

ESPERANZA HILLS
REVISED FINAL 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 determination. 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 Revised Final Environmental Impact Report (Revised 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 Revised 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 Revised 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.

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 (CEQA), as amended (Public Resources Code Sections 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.)
- Revised Final EIR 616. The Revised Final EIR 616 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.
- General Plan Amendment. Approval of a General Plan Amendment from 5 Open Space to 1B Suburban Residential.
- Esperanza Hills Specific Plan. Change of Zone and 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, 2013 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 determined 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 V (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, Supplemental Greenhouse Gas Emissions Assessment)
 - 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.
 - A hearing was held by the Planning Commission on January 14, 2015, in the Hall of Administration, 333 W. Santa Ana Boulevard, Santa Ana, CA. The meeting was noticed on the County’s website and notices were mailed to property owners within a 2000’ radius as well as to agencies, cities and interested parties. The Planning Commission voted to recommend the Board of Supervisors certify the Draft Environmental Impact Report (DEIR) (Resolution 15-01) and approve the General Plan Amendment (Resolution 15-02) and the Zone Change/ Specific Plan (Resolution 15-03),
- 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. The Board of Supervisors certified the Esperanza Hills Final EIR (Resolution 15-018) on March 10, 2015.
- A Board of Supervisors public hearing was held on June 2, 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. Numerous comments from the public were received and responses prepared prior to the meeting. The General Plan Amendment, Specific Plan Zone Change, staff report and evidence, both written and oral, written public comments and responses were presented and considered by the Board of Supervisors at this hearing. The Board of Supervisors approved the General Plan Amendment (Resolution 15-048) and approved the Specific Plan and Zone Change (Ordinance 15-010).
- Following the County’s certification of FEIR 616 on March 10, 2015 and the County’s approval of the Esperanza Hills project on June 2, 2015, a Writ of Mandate was filed by Protect Our Homes and Hills et al, on July 7, 2015, challenging the adequacy of the FEIR.

- On July 22, 2016, Judge William Claster issued a Statement of Decision, in Orange County Superior Court Case No. 30-2015-00797300-CU-TT-CXC, finding that “the EIR impermissibly defers mitigation of greenhouse gas (GHG) impacts and also arbitrarily limits the extent to which mitigation measures must be considered. . .” and that “the EIR is flawed insofar as it arbitrarily limits mitigation requirements to an additional 5% reduction in GHG emissions, fails to mandate analysis of all mitigation measures beyond the 5% level and does not require the adoption of all mitigation measures.”
- The Court concluded that: “delaying mitigation until immediately prior to occupancy may have the effect of limiting available measures and cause the Planning Department to consider mitigation only in the context of a nearly-completed project.”
- On August 24, 2016, the Court issued a Writ of Mandate (“Writ”) commanding the County to :
 - Vacate certification of Final EIR No. 616, adoption of the Mitigation Monitoring and Reporting Program, and Findings of Fact/Statement of Overriding Considerations made in support of the Project.
 - Vacate all approvals of the Project based upon Final EIR No. 616, including Board of Supervisors Resolution No. 15-018 certifying Final EIR No. 616, Board of Supervisors Resolution adopting General Plan Amendment LUE 14-02, and Ordinance No. 15-010 adopting the Esperanza Hills Specific Plan and rezoning certain land from the A-1 General Agricultural and A1(O) General Agricultural/Oil Production Districts to the S “Specific Plan” District.
 - Revise the EIR in accordance with CEQA, the CEQA Guidelines, the Statement of Decision and the final Judgment to bring the EIR into compliance with CEQA by resolving the deficiencies identified by the Court in its Statement of Decision.
- To address the Court’s concerns, the Greenhouse Gas section of FEIR 616 (Chapter 5.6) was revised to incorporate previously identified mitigation measures and project design features and additional mitigation measures to achieve an 8.08% reduction in operational greenhouse gas emissions.
- The Board of Supervisors has reviewed Revised FEIR 616 as required by the court and conducted a public hearing on _____ regarding certification of Revised FEIR 616. The public hearing was held 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 Board of Supervisors certified Esperanza Hills Revised FEIR 616 as adequate and complete to address the requirements of Judge William Claster based on the Court’s findings related to greenhouse gas emissions.

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** Prior to the 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. 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-11 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 if 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 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.
- 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 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 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 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, ad 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 providers. 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. As described above, subsequent to the County’s certification of the FEIR (March 10, 2015) and approval of the Project (June 2, 2015), an updated analysis of greenhouse gas emissions was prepared and project-specific mitigation measures were included to address the Court-mandated requirements. The CalEEMod computer model was used to calculate construction emissions and operational emissions. The baseline Project emission calculation consists of unmitigated project emissions reflecting only rules adopted as of 2006, which is the assumption under the AB 32 scoping plan and the CAPCOA Quantification Report dated August 2010, which selected a baseline period to correspond to average GHG emissions from 2002 to 2004 inclusive. In addition, the Esperanza Hills Specific Plan has included required design features, such as low water use and Energy Star construction and appliances, but those design features were not incorporated as part of the baseline calculation for the CalEEMod model runs. The CalEEMod construction model demonstrated the unmitigated and mitigated emissions for an assumed 7-year construction scenario. Based on the modeling, the construction emissions impact, with mitigation, is considered less than significant.

Mitigation measures are required to be evaluated for the Project because the Project GHG operational emissions exceed the SCAQMD threshold of 3,000 MT CO₂e per year. In the absence of an adopted Orange County Climate Action Plan (CAP), reasonable and feasible mitigation measures were obtained from publications prepared by the California Air Pollution Control Officers Association (CAPCOA). “Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures” (CAPCOA 2010 Quantification Report) was prepared in August 2010. The CAPCOA document is primarily focused on the quantification of Project-level mitigation of greenhouse gas emissions associated with land use, transportation, energy use, and other related Project areas, and generally corresponds with mitigation measures previously discussed in CAPCOA’s earlier reports: CEQA and Climate Change; and Model Policies for Greenhouse Gases in General Plans. The CAPCOA 2010 Quantification Report lists nine general categories of emissions reduction potential: Energy, Transportation, Water, Area Landscaping, Solid Waste, Vegetation, Construction, Miscellaneous and General Plan Strategies. To assess the potential effectiveness of reduction measures, the CAPCOA document presents a percent range of documented results based on the existing CalEEMod modeling program.

While many mitigation measures in the CAPCOA 2010 Quantification Report are applicable to single-family residential development, measures aimed at industrial, commercial, or mixed-use projects were deemed not applicable to the Project. To determine which CAPCOA mitigation measures were applicable to the Proposed Project, a comprehensive review of all CAPCOA mitigation measures was conducted. All mitigation measures in CAPCOA’s Quantification Report were evaluated for applicability to the Proposed Project. An inventory of all 65 CAPCOA mitigation measures that may be interpreted to apply to residential development is included in the Revised FEIR.

The applicable 65 CAPCOA mitigation measures were analyzed to determine whether each distinct CAPCOA mitigation measure could be adopted or implemented for the Proposed Project. In addition to identifying all mitigation measures that are applicable to and included in the Project, an analysis is provided in the Revised FEIR to explain whether a measure is adopted, or if not adopted, why the measure has been deemed infeasible as it relates to the Proposed Project.

CalEEMod was then used to model the 40 feasible mitigation measures to quantify the greenhouse gas reduction totals. A notation is included in the mitigation measure table as to whether or not the measure is given credit in the CalEEMod Model, as some of the required measures are not currently analyzed in CalEEMod. However, while not quantifiable with CalEEMod, the measures have some emission reduction potential and are included as required mitigation.

The Project size is such that construction (short-term) and indirect operational (long-term) GHG emissions will exceed the SCAQMD screening level threshold (3,000 MT CO₂e per year) by a large margin (3,037.2 MT per year) which has been determined by the County to be the appropriate quantitative GHG significance threshold for this Project. With application of all feasible Project-specific mitigation measures GHG-1 through GHG-40, the Project can achieve an estimated 7.93% reduction in GHG emissions, or approximately 478.7 MT CO₂e. However, even with implementation of the project mitigation measures (which can result in an approximate 7.93% reduction in total GHG emissions), as well as reductions from state programs expected to be implemented directly by state and regional agencies (an additional 23.9% or approximately 1,442.9 MT CO₂e), annual emissions cannot be reduced below the GHG significance threshold of SCAQMD's screening level threshold of 3,000 MT CO₂e. The reduction in GHG emissions that can be achieved by feasible project mitigation of approximately 478.7 MT CO₂e (7.93%), and the expected reductions from mitigation from state and regional programs of 1,442.9 MT CO₂e (23.9%), results in total Project GHG operational emissions, after mitigation, of approximately 4,115.7 MT CO₂e. This exceeds the quantitative GHG significance threshold by approximately 1,115.7 MT CO₂e. Therefore, the construction and operational impacts of the Project on GHG remain significant and unavoidable.

With respect to cumulative GHG emissions, the Proposed Project will add emissions above the SCAQMD's advisory level of 3,000 MT CO₂e. The addition of the adjacent Cielo Vista project and the 18 related projects identified in the Traffic Analysis will result in additional GHG emissions that will, when combined with Project GHG emissions, further contribute to an exceedance of GHG and, therefore, cumulative impact remains significant and unavoidable. Cumulative impacts can also be assessed on a regional, statewide, or global basis, since GHG emissions result in impacts on global GHG levels and global climate change concerns, rather than being limited to local, regional or statewide impacts. The SCAQMD, the CARB and U.S. EPA have considered the overall potential regional, statewide or global GHG emissions. The Proposed Project, with or without mitigation, will result in additional GHG emissions which will be significant standing alone on an individual project bases, as well as when combined with the projects considered in the Traffic Analysis, or within the SCAQMD regional, the State of California, or global emissions.

Mitigation Measures GHG-1 through GHG-40 ensure Project compliance with AB 32 goals and policies can be achieved. Through the implementation of mitigation measures, the Project can achieve an approximate 7.93% reduction in total GHG emissions. With the implementation of mitigation measures, the Project is consistent with the California's efforts to meet the goals of AB 32.

- GHG-1 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect that sidewalks are provided on one side of all single loaded streets, both sides of double loaded streets and on at least one side of main access roadways.

- GHG-2 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect that multi-use trails within the Project with connections to municipal and Chino Hills State Park trail systems are provided.
- GHG-3 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect provision of on-site parks within biking and walking distance of residences.
- GHG-4 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect the installation of roundabouts on main access roads.
- GHG-5 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect that equestrian access outside of residential building lot areas is provided.
- GHG-6 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans and rough grading plans provide for bike and pedestrian trails.
- GHG-7 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect that multi-use parks for various activities are provided.
- GHG-8 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect that bike parking is provided at park areas.
- GHG-9 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect that automobile parking is limited near parks.
- GHG-10 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project plans include provision of shade trees and restoration of trees in Blue Mud Canyon.
- GHG-11 Prior to issuance of residential building permits, the County of Orange shall ensure that insulation is required to exceed Title 24 requirements by 15% as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-12 Prior to issuance of residential building permits, the County of Orange shall ensure that window insulation is required to exceed Title 24 requirements by 15% as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-13 Prior to issuance of residential building permits, the County of Orange shall ensure that door insulation is required to exceed Title 24 requirements by 15% as a

condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.

- GHG-14 Prior to issuance of residential building permits, the County of Orange shall ensure a reduction in Title 24 envelope leakage by an additional 15% as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-15 Prior to issuance of residential building permits, the County of Orange shall ensure a reduction in Title 24 HVAC distribution losses by an additional 15% as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-16 Prior to issuance of residential building permits, the County of Orange shall ensure the use of very high efficiency HVAC that exceeds Title 24 by 15% as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-17 Prior to issuance of residential building permits, the County of Orange shall ensure that programmable thermostat timers are required as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-18 Prior to issuance of residential building permits, the County of Orange shall ensure that high efficiency water heaters that exceed Title 24 by 15% are required as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-19 Prior to issuance of residential building permits, the County of Orange shall ensure that exterior rooms are daylighted to at least 1000 lumens on sunny days and required as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-20 Prior to issuance of residential building permits, the County of Orange shall ensure that use of very high efficiency lights (LED) that exceed Title 24 by 15% is required as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-21 Prior to issuance of residential building permits, the County of Orange shall ensure that the Project plans reflect the use of high efficiency Energy Star appliances that exceed Title 24 by 15% are required as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-22 Prior to issuance of residential building permits, the County of Orange shall ensure that natural gas is provided to all residences for gas appliances and required as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.

- GHG-23 Prior to issuance of residential building permits, the County of Orange shall ensure that all homes constructed will be solar ready (sturdy roof and electric hookups) and required as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-24 Prior to issuance of residential building permits, the County of Orange shall ensure that the Project plans reflect the provision of circuitry and capacity in residential garages for installation of electric vehicle charging stations and required as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-25 Prior to issuance of residential building permits, the County of Orange shall ensure the requirement for high efficiency showerheads that reduce flow by 20% as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-26 Prior to issuance of residential building permits, the County of Orange shall ensure that the requirement for high efficiency toilets that reduce flow by 20% is required as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-27 Prior to issuance of residential building permits, the County of Orange shall ensure the requirement for low flow kitchen faucets that reduce flow by 18% as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-28 Prior to issuance of residential building permits, the County of Orange shall ensure that the Project plans reflect the requirement for low flow bathroom faucets that reduce flow by 32%, with installation to be verified by the County prior to issuance of Certificates of Use and Occupancy.
- GHG-29 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure the requirement for smart irrigation systems combined with drip irrigation in all common areas as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-30 Prior to issuance of residential building permits, the County of Orange shall ensure the Project landscaping plans include the requirement for smart irrigation systems combined with drip irrigation in all residential lot landscaping within lot lines as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-31 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project plans reflect the requirement for the Homeowners' Association to adopt water conservation strategies for common areas to be shown by recordation of Codes, Covenants and Restrictions.

- GHG-32 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project landscape improvement plans reflect a performance specification requiring use of drought tolerant landscaping in all common areas within the residential tracts, limiting turf to no more than 20% of the entire park area.
- GHG-33 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project landscape improvement plans reflect a performance specification requiring the use of drought tolerant/fire resistant landscaping in common areas along trails, where feasible.
- GHG-34 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect a performance specification requiring use of locally sourced water supply per the Northeast Area Planning Study (NEAPS).
- GHG-35 Prior to issuance of residential building permits, the County of Orange shall ensure that the Project plans prohibit use of wood burning stoves and fireplaces as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-36 Prior to issuance of residential building permits, the County of Orange shall ensure that the Project plans reflect provision of electrical outlets on the exterior of all building walls so electric landscape equipment is compatible for maintenance as a condition by performance specification on permitted construction documents and verified for Certificate of Occupancy.
- GHG-37 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect a performance specification for use of high pressure sodium cutoff street lights with solar sensors.
- GHG-38 Prior to issuance of Precise Grade grading permits, the County of Orange shall ensure that the Project site improvement plans reflect a performance specification for use of solar powered LED lighting for monument lights and main access lighting.
- GHG-39 Prior to issuance of Rough Grade grading permit, the County of Orange will ensure compliance with the 2016 Green Building Code effective January 1, 2017 for site development requirements and prior to issuance of residential building permit, the County of Orange will ensure compliance with the Green Building Code for residential construction requirements.
- GHG-40 Prior to issuance of Precise Grade grading permit, the County of Orange shall ensure that lighting for the park areas will be programmed to be turned off no later than 10:00 p.m. and motion detectors shall be installed on lighting on pedestrian pathways.

Even with implementation of all feasible and reasonable mitigation measures as identified in the Revised DEIR, Project impacts related to GHG will remain above the SCAQMD

quantitative GHG significance threshold used in the Revised DEIR for operation either standing alone or when combined with other potential cumulative increases in GHG emissions from other projects, regional, statewide and global sources, and are, therefore, considered significant and unavoidable.

Finding 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. The identification and clarification of mitigation measures in the Revised FEIR based on all feasible mitigation in the CAPCOA GHG Emissions reductions for residential development results in an approximate 7.93% GHG emissions reduction. The DEIR identified a 5% emissions reduction based on preparation of a plan for implementation of non-specific mitigation strategies. Inclusion of specific Mitigation Measures, in addition to the identified project design features in the Esperanza Hills Specific Plan, result in a substantial lessening of the significant environmental effect identified in the EIR.

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 Revised fFinal EIR.” All feasible and reasonable mitigation measures applicable to the Project have been incorporated as mitigation measures GHG-1 thru GHG-40. There are no additional feasible mitigation measures that will 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 (3,037.3 MT per year). This finding is based on the application of all reasonable and feasible mitigation measures identified for residential construction in the CAPCOA 2010 Quantifying Greenhouse Gas Mitigation Measures in addition to the reduction from statewide GHG reduction measures. The combined mitigation will result in construction and operational emissions of approximately 5,558.6 MT CO_{2e}, exceeding the threshold by approximately 2,558.6 MT CO_{2e}. Reductions from state regulations will result in an additional 1,442.9 MT CO_{2e} emissions reduction (23.9%). However, even with the implementation of required and discretionary GHG reduction measures, annual emissions cannot be reduced below the SCAQMD 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 Revised 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 constructed 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 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: 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 or 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 Revised 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 DraftEIR 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 CO₂(e)) by a large margin. The combined mitigation will result in construction and operational emissions of approximately 5,558.6 MT CO₂e, exceeding the threshold by approximately 2,558.6 MT CO₂e. Specific Project mitigation measures were obtained from a publication prepared by CAPCOA, "Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures" which was prepared in August 2010. In addition, a reduction in statewide GHG emissions of 28.9% compared to business-as-usual (BAU) conditions has been established as a goal of AB 32. State program reductions reduce emissions in the BAU scenario by 23.9%. Feasible reductions based on the CAPCOA mitigation measures, with application of reasonable control measures, would result in an additional 7.93% reduction. Specific local reductions will be implemented on the site and are required by Mitigation Measures GHG-1 thru GHG-40 in the Revised Final EIR. 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.