

## OC DEVELOPMENT SERVICES REPORT

**HEARING DATE:** August 22, 2018

**TO:** Orange County Planning Commission

**FROM:** OC Development Services/Planning Division

**SUBJECT:** Public Hearing on Planning Application PA120037 (Esperanza Hills) to consider recommendation to the Board of Supervisors on a General Plan Amendment, Zone Change, Specific Plan, and Second Revised Final Environmental Impact Report 616, for a 469-acre Esperanza Hills project.

**PROPOSAL:** Entitlement of a 468.9-acre project for the development of a maximum of 340-unit single-family residential gated community, requiring:

- Certification of Second Revised Final Environmental Impact Report No. 616;
- A General Plan Amendment (GPA LUE 16-01) to change the Land Use designation from Open Space (5) to Suburban Residential (1B);
- A Zone Change (ZC 16-05) to replace the existing General Agriculture (A1) and General Agriculture/Oil Production (A1(O)) zoning designations with the Specific Plan (S) zoning designation;
- Adoption of the Esperanza Hills Specific Plan to regulate and guide development of the property (collectively, the "Project").

**GENERAL PLAN DESIGNATION:** 1B "Suburban Residential"

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

**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 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, Applicant  
Douglas Wymore, Agent

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

## RECOMMENDED ACTIONS

OC Development Services/Planning recommends the Planning Commission:

- a) Receive staff report and public testimony as appropriate; and,
- b) Consider the adequacy of Second Revised Final EIR No. 616 (SRFEIR 616), prepared for the Esperanza Hills Project and revised pursuant to the Supplemental Writ of Mandate issued April 3, 2018 in *Protect Our Homes and Hills, et al. v. County of Orange, et al.* Case No. 30-2015-00797300, and determine that SRFEIR 616 is adequate, complete and appropriate environmental documentation for the Project consistent with CEQA, the State CEQA Guidelines, and the County's Local CEQA Procedures Manual; and,
- c) Consider General Plan Amendment (GPA LUE 16-01) to change the Land Use designation from Open Space (5) to Suburban Residential (1B); Zone Change (ZC 16-05) to replace the existing General Agriculture (A1) and General Agriculture/Oil Production (A1(O)) zoning designations with the Specific Plan (S) zoning designation; and the Esperanza Hills Specific Plan to regulate and guide development of the property; and,
- d) Adopt Planning Commission Resolution No. 18-05 recommending that the Board of Supervisors certify Second 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; approve General Plan Amendment LUE 16-01; and adopt Zone Change 16-05 and the Esperanza Hills Specific Plan.

## BACKGROUND AND EXISTING CONDITIONS

The subject property (APN 351-031-04, APN 351-031-06 and APN 326-031-06) is a privately-owned, 469-acre landholding within unincorporated Orange County generally bounded by Chino Hills State Park on the north and east, existing residential communities to the south and west and a proposed adjacent residential subdivision within the unincorporated County to the west and southwest (see Figure 1). The property is owned by three entities including OC 33, LLC, Yorba Linda Estates LLC and the Nicholas/Long family trusts. OC 33, LLC owns approximately 33 acres on the western portion of the project. Yorba Linda Estates, LLC owns approximately 279 acres in the center of the project and the Nicholas/Long family owns approximately 157 acres that form the northeast portion of the project. The site is within the City of Yorba Linda Sphere of Influence. The Esperanza Hills Project site is part of an area commonly referred to in the City of Yorba General Plan (2016) as the Murdock Property.

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

property supports a mix of habitats, including non-native grasslands with locally dominant stands of coastal sage scrub, chaparral, and limited areas of riparian habitat and, historically, small stands of walnut and oak woodlands.

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

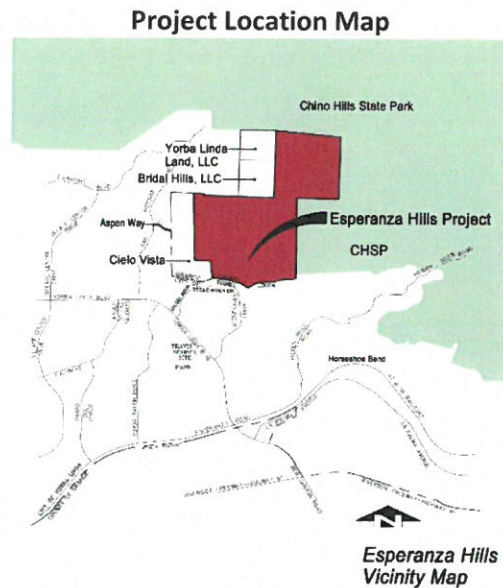


Figure 1

### Processing History

The following is a brief chronology of the Esperanza Hills project processing history. Additional detail, explanation of acronyms, specific citations and dates are provided elsewhere in this report.<sup>1</sup>

- August 2012 – Project filed
- December 2012 – NOP issued for EIR
- December 2013 to February 2014 – public review and comment period for DEIR No. 616
- March 2015 – FEIR 616 certified by Board
- June 2015 – Board approves Project entitlements (GPA, ZC, and Specific Plan)
- July 2015 – Writ of Mandate issued (EIR challenged by Protect Our Hills and Homes, et al, on 30 issues)
- June 2016 – Statement of Decision (29 of 30 alleged EIR deficiencies found without merit, GHG mitigation must be addressed further)
- October 2016 – Planning Commission adopts recommendations on Project entitlements, including Revised Final EIR

<sup>1</sup> All prior Planning Commission Staff Reports and project documents remain available at:

[http://www.ocpublicworks.com/qov/pw/ds/planning/projects/esperanza\\_hills.asp](http://www.ocpublicworks.com/qov/pw/ds/planning/projects/esperanza_hills.asp)



- December 2016 – Board vacates entitlements and returns all Project items to Planning Commission for consideration of additional access options
- January 2017 Planning Commission considers Board directive and responds to Board
- March 2017 – Planning Commission makes recommendations on Project entitlements and access options to Board
- May 2017 – Revised Final EIR (with 40 new GHG mitigations) is certified, GPA, ZC, Specific Plan, VTTM approved
- October 6, 2017 – July 2015 Writ discharged by Court
- October 13, 2017 – Court of Appeals requires three additional items in FEIR be addressed further/revised (water supply and demand, assessment of project impacts to Chino Hills State Park, and additional assessment of Community Evacuation Plan (CEP))
- April 2018 – Supplemental Writ issued requiring May 2017 project approvals be vacated
- July 31, 2018 – Board vacates all Project approvals – RFEIR, GPA, ZC, Specific Plan, VTTM
- August 22, 2018 – Planning Commission considers recommendations to Board on Second Revised FEIR 616, and all previous Project entitlements including GPA, ZC, Specific Plan (no Planning Commission recommendation on VTTM is required, it will be concurrently considered by the Board).
- No design details of the Project have changed since the May 2017 approvals.

## **PROPOSED PROJECT**

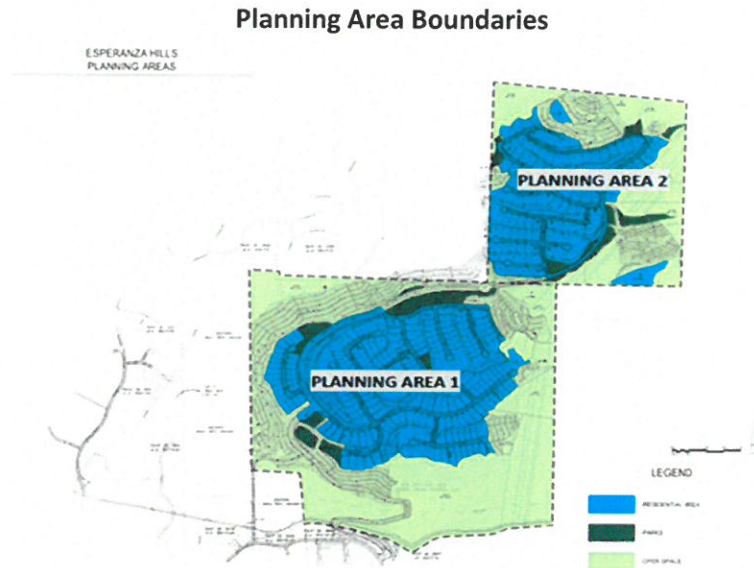
Project Applicants are now seeking certification of SRFEIR 616 and approval of the same General Plan Amendment (GPA LUE 16-01), Zone Change (ZC 16-05) and Esperanza Hills Specific Plan that were previously approved on May 9, 2017. Project Applicants will also seek Board approval of the subdivision map, Vesting Tentative Tract Map 17522 (VTTM17522) that was also approved by the Board on May 9, 2017.

The applicant requests approvals to construct a 340-unit residential gated community with large lot, low-density neighborhoods on approximately 469 acres, for an overall density of 0.73 dwelling units per acre. Once developed, approximately 62% of the project site will be open space, parks and landscape areas. Development will occur in two phases with each phase being a distinct planning area (Figure 2). The grading for each phase is balanced, so that there will be no import or export from the site during grading activities.

Planning Area 1 provides a maximum of 218 lots for residential development on 310 acres. Building pads are generally a minimum of 70 feet wide and 140 feet deep. Planning Area 1 contains five (5) parks, an underground water reservoir, open space, existing natural open space, riparian areas and a trail corridor linking the Project to surrounding properties and the Old Edison Trail in Chino Hills State Park. Planning Area 1 is located on land owned by Yorba Linda Estates, LLC and OC 33, LLC.

Planning Area 2 provides a maximum of 122 lots for residential development (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 generally 90 feet wide and 110 feet deep. Planning Area 2 will contain six (6) 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 two estate lots are 21.89 acres (building pad limited to 2.65 acres) and 2.08 acres (building pad limited to 1.11 acres).



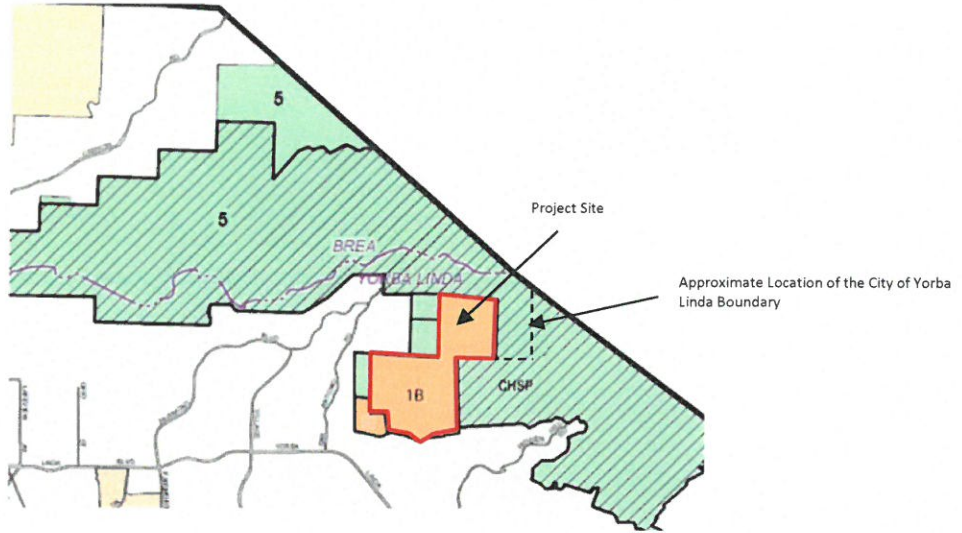
**Figure 2**

Access to the site is proposed in the Specific Plan with the primary connection going south to Stonehaven Drive generally following an existing dirt road (analyzed in the EIR as Option 1 and additionally assessed for the currently proposed design as Option 1A). A second access limited to fire apparatus and other public safety emergency vehicles would extend from Stonehaven/Via Del Agua along the western edge of the Project and provide two-way emergency access into the central area of the development area and the several fire vehicle staging areas located throughout the development. This emergency access lies within a 50-foot wide access and utility easement that crosses a portion of the Cielo Vista project site and would also be available for use in evacuations at the discretion and assessed need of fire and sheriff personnel.

General Plan Land Use Designation Change (LUE 16-01)

The Project is currently within the Open Space (5) land use designation of the County of Orange General Plan. The General Plan describes the Open Space (5) designation as an indication of the current and near-term use of the land but that is not necessarily an indication of a long-term commitment to permanent open space uses, and may be developed in other ways due to market pressures to serve a growing County population (Land Use Element, Pages III-20 and 21). The proposed General Plan Amendment (Figure 3) would change the land use designation from Open Space (5) to Suburban Residential (1B). The following image shows the proposed land use change.

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

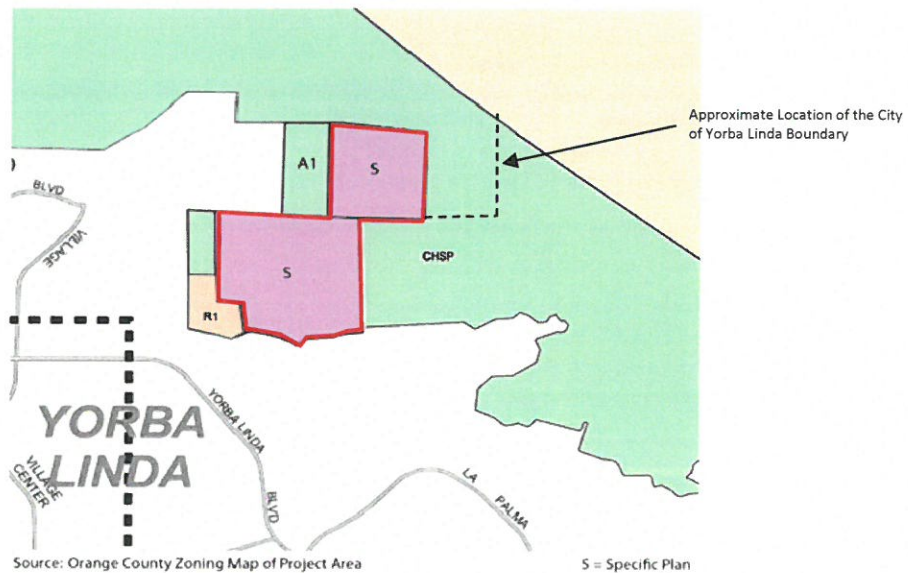


**Figure 3**

**Zoning Designation Change and Adoption of Specific Plan (Zone Change ZC 16-05)**

The Project is currently zoned General Agriculture (A1) and General Agriculture/Oil Production (A1(O)) 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. These activities are subject to the regulation of the Orange County Oil Code (Sections 7-8-1 through 7-8-53). The Project proposal includes a zone change from A1 and A1(O) to a Specific Plan (S) "Esperanza Hills" designation and the adoption of the Esperanza Hills Specific Plan to guide development of the project. Figure 4 shows the proposed zone change.

**Proposed Zone Change 16-05**



**Figure 4**



### Vesting Tentative Tract Map (VTTM) 17522

VTTM 17522 proposes the subdivision of the property into 340 residential lots, with private streets, park sites and common areas. The map's May 9, 2018 approval was revoked on July 31, 2018. This map is being processed separately. The Board of Supervisors will consider approval of the VTTM concurrently with the other entitlement requests.

## **DISCUSSION/ANALYSIS**

### General Plan Consistency and Amendment

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

Beyond the consistency with the General Plan's land use designations, the proposed Project is also compatible with numerous General Plan policies. SRFEIR 616 provides further detail, including Tables 5-9-2 through 5-9-9.

In consideration of potential future annexation of the Project site to the City of Yorba Linda, SRFEIR 616 also provides analysis of consistency with the City's General Plan. The proposed Project is within the City's Sphere of Influence and has been designated by the City's October 2016 General Plan as a portion of Focus Area F within the 543-acres Murdock Property Area Plan.

The City's vision for the Murdock Property area is for low density residential that averages one dwelling unit per acre over the entire area. The City's density allowance for the area is 536 dwelling units which is 129 residences more than the proposed Project plus the approved Cielo Vista project. The proposed Project is consistent with the City vision for the area in that overall building density averages 0.73 dwelling units per acre over the approximately 468.9-acre Project site, where the City's General Plan goal is one dwelling unit per acre. Tables 5-9-11 through 5-9-17 in the SRFEIR provide a full analysis of the consistency of the Yorba Linda General Plan Elements and the proposed Project.

### Zoning Consistency and Change

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

As required by Zoning Code Section 7-9-156, the preparation of the Esperanza Hills Specific Plan (“Specific Plan”) was authorized by the Planning Commission in August 2013, at the request of the Applicants who then prepared the Specific Plan at their expense.

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

#### Compatibility with Surrounding Land Uses

As of the date of this report, the City of Yorba Linda has not established pre-annexation zoning for the Project site. If the vesting tentative tract map is approved by the County prior to any such annexation (as is proposed), the proposed Esperanza Hills Specific Plan could serve as the City's pre-zoning for the project area if or when the site is annexed to the City. The proposed Esperanza Hills development will be compatible with surrounding City of Yorba Linda development (existing and approved), in that it will be at an equal or lower density, will provide more local parks than surrounding City developments, and will have equivalent development standards. The City requested such consistency in a comment letter dated February 7, 2017.

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

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

The Project's development areas are clustered away from existing developed areas in the City so that there will open space areas between the old and new development and from Chino Hills State Park. The habitat within Blue Mud Canyon will be restored and enhanced and will provide a buffer to Stonehaven to the south and to the Cielo Vista subdivision to the southwest. During Project review, at the request of both the County and the City of Yorba Linda, the Applicant re-designed the project to move residential lots along the western edge feet an additional 150 feet to the east, to be further away from the western boundary in order to significantly reduce or eliminate the visual impact of retaining walls initially proposed along the project's western border. The Project has been designed so that most of its future homes will not be visible to existing neighborhoods.



### Local Park Code Consistency

The purpose of the Quimby Act (Government Code Section 66477, et seq.) and the County of Orange Local Park Code (Orange County Codified Ordinances Section 7-9-500, et seq.) is to ensure the provision of adequate park and recreational facilities to serve the population resulting from new residential developments. Chapter 5.13 – Recreation – in SRFEIR 616 provides an analysis of the Project’s consistency with the local parkland requirements for new development. The Project is anticipated to add approximately 1,088 persons to the County population. Under the County’s Local Park Code standards, this population increase would require of 2.7 acres of local parkland. Under the City’s local park standards, the Project would require a total of 3.3 acres of local parkland.

The Project will exceed both jurisdictions’ local park requirements in proposing a minimum of 12 acres of private park area. Although the proposed project would be a gated community, the parks will be able to be accessed by the public during daytime hours by car (by a day pass issued at the entry gate). Some of the Project’s parks will also have direct access from City trails extended by the applicant into the new development. All private parks within Esperanza Hills will be maintained by its Homeowners’ Association (HOA) and there will be no requirement of public funding for maintenance.

As noted above, the Project will connect to and extend existing City trails, resulting in an additional seven miles (approximately) of hiking, equestrian and biking trails for added recreation opportunities for the Project’s future residents as well as existing City residents. These trails will be accessible to the public and will be also maintained within the Project area by the HOA with no requirement for public funding for maintenance.

### Project Changes since Board Approval on May 9, 2017

There are no changes proposed for the Project’s land plan design since its approval by the Board of Supervisors on May 9, 2017.

### **REFERRAL FOR COMMENT 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. Through focused meetings and collaborative effort with County staff, the applicant has adequately addressed all comments.

As with previous hearings for the project, a notice of public hearing was mailed to all property owners of record within 2,000 feet of the subject site on August 9, 2018, and 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. The notice of public hearing was also published in the Orange County Reporter on August 10.

All Project documents, including SRFEIR 616, were posted online for public review on August 8, 2017. ([http://www.ocpublicworks.com/ds/planning/projects/3rd\\_district/esperanza\\_hills\\_\(2018\)](http://www.ocpublicworks.com/ds/planning/projects/3rd_district/esperanza_hills_(2018)) ). Also on this date, staff sent an email notification to 130 persons notifying them of the online availability of all project documents as well as the pending Planning Commission public hearing. The 130-person list was compiled during the previous public review processes for the project and consisted of 112 persons who had requested such email notification (at public meetings or via email requests) and 18 persons associated with the City of Yorba Linda, including elected officials or administrative staff. (NOTE: this email

notification was not intended to and did not replace the otherwise required public notice requirements). All email recipients were invited to submit comments on the Project by Friday, August 17, 2018. Any comments that are received will be provided to the Planning Commissioners and appended to this report prior to the public hearing. Staff will also review and respond to the comments.

## **CEQA COMPLIANCE**

Following the Project's initial filing, the County determined that an EIR would be required for the Project and issued a Notice of Preparation (NOP) on December 22, 2012. A public scoping meeting was held within the City of Yorba Linda on January 31, 2013. The Draft EIR (DEIR) was prepared and released for an extended public review and comment period from December 4, 2013 through February 3, 2014 (62 days). At the County's request, an additional public outreach meeting was held during the public review period on January 16, 2014 within the City of Yorba Linda. This meeting was videotaped and transcribed. All comments from the meeting were included as comments on the DEIR.

### Final EIR No. 616 and Revised Final EIR No. 616

The Board of Supervisors certified Final EIR (FEIR) 616 on March 10, 2015. On June 2, 2015, the Board approved the (1) General Plan Amendment GPA LUE 16-01, (2) Zone Change ZC 16-05, and (3) the Esperanza Hills Specific Plan.

Following the Board's June 2, 2015 approval of the Project, a Petition for Writ of Mandate was filed in the Orange County Superior Court (Case No. 30-2015-00797300-CU-TT-CXC) on July 7, 2015 by Protect Our Homes and Hills, Hills for Everyone, Endangered Habitats League, California Native Plant Society, and Friends of Harbors, Beaches and Park, Inc. ("Petitioners"), challenging the adequacy of the FEIR, alleging 30 separate deficiencies.

Approximately 11 months later, on June 24, 2016, Judge William Claster issued a Statement of Decision ("Statement of Decision"), finding that 29 of the 30 alleged deficiencies were "without merit," and deeming the EIR adequate on every issue but Greenhouse Gas ("GHG") mitigation. The Court entered a Judgment and Writ on August 24, 2016 ("2016 Judgment and Writ"), which ordered that the County vacate the Project's approvals, and revise the FEIR to resolve the GHG deficiencies identified by the Court in its Statement of Decision. Petitioners filed an appeal to the trial court ruling arguing that the trial court erred in not finding the FEIR inadequate in other respects. In accordance with the 2016 Judgment and Writ, the Board of Supervisors vacated all entitlements on December 13, 2016.

To comply with the 2016 Judgment and Writ, the Greenhouse Gas Emissions section of the FEIR (Section 5.6) was revised to address the Judge's decision and a Revised Final EIR (RFEIR) was prepared to incorporate 40 specific GHG mitigation measures and project design features as new mitigation measures.

During this time the Specific Pan was also revised the entry roadway from the previously approved alignment of Option 1 to incorporate Access Option 1A as the primary Project entry. The alignment of Access Option 1A was a minor change from Access Option 1. The County, acting in its capacity as Lead Agency, determined that no additional environmental review was required for the modification to utilize Access Option 1A, and was documented in an Additional Environmental Analysis Memorandum dated February 21, 2017.

On May 9, 2017, the County certified the RFEIR, adopted a Mitigation and Monitoring Program (amended with 40 additional GHG mitigation measures), and Findings of Fact/Statement of Overriding Considerations. The Board also approved the revised Specific Plan, which set forth the revised access to the projects as described above, and all other entitlements for the Project. Following the County's submittal of documentation demonstrating that the County had complied with the 2016 Judgment and Writ, the trial court discharged the Writ on October 6, 2017.

However, a week later, on October 13, 2017, the Court of Appeals issued an Appeal Decision on Petitioner's appeal of the Judgment, finding that the RFEIR was inadequate in three additional/new respects: 1) the project description and environmental setting relating to Chino Hills State Park (CHSP) were inaccurate, especially as it related to maps identifying the location of CHSP; 2) the community evacuation plan mitigation measure constituted improper deferral; and 3) water supply and demand analysis did not accurately calculate the total demand for all aspects of the project.

In accordance with the Appeal Decision, the Orange County Superior Court entered a judgment ("Amended Judgment") and issued a supplemental writ of mandate ("Supplemental Writ"). The Supplemental Writ mandated that the County vacate certification of the Revised FEIR ("RFEIR"), 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, and to resolve the deficiencies identified in RFEIR No. 616 by the Court of Appeal in the Appeal Decision. The County vacated all Project approvals on July 31, 2018.

#### Second Revised FEIR 616

To address the deficiencies identified by the Court of Appeal's October 13, 2017 decision, the County has produced a SRFEIR No. 616 for the Project, which is attached to this report in its entirety (Attachment 3). SRFEIR No. 616 is comprised of the following elements:

- RFEIR – The Revised EIR includes all of the Final EIR the project description, environmental analysis, discussion of significant impacts, alternatives analyses, discussion regarding direct, indirect and cumulative environmental impacts and technical studies as part of the appendices, with updates in the GHG section, and responses to comments.
- Mitigation Monitoring and Reporting Program (MMRP) – This document presents all mitigation requirements in one summary to facilitate compliance, and has been updated to address the 2016 Judgment and Writ (requiring that the County adopt additional specific GHG mitigation measures) and the additional mitigation measures proposed and developed in response to the October 2017 Court of Appeals decision (see Attachment 1.A.ii, also within Attachment 3).
- The 2018 Additional Environmental Analysis (2018 AEA), which includes additional technical studies, documentation, and analysis intended to address the deficiencies identified by the Court of Appeal in October 2017, including:
  - revision of the project description and environmental setting relating to CHSP, including revisions to all appropriate exhibits and maps; and,
  - specific analysis of the total water use for all aspects of the Project (construction, mitigation, domestic, and landscape);
  - incorporation of 15 specific mitigation measures to address the Court of Appeal's concerns relating to deferred mitigation and the community evacuation plan.



- The 2018 AEA also included an analysis of whether recirculation was required under California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines) §15088.5, due to the revisions made by the SRFEIR. OC Development Services staff concludes that recirculation is not required because the revisions made do not disclose a new significant environmental impact resulting from the project or a mitigation measure, because there is no increase in the severity of the previously disclosed impacts, and because there are no new mitigation measures considerably different from those previously analyzed that the applicant is refusing to adopt.

Staff concludes that SRFEIR 616 satisfies the requirements of CEQA and is adequately addresses the deficiencies identified by the 2017 Court of Appeal decision.

SRFEIR Conclusions

The proposed SRFEIR demonstrates that the Project has in each environmental category has either a) no impact, b) less than significant impact, c) less than significant impact with mitigation, or d) unavoidable adverse impact as detailed in the following table. The unavoidable adverse impacts are further described below. None of the impact conclusions have changed with the revisions necessary to address the deficiencies identified by the Court of Appeal.

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

Analysis in the SRFEIR 616 indicates that the Project results in three unavoidable significant impacts. These are not new significant unavoidable impacts, these were also identified as significant unavoidable impacts in the FEIR and RFEIR previously certified by the County. None of these impacts changed as a result of the changes made to the RFEIR by the SRFEIR to address the deficiencies identified by the Court of Appeal. The three significant, unavoidable impacts are as follows:

- Greenhouse Gas (GHG) Emissions – Even with incorporation of the 40 mitigation measures, direct construction emissions and long-term operational emissions will exceed the SCAQMD advisory level thresholds, resulting in impacts which are significant and unavoidable. In addition, the proposed project combined with “related projects” in the project vicinity will further contribute to an excess of GHG emissions and, therefore, cumulative impacts remain significant and unavoidable.

- **Noise** – The Project will result in a perceptible 3dB increase in noise due to traffic under all options but will remain under the 65 dB CNEL for exterior noise under all options. Projected noise levels for Access Option 2 only (access via Aspen Way), however, exceed a 10 dB increase along Aspen Way resulting in an impact which is considered significant and unavoidable even though the noise levels remain below the 65 dB CNEL. Access Option 2 was not selected for use in the Project’s final land use design, as represented in Vesting Tentative Tract Map VTTM17522.
  
- **Traffic** – The Project will require traffic mitigation including installation of a three-phase traffic signal at the intersection of Yorba Linda Boulevard and Via del Agua, restriping at Yorba Linda Boulevard and Savi Ranch Parkway, and extension of the left-turn pocket along Yorba Linda Boulevard at Via del Agua. The traffic mitigation measures (T-1 thru T-3) reduce impacts to below a level of significance. However, each of the improvements are located within the City of Yorba Linda, and the County cannot compel the City to implement such improvements. If the City does not allow for implementation of the improvements, traffic will be considered a significant and unavoidable impact.

Due to the potential for GHG, traffic noise levels, and traffic to result in unavoidable and significant impacts, a Statement of Overriding Considerations has been prepared for Board of Supervisors consideration. The Statement of Overriding Consideration provides factual support to allow for the balancing of the benefits of the proposed project against its unavoidable significant environmental effects. Based on this balancing, staff recommends that the determination can be made that the benefits of the project outweigh the unavoidable impacts. Note that although the proposed Specific Plan does not include access onto Aspen Way, staff recommends that it is prudent to include the noise impact in the Statement of Overriding Considerations given that the impact was identified in the RFEIR. The Statement of Overriding Considerations is included within the findings in support of the certification of the proposed RFEIR as attachments to the applicable recommended Resolution for Board certification of the RFEIR (Attachment 11). The MMRP, with the added GHG mitigation measures, is also an attachment to this Resolution.

Overview of Comments on the DEIR

A majority of the comments made on the DEIR in 2015 focused on several similar topical areas of concern. These comments were addressed in the Responses to Comments under Topical Responses. Summarized below are the topical areas identified in a number of the comment letters.

TOPICAL ISSUES	SECTION OF RFEIR SUMMARY
Fire Hazards – TR 1	The Project is located in a Very High Fire Hazard Severity Zone and a number of comments related to the addition of homes to an area where wildfires occur. Topical Response 1 details the area fire history and discusses how the computer model used to prepare the Fire Protection and Emergency Evacuation Plan (FPEP) was based on data sources that included the 2008 Freeway Complex Fire. The Topical Response also reiterates the steps that will be included in the Project design to reduce risks to life and property. Chapter 5.7 in the DEIR contains the complete analysis of fire hazards and identifies mitigation measures to reduce impacts. No new or more significant impacts were identified and the DEIR analysis remains complete.
Evacuation Plan – TR 2	Topical Response 2 details the evacuation planning proposed in conjunction with the Orange County Sheriff’s Department and the Orange County Fire Authority programs and plans. A fire evacuation analysis was completed in May 2014 in response to comments about how the additional homes would

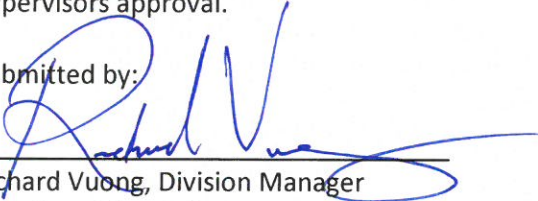
	<p>impact evacuation of the existing neighborhoods. Evacuation paths were modeled to provide estimated vehicle numbers and times for evacuation. The fire evacuation analysis is included as an Appendix in the Response to Comments document. No new or more significant impacts were identified and the DEIR analysis remains complete. It should also be noted that the 2018 AEA prepared to address the Court of Appeals October 2017 order regarding deferment of mitigations, 15 additional mitigations measures have been added.</p>
Traffic Ingress/Egress – TR 3	<p>Comments included concerns regarding the addition of daily traffic from the Project which could impact existing intersection levels of service. Street capacity/vehicles per day information based on peak traffic count data was presented to show existing and Project related traffic impacts. Results of an additional day of traffic counts are included in the Topical Response, as well as an update to the Weir Canyon Road/SR-91 interchange analysis. No new or more significant impacts were identified in the updated analyses which are included in the Response to Comments document.</p>
Water Provision/Capacity – TR 4	<p>Several commenters expressed concerns regarding adequate water supply and availability to serve the additional 340 dwelling units and for firefighting purposes. The Yorba Linda Water District (YLWD) will be the potable water purveyor for the Project. Adequacy of water supply was confirmed in the YLWD Urban Water Management Plan and adequate infrastructure will be constructed for residential and fire-fighting uses. This information is detailed in Chapter 5.15 of the DEIR. It should also be noted that the 2018 AEA included an expanded analysis of the water use for the Project (construction, mitigation, domestic and landscape).</p>
Segmentation/Piecemealing – TR 5	<p>Several commenters stated that the Esperanza Hills, Cielo Vista, Bridal Hills, LLC and Yorba Linda Land sites should have been combined into a single analysis (DEIR). Only Esperanza Hills and Cielo Vista have applications pending for development and the applications were submitted more than two years apart. Neither are necessary parts of the same project, nor foreseeable results of the other action. The properties noted are owned separately and the County has discretion to approve or disapprove either or both of the projects. Each DEIR contains cumulative analysis; therefore, there are no impacts not reviewed. This discussion is presented in Topical Response 5 of the Response to Comments document.</p>
Biological Resources/Open Space – TR 6	<p>Clarification regarding the amount of open space that will be preserved or otherwise incorporated into the project was requested by several commenters. Topical Response 6 details the types of open space and the acreages designated for each category. The comments did not raise additional issues or concerns but rather represented requests for more detailed information, particularly since the Project includes significant fuel modification areas and ungraded natural open space.</p>
Special Status Vegetation/CDFW Jurisdiction – TR 7	<p>In response to comments regarding impacts to special status and common vegetation resources within the CA Department of Fish and Wildlife (CDFW) jurisdiction, Topical Response 7 provides summary tables of impacts to such resources. A Habitat Mitigation and Monitoring Plan is referenced and has been included in the Response to Comments document. No new issues or concerns were raised by commenters and the analysis in the DEIR remains adequate and complete.</p>
Noise Impacts – TR 8	<p>Unlike the rest of the topical responses, Noise was not an issue raised by a large number of commenters. This topical response was provided to clarify</p>

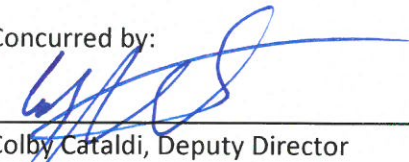


	the conclusions of the Noise Study and the information contained within the DEIR, and specifically the thresholds of significance.
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**CONCLUSION**

Staff has reviewed the applicant’s request for certification of the SRFEIR 616, and approval of General Plan Amendment GPA LUE 16-01, Zone Change ZC 16-05 and the Esperanza Hills Specific Plan and recommends that the Planning Commission adopt Resolution No. 18-05 (Attachment 1) recommending Board of Supervisors approval.

Submitted by:   
Richard Vuong, Division Manager  
Planning, OC Development Services

Concurred by:   
Colby Cataldi, Deputy Director  
OC Public Works/Development Services

A full listing of the Attachments to this report is provided on the pages that follow, and can be found online at:

[http://www.ocpublicworks.com/ds/planning/projects/3rd district/esperanza hills \(2018\)](http://www.ocpublicworks.com/ds/planning/projects/3rd_district/esperanza_hills_(2018))

OC Development Services Report to Planning Commission on PA120037

**ATTACHMENTS – NOTE: All attachments for this report are available online at:**

[http://www.ocpublicworks.com/ds/planning/projects/3rd district/esperanza hills \(2018\)](http://www.ocpublicworks.com/ds/planning/projects/3rd%20district/esperanza%20hills%20(2018))

**STAFF REPORT ATTACHMENTS**

- 1) Proposed Resolution No. 18-05
  - A. Exhibit A – Proposed Board Resolution Certifying SRFEIR No. 616
    - i. Findings of Fact and Statement of Overriding Considerations
    - ii. SRFEIR 616 Mitigation Monitoring and Reporting Program
  - B. Exhibit B – Proposed Board Resolution for GPA LUE 16-01
  - C. Exhibit C – Proposed Board Resolution for ZC 16-05
- 2) Draft Esperanza Hills Specific Plan August 2018
- 3) Second Revised Final RFEIR 616 and technical appendices
  - Revised Final EIR 616
  - 2018 Additional Environmental Analysis, which includes:
    - i. Revised EIR Section 4.2 – Chino Hills State Park
    - ii. Revised EIR Section 5.15.3 Water Demand and Usage
    - iii. Revised Section 5.7 Community Evacuation Plan
  - SRFEIR 616 Mitigation Monitoring and Reporting Program
  - Additional Environmental Analysis 2-21-17
  - EIR Appendix A - Initial Study and Notice of Preparation
  - EIR Appendix B - NOP Comment Letters
  - EIR Appendix C - Air Quality and Greenhouse Gas Emission
  - EIR Appendix D - Biological Technical Report
  - EIR Appendix E - Jurisdictional Delineation for Esperanza
  - EIR Appendix F - Archeological and Paleontological Resources
  - EIR Appendix G - Geotechnical Report
  - EIR Appendix H - Fault Hazard Assessment Report
  - EIR Appendix I - Phase 1 Environmental Site Assessment
  - EIR Appendix J - Fire Protection and Emergency Evacuation
  - EIR Appendix K - Preliminary Drainage Report
  - EIR Appendix L - Conceptual Water Quality Management Plan
  - EIR Appendix M - Addendum to Conceptual WQMP
  - EIR Appendix N - Noise Impact Analysis and Addendum
  - EIR Appendix O - Traffic Impact Analysis Report and Addendum
  - EIR Appendix P - Prelim. Water Reports – Option 1 and Option 2
  - EIR Appendix Q - Prelim. Sewer Reports – Option 1 and Option 2
  - EIR Appendix R - Northeast Area Planning Study
  - EIR Appendix S - YLWD Domestic Water Master Plan
  - EIR Appendix T - YLWD Urban Water Management Plan
  - EIR Appendix U - Responses to Service Request Letters
  - EIR Appendix V - GHG Mitigation Assessment
  - Responses to Comments
  - Responses to Comments – Appendices

(attachments continued on next page)

**STAFF REPORT ATTACHMENTS (continued)**

- 4) Staff Report for March 22, 2017 Planning Commission hearing  
(All attachments available at previous Project documents link below)
- 5) Court of Appeal Opinion – October 13, 2017
- 6) Supplemental Preemptory Writ of Mandate – April 3, 2018
- 7) Comments Letters and Responses (to be added prior to hearing)

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[http://www.ocpublicworks.com/ds/planning/projects/3rd\\_district/esperanza\\_hills\\_\(2018\)](http://www.ocpublicworks.com/ds/planning/projects/3rd_district/esperanza_hills_(2018))

All previous Project documents are available online at: (NOTE: this is a new link address)

[http://www.ocpublicworks.com/gov/pw/ds/planning/projects/esperanza\\_hills.asp](http://www.ocpublicworks.com/gov/pw/ds/planning/projects/esperanza_hills.asp)