p> | | | |
| <p>Bio-8</p> <p>Prior to issuance of any grading permit, the Project Applicant shall include the following measures on the grading plan to be implemented with grading operations:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of clearing operations or other activities involving significant soil disturbance, all areas of ACOE and CDFW jurisdiction to be avoided shall be identified with temporary fencing or other markers that are clearly visible to construction personnel. 2. A USFWS-approved Biological Monitor shall be on-site during any clearing of riparian vegetation. The Project Applicant shall advise the US Fish & Wildlife Service at least 7 calendar days – but preferably 14 calendar days – prior to the clearing of riparian vegetation. The Biological Monitor shall flush avian or other mobile species from habitat areas immediately prior to brush-clearing and earth-moving activities. It shall be the responsibility of the monitoring biologist to ensure that identified bird species are not directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities to continue on a timely basis. 3. Following the completion of initial clearing activities, all areas of ACOE and CDFW jurisdiction to be avoided by construction equipment and personnel shall be marked with temporary fencing or other clearly visible, appropriate markers. No construction access, parking, or storage of equipment shall be permitted within such marked areas. | <p>Prior to issuance of grading permit</p> | <p>Manager, Planning, OC Development Services</p> | |
| <p>Bio-9</p> <p>Prior to issuance of grading permits, the Project Applicant shall include the following condition on the grading plan for implementation during vegetation removal operations:</p> <p>Thirty days prior to the initiation of project activities, a qualified biologist shall conduct weekly bird surveys, with the last survey no more than 10 days prior to initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). No vegetation removal shall occur between the dates of February 15 and September 30, March 15 to August 31, unless a qualified biologist surveys</p> | <p>Prior to issuance of grading permits</p> | <p>Manager, Planning, OC Development Services</p> | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|--|--|---|----------------|
| <p>the Project's impact area 10 days prior to initiation of project activities prior to disturbance to confirm the absence of active nests. If an active nest is discovered, vegetation removal within a particular buffer surrounding the nest shall be prohibited until nesting is complete (i.e., nest is vacant and juveniles have fledged and there is no evidence of a second attempt at nesting); the buffer distance shall be determined by a qualified biologist (in consultation with the CDFW or the USFWS, if applicable) and in consideration of species sensitivity and existing nest site conditions. Limits of avoidance of 300 feet and up to 500 feet, which can be up to 300 feet for nesting raptors, shall be demarcated with flagging or fencing, and Project personnel, including contractors working on-site, shall be instructed on the sensitivity of the area. The Biologist shall record the results of the recommended protective measures described above and shall submit a written memo explaining justification of summarizing any nest avoidance measures to the Manager of OC Development Services to document compliance with applicable state and federal laws, specifically §3503 and §3503.5 of the <i>California Fish and Game Code</i>, pertaining to the protection of native birds, including nesting raptors.</p> | | | |
| <p>Bio-10</p> <p>Prior to issuance of building permits, the Project Applicant shall prepare a resident Environmental Awareness Program to be reviewed and approved by the Manager, Planning, OC Development Services. The Environmental Awareness Program is intended to increase awareness to residents of the sensitive plants, wildlife, and associated habitats that occur in the preserved open space areas. The intention of the program shall be to encourage active conservation efforts among the residents to help conserve the habitats in the preserved open space. The program shall address inadvertent impacts from the introduction of invasive plant species (including escapees), human intrusion, trash and debris, creation of ad hoc trails, domestic cats, and light pollution. At a minimum, the Environmental Awareness Program shall include the following components:</p> <ul style="list-style-type: none"> • Informational kiosks shall be constructed at entrance points to hiking and equestrian trails and at various locations along the fence line that separates the Project Site and the open space area to inform residents and trail users on the sensitive flora and fauna that rely on the habitats found within the preserved open space. The intent of these kiosks is to bring awareness to the sensitive plants, wildlife and associated habitats which occur in the area along with discouraging creation of ad hoc trails and trash and debris. • The Project Applicant shall provide residents or the HOA for nearby subdivisions (if applicable) with a brochure that includes a list of plant species to avoid in residential landscaping to prevent the introduction of invasive plant species and impacts from human intrusion, light pollution and | <p>Prior to issuance of building permits</p> | <p>Manager, Planning, OC Development Services</p> | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|--|---|--|----------------|
| <p>domestic cats to the surrounding natural communities.</p> <p>Prior to issuance of grading permits, the Project Applicant shall include the following measures on the grading plan to be implemented with grading operations:</p> <ul style="list-style-type: none"> • No clearing, grubbing, grading, or other construction activities shall occur within and in the vicinity of riparian habitat occupied by least Bell's vireo between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met: <p>1. A qualified biologist shall survey riparian areas that would potentially be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish & Wildlife Service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:</p> <ol style="list-style-type: none"> a. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; b. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician and/or qualified biologist (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the U.S. Fish & Wildlife Service at least two weeks prior to the commencement of construction activities. Prior to the commencement of any construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; c. If it is desired to conduct construction activities adjacent to habitat determined to be occupied by least Bell's vireo during pre-construction surveys, then at least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician and/or qualified biologist, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the | <p>Prior to issuance of grading permits</p> | <p>Manager, Permit Services, in consultation with Manager, Planning, OC Development Services</p> | |

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| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|---|---|---|----------------|
| <p>edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of occupied area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician and/or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level of it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.]</p> <p>2. If least Bell's vireos are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the U.S. Fish & Wildlife Service that demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:</p> <ul style="list-style-type: none"> ▪ If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition 1.c shall be adhered to as specified above. ▪ If this evidence concludes that no impacts to this species are anticipated, no further surveys or monitoring would be necessary. | | | |
| Cultural Resources | | | |
| <p>CR-1</p> | <p>Prior to issuance of grading permits</p> | <p>Manager, Permit Services/Planning, OC Development Services</p> | |
| <p>Prior to issuance of any grading permit, the Project Applicant shall provide evidence to the Manager, Permit Services that a grading note shall be added to the grading plan that states: "If any unanticipated cultural resources, including human remains, are discovered during ground-disturbing activities; work in that location shall be temporarily diverted a minimum of 25 feet away until a County qualified archaeologist can evaluate the find. Recommendations by the archaeologist and as approved by the Manager, Planning, OC Development Services shall be complied with for any further ground-disturbing work."</p> | | | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|--|---------------------------------------|--|----------------|
| <p>CR-2 Prior to issuance of any grading permit, the Project Applicant shall prepare and submit to the Manager, Planning, OC Development Services for review and approval a Paleontological Resources Mitigation Plan as detailed in the "Archaeological and Paleontological Resources Assessment Update" for the Esperanza Hills Project, dated January 2013, prepared by Cogstone. The Paleontological Resources Mitigation Plan shall include the following:</p> <ol style="list-style-type: none"> 1) paleontological resources awareness training for all earthmoving personnel, 2) monitoring of excavations more than five feet below the current surface (not for shallow excavations), 3) adjustments by the principal paleontologist to monitoring requirements based on fossil yield, depth and location of impact, and 4) recovery and curation of fossils meeting the significance criteria established in the Paleontological Resources Mitigation Plan. | Prior to issuance of grading permits | Manager, Permit Services/Planning, OC Development Services | |
| Geology and Soils | | | |
| <p>Geo-1 Prior to issuance of building permits, the Project Applicant and the County shall ensure that geologic conditions underlying design slopes and those to remain natural in areas adjacent to the development perimeter shall be investigated and analyzed for gross stability in accordance with current geotechnical engineering practice. Investigation shall include areas where larger landslides are suspected to exist, mainly in natural slope areas bordering the development, including analysis of distribution and dimension regarding conditions of gross stability.</p> | Prior to issuance of building permits | Manager, Permit Services | |
| <p>Geo-2 During grading, the Project Applicant and the County shall ensure that unstable areas be avoided or that design slopes determined to be grossly unstable be stabilized by construction of buttresses or stabilization fills, flattening gradients, lowering overall heights, improving stability through use of tie-back/grade-beam systems, use of geogrid, use of cement-treated-soil or similar supplemental stabilization measures or combinations of these methods.</p> | During grading activity | Manager, Permit Services | |
| <p>Geo-3 During grading, the Project Applicant shall ensure that zones of weathered bedrock be removed from back cuts and/or areas upon which new fill is to be placed.</p> | During grading activity | Manager, Permit Services | |
| <p>Geo-4 Prior to issuance of building permits, the Project Applicant shall ensure that construction across the trace of active faults and/or outside the limits of the setback zone will be avoided to the maximum extent practicable, and no residential lots are designed within the setback zone established for the Whittier Fault. Where access roads, retaining walls, bridge structures or structural fills are planned within the setback zone, the direction and magnitude of anticipated fault offset and severity of anticipated ground shaking shall be incorporated into the design.</p> | Prior to issuance of building permits | Manager, Permit Services | |
| <p>Geo-5 Prior to issuance of building permits, the Project Applicant shall ensure that the design for improvements that cross the Whittier Fault should be minimal, and the</p> | Prior to issuance of building permits | Manager, Permit Services | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
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| trend in which crossings are made should be oriented as nearly perpendicular (20 degrees east of north) to the trend of the fault as possible. The prefabricated bridge structure spanning Blue Mud Canyon under Option 1 shall be positioned and designed to accommodate expected fault offset. The Project Applicant shall consider use of alternative geotechnical engineering technologies to minimize impacts to structures constructed above active fault strands. These may include the incorporation of geo-fabric materials into fill bodies to add to fill strength and/or select placement of gravel blankets within subgrade areas to diffuse shear forces relating to ground rupture. | | | |
| Geo-6 Prior to issuance of building permits, the Project Applicant shall ensure that utility lines located in or near the Whittier Fault incorporate flexible joints into their design, to accommodate anticipated ground rupture in a right-lateral strike-slip sense. | Prior to issuance of building permits | Manager, Permit Services | |
| Geo-7 Prior to issuance of building permits, the Project Applicant shall verify that the existing seismic setback zone margins are appropriate for encountered geologic conditions and, where changes are warranted, evaluate any impacts to design plan elements and assure any revisions to the margins are depicted on final plan sets. | Prior to issuance of building permits | Manager, Permit Services | |
| Geo-8 Prior to issuance of building permits, the County shall ensure that the Project Applicant has provided geotechnical investigations and engineering analyses to evaluate retaining wall design and stability, establish foundation design recommendations and determine conditions of gross and surficial stability of overall wall/slope combinations. In surficially unstable slopes where no remedial grading is permitted, wall foundations shall be strengthened to accommodate a potential loss of lateral support. Where natural slopes are grossly unstable, possibly due to the presence of a larger landslide, the slope shall be stabilized or buttressed through grading methods. Where grading is not permitted, structural stabilization shall be accomplished through the design of retaining walls and/or soldier pile walls, tie backs, or some combination of both. | Prior to issuance of building permits | Manager, Permit Services | |
| Geo-9 Prior to issuance of building permits, the Project Applicant shall ensure that natural slope areas adjacent to development are analyzed for stability and estimated volumes of failure material determined. Setback zones or design of a bench in the upper slopes shall be employed to reduce the potential for failures to migrate into graded areas. Areas of rock creep influence shall require use of tie-backs and structural sheets to prevent this occurrence. | Prior to issuance of building permits | Manager, Permit Services | |
| Geo-10 Prior to issuance of grading or building permit, whichever comes first, the Project Applicant shall ensure that the following methods are incorporated into the design to prevent slope failure: <ul style="list-style-type: none"> Where daylight fill lots lie adjacent to ascending natural slopes, building pad | Prior to issuance of building and grading permits | Manager, Permit Services | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
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| <p>elevations shall be raised, and toe-of-slope catchment troughs have been designed into which the failure materials can accumulate. These areas should be designated as "common areas" and maintained by homeowners associations.</p> <ul style="list-style-type: none"> In areas where a more significant volume of debris is expected, such as an area situated within the path of adjacent natural drainage swales, impact or deflection walls shall be installed. Use of design stabilization fills, which are typically the width of standard grading equipment, shall be used for surficially unstable cut or fill slopes. | | | |
| <p>Geo-11 During the conceptual design phase, the Project Applicant and the County shall ensure that no lots are designed with habitable structures within the fault hazard setback zone as determined in the Fault Study, and no building permits shall be applied for or granted for any habitable structures within the hazard fault setback zone in the future. Asymmetrical floor plans shall be avoided, because these kinds of buildings tend to twist in addition to shaking laterally.</p> | <p>During conceptual design phase</p> | <p>Managers, Permit Services/Planning, OC Development Services</p> | |
| <p>Geo-12 Prior to issuance of building permits, the Project Applicant shall demonstrate to the County that deep fills have undergone a cycle of "primary" settlement sufficient to allow safe construction. The Project Applicant may opt to employ supplemental geotechnical measures to minimize anticipated settlement time. Such measures could include vertical wick-drain installation, use of higher fill compaction standards, use of granular fill zones prone to less settlement and/or placement of surcharge fills.</p> | <p>Prior to issuance of building permits</p> | <p>Manager, Permit Services</p> | |
| <p>Geo-13 Prior to issuance building permit, the Project Applicant shall ensure that appropriate conventional engineering measures are implemented to reduce impacts of excessive differential settlement in cut/fill transition areas as determined by the County building official. These measures can include a flattening of removal profiles to 2:1 or shallower, deepening over-excavation of building pads within zones of expected impacts, use of higher compaction standards, limiting construction of stiffened foundation systems including post-tension zones or construction of stiffened foundation systems including post-tension foundations caisson walls or mat slabs as determined feasible and appropriate.</p> | <p>During construction activities</p> | <p>Building Official, OC Building Department</p> | |
| <p>Geo-14 Prior to issuance of grading permit, the Project Applicant shall ensure that removal and re-compaction of compressible native soils shall be performed in areas of proposed structural fills to minimize settlement of new fill and/or prevent loss of lateral support. The limits of removals shall extend beyond conceptual plan boundaries and potentially beyond the limits of grading into areas to remain natural. Where no removals are permitted beyond the boundaries of design, engineered structures shall be installed such as pin piles to achieve proper slope stability.</p> | <p>During grading activities</p> | <p>Manager, Permit Services/ OC Building Department</p> | |

ATTACHMENT J

Mitigation Monitoring and Reporting Program - Esperanza Hills

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
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| Geo-15 Prior to issuance of building permits, the County shall verify that testing has been conducted to evaluate the chemical character of fill soils. Result of such testing shall be used to formulate appropriate foundation design criteria to reduce the adverse effects of corrosive soils. | Prior to issuance of building permits | Manager, Permit Services/ OC Building Department | |
| Geo-16 Prior to issuance of building permits, the County shall ensure that the Project Applicant has provided geotechnical studies to evaluate the occurrence and character of expansive clay soil on the Project Site. Based on the results of the studies, criteria for foundation design shall be formulated to reduce adverse effects such as selective grading methods including placement of adverse clay soils in deeper fill areas, or non-bedrock and design structures through building pad over-excavation. Post grading studies and testing shall be conducted on finished building pads to verify the adequacy of foundation design. | Prior to issuance of building permits | Manager, Permit Services/ OC Building Department | |
| Geo-17 Prior to issuance of grading permit, the County shall ensure that the Project Applicant has conducted geotechnical investigations of recent alluvium deposits to evaluate the potential for liquefaction. Findings of such investigations shall be incorporated into the design of structures proposed in areas where there is a potential for liquefaction to occur. | Prior to issuance of grading permit | Manager, Permit Services/ OC Building Department | |
| Geo-18 Prior to construction, the Project Applicant shall ensure that a network of subdrains and back-drains shall be installed in areas of expected groundwater or active seepage. | Prior to construction | Project Applicant | |
| Geo-19 Prior to issuance of building permits, the County shall ensure that the Project Applicant has conducted geotechnical investigations and engineering analyses in areas where proposed roadways cross existing natural gas pipelines or transmission towers exist adjacent to proposed cut slopes and designed roadway crossings to avoid or minimize damage to these facilities. | Prior to issuance of building permits | Project Applicant/ OC Building Department | |
| Geo-12 | | | |
| GHG-1 Prior to issuance of building permits for residential units, the County shall ensure that all fireplaces are gas rather than wood burning. | Prior to issuance of building permits | Manager, OC Development Services | |
| GHG-2 Prior to construction of project, the developer shall implement or develop a plan for implementation of one or more mitigation strategies for the reduction of greenhouse gas (GHG) emissions from the report "CEQA and Climate Change" prepared by the California Air Pollution Control Officers Association (CAPCOA) as updated in 2010. The total benefit of the mitigation strategies must result in a minimum 5% reduction in GHG emissions from the business-as-usual value. Alternative strategies not listed in the CAPCOA report may be used with approval of the Orange County Planning Director. The selected strategies, including measures for their long-term maintenance, must be described in a memo submitted to and approved by the County Planning Department prior to initial occupancy of any on-site facility. | Prior to construction | Project Applicant/ OC Development Services Director | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
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| Hazards and Hazardous Materials | | | |
| Haz-1 Prior to issuance of building permits, the Project Applicant shall provide a Combustible Gas/Methane Assessment Study for review and approval by the OCFA. The Project Applicant shall submit and obtain OCFA approval for a Methane Control Plan to control the release of combustible gas/methane from operation oil wells in the event that measurable quantity of methane gas is identified in the Combustible Gas/Methane Assessment Study. | Prior to issuance of building permits | OC Fire Chief | |
| Haz-2 Prior to issuance of grading permits, the Project Applicant shall ensure that a Phase II ESA is prepared for review and approval by the Manager of Planning, OC Development Services in consultation with Hazardous Waste Specialist III, OC Environmental Health. The Phase II ESA shall identify the abandoned well locations, and any hidden pits or accumulations of drilling mud in the vicinity of the wells. The assessment shall include a review of available well logs and abandonment documentation in order to verify regulatory compliance of previously abandoned wells. In the event pits are encountered during the Phase II ESA investigation or during grading, the pits will be sampled for hazardous substances and will be disposed of at a certified hazardous waste facility. | Prior to issuance of grading permits | Manager, Hazardous Waste Specialist III OC Environmental Health/Planning, OC Development Services | |
| Haz-3 Prior to issuance of grading permits, the Project Applicant shall ensure that an RAP is prepared for the previously abandoned oil wells to address the appropriate measures consistent with state law. | Prior to issuance of grading permits | Manager, Permit Services | |
| Haz-4 Prior to the closure of any existing oil wells, the Project Applicant shall ensure that the operators of the oil wells prepare an RAP to address appropriate measures for closure consistent with state law. | Prior to closure of existing oil wells | Manager, Permit Services | |
| Haz-5 Prior to issuance of any grading permit that results in the disturbance of any vegetation, the Project Applicant shall submit a Fire Master Plan for review and approval by the OCFA and OCSD. The Fire Master Plan shall be based on the Esperanza Hills FPEP and shall contain details regarding evacuation roads, including road surface type, firefighting staging areas, emergency secondary access, turning radii, vegetation clearance buffers along roadways, exits, and locations of hydrants and reservoir. | Prior to issuance of grading permits | Orange County Fire Authority | |
| Haz-6 Prior to issuance of any Certificate of Use and Occupancy, the Project Applicant shall submit a Community Evacuation Plan (CEP) for the Project for review by the OCFA and the OCSD and approved by the OCFA. The CEP will incorporate the information on community plans from the Orange County Office of Emergency Services and the San Diego Office of Emergency Services. The Esperanza Hills FPEP shall be the basis of the CEP, which shall include provisions for: <ul style="list-style-type: none"> • Pre-fire planning and preparations • Post-fire recovery actions | Prior to issuance of Certificate of Use and Occupancy | Orange County Fire Authority/ Orange County Sheriffs Department | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
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| <ul style="list-style-type: none"> Communications/registering with Alert OC (Orange County's Reverse 911 system and sign-up for cell phone/text notice) Prevention (maintenance of fuels around buildings, gutter and roof clearance, vent protection) Emergency contact numbers Annual evacuation training schedule Fire Prevention Measures during High Fire Danger and Red Flag Warning periods Annual review and update requirements Wildfire Emergency Evacuation Plan Details On-site partial relocation versus off-site evacuation Revisions/updates to the CEP shall be reviewed and approved by OCFA | | | |
| <p>Haz-7</p> <p>Prior to recordation of the final tract map, the Project Applicant shall record the deed restrictions for each residential lot. The deed restriction shall include any portion of the FMZs on the private lot, approved plant palettes, and prohibitions regarding combustible structures, including fencing and other accessory structures. Deed restrictions will run with the land and be conveyed to any subsequent owner of the private lot.</p> | <p>Prior to final tract map recordation</p> | <p>Manager, Permit Services</p> | |
| <p>Haz-8</p> <p>Prior to recordation of the Final Tract Map for Lots 7, 8, 9, 224, 225, 236, 237, 253, 254, and 278 in Option 1 and Lots 8, 9, 10, 224, 225, 236, 237, 253, 254, and 278 in Option 2 that include an FMZ that extends beyond the private lot or development, the Project Applicant shall obtain written legal permission in the form of a Fuel Modification Easement from any off-site landowners. The Fuel Modification Easement shall be recorded for each lot. In any situations where the FMZ extends into biological open space or other sensitive biological areas, or other areas controlled by the County and/or resource agencies, formal written permission shall be obtained from all applicable agencies.</p> | <p>Prior to final tract map</p> | <p>Manager, Permit Services</p> | |
| <p>Haz-9</p> <p>Prior to issuance of building permits, the Project Applicant shall prepare a Private Property Owners' Guide for fire-safe vegetation management, which shall be distributed by the Esperanza Hills HOA to each new home buyer. The Guide shall be based on the Orange County Fire Authority Vegetation Management Guidelines as approved in the Fuel Modification Plan approved by the OCFA. Periodic inspections by the OCFA shall be at the expense of the Esperanza Hills HOA.</p> | <p>Prior to issuance of building permits</p> | <p>Manager, Permit Services</p> | |
| <p>Haz-10</p> <p>Prior to recordation of the final tract map, the Project Applicant shall submit the Project Covenants, Conditions, and Restrictions (CC&Rs) to the Manager, Planning, OC Development Services for review and acceptance by County Counsel and will include:</p> <ul style="list-style-type: none"> A reference to the Esperanza Hills FPEP to ensure compliance with the | <p>Prior to recordation of final tract map</p> | <p>Manager, Planning, OC Development Services / County Counsel</p> | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
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| <p>features with the plan. The HOA is required to enforce compliance with the Plan. Owners of private lots will be notified in the project's CC&Rs and property disclosures that they are prohibited from conducting any vegetation management activities outside their private property.</p> <ul style="list-style-type: none"> Provisions for continuous maintenance of common areas by the Esperanza Hills Homeowners' Association and individual properties by owners. Maintenance refers to anything needed to maintain the fuel modification area in a fire safe condition as required by the OCFA, including periodic removal of undesirable, combustible vegetation; replacement of dead and dying fire-resistant plantings; maintenance of the operational integrity and programming of irrigation systems; and preservation of identification markers. A provision that the HOA is responsible for and has the authority to ensure long-term funding, and ongoing compliance with all provisions of the approved Fire Master Plan and Community Evacuation Plan, including vegetation planting, fuel modification, vegetation management, and maintenance requirements on all private lots, parks, common areas, roadsides, and open space under their control (if not considered biological open space). Any water quality basins, flood control basins, channels, and waterways should be kept clear of flammable vegetation, subject to the environmental restrictions. A provision that the HOA will annually fund and obtain an inspection and report from an OCFA-approved Wildland Urban Interface Fire Safety Inspector in June, certifying that vegetation management activities throughout the Project Site have been performed pursuant to the approved Fire Master Plan. | | | |
| <p>Haz-11</p> <p>Prior to issuance of building permits, the Project Applicant shall submit to the Manager, Permit Services plans demonstrating a water system for the Project capable of handling the minimum fire flow storage of 1,500 gallons per minute for a 2-hour duration with a minimum residual pressure of 20 pounds per square inch.</p> | <p>Prior to issuance of building permits</p> | <p>Manager, Permit Services</p> | |
| <p>Haz-12</p> <p>Prior to issuance of building permits, the Project Applicant shall provide a plan that depicts the appropriate number of fire hydrants and their specific locations to be constructed for each phase of development for review and approval by the OCFA Fire Marshal.</p> | <p>Prior to issuance of building permits</p> | <p>Manager, Permit Services/ OCFA Fire Marshal</p> | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
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| Haz-13 Prior to ground disturbance in environmentally sensitive areas that contain sensitive habitat, cultural sites, riparian areas, biological buffer areas, detention basins, etc., the Project Applicant shall obtain written permission from the Manager, Planning, OC Development Services, and the appropriate resource agencies (e.g., the CDFW, the USFWS, and the ACOE) prior to any vegetation management activities occurring. | Prior to ground disturbance in environmentally sensitive areas | Manager, Planning, OC Development Services | |
| Haz-14 Prior to issuance of any building permit for access gates, the Project Applicant shall submit for review and approval by the OCFA access gate plans consistent with the applicable Fire Code, and all operated gates shall be equipped with emergency opening devices approved by the OCFA. | Prior to issuance of building permits for access gates | OCFA | |
| Hydrology and Water Quality | | | |
| No mitigation measures are required. | | | |
| Land Use and Planning | | | |
| No mitigation measures are required | | | |
| Noise | | | |
| N-1 Prior to issuance of grading permit, the Project Applicant shall ensure that all construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no construction permitted on national holidays or Sundays in compliance with the Orange County Noise Ordinance. High noise-producing activities should be scheduled between the hours of 8:00 a.m. and 5:00 p.m. to minimize disruption to sensitive uses. | Prior to issuance of grading permit | Manager, Permit Services | |
| N-2 Prior to issuance of grading permit, the Project Applicant shall ensure that all construction and demolition equipment shall be fitted with properly operating and maintained mufflers. | Prior to issuance of grading permit | Manager, Permit Service | |
| N-3 Prior to issuance of grading permit, the Project Applicant shall ensure that all noise-generating construction equipment and construction staging areas should be located as far as possible from existing residences. | Prior to issuance of grading permit | Manager, Permit Service | |
| N-4 Prior to issuance of grading permit, the Project Applicant shall ensure that construction-related equipment, including heavy duty equipment, shall be turned off when not in use for more than 10 minutes. | Prior to issuance of grading permit | Manager, Permit Service | |
| N-5 Prior to issuance of grading permit, the Project Applicant shall prepare and submit to the County for approval a haul plan for construction-related traffic that limits impacts on residential development by avoiding such residential development areas where feasible. | Prior to issuance of grading permit | Manager, Permit Service | |
| N-6 Prior to issuance of grading permit, the Project Applicant shall ensure that construction hours, allowable work days and the telephone number of the job superintendent are clearly posted at all construction entrances to allow residents to contact the job superintendent. If the County of Orange or the job | Prior to issuance of grading permit | Manager, Permit Service | |

ATTACHMENT J

Mitigation Monitoring and Reporting Program - Esperanza Hills

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
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| superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action and report the action taken to the appropriate reporting party. Contact specifications shall be included in the proposed project construction documents which shall be reviewed by the County of Orange prior to issuance of grading permits. | | | |
| Population and Housing | | | |
| No mitigation measures are required. | None required | None required | None required |
| Public Services | | | |
| PS-1 Prior to issuance of grading permit, if deemed necessary by the Orange County Fire Authority, the Project Applicant shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority providing for payment of fair share fees for impacts to capital and infrastructure needs. | Prior to issuance of grading permits | Project Applicant/ OCFA | |
| PS-2 Prior to issuance of building permits, the Project Applicant will be required to comply with Senate Bill 50 and pay the applicable school impact fees as adopted by the Placentia-Yorba Linda Unified School District. | Prior to issuance of building permits | Manager, Permit Services | |
| Recreation | | | |
| No mitigation measures are required. | None required | None required | None required |
| Transportation and Traffic | | | |
| T-1 For Option 1, prior to issuance of building permits, the Project Applicant shall contribute to the installation of a three-phase traffic signal at the Yorba Linda Boulevard/Via del Agua intersection in the event the Cielo Vista project is not constructed. The Project Applicant's fair share contribution shall be 39% with the proposed Cielo Vista project as part of the cumulative base traffic condition, and 46% without the Cielo Vista project. The first project to be constructed, either Esperanza Hills or Cielo Vista, will pay 100% for the signal installation with an agreement between applicants to reimburse the fair share amount at the time the second project is constructed. If the City does not implement the improvement, the impact will be significant and unavoidable. | Prior to issuance of building permits | Project Applicant/ Manager, Permit Services | |
| T-2 Prior to issuance of building permits, the Project Applicant shall pay a 9% fair-share contribution for the following improvement at Yorba Linda Boulevard at Savi Ranch Parkway: Widen and re-stripe the westbound approach to provide an additional (third) westbound left-turn lane. | Prior to issuance of building permits | Manager, Permit Services | |
| T-3 Prior to issuance of Certificates of Use and Occupancy, the Project Applicant shall pay a 9% fair-share contribution for the following improvement: extend the left-turn pocket along Yorba Linda Boulevard at Via del Agua from the existing 100 feet to 275 feet, with 11 feet in the transition area of the turn pocket to achieve 286 feet. However, the County cannot compel the City to implement such improvement. If the City does not implement the improvement, the impact | Prior to issuance of Certificates of Use and Occupancy | Manager, Permit Services | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
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| will be significant and unavoidable. | | | |
| Utilities and Service Systems | | | |
| U-1 Prior to issuance of building permits, the Project Applicant shall enter into a Development Agreement with the Yorba Linda Water District for the provision of water facilities and service. | Prior to issuance of building permits | Manager, Permit Services | |
| U-2 Prior to issuance of building permits, the Project Applicant shall enter into a Development Agreement with the Yorba Linda Water District for the provision of sanitary sewer facilities and service. | Prior to issuance of building permits | Manager, Permit Services | |
| U-3 Prior to issuance of building permits, the project developer shall coordinate with Southern California Edison to identify the location of the connection to existing electric service lines based on the final determination of access via Option 1 or Option 2 and to protect existing transmission lines on the Project Site. | Prior to issuance of building permits | Manager, Permit Services | |
| U-4 Prior to issuance of building permits, the project developer shall coordinate with Southern California Gas to identify the location of the connection to existing natural gas lines based on the final determination of access via Option 1 or Option 2. | Prior to issuance of building permits | Manager, Permit Services | |
| U-5 Prior to issuance of building permits, the project developer shall coordinate with AT&T to identify the location of the connection to existing telephone service lines based on the final determination of access via Option 1 or Option 2. | Prior to issuance of building permits | Manager, Permit Services | |
| U-6 Prior to issuance of building permits, the project developer shall coordinate with Time Warner Cable to determine the location of the connection to existing cable service lines based on the final determination of access via Option 1 or Option 2. | Prior to issuance of building permits | Manager, Permit Services | |
| Conditions of Approval | | | |
| Hydrology and Water Quality | | | |
| COA-1 Prior to issuance of grading permit, the Project Applicant shall submit the following drainage studies for approval by the County Manager, Permit Services: 1. A final drainage study of the project incorporating the Preliminary Drainage Report for Esperanza Hills Property drainage features pursuant to the approved development option; and 2. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood. | Prior to issuance of grading permits | County Manager, Permit Services | |
| COA-2 Prior to issuance of any Certificates of Use and Occupancy, the Project Applicant shall not grant any new easements over any property subject to a requirement of dedication or irrevocable offer to the Orange County Flood | Prior to issuance of Certificates of Use and Occupancy | County Manager, Permit Services | |

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Mitigation Monitoring and Reporting Program - Esperanza Hills

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| <p>Control District, unless such easements are expressly made subordinate to the easements to be offered for dedication to the County. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the County Manager, Permit Services for review and approval.</p> | | | |
| <p>COA-3 Prior to recordation of a subdivision map (except for financing and conveyance purposes only), the Project Applicant shall participate in the applicable Master Plan of Drainage in a manner meeting the approval of the Manager, Permit Services, including payment of fees and the construction, or provide evidence of financial security (such as bonding), of the necessary facilities. The applicant shall enter into an agreement with the County of Orange concerning payment and reimbursement of Master Plan Drainage Fees to the City as a condition of any future annexation for drainage facilities transferred from OCPW to the City.</p> | <p>Prior to recordation of subdivision map</p> | <p>County Manager, Permit Services</p> | |
| <p>COA-4 Prior to issuance of any grading or building permit, whichever comes first, the Project Applicant shall demonstrate compliance under California's General Permit for Storm Water Discharges Associated with Construction Activity by providing a copy of the Notice of Intent submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification Number; or other proof of filing in a manner meeting the satisfaction of the Manager, Permit Services. Projects subject to this requirement shall prepare and implement a SWPPP. A copy of the current SWPPP shall be kept at the Project Site and be available for County review on request.</p> | <p>Prior to issuance of grading or building permits</p> | <p>Manager, Permit Services</p> | |
| <p>COA-5 Prior to issuance of any grading or building permit, whichever comes first, the Project Applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Permit Services, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages by wind, rain, or tracking. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the Project Site and be available for County review on request.</p> | <p>Prior to issuance of grading or building permits</p> | <p>County Manager, Permit Services</p> | |
| <p>COA-6 Prior to issuance of any grading or building permits, the Project Applicant shall submit for review and approval by the Manager, Permit Services, a final WQMP specifically identifying BMPs that will be used on-site to control predictable pollutant runoff. The Project Applicant shall utilize the DAMP, the Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP</p> | <p>Prior to issuance of grading or building permits</p> | <p>County Manager, Permit Services</p> | |

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Mitigation Monitoring and Reporting Program - Esperanza Hills

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|--|--|--|----------------|
| <p>template for submittal. This final WQMP shall update the project's CWQMP based on the final design and include the following:</p> <ul style="list-style-type: none"> • Detailed site and project description • Potential storm water pollutants • Post-development drainage characteristics • Low impact development (LID) BMP selection and analysis • Structural and non-structural source control BMPs • Site design and drainage plan (CWQMP BMP Exhibit) • GIS coordinates for all LID and treatment control BMPs • Operation and Maintenance (O&M) Plan that: (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs <p>The BMP map exhibit from the approved final WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP map exhibit.</p> | | | |
| <p>COA-7</p> <p>Prior to the recordation of any subdivision map, the Project Applicant shall prepare Covenants, Conditions & Restrictions (CC&Rs) for review and acceptance by the Manager of Permit Services for the HOA, including a section for surface water quality protection and the following prohibited activity restrictions:</p> <ul style="list-style-type: none"> • Blowing, sweeping, or hosing of debris (e.g., leaf litter, grass clippings, litter) into storm drain inlets or other conveyances • On-site fueling • Dumping of any toxic substance or liquid waste on the pavement, on the ground, or toward a storm drain • Use of pesticides if rain is expected • Mixing or preparation of pesticides for application near storm drain inlets • Allowing wash water to enter storm drain <p>The CC&Rs shall require the HOA to maintain the debris basins, detention/debris basin #3 and water quality basins on an annual basis in order to maintain flood protection associated with the design of the Project's drainage system.</p> | <p>Prior to recordation of subdivision map</p> | <p>Manager, Planning, OC Development Services/ County Manager, Permit Services</p> | |
| <p>COA-8</p> <p>Prior to issuance of a Certificate of Use and Occupancy, the Project Applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, OC Inspection:</p> | <p>Prior to issuance of Certificate of Use and Occupancy</p> | <p>Manager, OC Inspection</p> | |

| Mitigation Measure | Timing | Responsible Agency/Party | Date Completed |
|--|--------------------------------------|--------------------------|----------------|
| <ul style="list-style-type: none"> • Demonstrate that all structural best management practices (BMPs) described in the BMP exhibit from the project's approved WQMP have been implemented, constructed and installed in conformance with approved plans and specifications; • Demonstrate that the Project Applicant has complied with all non-structural BMPs described in the project's WQMP; • Submit for review and approval, an Operations and Maintenance Plan for all structural BMPs (the plan shall become an attachment to the WQMP); • Demonstrate that copies of the project's approved WQMP (with attached Operations and Maintenance Plan) are available for each of the initial occupants; • Agree to pay for a Special Investigation from the County for a date 12 months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and Operations and Maintenance Plan; • Demonstrate that the Project Applicant has recorded one of the following: <ul style="list-style-type: none"> a) The CC&Rs (that must include the approved Water Quality Management Plan and Operations and Maintenance Plan) for the project's HOA; b) A water quality implementation agreement that has the approved Water Quality Management Plan and Operations and Maintenance Plan attached; or c) The approved final Water Quality Management Plan and Operations and Maintenance Plan | | | |
| COA-9 Prior to issuance of grading permit, the Project Applicant shall record a grant of easement for on-site public storm water pipes to the Orange County Flood Control District. | Prior to issuance of grading permits | Manager, Permit Services | |

Project Design Features

| Project Design Feature | Timing | Responsible Agency/Party | Date Completed |
|--|---------------------------------------|--|----------------|
| Aesthetics | | | |
| PDF 1 Density – The average density of the project is .73 dwelling units per acre. This is considered a low-density residential project that is consistent with the adjacent neighborhoods in the City, which protects the unique natural and topographic character. | At Vesting Tentative Map approval | Manager, Planning/OC Subdivision Committee | |
| PDF 2 Building Height – The maximum building height for all residential lots is 2 stories and 35 feet. | Prior to issuance of building permits | Manager, Planning | |
| PDF 3 Open Space – 62% of the Project Site is natural opens space, fuel modification zone, retention basin, parks, and trails. | At Vesting Tentative Map approval | Manager, Planning | |
| PDF 4 Color of Homes – In addition to grading concepts, landscaping and color will be utilized to soften the appearance of the homes visible from outside the Proposed Project. Home colors will be selected to be consistent with the surrounding natural landscape and with the color value of the specific hue close to the immediate landscape. Colors on the homes visible from outside Esperanza Hills will be predominantly earth tones, such as browns, ochres, sepias, and grays. | Prior to issuance of building permit | Manager, Planning | |
| PDF 5 Landscaping – The landscape plan includes native and architecturally thematic plant material used to establish entry monuments, signage, walls, fences, and hardscape elements complementing and evoking the same respect for the surrounding natural environment. All streetscapes, slopes, and neighborhood parks will be harmoniously interwoven with the natural hillside by utilizing trees, naturalized shrubs, and grasses that are drought tolerant and considerate of long-term maintenance needs. Pedestrian connections and residential streets will offer canopy trees and flowering accent trees to provide shade, while open spaces will host informal plant and tree groupings and large evergreen shrubs. Selected plant material will complement the scale of the architecture. View opportunities will be considered from the neighborhoods to the surrounding landscape, enhancing views outside the immediate Project limits wherever possible. | Prior to approval of landscaping plan | Manager, Planning | |
| PDF 6 Equipment – Air conditioners, heating, cooling, and ventilating equipment, and all other mechanical, lighting, or electrical devices shall be operated to minimize disturbance to adjacent and neighboring occupants, and shall be screened, shielded, and/or sound buffered from surrounding properties and streets. No roof-mounted air conditioning units will be allowed. | Prior to issuance of building permit | Manager, Planning | |
| PDF 7 Utilities – Above-ground utility boxes, telephone boxes, water lines, backflow preventers, cable boxes, or similar structures within public view shall be screened and painted to blend into surrounding areas. Satellite dishes shall be placed to minimize visual impact and painted to match surrounding areas. | Prior to issuance of building permit | Manager, Planning | |

ATTACHMENT J

Mitigation Monitoring and Reporting Program - Esperanza Hills

| Project Design Feature | Timing | Responsible Agency/Party | Date Completed |
|--|---|--------------------------|----------------|
| PDF 8 Walls and Fencing – Walls that are viewed from the street may be of masonry block construction or vinyl fence material consistent with the architectural style of the home. Homeowner privacy fencing shall not exceed six feet in height. Other privacy fencing shall be made of durable, synthetic material, block, or wrought iron. Wall or fences shall not exceed 42 inches in height in any required front yard setback. | Prior to issuance of building permit | Manager, Planning | |
| PDF 9 Grading – The Proposed Project shall conform to the Orange County Grading Ordinance. | Prior to issuance of grading permits | Manager, Planning | |
| PDF 10 Glare – Building structures shall use non-reflective glass. | Prior to issuance of building permit | Manager, Planning | |
| PDF 11 Homeowners will be required, through the HOA's CC&Rs, to use only hooded and shielded down-lighting for all exterior lights, including landscape lighting. | Prior to issuance of building permit | Manager, Planning | |
| Biological Resources | | | |
| PDF 12 Introduction of Trash and Debris. The project landscape plan shall include trash receptacles placed in appropriate locations to ensure that trash and debris are controlled on-site and pose no risk to native habitats. The Homeowner's Association (HOA) shall be responsible daily to maintain the trash receptacles and remove trash to avoid accumulation. | Prior to approval of landscaping plan | Manager, Planning | |
| PDF 13 Impacts from Domestic Cats. Included in the HOA CC&Rs, domestic cats shall remain inside a home, or be leashed for walks or visits to the local outside environment. House cats shall not be permitted to range free outside the confines of a home. | Prior to issuance of Certificate of Use and Occupancy | Manager, Planning | |
| PDF 14 Impacts from Light Pollution 1. Provide homeowner education to limit outdoor lighting by using energy efficient low-voltage systems, photo sensors, solar and light emitting diode. 2. Lighting will be hooded, shielded, and pointed away from the sensitive habitat areas, and ambient light levels will be minimized to the maximum extent practicable. | Prior to issuance of building permits | Manager, Planning | |
| PDF 15 Short-term construction-related noise impacts will be reduced by the implementation of a number of measures including the following: 1. During all excavation and grading on-site, the construction contractors will equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards to reduce construction equipment noise to the maximum extent practicable. The construction contractor will place all stationary construction equipment so that emitted noise is directed away from Chino Hills State Park lands and staging areas will not be placed in proximity to sensitive habitats. 2. The construction contractor will stage equipment in areas that will create the greatest distance between construction-related noise sources and noise | Prior to issuance of grading permit | Manager, Planning | |

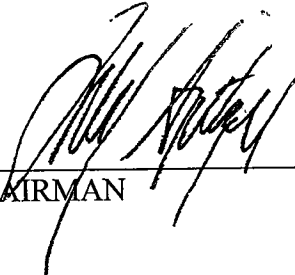
| Project Design Feature | Timing | Responsible Agency/Party | Date Completed |
|--|---|--------------------------|----------------|
| <p>sensitive receptors (the preserved habitat areas) during all project construction.</p> <p>3. All construction work will occur during the daylight hours. Construction shall not take place between the hours of 8:00 p.m. and 7:00 a.m. AM on weekdays, including Saturday, or at any time on Sunday or a federal holiday. All construction operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).</p> <p>4. The construction contractor will limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes will not pass through sensitive habitats and land uses or residential dwellings.</p> | | Manager, Planning | |
| <p>PDF 16 Minimize Edge Effect. Best management practices will be incorporated into the project to ensure that indirect impacts (i.e., edge effects) are avoided or minimized to the maximum extent possible. Lighting will be shielded and directed away from adjacent natural habitat areas and ambient light levels will be minimized to the maximum extent practicable. Additionally, the project's Water Quality Management Plan and Storm Water Pollution Prevention Plan will ensure that project runoff will not adversely affect the drainage within the jurisdictional drainages. Noise standards will comply with County Codes and will be consistent with General Plan Policies. In addition, fencing will be limited to open fencing that does not exceed 40 inches in height. Vegetation thinning within the fuel modification area will only occur on occasion and during daylight hours.</p> | As applicable prior to issuance of building or grading permit | OCFAManager, Planning | |
| <p>PDF 17 Fuel Modification Plan. To the extent feasible, native planting species approved for use in fuel modification zones by the Orange County Fire Authority will be used in fuel modification zones adjacent to natural habitat areas. Plants identified by the California Invasive Plant Council as an invasive risk in Southern California will be excluded from all landscaping.</p> | Prior to approval of fuel modification plan | OCFAManager, Planning | |
| Hazards and Hazardous Materials | | | |
| <p>PDF 18 The Proposed Project includes that the Esperanza Hills HOA will provide a list of approved and prohibited plant pallet to all buyers in a Private Property Owners' Guide for Fire Safe Vegetation Management on private lots. The HOA will be responsible for enforcement.</p> | Prior to approval of landscaping plan | OCFAManager, Planning | |
| <p>PDF 19 The Proposed Project includes a Precise Fuel Modification Plan that has been developed to provide a landscape transition area along the interface between residential development and adjacent open space to provide wildfire protection. The OCFAs will require separate review of Estate Lot 1 with regard to fuel modification/fire protection requirements.</p> | Prior to approval of fuel modification plan | OCFAManager, Planning | |

| Project Design Feature | Timing | Responsible Agency/Party | Date Completed |
|---|---|-----------------------------|----------------|
| PDF 20 The Proposed Project includes that all new power lines will be underground, for fire safety during high wind conditions or during fires on a right of way which can expose above-ground power lines. | Prior to approval of Tentative Tract Map | Manager, Planning | |
| PDF 21 The Proposed Project includes that fuel management activities will be completed annually by June 1 and more often as needed for fire safety, as determined by the OCFA. | Prior to approval of fuel modification plan | OCFA | |
| PDF 22 The Proposed Project includes that all structures will be in strict, ongoing compliance with all County and other applied Fire and Building Code requirements. | Prior to issuance of building permit | OCFA/Manager, Planning | |
| PDF 23 The Proposed Project includes that the HOA will maintain FMZs annually by June 1 and more often as needed for fire safety as determined by the OCFA. | Prior to approval of fuel modification plan | OCFA | |
| PDF 24 The Proposed Project includes that the HOA will implement emergency evacuation routes in accordance with the approved Community Evacuation Plan. The Community Evacuation Plan will be reviewed by OCFA and OCSD before any changes are made. The Community Evacuation Plan includes a provision for annual review by residents through organized meetings and education outreach by the HOA. | Prior to issuance of first Certificate of Use and Occupancy | OCFA/OCSD/Manager, Planning | |
| PDF 25 The Proposed Project includes that automatic fire sprinkler systems will be installed for all homes, including in all attic spaces. | Prior to issuance of building permits | OCFA/Manager, Planning | |
| PDF 26 The Proposed Project includes a Fire Master Plan that has been reviewed by the OCFA providing enhanced construction features in certain areas adjacent to FMZs. These include enhanced fire sprinkler systems and construction features per California Building Code Chapter 7A. | Prior to issuance of grading permits | OCFA/Manager, Planning | |
| PDF 27 The Proposed Project includes earthquake preparedness and wildfire education materials will be distributed annually to each resident and annual evacuation planning meeting will be held by the HOA. | Prior to issuance of building permits | OCFA/OCSD/Manager, Planning | |
| PDF 28 The Proposed Project includes that all site access, emergency access, road widths and turn outs will comply with the requirements of the OCFA and the approved Fire Master Plan. | Prior to approval of Tentative Tract Map | OCFA | |
| PDF 29 The Proposed Project will include access gates that will comply with the Fire Code. Public roads will not be gated, per the Fire Code. Any gates on any private roads or on private driveways will be as follows, complying with the OCFA standards for electric gates. <ul style="list-style-type: none"> Access gates will be equipped with a KNOX key switch, which overrides all command functions and opens the gate for entrance of emergency vehicles into the area. Gates serving more than 1 parcel will be equipped with sensors for detecting emergency vehicle "Opticom" strobe lights from any direction of approach. Strobe detection and key switches will be provided on the interior and exterior of gates. | Prior to approval of Tentative Tract Map | OCFA/Manager, Planning | |

| Project Design Feature | Timing | Responsible Agency/Party | Date Completed |
|--|--------------------------------------|--------------------------|----------------|
| <ul style="list-style-type: none"> Switches will be dual keyed, or two switches provided, for Fire and Law Enforcement. Gate activation devices will be equipped with a battery backup or manual mechanical disconnect in case of power failure. | | | |
| Hydrology and Air Quality | | | |
| <p>PDF 30 The project has been designed to treat development flows (runoff) with a dry extended detention water quality basin, while implementing the following low impact development techniques:</p> <ul style="list-style-type: none"> Conservation of natural areas, including existing trees, other vegetation and soils Keeping streets at minimum standard widths Minimizing the impervious footprint of the project Minimizing disturbances to natural drainages | Prior to issuance of grading permits | Manager, Permit Services | |
| <p>PDF 31 The project will be designed to include the following best management practices to promote infiltration and slow down surface flows:</p> <ul style="list-style-type: none"> Impervious area dispersion Native drought-tolerant landscaping/efficient irrigation | Prior to issuance of grading permits | Manager, Permit Services | |

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on March 10, 2015, to wit:

| | | |
|------------|----------------|---|
| AYES: | Supervisors: | LISA A. BARTLETT, ANDREW DO, MICHELLE STEEL SHAWN NELSON, TODD SPITZER |
| NOES: | Supervisor(s): | |
| EXCUSED: | Supervisor(s): | |
| ABSTAINED: | Supervisor(s): | |




 CHAIRMAN

STATE OF CALIFORNIA)
)
 COUNTY OF ORANGE)

I, ROBIN STIELER, Interim Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors .

IN WITNESS WHEREOF, I have hereto set my hand and seal.



 ROBIN STIELER
 Interim Clerk of the Board
 County of Orange, State of California



Resolution No: 15-018
 Agenda Date: 03/10/2015
 Item No: 29



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors , Orange County, State of California

Robin Stieler, Interim Clerk of the Board of Supervisors

By: _____
 Deputy