

OC DEVELOPMENT SERVICES REPORT

DATE: October 26, 2016

TO: Orange County Planning Commission

FROM: OC Development Services/Planning Division

SUBJECT: Public Hearing on Planning Application PA160048 - Esperanza Hills General Plan Amendment, Zone Change, Revised Final EIR 616 and Specific Plan

PROPOSAL: As a result of a Writ of Mandate issued regarding the Project's EIR, the applicant requests the Planning Commission recommend that the Board of Supervisors take the following actions:

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

GENERAL PLAN DESIGNATION: 1B "Suburban Residential"

ZONING: Esperanza Hills Specific Plan

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

APPLICANT: Yorba Linda Estates, LLC
Douglas Wymore

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

RECOMMENDED ACTIONS

OC Development Services/Planning recommends the Planning Commission:

1. Receive staff report and public testimony as appropriate; and,
2. Consider the adequacy of Revised Final EIR No. 616, prepared for the Esperanza Hills Project and revised pursuant to the writ of mandate issued August 24, 2016 in *Protect Our Homes and Hills, et al. v. County of Orange, et al.* Case No. 30-2015-00797300, and determine that the Revised Final EIR is adequate, complete and appropriate environmental documentation for the Project consistent with CEQA, the State CEQA Guidelines, and the County's Local CEQA Procedures Manual,
3. Consider General Plan Amendment LUE 16-01 (Land Use Element), which changes the property from 5 Open Space to 1B Suburban Residential; Zone Change 16-05 which changes the property from A1 Agricultural and A1-(O) Agricultural with an Oil Production Overlay to S Specific Plan for the property in question; and the Esperanza Hills Specific Plan; and
4. Adopt Planning Commission Resolution No. 16-08 recommending that the Board of Supervisors certify Revised Final EIR No. 616 and adopt the findings, facts in support of findings, statement of overriding considerations and mitigation monitoring and reporting plan for the Project; adopt General Plan Amendment LUE 16-01; adopt Zone Change 16-05; and, adopt the Esperanza Hills Specific Plan.

BACKGROUND AND EXISTING CONDITIONS

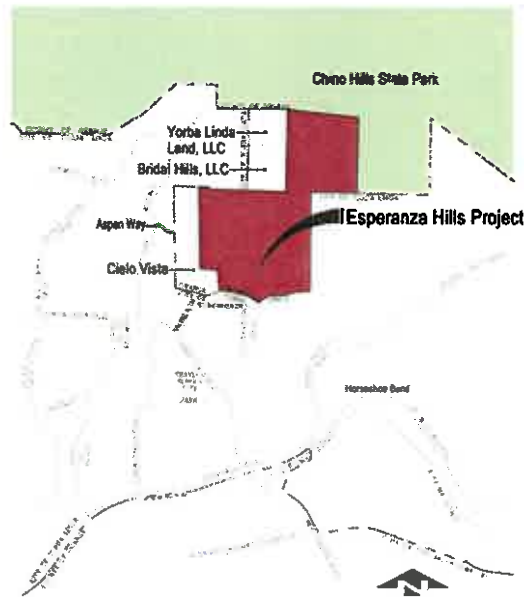
The Esperanza Hills Development Project (Esperanza Hills) was approved by the Board of Supervisors (Board) on June 2, 2015. The Planning Commission considered the project and EIR on January 14, 2015 (See Attachment 2). However, the project's EIR was subsequently challenged in the Orange County Superior Court in *Protect Our Homes and Hills, et al. v. County of Orange, et al.* Case No. 30-2015-00797300. As a result of the court's Writ of Mandate (Attachment 5), previous County approvals relating to Esperanza Hills must be vacated by the Board of Supervisors. In addition, the project's EIR certification must be vacated and the Board must reconsider the project in light of an EIR revised in accordance with the Writ of Mandate (Attachment 5) and Statement of Decision (Attachment 4). Prior to Board action to vacate and reconsider Esperanza Hills and Revised Final EIR No. 616, the applicant is seeking the Planning Commission's consideration of and recommendations regarding the General Plan Amendment LUE 16-01, Zone Change 16-05, the Esperanza Hills Specific Plan and Revised Final EIR No. 616. The Specific Plan and EIR have been revised since the Planning Commission's previous consideration of Esperanza Hills (see detailed discussion below). The Specific Plan has been revised to include a public access configuration that is a variation of Option 1 (discussed below), which was previously considered by the Planning Commission as part of the Esperanza Hills Specific Plan.

Esperanza Hills involves a General Plan Amendment (GPA), Zone Change (ZC), Specific Plan and Environmental Impact Report. The Esperanza Hills Specific Plan proposes a 340 unit residential gated community with large lot, low-density neighborhoods on approximately 469 acres, for an overall density of .73 dwelling units per acre. Once developed, approximately 62% of the project site will be open space, parks and landscape areas. The grading for each phase is balanced, so that there will be no import or export from the site during grading activities.

Previous Processing History

At the time of the Planning Commission’s previous consideration of the Esperanza Hills Specific Plan (Attachment 2 Planning Commission Staff Report for January 14, 2015), the Specific Plan included two different access options for public access configurations to the project site from the surrounding existing circulation system. Four options and alternatives were assessed within Final EIR No. 616. The options analyzed by Final EIR No. 616, included:

- Option 1 (Stonehaven Drive Access) – with a primary project public access roadway from Stonehaven Drive to the south and a secondary emergency access through the adjacent Cielo Vista property and connecting to Via del Agua. (Option 1 was included in the Specific Plan recommended for approval, but was later deleted from the Specific Plan approved by the Board. This is discussed in more detail below).
- Option 2 (Aspen Way) – with a primary project public access roadway from the extension of Aspen Way to the west across Cielo Vista property and the same secondary emergency access as Option 1, through the adjacent Cielo Vista property and connecting to Via del Agua.
- Option 2A (San Antonio Road) - with a primary project public access roadway from San Antonio Road crossing City of Yorba Linda-owned property and then crossing Cielo Vista to the project site; and a secondary emergency-only access utilizing the alignment of the Option 1 (Stonehaven Drive).
- Option 2B – would provide the same primary access as Option 2A (San Antonio Road) however it would also provide a full public access (not emergency-only access) to Stonehaven Drive as in Options 1 and 2A.



Location Map

The Orange County Planning Commission previously adopted three resolutions recommending Board approval of the project and its components. The Planning Commission recommended adoption of a Specific Plan that included access configurations Options 1 and 2A.

The Board certified Final EIR No. 616 on March 10, 2015 and continued consideration of the other land use approvals. At that meeting, the Board also directed the applicant to work with the City of Yorba Linda (City) regarding access and pre-annexation concerns. The City subsequently conveyed two letters to the Board in May 2016 stating that the City preferred access configuration Option 2B (full access to both San Antonio Road and Stonehaven Drive). However, the City further noted that should all access rights not be achievable across City-owned and Cielo Vista properties then they would prefer a ‘back-up’ configuration with full access to both Aspen Way and Stonehaven. They also clarified that they wished to see any access to Stonehaven Drive to be a full access and not an emergency only access.

Taking this information into account, on June 2, 2015, the Board approved a Specific Plan that included Option 2B (full public access from San Antonio and Stonehaven) and a modification of Option 2 to reflect full public access to Aspen Way and Stonehaven, per the City’s comments. Further, the Board removed Option 1 (full Stonehaven access with the emergency only access to Stonehaven/Via del Agua) from the Specific Plan, though the Planning Commission had recommended a Specific Plan- for approval to the Board that contained Option 1.

To address the remaining pre-annexation concerns of the City, the Board added provisions into the Specific Plan that required Board approval of the initial tentative map that would establish the main public access roadway configuration from among the options (Option 2B and Option 2) discussed in the Specific Plan. The Board also added provisions to Section 13.3 of the Specific Plan that required the tentative map proposing the first public access to the development area was to be first reviewed by the Subdivision Committee and then forwarded to the Board with the Committee’s recommendations. In considering the map for approval, in addition to the standard findings required for tentative map approval the Specific Plan required the Board to make six special findings:

1. That permission to gain access across land area not owned by the Project Applicant has been secured or it is reasonably assured that access rights will be secured.
2. That permission to allow for off-site grading has been secured or it is reasonably assured that permission will be secured.
3. That a Pre-annexation Agreement between the City of Yorba Linda and the developer has been completed.
4. Finding of consistency with Final Environmental Impact Report 616.
5. Finding of consistency with Final Environmental Impact Report 616 Mitigation Monitoring and Reporting Program.
6. Findings of consistency with this Specific Plan, the Orange County Zoning Code, the Orange County Subdivisions Code, and applicable laws and regulations.

CEQA Litigation

Following the County’s certification of Final EIR No. 616 on March 10, 2015 and the approval of Esperanza Hills on June 2, 2015, a Petition for Writ of Mandate and Complaint for Injunction Relief (“Petition”) was filed by Protect Our Homes and Hills, Hills for Everyone, Endangered Habitats League, California Native Plant Society and Friends of Harbors, Beaches and Parks, on July 7, 2015, challenging the adequacy of Final EIR No. 661 pursuant to the California Environmental Quality Act (“CEQA”).

On July 22, 2016, after briefing and oral argument in the case, Judge William D. Claster, presiding, finalized a Statement of Decision, included herein as Attachment 4. The court concluded 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 further 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 Judge issued a Writ of Mandate (“Writ”), included herein as Attachment 5, which was subsequently served on the County on and commanded that the County:

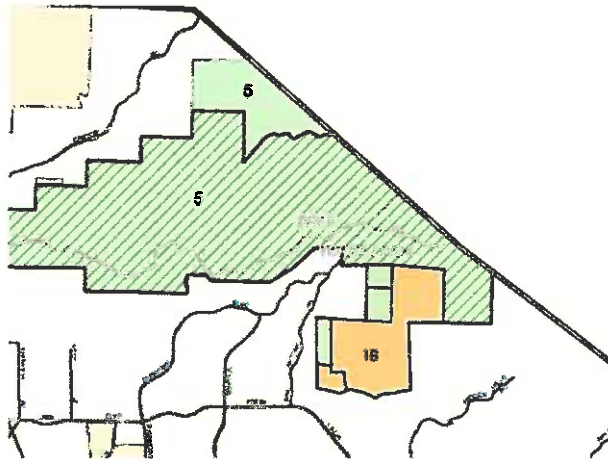
- a. Vacate certification of Final EIR No. 616, adoption of the Mitigation Monitoring and Reporting Program, and Findings of Fact/Statement of Overriding Considerations made in support of the Project.
- b. Vacate all approvals of the Project based upon Final EIR No. 661, including Board of Supervisors 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.
- c. 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 GHG mitigation deficiencies identified by the Court in its Statement of Decision.

The Applicant is requesting that the Board comply with the Writ by vacating the previous Project approvals and certification of the EIR, and reconsidering the project in light of a Revised Final EIR 616 and revised Specific Plan.

DISCUSSION AND ANALYSIS OF THE PROJECT

General Plan Land Use Designation

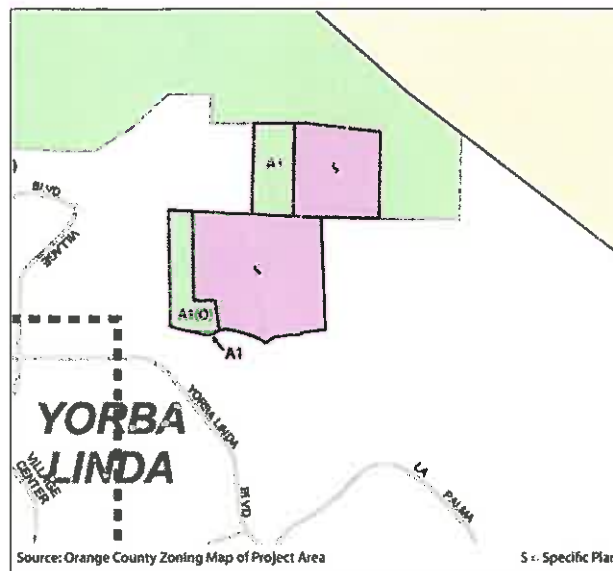
The Project is within the Open Space (5) land use designation of the County of Orange General Plan, which indicates the current and near-term use of the land but is not necessarily an indication of a long-term commitment to permanent open space uses. The General Plan considers that the Open Space designation may be developed in other ways due to market pressures to serve a growing County population. The proposed General Plan Amendment would change the land use designation from Open Space (5) to Suburban Residential (1B).



General Plan Amendment LUE 16-01 (Land Use Element)

Zoning Designation

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



Proposed Zone Change 16-05

Revised Final EIR No. 616

In order to comply with the Writ and Statement of Decision, the greenhouse gas (“GHG”) section of the Final EIR No. 616 (Chapter 5.6) was revised (Attachments 6 and 7). Revised Final EIR No. 616 analyzes

the GHG emissions reductions that result from project design features that the County imposed on the project as part of the adopted Specific Plan, together with additional recommended mitigation measures. Together, the project design features and mitigation measures achieve a 7.93% reduction in GHG emissions for the Project. This reduction is in addition to the anticipated 23.9% reduction in GHG emissions resulting from state regulations adopted in compliance with AB 32, the California Global Warming Solutions Act of 2006.

The Final EIR previously certified by the Board provided a menu of reasonable control measures that could effectively reduce the project's GHG emissions by 5.0%, which exceeded the remaining reduction necessary to meet the goal of a 28.9% total reduction in GHG emissions set by AB 32. The reasonable control measures to achieve the reductions were described in tabular form on page 5-271 in the Final EIR previously certified, but these proposed reasonable control measures were not adopted as specific mitigation measures. Instead, the previously certified Final EIR required a two-step approach to GHG mitigation including preparation of a plan for the reasonable control measures outlined in the referenced table to achieve at least a 5.0% reduction in GHG emissions. The plan would be required prior to the construction of the project. The second step involved preparation of a memo detailing the selected measures and associated long-term maintenance for the County's review and approval prior to issuance of a certificate of occupancy. The plan was intended to include suggested mitigation measures contained in 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 Report") as well as alternative strategies not listed in CAPCOA if approved by the County.

In order to remedy the Court's holding that specific GHG mitigation measures were not adopted as part of the Final EIR and that the Final EIR did not analyze the potential to achieve reductions in GHG emissions greater than 5.0%, the EIR was revised to exhaustively review potentially applicable mitigation measures in the CAPCOA Report referenced above. After a complete review of the CAPCOA Report, 65 distinct mitigation measures potentially applicable to residential projects were selected and analyzed in the EIR. Of those 65 measures potentially applicable to residential development, 25 measures were deemed infeasible and 40 measures were deemed feasible. The 40 mitigation measures (GHG-1 thru GHG-40) are proposed for adoption in the Revised Final EIR No. 616 (Attachment 9 – redlined or 10 final). The mitigation measures identify specific performance criteria in order to achieve a 7.93 % reduction in GHG emissions for the Project.

The updated analysis in the EIR details the proposed mitigation and quantifies the reduction percentages achievable by the mitigation measures included therein. Revised Final EIR No. 616 notes that the size of the Project is such that indirect operational (long-term) GHG emissions will exceed the South Coast Air Quality Management District's ("SCAQMD") screening level GHG threshold (3,000 MT CO₂e per year) by a large margin (by 2,279.7 MT CO₂e per year for a total of 6,037.2 MT CO₂e of emissions). With application of all feasible Project-specific mitigation measures identified in Revised Final EIR No. 616, the Project can achieve an estimated 7.93% reduction in GHG emissions, or approximately 487.8 MT CO₂e.

However, even with implementation of the project mitigation measures, as well as reductions from state programs expected to be implemented directly by state and local agencies (an additional 23.9% or approximately 1,444.2 MT CO₂e), annual emissions cannot be reduced below the GHG significance threshold of SCAQMD's screening level threshold of 3,000 MT CO₂e. The total reduction in GHG

emissions that can be achieved by feasible project mitigation of approximately 487.8 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 4,106.5 MT CO₂e. This exceeds the quantitative GHG significance threshold by approximately 1,106.5 MT CO₂e. Therefore, the long-term operational impacts of the Project on GHG remain significant and unavoidable, consistent with the determination in Final EIR No. 616 as previously certified.

Esperanza Hills Specific Plan

The existing Esperanza Hills Specific Plan was reviewed by the Planning Commission on January 14, 2014. Attachment 2 is the staff report from that meeting and provides a full discussion and analysis of how the Specific Plan addressed development topics such as parks and open space, trails, infrastructure, public safety and evacuation as well as the proposed development standards.

The actions mandated by the court require that all previous approvals be vacated, including the Specific Plan. The Specific Plan now being proposed (Attachment 13 - redline and 14 – final draft) would only differ from the previously approved version in two ways. The currently proposed Specific Plan proposes:

1. A single project access configuration option (versus the previous Specific Plan considered by the Planning Commission which contained two of the Options), which is referred to as Option 1 Modified. Its design is similar to the previous Option 1 (a primary project public access roadway from Stonehaven Drive to the south and a secondary emergency-only access through the adjacent Cielo Vista property and connecting to Via del Agua). However, Option 1 Modified proposes a shorter, more direct route utilizing a newly proposed bridge.
2. In Section 13.3 “Implementation of Access Configuration”, the applicant proposes the removal of the requirement that a Pre-annexation Agreement between the City of Yorba Linda and the developer be completed before the approval of the initial tentative tract map by the Board.

Option 1 Modified

Option 1 was an access configuration included in the Specific Plan that the Planning Commission considered and recommended for approval, but removed from the version approved by the Board. Option 1 was fully assessed by Final EIR No. 616. Option 1 was removed from the Board-approved Specific Plan in part based upon letters from the City, who favored other alternatives.

The Option 1 Modified access configuration involves reconfiguring (as compared to previous Option 1) the main access street alignment and also the internal emergency access connection point. The entry street from Stonehaven Drive would be realigned from the Option 1 previously proposed to limit steep grades, turns and reduce biological impacts and grading quantities. The access would include a lengthened bridge with a more direct orientation into the gated project entry on a wider road (see Attachment 15).

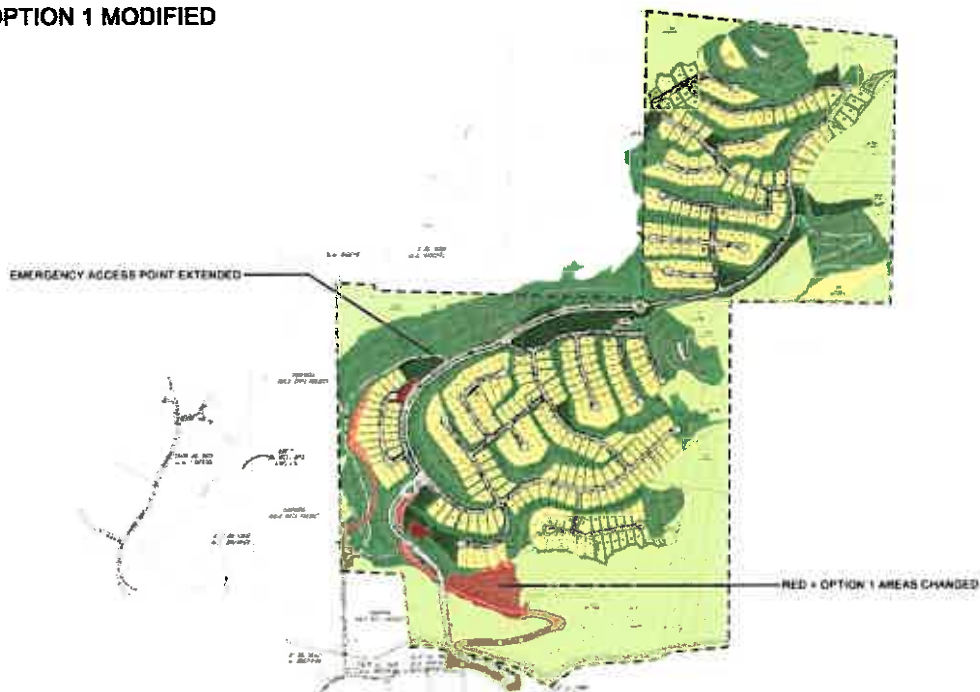
In addition, the internal connection point of emergency access would be extended northeasterly in order to further separate the main project entry from the internal emergency access point. The emergency access would still utilize an access easement through the adjacent property owned by the Richards Trust (one of the owners within proposed Cielo Vista project) but would connect to Esperanza Hills Parkway closer to the Orange County Fire Authority (OCFA) Emergency Fire Staging Area located

centrally within the development area. The emergency access road would also provide a separate connection point to Esperanza Hills Parkway resulting in a secondary emergency connection for use at the discretion of OCFA. For example, the emergency access could be used to facilitate more rapid emergency vehicle access into the community, or it could be used as part of a community evacuation route, or for both during a single event depending upon the needs of the first responders.

OPTION 1



OPTION 1 MODIFIED



The Esperanza Hills area does not physically abut an existing public right-of-way. Any project access options would require crossing property not currently owned in fee by the applicant. Any access options from the west to the project site (Options 2, 2A and 2B) would require consent for grading and right-of-way from the adjoining Cielo Vista owners. Option 2B would also require grading and consent from the City of Yorba Linda. The City informed the County in a January 8, 2016 letter that they had decided not to grant such permissions for Option 2B. Additionally, the applicant has been unable to secure necessary agreements for Options 2 or 2A from the Cielo Vista representatives, and informs staff that those negotiations have terminated.

The Applicant has chosen to utilize the access alternatives from south of the site. Rights and permissions for these rights-of-way had previously been secured. The first, for the proposed main access road to Stonehaven Drive, was granted to David H Murdock, the predecessor in interest to the Esperanza Hills property, as a blanket easement for roads across the adjacent property (Tract 12850) by Ahmansen Development, Inc. The easement for the proposed emergency access-only road (and utility corridor), lies within a fifty foot wide easement for roadway and utility purposes granted by virtue of a partition action by the Orange County Superior Court in 1958. The existence of the easement was confirmed by an Orange County Superior Court judgement in October 2014, and again confirmed on appeal by the California Court of Appeals in December 2015.

The proposed modifications to the Option 1 alignment analyzed by Final EIR No. 616 do not require a subsequent or supplemental EIR. (See Attachment 12). Revised Final EIR No. 616 is adequate to satisfy the requirements of CEQA for the whole of the project, including the Modified Option 1 access configuration proposed in the Specific Plan.

Pre-annexation Agreement

Specific Plan Section 13.3 provides that the initial tentative tract map that establishes the public access roadway configuration shall require the approval of the Board and requires (as detailed above in Background and Existing Conditions) that the Board makes a finding that “a Pre-annexation Agreement between the City of Yorba Linda and the developer has been completed.”

The applicant requests the deletion of the finding requiring the pre-annexation agreement prior to initial tentative map approval by the Board. At this time, the applicant states that they are at an impasse with the City regarding the necessary components of a pre-annexation agreement, as the City is unwilling to continue discussions until such time as the applicant is able to secure rights-of-way across the Cielo Vista property (Options 2, 2A and 2B), which negotiations, as noted above, have terminated.

At the time of the Board’s approval of the Specific Plan, the applicant had already begun exploring the possibility of securing a Pre-annexation agreement, including filing a petition with Orange County Local Formation Commission (OC-LAFCO) and holding both formal and informal meetings with City of Yorba Linda officials. The OC-LAFCO efforts were tabled before substantive discussions of an agreement were completed, but the applicant’s individual efforts continued and expanded to include discussions regarding project access options. In January 2016, the City Council tabled further consideration of the pre-annexation agreement until such time as the applicant reached an agreement for an easement across the Cielo Vista property. Despite multiple mediation meetings, no agreement has been reached between the applicant and Cielo Vista owners and representatives and the negotiations have terminated. The Applicant sent a letter to the City of Yorba Linda on March 1, 2016 inquiring as to

whether or not the City was interested in entering into a pre-annexation agreement, and if so, the terms that it would consider. The City did not reply.

Although the ultimate annexation of the project area into the City of Yorba Linda would be consistent with the County's goals and objectives for unincorporated islands, staff notes that the approval of an initial tentative map would not preclude the possibility of a pre-annexation agreement at some future date under the auspices of OC-LAFCO. Staff therefore supports the applicant's requested deletion of the Pre-annexation agreement requirement.

REFERRAL FOR COMMENT, PUBLIC OUTREACH AND PUBLIC NOTICE

A copy of the planning application and a copy of the proposed Specific Plan were distributed for review and comment to County Divisions; OC Development Services (Planning, Building/Grading Plan Check, Building Official), OC Infrastructure Programs (Traffic Engineering), Orange County Fire Authority and Orange County Sheriff's Department. Copies were also referred to the City of Yorba Linda, Yorba Linda Water District and Orange County Local Agency Formation Commission. Through focused meetings and collaborative effort with County staff, the applicant has adequately addressed all comments. All comments received from County Divisions have been addressed in the recommended Conditions of Approval. As with previous hearings for the project, a notice of hearing was mailed to all property owners of record within 2,000 feet of the subject site on October 14, 2016. The notice was also published in the Orange County Reporter and the Orange County Register. Additionally, a notice of the public hearing was emailed to approximately 90 individuals who had previously requested such notice. Multiple notices were posted at the site, as well as at the County Hall of Administration, and at 300 N. Flower (HGO Building), as required by County public hearing posting procedures.

CEQA COMPLIANCE – Revised Final EIR No. 616

The Planning Commission reviewed the DEIR for Esperanza Hills Project on January 14, 2014. Attachment 2 is the staff report from that meeting and provides a full discussion and analysis of the project's CEQA process, the topical issues addressed, the unavoidable adverse impacts, referral for comments, and public outreach. All topical issues, conclusions and mitigation measures would remain unaffected, except for those regarding greenhouse gas issues.

The actions mandated by the court required that the assessment of the project's potential of greenhouse gas impacts be revised. The applicant and County staff have completed this reassessment and as a result have added new Technical Appendix V – Greenhouse Gas Mitigation (Attachment 7) and proposes 40 new GHG mitigation measures within the Mitigation Monitoring and Reporting Plan (Attachment 9-redlined or 10). With the inclusion of the GHG revisions, staff recommends that the Commission recommend Board certification of Revised Final EIR 616.

The proposed Option 1 Modified access configuration, which will realign the bridge to reduce steep grades and turns, was not specifically assessed in Final EIR No. 616, but a substantially similar access configuration (Option 1) was analyzed. A consistency analysis based on Public Resources Code Section 21166 and CEQA Guidelines Section 15162, as required by the Orange County CEQA Manual, Section IX, was conducted for the new alignment. (Attachment 12) The Specific Plan's inclusion of Option 1 Modified does not:

1. Involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects which would require preparation of a subsequent or supplemental EIR;
2. Result in substantial changes which either have occurred or will occur with respect to the circumstances under which the project will be undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. Constitute new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified as complete on March 10, 2015 that shows that: (i) the existing project or the requested Plan Amendment will have one or more significant effects not discussed in the FEIR, (ii) significant effects previously examined will be substantially more severe than shown in the FEIR with the existing project or the requested Plan Amendment; (iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project but the project proponents decline to adopt the mitigation measure or alternative; or (iv) mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Therefore, staff finds that Revised Final EIR No. 616 satisfied the requirements of CEQA for the proposed Option 1 Modified access configuration is in substantial conformance with the previous environmental assessments.

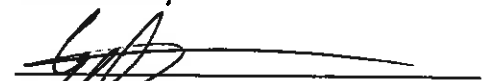
CONCLUSION

Staff has reviewed the applicant's request for certification of Revised Final EIR 616, and approval of General Plan Amendment LUE 16-01, Zone Change 16-05 and a Specific Plan and recommends that the Planning Commission adopt Resolution PC 16-08 (Attachment 12) recommending Board of Supervisors approval of the requests.

Submitted by:


Laree Alonso, Planning Manager
OC Development Services

Concurred by:


Colby Cataldi, Deputy Director
OC Public Works/Development Services

ATTACHMENTS:

All Attachments available at http://ocplanning.net/planning/projects/esperanza_hills

1. Applicant's Letter
2. Planning Commission Staff Report – January 14, 2015
3. Board of Supervisors Agenda Staff Reports – March 10, 2015 and June 2, 2015

4. Statement of Decision – July 22, 2016
5. Writ of Mandate – August 24, 2016
6. Revised Final EIR 616 Section 5-6 Greenhouse Gas Emissions (track changes redlined)
7. New Technical Appendix V Greenhouse Gas Mitigation to Revised Final EIR 616
8. Revised Final EIR 616* entire document (*includes all errata approved with FEIR 616)
9. Revised Final EIR 616 Mitigation Monitoring and Reporting Program (track changes redlined)
10. Revised Final EIR 616 Mitigation Monitoring and Reporting Program
11. Findings and Statement of Overriding Considerations
12. Substantial Conformance Memorandum dated September 28, 2016 from CAA Planning
13. Draft Esperanza Hills Specific Plan (track changes redlined)
14. Draft Esperanza Hills Specific Plan
15. Exhibits of Option 1 and Option 1 Modified
16. Proposed Resolution No. 16-08 Recommending Certification of Revised Environmental Impact Report #616 (PA120037), Adoption of General Plan Amendment LUE 16-01 and Adoption of an Ordinance Approving the Esperanza Hills Specific Plan and Zone Change 16-05 for the Esperanza Hills Project
17. Comment Letters

APPEAL PROCEDURE:

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