

OC DEVELOPMENT SERVICES REPORT

DATE: January 14, 2015

TO: Orange County Planning Commission

FROM: OC Development Services/Planning

SUBJECT: Public Hearing on Planning Application PA120037 for recommendation to Board of Supervisors on adoption of a General Plan Amendment, Zone Change, and Specific Plan, and Certification of the proposed Final Environmental Impact Report No. 616

PROPOSAL: Development of 468.9 acre site permitted by the following discretionary actions:

- Certification of proposed Final Environmental Impact Report No. 616;
- Adoption of General Plan Amendment to change the Land Use designation from Open Space (5) to Suburban Residential (1B) to allow for residential development of a maximum of 340 homes;
- Adoption of zone change to replace the existing General Agriculture (A1) and General Agriculture/Oil Production (A1(O)) zoning designations with the Specific Plan (S) zoning designation; and
- Adoption of the Esperanza Hills Specific Plan to regulate and guide development of the property (collectively, the “Project”).

EXISTING ZONING: A1 General Agriculture and A1(O) General Agriculture/Oil Production

EXISTING GENERAL PLAN: Open Space (5)

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 Cielo Vista proposed project and adjacent to the existing residential development located in the City of Yorba Linda, within the Third (3rd) Supervisorial District.

APPLICANT: Yorba Linda Estates, LLC, Douglas Wymore

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

SYNOPSIS: Staff recommends adoption of the attached resolutions for Planning Application PA 120037 recommending that the Board of Supervisors adopt a General Plan Amendment, adopt a Zone Change, adopt a Specific Plan, and certify proposed Final Environmental Impact No. 616 Report, subject to the Findings and Conditions of Approval as included within the attached Resolutions.

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: 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 Project site is part of an area commonly referred to in the City of Yorba General Plan (1993) as the Murdock Property.

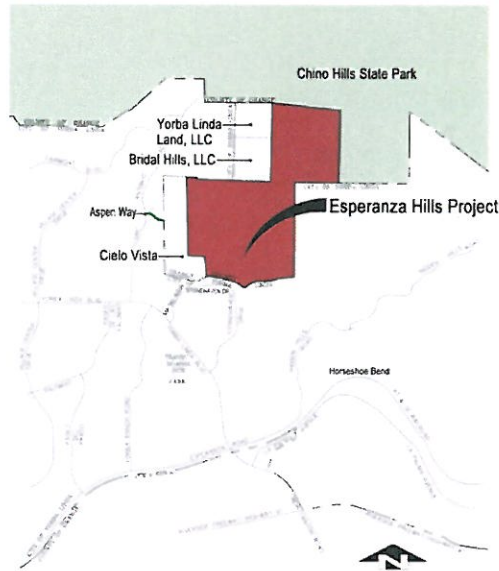
Rolling hills characterize the Project site, which range in elevation from approximately 600 feet above mean sea level (AMSL) at the southwest boundary to approximately 1,540 feet AMSL at the northern boundary of the property. The site has historically been utilized for utilities transmission, animal grazing and oil production starting in the mid-1950s. Currently, the site is generally undeveloped with the exception of the presence of three active oil wells and four inactive or previously abandoned wells, utility transmission facilities (water and electricity) and unpaved service roads. There is also a paved road extending from the Hidden Hills subdivision to the current entrance off Stonehaven that was constructed as an emergency access road after the 2008 Freeway Complex Fire for the Hidden Hills subdivision. The property supports a mix of habitats, including non-native grasslands with locally dominant stands of coastal sage scrub, chaparral, limited areas of riparian habitat and, historically, small stands of walnut and oak woodlands.

Four intermittent drainage areas are located in canyons on or near the site and are identified as Blue Mud Canyon, Canyon A, Canyon B and Canyon C. Blue Mud Canyon and Canyon A extend into Chino Hills State Part, or other drainage areas. Canyons B and C are box canyons that terminate on site, or slightly east of the project site. The Whittier Fault runs along the southern portion of the site which is in an Alquist Priolo Zone. The entire site was burned in the 2008 Freeway Complex Fire.

To date, the Applicant has received a grading permit for geotechnical study, GA 120037, approval of a Conceptual Water Quality Management Plan, completed an approved Fault Study,

filed Vesting Tentative Tract Maps for all access options and received approval of a jurisdictional delineation from the Army Corps of Engineers.

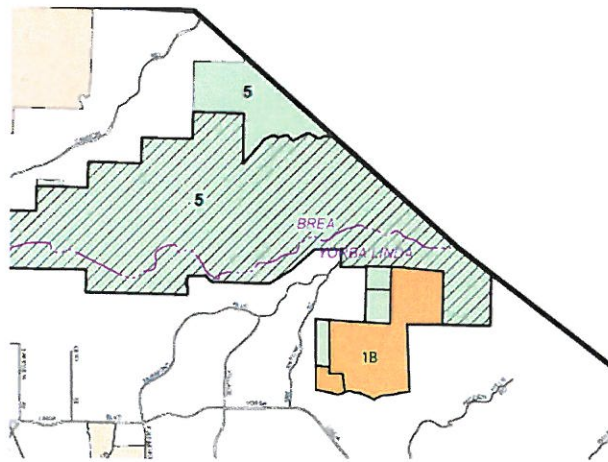
Figure 1.



Location Map

General Plan Land Use Designation

The Project is currently within the Open Space (5) land use designation of the County of Orange General Plan. The General Plan reflects only current and near-term use of the land and considers that the Open Space designation may be developed in other ways due to market pressures to serve a growing County population. The proposed General Plan Amendment would change the land use designation from Open Space (5) to Suburban Residential (1B) (see Figure 2).
Figure 2.

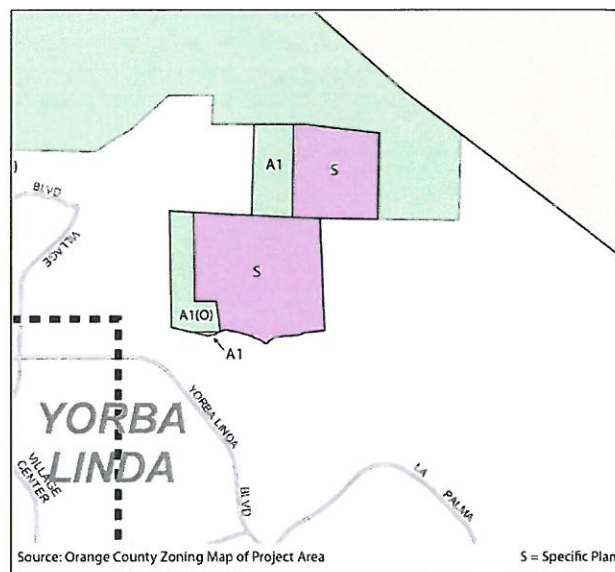


Proposed General Plan Amendment LUE 14-02 (Land Use Element)

Zoning Designation

The Project site is currently zoned A1 General Agriculture and A1 (O) General Agriculture/Oil Production as depicted on the County of Orange Zoning Map. The A1 zone (Orange County Codified Ordinances Section 7-9-55) provides for agricultural uses but would allow residential development of one dwelling unit per four acre lot. The Oil Production zone (Orange County Codified Ordinances Section 7-9-117) provides for oil drilling and production of oil, gas and other hydrocarbon substances. This activity is subject to the regulation of the Orange County Oil Code (Orange County Codified Ordinances Sections 7-8-1 through 7-8-53). The Project includes a zone change from A1 and A1(O) to a Specific Plan (S) “Esperanza Hills.”

Figure 3.



Proposed Zone Change 14-01

PROJECT DESCRIPTION

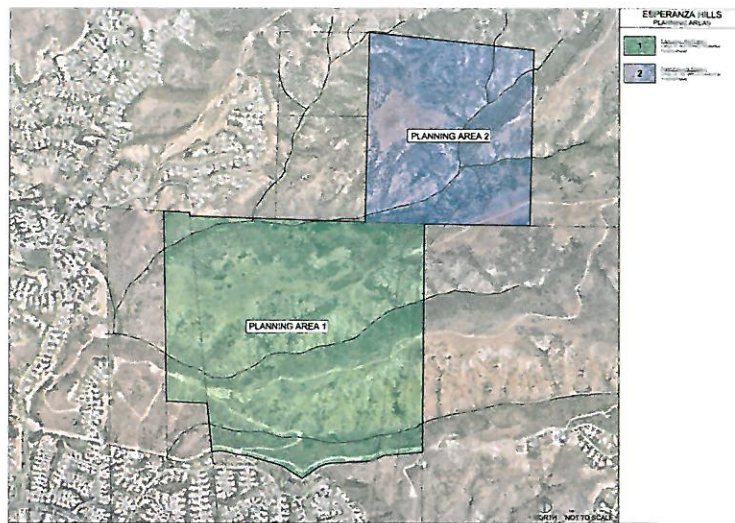
The applicant requests approval to construct a 340 unit residential gated community with large lot, low-density neighborhoods on approximately 469 acres, for an overall density of .73 dwelling units per acre. Once developed, approximately 62% of the project site will be open space, parks and landscape areas. Development will occur in two phases with each phase being a distinct planning area (see Figure 4). The grading for each phase is balanced, so that there will be no import or export from the site during grading activities.

Planning Area 1 provides up to 218 lots on 310 acres with a minimum lot size of approximately 12,146 square feet and an average lot size slightly over 18,000 square feet. Building pads are a minimum of 70 feet wide and 140 feet deep. Planning Area 1 contains five parks, an underground water reservoir, open space, existing natural open space, riparian areas and a trail corridor linking the Project to surrounding properties and the Old Edison Trail in Chino Hills

State Park. Planning Area 1 is located on land owned by Yorba Linda Estates, LLC and OC 33, LLC.

Planning Area 2 provides 122 units (including two estate lots) on 159 acres with a minimum lot size of approximately 12,044 square feet and an average lot size over 18,000 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 six 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 21.78 acres (building pad limited to 2.65 acres) and 2.08 acres (building pad limited to 1.11 acres).

Figure 4.



Access to the site is proposed in the Specific Plan with the primary connection going south to Stonehaven Drive following the existing dirt road [analyzed in the Draft Environmental Impact Report (DEIR) as Option 1]. A second ingress/egress road for emergency purposes only would extend south along the western edge of the Project through the adjacent Cielo Vista property. This access configuration is referenced herein as the “Stonehaven Drive Access” (see Figure 5). The Specific Plan also allows for an alternate access that can be approved by the Subdivision Committee, which was analyzed in the DEIR as Project Alternative 3 – Option 2B Access Alternative. This alternate access plan has a primary access from San Antonio Road and a secondary Project access via a road following the existing dirt road to Stonehaven Drive. This access configuration is referenced herein as the “San Antonio Road Access” (see Figure 6).

Figure 5. Stonehaven Drive Access



Figure 6. San Antonio Road Access



CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW

The County determined that an Environmental Impact Report (EIR) would be required for this project, issued a Notice of Preparation (NOP) on December 22, 2012, and held a public scoping meeting on January 31, 2013. Comments received during the public review period of the NOP, which extended from December 22, 2012 to February 1, 2013 (42 days) are included in the DEIR as Appendix B. The DEIR was released for public review from December 4, 2013 through February 3, 2014 (62 days). At the County's request, a public outreach meeting was held on January 16, 2014 which was videotaped and transcribed. All comments from the meeting were included as comments on the DEIR.

The proposed Final EIR No. 616 for the Project, provided as Attachment 1, is comprised of the following:

- DEIR – The DEIR was circulated for a 62-day public review from December 4, 2013 through February 4, 2014. The DEIR includes the project description, environmental analysis, discussion of significant impacts, alternatives analyses, discussion regarding direct, indirect and cumulative environmental impacts and technical studies as part of the appendices.
- Responses to Comments – The responses to the comments on the DEIR were made available to the public on-line on December 5, 2014, and includes general responses to issues raised by multiple commenters, the comment letters received during the public review period, responses to each individual comment and revisions to the DEIR. The revisions to the DEIR contain clarification or revised information required to prepare a response to a specific comment, applicable updated information that was not available at the time of the DEIR publication, typographical error corrections and/or additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the DEIR. The revisions in the proposed Final EIR do not disclose any new impacts resulting from the Project or a substantial increase in any previously-identified impacts, or identify new feasible alternatives or new feasible mitigation measures requiring recirculation of the document.
- Mitigation Monitoring and Reporting Program (MMRP)– This document presents all mitigation requirements in one summary to facilitate compliance.

The proposed Final EIR finds that the proposed Project has either a) no impact, b) less than significant impact, c) less than significant impact with mitigation, or d) unavoidable adverse impact as detailed in the following table. The unavoidable adverse impacts are further described below.

No Impact	Less than Significant Impact	Less than Significant Impact with Mitigation	Unavoidable Adverse Impact
Agriculture and Forest Resources	Hydrology and Water Quality	Air Quality	Greenhouse Gas Emissions
Mineral Resources	Land Use and Planning	Aesthetics	Noise (Related to Aspen Drive Access - Option 2 only)
	Population and Housing	Biological Resources	Transportation and Traffic (Necessary because the County cannot compel the implementation of Mitigation Measures T-1 thru T-3 within the City of Yorba Linda, which are designed to reduce impacts to below a level of significance)
	Recreation	Cultural Resources	
		Geology and Soils	
		Hazards and Hazardous Materials	
		Public Services	
		Transportation and Traffic	
Utilities and Service Systems			

Analysis in the proposed Final EIR indicates that the Project will result in three unavoidable significant impacts as follows:

- Greenhouse Gas (GHG) Emissions – Even with mitigation, direct construction emissions and long-term operational emissions will exceed the SCAQMD advisory level thresholds, resulting in impacts which are significant and unavoidable. In addition, the proposed project combined with “related projects” in the project vicinity will further contribute to an excess of GHG emissions and, therefore, cumulative impacts remain significant and unavoidable.
- Noise – The Project will result in a perceptible 3dB increase in noise due to traffic under all options but will remain under the 65 dB CNEL for exterior noise under all options. Projected noise levels for Option 2 only (access via Aspen Way), however, exceed a 10 dB increase along Aspen Way resulting in an impact which is considered significant and unavoidable even though the noise levels remain below the 65 dB CNEL.
- Traffic – The Project will require traffic mitigation including installation of a three-phase traffic signal at the intersection of Yorba Linda Boulevard and Via del Agua, restriping at Yorba Linda Boulevard and Savi Ranch Parkway, and extension of the left-turn pocket along Yorba Linda Boulevard at Via del Agua. The traffic mitigation measures (T-1 thru T-3) reduce impacts to below a level of significance. However, each of the improvements are located within the City of Yorba Linda, and the County cannot compel the City to implement such improvements. If the City does not allow for implementation of the improvements, traffic will be considered a significant and unavoidable impact.

Due to the potential for GHG, traffic noise levels, and traffic to result in unavoidable and significant impacts, a Statement of Overriding Considerations has been prepared which documents that the decision-making body has balanced the benefits of the proposed project against its unavoidable significant environmental effects and has determined that the benefits of the project outweigh the unavoidable impacts. Note that although the proposed Specific Plan does not include access onto Aspen Way, staff recommends that it is prudent to include the noise impact in the Statement of Overriding Considerations given that the impact was identified in the proposed Final EIR. The Statement of Overriding Considerations is included within the findings in support of the certification of the proposed Final EIR as attachments to the applicable recommended Resolution. The MMRP is also an attachment to this Resolution.

Overview of Comments on the DEIR

A majority of the comments on the DEIR focused on several similar topical areas of concern. These comments were addressed in the Responses to Comments under Topical Responses. Summarized below are the topical areas identified in a number of the comment letters.

TOPICAL ISSUES	SECTION OF EIR SUMMARY
Fire Hazards – TR 1	The Project is located in a Very High Fire Hazard Severity Zone and a number of comments related to the addition of homes to an area where wildfires occur. Topical Response 1 details the area fire history and discusses how the computer model used to prepare the Fire Protection and Emergency Evacuation Plan (FPEP) was based on data sources that included the 2008 Freeway Complex Fire. The Topical Response also reiterates the steps that will be included in the Project design to reduce risks to life and property. Chapter 5.7 in the DEIR contains the complete analysis of fire hazards and identifies mitigation measures to reduce impacts. No new or more significant impacts were identified and the DEIR analysis remains complete.
Evacuation Plan – TR 2	Topical Response 2 details the evacuation planning proposed in conjunction with the Orange County Sheriff’s Department and the Orange County Fire Authority programs and plans. A fire evacuation analysis was completed in May 2014 in response to comments about how the additional homes would impact evacuation of the existing neighborhoods. Evacuation paths were modeled to provide estimated vehicle numbers and times for evacuation. The fire evacuation analysis is included as an Appendix in the Response to Comments document. No new or more significant impacts were identified and the DEIR analysis remains complete.
Traffic Ingress/Egress – TR 3	Comments included concerns regarding the addition of daily traffic from the Project which could impact existing intersection levels of service. Street capacity/vehicles per day information based on peak traffic count data was presented to show existing and Project related traffic impacts. Results of an additional day of traffic counts are included in the Topical Response, as well as an update to the Weir Canyon Road/SR-91 interchange analysis. No new or more significant impacts were identified in the updated analyses which are included in the Response to Comments document.
Water Provision/Capacity – TR 4	Several commenters expressed concerns regarding adequate water supply and availability to serve the additional 340 dwelling units and for firefighting purposes. The Yorba Linda Water District (YLWD) will be the potable water purveyor for the Project. Adequacy of water supply was confirmed in the YLWD Urban Water Management Plan and adequate infrastructure will be constructed for residential and fire-fighting uses. This information is detailed in

	Chapter 5.15 of the DEIR.
Segmentation/Piecemealing – TR 5	Several commenters stated that the Esperanza Hills, Cielo Vista, Bridal Hills, LLC and Yorba Linda Land sites should have been combined into a single analysis (DEIR). Only Esperanza Hills and Cielo Vista have applications pending for development and the applications were submitted more than two years apart. Neither are necessary parts of the same project, nor foreseeable results of the other action. The properties noted are owned separately and the County has discretion to approve or disapprove either or both of the projects. Each DEIR contains cumulative analysis; therefore there are no impacts not reviewed. This discussion is presented in Topical Response 5 of the Response to Comments document.
Biological Resources/Open Space – TR 6	Clarification regarding the amount of open space that will be preserved or otherwise incorporated into the project was requested by several commenters. Topical Response 6 details the types of open space and the acreages designated for each category. The comments did not raise additional issues or concerns but rather represented requests for more detailed information, particularly since the Project includes significant fuel modification areas and ungraded natural open space.
Special Status Vegetation/CDFW Jurisdiction – TR 7	In response to comments regarding impacts to special status and common vegetation resources within the CA Department of Fish and Wildlife (CDFW) jurisdiction, Topical Response 7 provides summary tables of impacts to such resources. A Habitat Mitigation and Monitoring Plan is referenced and has been included in the Response to Comments document. No new issues or concerns were raised by commenters and the analysis in the DEIR remains adequate and complete.
Noise Impacts – TR 8	Unlike the rest of the topical responses, Noise was not an issue raised by a large number of commenters. This topical response was provided to clarify the conclusions of the Noise Study and the information contained within the DEIR, and specifically the thresholds of significance.

PROJECT CONSISTENCY WITH EXISTING GENERAL PLAN AND ZONING CODE DESIGNATIONS

General Plan Consistency

The proposed General Plan land use designation of Suburban Residential (1B) will allow a building intensity range of 0.5 to 18 dwelling units per acre for the site. The Suburban Residential land use designation allows a wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums and clustered arrangements). The land uses proposed include low-density single-family residential lots and two residential estate lots, active and passive recreational parks, open space consisting of natural open space, landscaped areas, fire breaks and fuel modification zones and improved and unimproved walking, biking, hiking and equestrian use trails as well as infrastructure and other improvements. The land uses within the proposed Project are consistent with the General Plan land use designation of Suburban Residential.

Beyond the consistency with the General Plan's land use designations, the proposed Project is also compatible with numerous General Plan policies. The DEIR provides further detail, including Tables 5-9-2 through 5-9-9 (pages 5-413 through 5-428).

In consideration of potential future annexation of the Project site to the City of Yorba Linda, the DEIR also provided analysis of consistency with the Yorba Linda General Plan. The proposed Project is within the City's Sphere of Influence and has been designated within Area Plan C – Murdock Property on the Land Use Map Update dated March 18, 2010, and the Yorba Linda General Plan adopted in 1993 which designates the property as Opportunity Area 5 Murdock Property.

The City's vision for the 630-acre Murdock Property area, as stated in its General Plan, is for low density residential that averages one dwelling unit per acre over the entire area. The City's density allowance would allow 129 residences more than the proposed Project. The proposed Project is consistent with this vision in that overall building density averages 0.73 dwelling units per acre over the approximately 468.9-acre Project site, which is less than the General Plan goal of one dwelling unit per acre. Tables 5-9-11 through 5-9-17 (pages 5-434 to 5-444) in the DEIR provide analysis of the consistency of the Yorba Linda General Plan Elements and the proposed Project.

Zoning Consistency

The Project is zoned "A1" (General Agriculture) with an "O" (Oil Production) overlay district in the County of Orange Zoning Code. The A1 zone allows for residential uses with a four-acre minimum site area and a maximum of 1 dwelling unit per site. In addition, Orange County Codified Ordinances Section 7-9-55 notes that the A1 district "may be used as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future." The Oil Production zone overlay designation provides for oil drilling and production of oil, gas and other hydrocarbon substances. The Project includes a zone change from A1(O) to S "Specific Plan."

The Applicant requested that initiation of a Specific Plan be authorized by the Planning Commission; the application was approved by the Planning Commission in August 2013, with the provision that the Applicants prepare the Specific Plan at their expense.

The Specific Plan establishes a link between implementing policies in the General Plan and the proposed development. The Specific Plan provides direction to all facets of development from the type, location and intensity of uses to the design and capacity of infrastructure. The Esperanza Hills Specific Plan has been prepared to provide for the development of a low-density master planned community and includes policies and regulations for the proposed development. The Specific Plan includes regulatory text and maps necessary to provide for the development, maintenance and use of the Project property in compliance with the policies and programs of the County of Orange General Plan.

The City of Yorba Linda has not established pre-annexation zoning for the Project Site. If the site is annexed to the City, the proposed Esperanza Hills Specific Plan could serve as the City's zoning.

Local Park Code Consistency

The purpose of the Quimby Act (Government Code Section 66477, et seq.) and the County of Orange Local Park Code (Orange County Codified Ordinances Section 7-9-500, et seq.) is to ensure the provision of adequate park and recreational facilities to serve the population resulting from new residential developments. Chapter 5.13 – Recreation – in the DEIR provides analysis of the Project’s consistency with the parkland requirements for new development. The Project is anticipated to add approximately 1,088 persons to the County population. This population increase would result in a requirement of 3.3 acres of designated parkland in compliance with the Quimby Act (and the City of Yorba Linda) and 2.7 acres of designated parkland in compliance with the Orange County Local Park Code.

The Project proposes a minimum of 12.18 acres of private park area, exceeding the requirements of both the County and the City. Although the proposed project would be a gated community, the Parks may be accessed by the public during daytime hours by car (by a day pass issued at the entry gate) and some parks will have direct access through trails. The parks will be maintained by the Homeowners’ Association (HOA) and there will be no requirement for public funding for maintenance.

In addition to the neighborhood parks within the Project boundaries, the Project includes approximately seven miles of hiking, equestrian and biking trails for additional recreation opportunities. These trails will be accessible to the public and will be maintained by the HOA with no requirement for public funding for maintenance.

DISCUSSION AND ANALYSIS OF THE PROJECT

Compatibility with Surrounding Land Uses

Surrounding land uses are predominantly residential development and open space (see Figure 7). The Project is bordered by Chino Hills State Park to the north and east. To the south and northwest are existing single-family residential communities previously approved and developed in the City of Yorba Linda including Dominguez Ranch, Green Hills, Casino Ridge, Travis Ranch and Yorba Linda Hills. The proposed Cielo Vista project lies to the west and southwest of the Project boundaries.

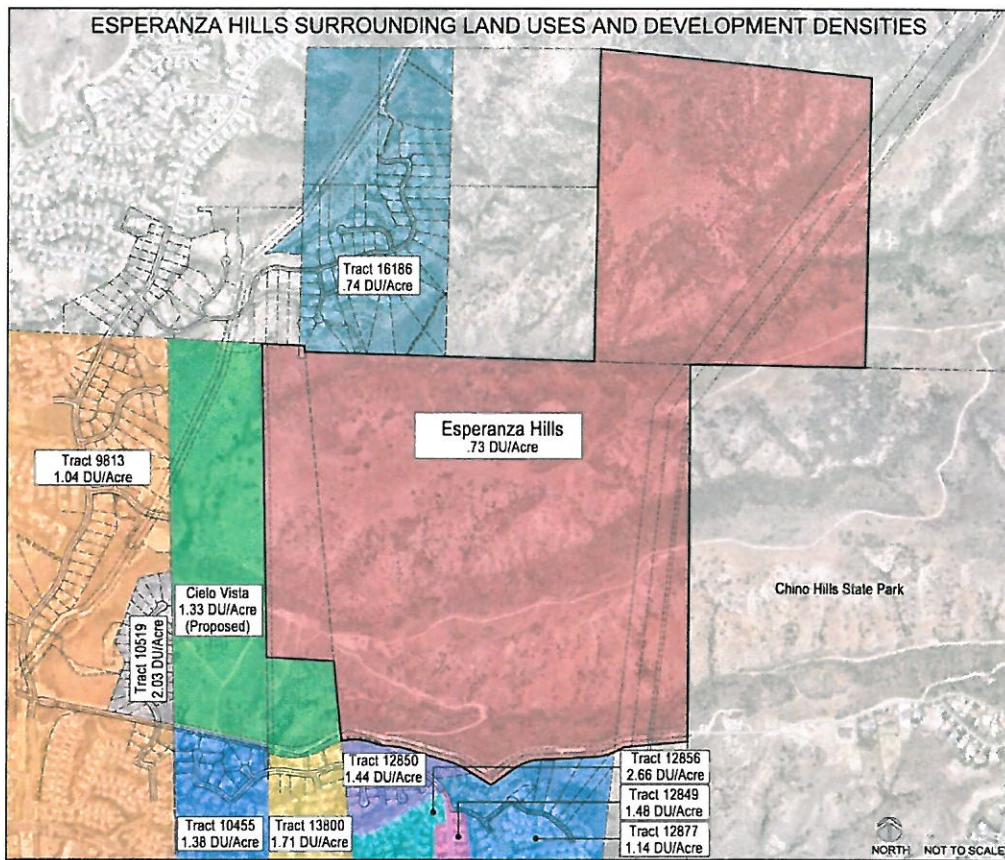
The Project is compatible with surrounding land uses and complementary to the character of the rolling hills and ravines that characterize the Project site. The Project is designed to cluster residential pads to maximize open space preservation and preserve the natural ridgelines and topography to the greatest degree possible, including all major ridgelines bordering Chino Hills State Park.

The residential lots are clustered so that there will be no lots adjacent to any existing homes. The Blue Mud Canyon habitat will be restored and will provide a buffer to Stonehaven to the south, and to the proposed Cielo Vista subdivision to the southwest. At the request of both the County and the City of Yorba Linda, the Applicant re-designed the project to move the residential lots

100 feet to the east, away from the western border to significantly reduce or eliminate retaining walls on the project's western border. The Project has been designed so that most of the homes will not be visible to existing neighborhoods.

The following table depicts the surrounding residential neighborhoods and densities. The Exhibit below depicts the tracts and densities referenced in the table. As shown, the proposed Project density of .73 dwelling units per acre is less than all surrounding neighborhoods.

Figure 7.



Surrounding Land Uses and Densities

Development	Gross Area (acres)	Dwelling Units per Acre	Number of Lots (dwelling units)	Average Lot Size (square feet)
Casino Ridge – Tract No. 16186 (M.M. 848/7-14)	68.60	0.74	51	45,740
Tract No. 9813 (M.M. 568/8-20)	129.10	1.04	134	28,750
Tract No. 10519 (M.M. 451/48-50)	13.80	1.9	28	18,730
Tract No. 10455 (M.M. 535/14-20)	38.50	1.38	53	33,100
Tract No. 13800 (M.M. 623/25-30)	19.30	1.71	33	27,800
Tract No. 12850 (M.M. 579/46-47)	13.20	1.44	19	20,910
Tract No. 12856(M.M. 576/16-28)	18.10	2.65	48	13,326
Tract No. 12849 (M.M. 579/31-35)	31.77	1.48	47	23,782
Tract No. 12877 (M.M. 580/26-31)	29.81	1.14	34	28,254

Project Access

As noted in the Project Description, the Applicant is seeking approval of a Specific Plan that provides for access from Stonehaven Drive (referred to in the DEIR as Option 1). This would provide a primary connection going south to Stonehaven Drive following an existing dirt road that has been used for oil well and utility access purposes. A separate ingress/egress road for emergency purposes only would extend south along the western edge of the project through the adjacent Cielo Vista property through an existing easement. The Specific Plan also allows for alternate access, as approved by the Subdivision Committee (referred to in the DEIR as Alternative 3 – Access Option 2B), which would provide access via both San Antonio Road and Stonehaven Drive. If approved, as set forth in the Specific Plan, the San Antonio Road access would be the primary access and a secondary project access would be provided via Stonehaven Drive.

The access configuration for the Project will be implemented through the approval of a vesting tentative tract map by the Subdivision Committee. Proposed Specific Plan Section 13.3 provides as follows:

13.3 Implementation of Access Configuration

The access configuration for the Project will be implemented through the approval of a tentative tract map by the Subdivision Committee. Such an approval may be made by the Subdivision Committee subject to the following conditions:

- 1. Permission to gain access across land area not owned by the Project Applicant*
- 2. Permission to allow for off-site grading*
- 3. Finding of consistency with Environmental Impact Report No. 616*
- 4. Finding of consistency with Environmental Impact Report No. 616 Mitigation Monitoring and Reporting Program*
- 5. Findings of consistency with this Specific Plan*

At the Planning Commission study session on November 6, 2014, the City of Yorba Linda indicated that the City opposes the Stonehaven Drive access but may be able to support the San Antonio Road access if pre-annexation discussions with the applicant are successful. Both the Orange County Fire Authority (OCFA) and the Orange County Sheriff's Department (OCSD) have also expressed a preference for the San Antonio Road access, although both have acknowledged that the Stonehaven Drive access meets their minimum criteria as well. Both OCFA and OCSD appeared at the working session for the Planning Commission and confirmed their previous positions expressed in comment letters to the DEIR and in writing to OC Development Services/Planning Staff.

Project Noise Impacts

An updated Noise Impact Analysis (August 1, 2014) is included in the Response to Comments document clarifying the determination in the DEIR that noise increases would result in an unavoidable adverse impact. 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, some agencies such as Caltrans consider increases substantial if they are +10dB or more above ambient noise levels. Current practice for the County is to use is to utilize the 3dB above 65 dbA CNEL for the noise significance threshold but at the Applicant’s request the County has agreed to a more conservative analysis in the DEIR.

Topical Response 8 in the Response to Comments acknowledges that the DEIR did not clearly differentiate between the access Options with respect to noise increases using the established threshold of 65dBA CNEL. As detailed in the DEIR and clarified in the Responses to Comments, implementation of Option 2 would significantly increase noise related to traffic because existing ambient noise levels along Aspen Way are low due to the very low traffic volume. 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 are perceptible noise increase with exceed the +10dBA threshold. Certification of the proposed Final EIR requires a Statement of Overriding Considerations pertaining to the noise impact related to the Option 2 access only. This noise increase is not realized under either the Stonehaven Drive access or the San Antonio Road access (the access configurations included in the Specific Plan) because the levels would remain under the 65dBA CNEL threshold, and increased noise levels would be less than +10dB.

Project Parks/Open Space

Eleven active and passive use parks will be provided throughout the neighborhoods. Two passive use parks are provided within the water quality management basins which have been designed as bio-retention facilities for the treatment and filtration of storm water runoff. Each local park will have an agricultural design theme (*e.g.* orange, peach, plum, etc). Certain parks will be developed for active recreational use such as turf fields, tot lots, picnic areas and off-leash dog areas. Other areas are designed for passive use and will include access to the agriculturally themed parks. Water quality enhancements will be integrated into several parks to maximize open space and water quality features. The parks and open space will be privately maintained by an HOA.

Portions of open space areas will be retained in natural open space to provide a buffer to adjacent subdivisions within the City of Yorba Linda, to ensure the preservation of the riparian corridors and to preserve native habitat. Additional open space will be created consisting of landscaped and irrigated slopes (not including the active and passive parks and detention basins identified above).

Project Trails

Approximately seven miles (35,856 linear feet) of trails will be provided within the boundaries of the Project and will be maintained by the HOA. The trails will allow hiking, equestrian and bicycling access for residents and the public and link to existing trail systems. More specifically, an equestrian trail system will connect to an existing equestrian trail located just north of Aspen Way and extend north to Chino Hills Park consistent with the Yorba Linda General Plan Update for riding, hiking and bikeway trails. As requested by Chino Hills State Park personnel in a series of meetings with the Applicant, there is a single point of entry from the project to Chino Hills State Park, at the established Old Edison Trail to the east of the project site.

Multi-use trails will be 8' wide decomposed granite, equestrian trails will be 10' wide decomposed granite and in-tract pedestrian walks will be 5' wide and made of concrete.

Project Infrastructure

The Project is within the Yorba Linda Water District ("YLWD") service area. Water improvements proposed will be designed and constructed in accordance with the YLWD standards and specifications. Two on-site underground reservoirs are identified as the 1200 Zone Reservoir and the 1390 Zone Reservoir. The 1200 Zone Reservoir will have a capacity of approximately 0.70 million gallons and will be located in the northwest portion of Planning Area 1. The 1390 Zone Reservoir will have a capacity of 0.40 million gallons and will be located in the north portion of Planning Area 2.

The Project site is located within the Santa Ana River Watershed. Four canyons traverse the site and convey the storm water drainage on- and off-site. A network of proposed storm drain systems utilizing above- and below-ground facilities will be used to treat, detain and convey storm water flows across the site to existing County facilities. A Conceptual Water Quality Management Plan ("WQMP") has been approved by County staff. Final approval of the WQMP will be considered with the first site development permit or grading permit.

All new utility lines within the Project site will be placed underground within private paved roadways and property within easements will be dedicated for public utility purposes. Up to eight cell towers may be located on the site – one tower near each underground water reservoir and one tower near the southern entrance to the Project from Stonehaven Drive are planned. Cell towers will be camouflaged as landscape features as further detailed in the Specific Plan.

Traffic

The amount of traffic on the existing residential streets will vary based upon the access configuration that is ultimately approved with the subdivision map. The traffic analysis performed in the DEIR included all potentially foreseeable future development. For the Stonehaven Drive access, of the 15 key intersections analyzed all but one are forecasted to operate at an acceptable LOS during AM and PM peak hours. The impacted intersection is Yorba Linda Boulevard at Via del Agua, which is forecast to operate at Level of Service ("LOS") F for the AM and PM peak hours. The San Antonio Road access results in a modified traffic

distribution pattern, with an estimated 65% of the Project traffic using San Antonio Road and 35% using Stonehaven Drive. While the redistribution of Project traffic affects the volumes of four of the study intersections, it results in no additional impacts.

Any of the ingress/egress options would contribute to an already existing adverse level of service at the intersection of Yorba Linda Boulevard and Via del Agua, the Project includes a mitigation measure requiring installation of a traffic signal at that location which will result in the intersection operating at LOS B during AM peak hour and LOS A at PM peak hour. The Project is conditioned to pay for the full amount of the traffic signal and receive a fair share reimbursement from subsequent development, when constructed. Additional mitigation includes a 9% fair share contributions towards widening and restriping the westbound approach at Yorba Linda Boulevard at Savi Ranch Parkway and a 9% fair share contribution extending the left-turn pocket along Yorba Linda Boulevard at Via del Agua.

The traffic improvements detailed above are located within the City of Yorba Linda, outside of County jurisdiction. The DEIR concludes that if the improvements are not constructed, the project would result in a significant impact. Because the County itself cannot ensure that the traffic improvements will be constructed to mitigate this identified impact, appropriate findings and a Statement of Overriding Consideration are included within the Resolution recommending the certification of the Final EIR to address this. It should be noted that the City has indicated a willingness to cooperate for the construction of the signal and the striping improvements.

Public Safety/Evacuation

The primary public safety issues concern fire and traffic as noted in this report and in the DEIR.

During the Freeway Complex Fire, traffic was gridlocked in this area and after incident reports from OCFA and the City of Brea, which provided police services at the time of the Freeway Complex Fire noted various reasons for the gridlock, including but not limited to the lack of an emergency evacuation plan, lack of manpower resources to enforce an evacuation plan, timing of evacuation of residents, the velocity of the onset of the fire, closure of surrounding freeways and additional traffic difficulties caused by persons coming into the neighborhoods to see the fire.

The City of Yorba Linda has addressed traffic evacuation issues by having the OCSD, its current police services provider, author an emergency evacuation plan which controls the important intersections in the City of Yorba Linda and surrounding area with on duty personnel from other locations if necessary.

Because the Project has more than 150 residential units, it is required to have two vehicle access points, pursuant to OCFA Guideline B-09(2)(A)(2)(b)(i). The San Antonio Road access has two full time vehicle access points, while the Stonehaven Drive access has a single full-time vehicle access point and a secondary emergency access point.

The Project also provides two staging areas with direct gravity fed fire hydrants that will accommodate up to five fire trucks to allow firefighting access to the fire, which was one of the problems encountered by OCFA during the Freeway Complex Fire. Water for firefighting will

come directly from onsite underground water reservoirs built to the specifications of the Yorba Linda Water District so that gravity fed water will be available for firefighting. During the Freeway Complex Fire, booster pumps were burned during the fire, causing an interruption in supply, and the construction of the two underground reservoirs will eliminate this problem for this Project and can be used for surrounding neighborhoods as well, if necessary.

The Project will have fuel modification features in the form of fuel breaks in Blue Mud Canyon, which will help reduce direct fire exposure to adjacent residences, many of which were constructed before fire code updates to address fire hardening. All of the homes in the Project are required to be hardened homes, and in addition, all homes will be required to have attic sprinklers, which is a requirement in excess of the current building safety requirements. The Project also has fuel modification features separating the homes from the urban wildland interface, and all fuel modification will be maintained by the HOA at its sole expense, with inspections to be performed by OCFA and the HOA on a periodic basis. A study was performed by Dudek showing the effect of the Project's fuel modification on both a fall fire and spring fire with respect to both flame length and heat intensity. This study is part of the DEIR and was posted online as an appendix to the DEIR.

Once the Project is constructed, it will shift the urban wildland interface east of the current area, providing some additional protection to existing homes within the City of Yorba Linda, which are now directly exposed to oncoming fire, particularly homes along San Antonio Road where numerous homes burned during the Freeway Complex Fire.

Esperanza Hills will also be part of OCFA's Ready Set Go Program, and the HOA will be responsible for annual compliance with evacuation exercises and resident meetings on requirements for the program.

Geotechnical Considerations

American Geotechnical, Inc. completed the geological testing and authored the Geotechnical Report included as Appendix G in the DEIR and the Fault Hazard Assessment Report included as Appendix H in the DEIR, approved by the County on March 31, 2013. American Geotechnical also prepared a Summary of Geotechnical Exploration and Engineering Analysis dated March 12, 2014 (Appendix D to Response to Comments), which shows the additional site work, trenching, boring and other exploration activities that have occurred since approval of the Fault Study. None of the data discovered as a result of the extensive testing changed any of the original conclusions of American Geotechnical, which authored the Geotechnical Report. Once the project is approved, American Geotechnical will finalize the geotechnical cross sections and perform the engineering analyses to determine slope stability and formulate conclusive remedial grading recommendations that will ensure geological safety.

POTENTIAL ANNEXATION TO THE CITY OF YORBA LINDA

The Applicant filed an Application with the Orange County Local Area Formation Commission ("LAFCO") in 2013 seeking to enter into a pre-annexation agreement. The Applicant has met

with both the City of Yorba Linda and County with respect to this pre-annexation agreement. Negotiations are on-going between the City, the County and the Applicant.

REFERRAL FOR COMMENT, PUBLIC OUTREACH AND PUBLIC NOTICE

Copies of the Planning Application were distributed for review and comment to County Divisions, Orange County Sheriff's Department, OCFA, the City of Yorba Linda, YLWD and other affected agencies

As part of the public outreach effort, the following meetings and actions have occurred:

1. Information meeting hosted by the applicant on August 23, 2012.
2. County-conducted Public Scoping Meeting on January 31, 2013. Approximately 1,800 meeting notices were sent to agencies, interested parties and property owners within a 2,000' radius of the Project, in excess of standard noticing requirements of a 300' radius.
3. Public information meeting hosted by the applicant on January 16, 2014. Notices were sent to agencies, interested parties and members of the general public who attended previous meetings or provided comments during the IS/NOP review period, in addition to property owners within a 2,000' radius of the Project.
4. Comment period on the DEIR extending from December 4, 2013 through February 4, 2014.
5. The Draft Specific Plan, DEIR, Response to Comments, and associated documents were made available on the County's website at this link:
http://ocplanning.net/planning/land/projects/esperanza_hills
6. On December 5, 2014, a Notice of Availability of the proposed Final EIR was mailed to all property owners of record within 2,000' of the subject site and those additional interested parties (approximately 60) who had requested notice for the Project. Additionally, all public agencies affected by the project and all persons who had submitted comments on the DEIR were also notified.
7. On December 17, 2014, Planning Commissioners Secor and Irons conducted a community forum and received a project presentation and overview from both staff and the applicant and heard comment from concerned community members and their representatives.

A Notice of Public Hearing was mailed on to all property owners of record within 2,000 feet of the subject site and all affected agencies. Notice was also emailed to those added persons who had requested such notification of any Project hearings. Additionally, a notice was posted at the

project site, on the County's website, at the County Hall of Administration (10 Civic Center Dr., Santa Ana), and at the Osborne Building (300 No. Flower, Santa Ana). These actions constitute compliance with public hearing noticing requirements.

CONCLUSION:

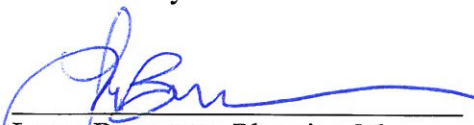
Staff has reviewed the applicant's proposal for a General Plan Amendment, Zone Change and adoption of a Specific Plan. Staff and its technical consultants have also reviewed proposed Final EIR No. 616. Staff is recommending that the Planning Commission adopt the attached resolutions recommending that the Board of Supervisors approve the proposed Project and certify the Final EIR.

RECOMMENDED ACTION

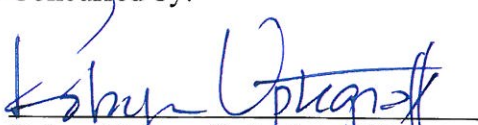
OC Development Services/Planning recommends that the Planning Commission:

- 1) Receive staff report and public testimony as appropriate;
- 2) Consider the adequacy of Final EIR No. 616, prepared for the Esperanza Hills Project, and determine that the Final EIR is adequate, complete and appropriate environmental documentation for the Project consistent with CEQA, the State CEQA Guidelines, and the County's Local CEQA Procedures Manual, and adopt a Planning Commission Resolution recommending that the Board of Supervisors certify Final EIR No. 616 and adopt the findings, facts in support of findings, statement of overriding considerations and mitigation monitoring and reporting plan for the Project; and,
- 3) Adopt a Planning Commission Resolution recommending that the Board of Supervisors adopt General Plan Amendment LUE 14-02 (Land Use Element), which changes the property from 5 Open Space to 1B Suburban Residential;
- 4) Adopt a Planning Commission Resolution recommending that the Board of Supervisors adopt an ordinance to amend the Zoning Map and approving Zone Change ZC 14-01, which changes the property from A1 Agricultural and A1-(O) Agricultural with an Oil Production Overlay to S Specific Plan for the property in question, and also recommending that the Board of Supervisors adopt the Esperanza Hills Specific Plan.

Submitted by:


Laree Brommer, Planning Manager
OC Development Services

Concurred by:


Robyn Uptegraff, Assistant Director
OC Public Works

ATTACHMENTS:

1. Proposed Final EIR
2. Draft Esperanza Hills Specific Plan
3. Resolution No. 15-01 Recommending Board of Supervisors certification of Final EIR No. 616.
4. Resolution No. 15-02 Recommending Board approval of General Plan Amendment LUE 14-02 (Land Use Element)
5. Resolution No. 15-03 Recommending Board adoption of the Zoning Change ZC 14-01 and Board adoption of the Esperanza Hills Specific Plan, with attachment of Draft Ordinance to Amend Zoning and Adopt Specific Plan,

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Planning Commission on this permit to the Board of Supervisors within fifteen (15) calendar days of the decision upon submittal of the required documents and filing fee of \$500 filed at the Development Processing Center at 300 North Flower Street, Santa Ana, CA, 92703. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to OC Development Services.