

The determination of functional equivalency of on-site establishment/restoration/enhancement and/or off-site purchase shall be made by the California Department of Fish and Wildlife for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted and jurisdictional areas and by the City of La Habra for mitigation of loss of these habitats that ~~would~~ occur outside of existing deed-restricted areas and jurisdictional areas.

It is recognized, however, that while Impact BIO-1.1a addressing upland habitats within existing deed-restricted areas is distinct from Impact BIO-1.2 and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).

Compensation for lost on-site habitat with functionally equivalent or better habitat shall be detailed on an acreage-specific basis in a Habitat Mitigation and Monitoring Plan (HMMP), which shall be developed in coordination and compliance with State of California and federal regulatory agency requirements. Evidence in the form of permit approvals ~~and associated mitigation and monitoring plans that meet agencies' standards~~ shall be provided to the City of La Habra ~~for review and approval~~ prior to initiation of site grading. At a minimum, the HMMP shall include:

- Baseline information, including the findings and conclusions of a Biological Assessment demonstrating that:
 - Off-site compensatory mitigation lands are functionally equivalent or better than the habitats lost on-site; and
 - On-site establishment of coastal sage scrub through restoration will result in functionally equivalent or better habitat than that lost on-site.
- Anticipated habitat enhancement goals to be achieved through compensatory actions, including mitigation site location (on-site

enhancement, restoration, or off-site habitat acquisition, creation, or enhancement); and

- Measurable performance standards and criteria, including but not limited to the overall amount or percent of cover and species diversity for restoration or enhancement in the Specific Plan development footprint that must meet state and federal regulatory resources agency approval and must be documented for City review at the end of the five-year monitoring period. Should the restoration or enhancement fail to meet success criteria as defined in the HMMP, implementation of remedial restoration shall be required.
- Contingency funds (including but not limited to financial guarantee instruments such as Surety Bonds or Letters of Credit) shall be established and deposited in escrow account(s) to ensure successful implementation of the HMMP, such funds to be refunded to the applicant at the time the HMMP performance criteria are met.
 - One account in an amount to be determined by the California Department of Fish and Wildlife (CDFW) to be held by CDFW for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas.
 - Should the HMMP being overseen by the California Department of Fish and Wildlife not be adequate to address mitigation of loss of coastal sage scrub habitat outside of existing deed-restricted areas, a second escrow account is to be established with the City of La Habra in an amount to be determined by the City.

Mitigation Measure BIO-1.1b: Construction Avoidance of Active Bird Nests.

Coastal Sage Scrub. If grading or soil disturbance of any kind is proposed within 50 feet of coastal sage scrub, or if upland conservation enhancement or restoration activities are proposed between March 1 and August 15, a qualified biologist shall conduct pre-construction nesting California gnatcatcher surveys. Surveys shall be conducted using USFWS focused survey protocol methods and shall be conducted during the spring breeding season during the year construction occurs. Where an active bird nest is located, a 500-foot radius surrounding the active nest shall not be disturbed until after the nest becomes inactive and the family group can be confirmed, by a qualified biologist familiar with the species, to have left the nest territory. Prior to initiating vegetation clearing of coastal sage scrub, a qualified biologist shall walk ahead of the clearing activities to flush any birds from the habitat to be cleared.

Such site grading would remove the majority of on-site CSS habitat (7.55 acres removed) and all of the riparian woodland (2.83 acres) and riparian scrub (1.70 acres) alliances on the site. Such removal of CSS, riparian woodland, and riparian scrub alliances would constitute a significant impact for which mitigation would be required.

Mitigation Measures

Mitigation Measure BIO-1.1a: Compensatory Replacement of Special-Status Species Habitat. The loss of coastal sage scrub, riparian woodland, and riparian scrub alliances with the potential to support special-status species within the Project site as detailed in Table 3.5-9 shall be compensated through on-site or off-site establishment/restoration/enhancement and/or off-site purchase of functionally equivalent or better habitat.

Included in the establishment/restoration/enhancement of on-site functionally equivalent or better habitat shall be a minimum of 9.86 acres of open space for preservation and enhancement of on-site coastal sage scrub wildlife habitat (preservation of 4.05 acres of existing on-site coastal sage scrub and the replacement of existing golf course greens and fairways with an additional 5.81 acres of coastal sage scrub — habitat). Such on-site habitat establishment/restoration/enhancement shall be in conformance with a Habitat Mitigation and Monitoring Plan approved by the California Department of Fish and Wildlife.

The determination of functional equivalency of on-site establishment/restoration/enhancement and/or off-site purchase shall be made by the California Department of Fish and Wildlife for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted and jurisdictional areas and by the City of La Habra for mitigation of loss of these habitats that ~~would~~ occur outside of existing deed-restricted areas and jurisdictional areas

It is recognized, however, that while Impact BIO-1.1a addressing upland habitats within existing deed-restricted areas is distinct from Impact BIO-1.2 and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/restoration/enhancement

and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).

Compensation for lost on-site habitat with functionally equivalent or better habitat shall be detailed on an acreage-specific basis in a Habitat Mitigation and Monitoring Plan (HMMP), which shall be developed in coordination and compliance with State of California and federal regulatory agency requirements. Evidence in the form of permit approvals ~~and associated mitigation and monitoring plans that meet agencies' standards~~ shall be provided to the City of La Habra ~~for review and approval~~ prior to initiation of site grading. At a minimum, the HMMP shall include:

- Baseline information, including the findings and conclusions of a Biological Assessment demonstrating that:
 - Off-site compensatory mitigation lands are functionally equivalent or better than the habitats lost on-site; and
 - On-site establishment of coastal sage scrub through restoration will result in functionally equivalent or better habitat than that lost on-site;
- Anticipated habitat enhancement goals to be achieved through compensatory actions, including mitigation site location (on-site enhancement, restoration, or off-site habitat acquisition, creation, or enhancement); and
- Measurable performance standards and criteria, including but not limited to the overall amount or percent of cover and species diversity for restoration or enhancement in the Specific Plan development footprint that must meet state and federal regulatory resources agency approval and must be documented for City review at the end of the five-year monitoring period. Should the restoration or

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Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
Biological Resources			
<p>Mitigation Measure BIO-1.1a: Compensatory Replacement of Special-Status Species Habitat. The loss of coastal sage scrub, riparian woodland, and riparian scrub alliances with the potential to support special-status species within the Project site as detailed in Table 3.5-9 shall be compensated through on-site or off-site establishment/restoration/enhancement and/or off-site purchase of functionally equivalent or better habitat.</p> <p><u>Included in the establishment/restoration/enhancement of on-site functionally equivalent or better habitat shall be a minimum of 9.86 acres of open space for preservation and enhancement of on-site coastal sage scrub wildlife habitat (preservation of 4.05 acres of existing on-site coastal sage scrub and the replacement of existing golf course greens and fairways with an additional 5.81 acres of coastal sage scrub habitat). Such on-site habitat establishment/restoration/enhancement shall be in conformance with a Habitat Mitigation and Monitoring Plan approved by the California Department of Fish and Wildlife.</u></p> <p>The determination of functional equivalency of on-site establishment/restoration/enhancement and/or off-site purchase shall be made by the California Department of Fish and Wildlife for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted and jurisdictional areas and by the City of La Habra for mitigation of loss of these habitats that occur outside of existing deed-restricted areas and jurisdictional areas.</p> <p>It is recognized, however, that while Impact BIO-1.1a addressing upland habitats within existing deed-restricted areas is distinct from Impact BIO-1.2 and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/ restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub</p>	<p><u>Prior to issuance by the City of a grading permit or approval of a final subdivision map, the applicant shall:</u></p> <ul style="list-style-type: none"> • <u>Identify the specific acreage, location(s), and requirements for on-site and off-site mitigation that would provide “functionally equivalent habitat or better” for review and approval by CDFW;</u> • <u>Implement mitigation requirements to the satisfaction of CDFW, including acquisition of sufficient habitat land shall be acquired such that the California Department of Fish and Wildlife verifies that a combination of on-site establishment/restoration/enhancement and/or off-site purchase of land will result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas and jurisdictional areas;</u> • <u>Provide for permanent reservation and establishment of a minimum of 9.86 acres of open space for preservation and enhancement of onsite coastal sage scrub wildlife habitat;</u> • <u>Obtain a new Streambed Alteration Agreement from CDFW;</u> • <u>Have existing deed restrictions in favor of CDFW vacated; and</u> • <u>Submit documentation to the City that a new Streambed Alteration Agreement has been approved by CDFW and existing deed restrictions in favor of CDFW have been vacated.</u> 	<p>Prior to issuance of a grading permit or approval of a final subdivision map.</p>	<p>Director of Community and Economic Development or his/her designee.</p>

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<p>alliances that may also be determined to be jurisdictional waters (<u>Mitigation Measure BIO-2c</u>).</p> <p>Compensation for lost on-site habitat with functionally equivalent or better habitat shall be detailed on an acreage-specific basis in a Habitat Mitigation and Monitoring Plan (HMMP), which shall be developed in coordination and compliance with State of California and federal regulatory agency requirements. Evidence in the form of permit approvals and associated mitigation and monitoring plans that meet agencies' standards shall be provided to the City of La Habra for review and approval prior to initiation of site grading. At a minimum, the HMMP shall include:</p> <ul style="list-style-type: none"> • Baseline information, including the findings and conclusions of a Biological Assessment demonstrating that: <ul style="list-style-type: none"> ○ Off-site compensatory mitigation lands are functionally equivalent or better than the habitats lost on-site; and ○ On-site establishment of coastal sage scrub through restoration will result in functionally equivalent or better habitat than that lost on-site; • Anticipated habitat enhancement goals to be achieved through compensatory actions, including mitigation site location (on-site enhancement, restoration, or off-site habitat acquisition, creation, or enhancement); and • Measurable performance standards and criteria, including but not limited to the overall amount or percent of cover and species diversity for restoration or enhancement in the Specific Plan development footprint that must meet state and federal regulatory resources agency approval and must be documented for City review at the end of the five-year monitoring period. Should the restoration or enhancement fail to meet success criteria as defined in the HMMP, implementation of remedial restoration shall be required. • Contingency funds (<u>including but not limited to financial guarantee instruments such as Surety Bonds or Letters of Credit</u>) shall be established and deposited in escrow account(s) to ensure successful implementation of the HMMP, such funds to be refunded to the applicant at the time the HMMP performance criteria are met. 	<p>Should such <u>the combination of</u> on-site establishment/restoration/ enhancement and/or off-site purchase of land <u>as mitigation for impacts to deed-restricted and jurisdictional areas</u> not also result in functionally equivalent or better habitat than the <u>1.89 acres of</u> coastal sage scrub, riparian woodland, and riparian scrub alliances that would be lost outside of existing deed-restricted areas and jurisdictional areas, <u>either (1) mitigation credits shall be acquired by the Project sponsor within an agency-approved mitigation bank or (2) additional coastal sage scrub shall be provided onsite</u> at a 1:1 ratio for any such shortfall.</p>		

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Mitigation Monitoring and Reporting Requirements**

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<ul style="list-style-type: none"> ○ One account in an amount to be determined by the California Department of Fish and Wildlife (CDFW) to be held by CDFW for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas. ○ Should the HMMP being overseen by the California Department of Fish and Wildlife not be adequate to address mitigation of loss of coastal sage scrub habitat outside of existing deed-restricted areas, a second escrow account is to be established with the City of La Habra in an amount to be determined by the City. 			
<p>Mitigation Measure BIO-1.1b: Construction Avoidance of Active Bird Nests.</p> <p>Coastal Sage Scrub. If grading or soil disturbance of any kind is proposed within 50 feet of coastal sage scrub, or if upland conservation enhancement or restoration activities are proposed between March 1 and August 15, a qualified biologist shall conduct pre-construction nesting California gnatcatcher surveys. Surveys shall be conducted using USFWS focused survey protocol methods and shall be conducted during the spring breeding season during the year construction occurs. Where an active bird nest is located, a 500-foot radius surrounding the active nest shall not be disturbed until after the nest becomes inactive and the family group can be confirmed, by a qualified biologist familiar with the species, to have left the nest territory. Prior to initiating vegetation clearing of coastal sage scrub, a qualified biologist shall walk ahead of the clearing activities to flush any birds from the habitat to be cleared.</p> <p>Riparian Woodland. Proposed removal of riparian woodland within the development footprint shall be scheduled to occur during the non-breeding season for birds, which is between August 15 and January 31. If removal is scheduled to occur between February 1 and August 15, pre-construction breeding bird surveys shall be performed by a qualified biologist familiar with local bird species no later than 14 days prior to start of construction. If active nests are found during preconstruction surveys, a buffer of 250 feet shall be established and temporary fencing shall be placed to prevent encroachment into the buffer area by construction equipment or workers.</p>	<p>The applicant shall retain a qualified biologist acceptable to the City to conduct pre-construction nesting bird surveys as described in Mitigation Measure BIO-1.1b at the appropriate period and consistent with protocol and agency survey guidelines current at the time of construction.</p> <p>Any required setbacks shall be defined by the qualified biologist undertaking pre-construction surveys and shall be maintained during grading and construction.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Director of Community and Economic Development or his/her designee.</p>

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Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>Mitigation Measure BIO-1.1c: Setbacks and Erosion Protection for Coastal Sage Scrub. All viewing areas, signage, benches, and other park features shall be located at least 50 feet from the edge of coastal sage scrub. Low fencing or vegetative plantings positioned to prevent trail or park users from encroaching upon coastal sage scrub habitats may be included in the setback, and shall be designed in coordination with a qualified biologist of the City's choosing to confirm that proposed fencing, signage, or efforts to reduce potential habitat encroachment would not create additional perches or vegetative features used by birds of prey compared to existing conditions. In addition, construction of proposed fencing or features intended to deflect potential human encroachment onto coastal sage scrub habitat shall be subject to erosion control strategies included in the required Storm Water Pollution Prevention Plan (SWPPP), which would establish Best Management Practices (BMPs) to reduce sedimentation and erosion and prevent construction pollutants from leaving the site and the erosion and sediment control plan to be reviewed and approved by the City of La Habra prior to issuance of grading permit (see Impact HWQ-1.1 in Section 3.13, <i>Hydrology and Water Quality</i>, of the Draft EIR). Posted park rules shall identify coastal sage scrub habitats in the conservation areas and shall state that encroachment onto coastal sage scrub areas is prohibited. Educational signage and other signs proposed in the upland conservation area shall be placed away from nesting habitat to avoid introducing perches for birds of prey near special-status species nesting.</p> <p>Signage in public access areas shall advise that access is to approved trails, from 7:00 a.m. to 9:00 p.m. Lighting poles shall be located no closer than 50 feet from conservation areas wherever feasible. Where lighting poles cannot be located outside of setback areas, such as along permitted trails within the upland habitat conservation area, such lighting poles shall be low level and designed so as to discourage birds of prey from using them as perches for hunting activities. All lighting shall be directed downward so as not to intrude into habitat areas after sundown. The lighting plan shall be reviewed by a biologist prior to installation and submitted to the City for approval to confirm conformance with this measure.</p>	<p>The applicant shall provide sufficient evidence to the City in the form of plans and specifications that all stages of development meet the requirements set forth in in Mitigation Measure BIO-1f and the erosion control measures in EIR Section 3.13, <i>Hydrology and Water Quality</i>.</p>	<p>Prior to issuance of a grading permit and/or action that would permit site disturbance (whichever occurs first).</p>	<p>Director of Community and Economic Development or his/her designee.</p>

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Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>Mitigation Measure BIO-1.2: Compensatory Replacement of Previously Provided Mitigation within On-site Deed Restricted Areas. The loss of previously provided mitigation within on-site deed-restricted areas within the Project site for impacts to 4.55 acres of mulefat scrub occurring during construction of the Westridge Golf Club shall be compensated through on-site establishment/ restoration/enhancement and/or off-site purchase/ restoration/enhancement of functionally equivalent or better habitat. The determination of functional equivalency of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/ enhancement shall be made by the California Department of Fish and Wildlife.</p> <p>It is recognized, however, that while Impact BIO-1.1a addressing replacement of previously provided mitigation for impacts that occurred during construction of the Westridge Golf Club is distinct from Impact BIO-1.1a and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).</p> <p>Compensation for loss of on-site deed-restricted areas with functionally equivalent or better habitat shall be detailed as set forth in Mitigation Measure BIO-1.1a</p>	<p><u>Prior to application to the City for a grading permit or approval of a final subdivision map, the applicant shall:</u></p> <ul style="list-style-type: none"> • <u>Identify the specific acreage, location(s), and requirements for on-site and off-site mitigation that would provide “functionally equivalent habitat or better” and obtain approval by CDFW;</u> • <u>Implement mitigation requirements to the satisfaction of CDFW, including acquisition of \$ sufficient habitat land shall be acquired such that the California Department of Fish and Wildlife verifies that a combination of on-site establishment/restoration/enhancement and/or off-site purchase of land will result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas and jurisdictional areas;</u> • <u>Obtain a new Streambed Alteration Agreement from CDFW;</u> • <u>Have existing deed restrictions in favor of CDFW vacated; and</u> • <u>Submit documentation to the City that a new Streambed Alteration Agreement has been approved by CDFW and existing deed restrictions in favor of CDFW have been vacated.</u> <p>Should such on-site establishment/restoration/enhancement and/or off-site purchase of land not also result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances that would be lost outside of existing deed-restricted areas and jurisdictional areas, mitigation credits shall be acquired by the Project sponsor within an agency-approved mitigation bank at a 1:1 ratio for any such shortfall.</p>	<p>Prior to issuance of a grading permit or approval of a final subdivision map.</p>	<p>Director of Community and Economic Development or his/her designee.</p>

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<p>Mitigation Measure BIO-2a: Preventing Degradation of Natural Communities. The applicant shall avoid or minimize adverse effects on sensitive natural communities within the Project site. The measures described below shall be employed to avoid degradation of sensitive natural communities by maintaining water quality and controlling erosion and sedimentation during construction as required by compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. (See also Draft EIR Section 3.13, <i>Hydrology and Water Quality</i>, for discussion of NPDES requirements and requirements for preparation and implementation of a Storm Water Pollution Prevention Plan [SWPPP] and implementation of Best Management Practices [BMPs].)</p>	<p>The Project applicant shall obtain appropriate storm water permits pursuant to the City of La Habra’s NPDES storm water discharge permit and Regional MS4 Permit.</p>	<p>Prior to issuance of a grading permit and prior to any proposed implementation of restoration or enhancement in upland or riparian conservation areas.</p>	<p>Director of Community and Economic Development or his/her designee</p>
<p>The Project applicant shall comply with requirements of the City of La Habra’s NPDES storm water discharge permit and Regional MS4 Permit. This shall include construction site inspection and control programs at all construction sites, with follow-up and enforcement consistent with each Permittee’s respective Enforcement Response Plan, to prevent construction site discharges of pollutants and impacts on Beneficial Uses of receiving waters. The goal of Provision C.3 of the MS4 Permit is for the Permittee, such as the City of La Habra, to use its planning authorities to include appropriate source control, site design, and storm water treatment measures in new development projects to address both soluble and insoluble storm water runoff pollutant discharges and prevent increases in runoff flows from site development. This goal is to be accomplished primarily through the implementation of low impact development techniques. The Project applicant shall comply with local municipal requirements and the local storm water program as mandated under the Municipal Stormwater Permit, including, at minimum, the following measures:</p> <ul style="list-style-type: none"> • Delineate clearing limits, easements, setbacks, sensitive or critical areas, trees, drainage courses, and buffer zones to prevent excessive or unnecessary disturbances and exposure. • Avoid excavation and grading if there is 0.5 inch of rain or more within 48 hours. • Limit on-site construction routes and stabilize construction entrance(s) 	<p>The Director of Community and Economic Development and the Director of Public Works shall review and verify the agreement applicant has entered into as necessary to provide for on-going maintenance in perpetuity at no cost to the City as required by Mitigation Measure BIO-2a, and with compensatory terms defined should the management entity fail to perform.</p>	<p>Prior to recordation of the proposed Vesting Tentative Tract Map.</p>	<p>Development and Director of Public Works or his/her designee</p>

(4) Light spillage from on-site development or trails shall not exceed 0.05 foot-candles within upland or riparian conservation areas.

Thus, since the trail route has been modified to avoid conservation areas and night lighting would not trespass into conservation areas, acreage calculations of conservation areas within the Project site do not include areas affected by night lighting from trails or on-site development.

CDFW-17 City staff met via conference call with CDFW staff on March 17, 2020, to discuss issues raised in the CDFW's comment letter. In addition, the City's proposed responses to the CDFW's comments were shared with CDFW staff and revised based on the CDFW's review of those responses prior to publication of the Final EIR.

In response to Comments CDFW-4 through CDFW-16, the following portions of the Partially Recirculated Draft EIR are revised to read as presented in the following pages:

- Mitigation Measures BIO-1.1a., BIO-1.2, BIO-2b, and BIO-2c;
- Mitigation Monitoring and Reporting Program provisions for Mitigation Measures BIO-1.1a., BIO-1.2, BIO-2b, and BIO-2c;
- Significance Conclusion for Impact BIO-1.1 with Implementation of Mitigation Measures;
- Significance Conclusion for Impact BIO-1.2; and
- Significance Conclusion for Impact BIO-1.2 with Implementation of Mitigation Measures.

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Biological Resources			
<p>Mitigation Measure BIO-1.1a: Compensatory Replacement of Special-Status Species Habitat. The loss of coastal sage scrub, riparian woodland, and riparian scrub alliances with the potential to support special-status species within the Project site as detailed in Table 3.5-9 shall be compensated through on-site or off-site establishment/restoration/enhancement and/or off-site purchase of functionally equivalent or better habitat.</p> <p><u>Included in the establishment/restoration/enhancement of on-site functionally equivalent or better habitat shall be a minimum of 9.86 acres of open space for preservation and enhancement of on-site coastal sage scrub wildlife habitat (preservation of 4.05 acres of existing on-site coastal sage scrub and the replacement of existing golf course greens and fairways with an additional 5.81 acres of coastal sage scrub habitat). Such on-site habitat establishment/restoration/enhancement shall be in conformance with a Habitat Mitigation and Monitoring Plan approved by the California Department of Fish and Wildlife.</u></p> <p>The determination of functional equivalency of on-site establishment/restoration/enhancement and/or off-site purchase shall be made by the California Department of Fish and Wildlife for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted and jurisdictional areas and by the City of La Habra for mitigation of loss of these habitats that occur outside of existing deed-restricted areas and jurisdictional areas.</p> <p>It is recognized, however, that while Impact BIO-1.1a addressing upland habitats within existing deed-restricted areas is distinct from Impact BIO-1.2 and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/ restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub</p>	<p><u>Prior to issuance by the City of a grading permit or approval of a final subdivision map, the applicant shall:</u></p> <ul style="list-style-type: none"> • <u>Identify the specific acreage, location(s), and requirements for on-site and off-site mitigation that would provide “functionally equivalent habitat or better” for review and approval by CDFW;</u> • <u>Implement mitigation requirements to the satisfaction of CDFW, including acquisition of sufficient habitat land shall be acquired such that the California Department of Fish and Wildlife verifies that a combination of on-site establishment/restoration/enhancement and/or off-site purchase of land will result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas and jurisdictional areas;</u> • <u>Provide for permanent reservation and establishment of a minimum of 9.86 acres of open space for preservation and enhancement of onsite coastal sage scrub wildlife habitat;</u> • <u>Obtain a new Streambed Alteration Agreement from CDFW;</u> • <u>Have existing deed restrictions in favor of CDFW vacated; and</u> • <u>Submit documentation to the City that a new Streambed Alteration Agreement has been approved by CDFW and existing deed restrictions in favor of CDFW have been vacated.</u> 	<p>Prior to issuance of a grading permit or approval of a final subdivision map.</p>	<p>Director of Community and Economic Development or his/her designee.</p>

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Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).</p> <p>Compensation for lost on-site habitat with functionally equivalent or better habitat shall be detailed on an acreage-specific basis in a Habitat Mitigation and Monitoring Plan (HMMP), which shall be developed in coordination and compliance with State of California and federal regulatory agency requirements. Evidence in the form of permit approvals and associated mitigation and monitoring plans that meet agencies' standards shall be provided to the City of La Habra for review and approval prior to initiation of site grading. At a minimum, the HMMP shall include:</p> <ul style="list-style-type: none"> • Baseline information, including the findings and conclusions of a Biological Assessment demonstrating that: <ul style="list-style-type: none"> ○ Off-site compensatory mitigation lands are functionally equivalent or better than the habitats lost on-site; and ○ On-site establishment of coastal sage scrub through restoration will result in functionally equivalent or better habitat than that lost on-site; • Anticipated habitat enhancement goals to be achieved through compensatory actions, including mitigation site location (on-site enhancement, restoration, or off-site habitat acquisition, creation, or enhancement); and • Measurable performance standards and criteria, including but not limited to the overall amount or percent of cover and species diversity for restoration or enhancement in the Specific Plan development footprint that must meet state and federal regulatory resources agency approval and must be documented for City review at the end of the five-year monitoring period. Should the restoration or enhancement fail to meet success criteria as defined in the HMMP, implementation of remedial restoration shall be required. • Contingency funds (<u>including but not limited to financial guarantee instruments such as Surety Bonds or Letters of Credit</u>) shall be established and deposited in escrow account(s) to ensure successful implementation of the HMMP, such funds to be refunded to the applicant at the time the HMMP performance criteria are met. 	<p>Should such <u>the combination of</u> on-site establishment/restoration/ enhancement and/or off-site purchase of land <u>as mitigation for impacts to deed-restricted and jurisdictional areas</u> not also result in functionally equivalent or better habitat than the <u>1.89 acres of coastal sage scrub, riparian woodland, and riparian scrub alliances</u> that would be lost outside of existing deed-restricted areas and jurisdictional areas, <u>either (1) mitigation credits shall be acquired by the Project sponsor within an agency-approved mitigation bank or (2) additional coastal sage scrub shall be provided onsite</u> at a 1:1 ratio for any such shortfall.</p>		

**Table 8-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<ul style="list-style-type: none"> o One account in an amount to be determined by the California Department of Fish and Wildlife (CDFW) to be held by CDFW for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas. o Should the HMMP being overseen by the California Department of Fish and Wildlife not be adequate to address mitigation of loss of coastal sage scrub habitat outside of existing deed-restricted areas, a second escrow account is to be established with the City of La Habra in an amount to be determined by the City. 			
<p>Mitigation Measure BIO-1.1b: Construction Avoidance of Active Bird Nests.</p> <p>Coastal Sage Scrub. If grading or soil disturbance of any kind is proposed within 50 feet of coastal sage scrub, or if upland conservation enhancement or restoration activities are proposed between March 1 and August 15, a qualified biologist shall conduct pre-construction nesting California gnatcatcher surveys. Surveys shall be conducted using USFWS focused survey protocol methods and shall be conducted during the spring breeding season during the year construction occurs. Where an active bird nest is located, a 500-foot radius surrounding the active nest shall not be disturbed until after the nest becomes inactive and the family group can be confirmed, by a qualified biologist familiar with the species, to have left the nest territory. Prior to initiating vegetation clearing of coastal sage scrub, a qualified biologist shall walk ahead of the clearing activities to flush any birds from the habitat to be cleared.</p> <p>Riparian Woodland. Proposed removal of riparian woodland within the development footprint shall be scheduled to occur during the non-breeding season for birds, which is between August 15 and January 31 <u>and outside of the priod during which least Bell’s vireo could be present onsite, which is October 1 through March 15.</u> If removal is scheduled to occur between February 1 and August <u>March</u> 15, pre-construction breeding bird surveys shall be performed by a qualified biologist familiar with local bird species no later than 14 days prior to start of construction. If active nests are found during preconstruction surveys, a buffer of 250 feet shall be established and temporary fencing shall be placed to prevent encroachment into the buffer area by construction equipment or workers.</p>	<p>The applicant shall retain a qualified biologist acceptable to the City to conduct pre-construction nesting bird surveys as described in Mitigation Measure BIO-1.1b at the appropriate period and consistent with protocol and agency survey guidelines current at the time of construction.</p> <p>Any required setbacks shall be defined by the qualified biologist undertaking pre-construction surveys and shall be maintained during grading and construction.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Director of Community and Economic Development or his/her designee.</p>

Mitigation Measure BIO-1.2: Compensatory Replacement of Previously Provided Mitigation within On-site Deed Restricted Areas. The loss of previously provided mitigation within on-site deed-restricted areas ~~within the Project site~~ for impacts to 4.55 acres of mulefat scrub occurring during construction of the Westridge Golf Club shall be compensated through on-site establishment/ restoration/enhancement and/or off-site purchase/ restoration/enhancement of functionally equivalent or better habitat.

The determination of functional equivalency of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/ enhancement shall be made by the California Department of Fish and Wildlife.

It is recognized, however, that while Impact BIO-1.1a addressing replacement of previously provided mitigation for impacts that occurred during construction of the Westridge Golf Club is distinct from Impact BIO-1.1a and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).

Compensation for loss of on-site deed-restricted areas with functionally equivalent or better habitat shall be detailed as set forth in Mitigation Measure BIO-1.1a

Prior to application to the City for a grading permit or approval of a final subdivision map, the applicant shall:

- Identify the specific acreage, location(s), and requirements for on-site and off-site mitigation that would provide “functionally equivalent habitat or better” and obtain approval by CDFW;
- Implement mitigation requirements to the satisfaction of CDFW, including acquisition of S sufficient habitat land ~~shall be acquired~~ such that the California Department of Fish and Wildlife verifies that a combination of on-site establishment/restoration/enhancement and/or off-site purchase of land will result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas and jurisdictional areas;
- Obtain a new Streambed Alteration Agreement from CDFW;
- Have existing deed restrictions in favor of CDFW vacated; and
- Submit documentation to the City that a new Streambed Alteration Agreement has been approved by CDFW and existing deed restrictions in favor of CDFW have been vacated.

~~Should such on-site establishment/restoration/ enhancement and/or off-site purchase of land not also result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances that would be lost outside of existing deed-restricted areas and jurisdictional areas, mitigation credits shall be acquired by the Project sponsor within an agency-approved mitigation bank at a 1:1 ratio for any such shortfall.~~

Prior to issuance of a grading permit or approval of a final subdivision map.

Director of Community and Economic Development or his/her designee.

**Table 8-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>Mitigation Measure BIO-2b: Conservation and Protection of Sensitive Habitats Avoided by Specific Plan Grading. For on-going conservation and protection of sensitive habitats that the Specific Plan proposes to avoid, the following requirements shall apply:</p> <ul style="list-style-type: none"> • A habitat conservation and protection plan for proposed upland conservation areas adjacent to the development footprint shall be prepared by a qualified biologist with implementation approved by the City of La Habra Community Development Director prior to approval of City grading permits. The habitat conservation and protection plan shall, at a minimum, include the following components to minimize the effect of night lighting on upland conservation area habitats adjacent to the development footprint. • The following shall apply to any proposed lighting within 150 feet of the upland or riparian conservation areas: <ul style="list-style-type: none"> ○ Low-intensity streetlamps and low-elevation lighting poles shall be provided. ○ Internal silvering of the globe or external opaque reflectors shall be provided to direct light away from sensitive natural habitats. ○ Private sources of illumination around homes shall also be directed and/or shaded to minimize glare into sensitive habitats. ○ <u>Light spillage from on-site development or trails shall not exceed 0.05 foot-candles within upland or riparian conservation areas.</u> <p>Common area lighting plans shall be reviewed by the City for conformance with these measures prior to installation. Private lighting restrictions shall be enforced by the property owners' association as described below.</p> <ul style="list-style-type: none"> • CC&Rs, as well as residential and commercial leases within the Project site shall prohibit building occupants from creating outdoor feeding stations for feral cats to prevent feral cat colonies from establishing and to prevent the attraction of other predatory wildlife such as coyotes, red fox, raccoon, and opossums. Such restrictions shall be monitored by a property owners' association that shall have the right to impose fines for violation of this requirement. 	<p>Proof that in-kind replacement at a minimum 1:1 ratio of sensitive natural communities has occurred may include a City-approved on-site re-planting or habitat restoration plan that includes direction and funding of monitoring and maintenance in perpetuity at no cost to the City, and could also include In-kind replacement at a minimum 1:1 ratio of sensitive natural communities off site at an agency-approved mitigation bank.</p> <p>In addition, the City shall review the agreement(s) the applicant enters into to verify that establishment has been made to provide for on-going management and maintenance (at no cost to the City) in perpetuity for <u>maintenance of</u> on-site replacement of sensitive natural communities, and shall require demonstration that management is consistent with the terms included in Mitigation Measure BIO-2a.</p>	<p>Prior to issuance of a grading permit</p>	<p>Director of Community and Economic Development or his/her designee</p>

**Table 8-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<ul style="list-style-type: none"> As part of Community Center and Project trail improvements, interpretive signage regarding the sensitive habitats and the dangers of unleashed domestic animals shall be provided to the satisfaction of the City. Such information shall be provided in the vicinity of the Community Center, along trails, and at wildlife viewing areas where public access is provided. <p>In addition, information materials shall be prepared by the applicant for review and approval by the City regarding the sensitive habitats and the dangers of unleashed domestic animals within the Project site. Such materials shall be provided to each initial homeowner by the home builder(s), to successive homeowners by the property owners' association, and to renters of for-rent multi-family dwellings by the building owner.</p> <p>The property owners' association shall establish <u>and enforce</u> a pet policy prohibiting unleashed domestic animals outside of fully enclosed yard areas and have the right and obligation to impose fines for violation of the pet policy.</p>			
<p>Mitigation Measure BIO-2c: Compensatory Mitigation for Loss of Riparian and Wetland Habitat. Loss of riparian and wetland habitat that cannot be avoided during site development as <u>detailed in Table 3.5-9</u> shall be compensated with provision of functionally equivalent or better habitat, which may be provided as part of Mitigation Measure BIO-1.1a.</p> <p><u>The applicant shall prepare and implement a maintenance program as approved by the City that includes maintenance of water quality pollution-control features such as swales, sediment traps, or other passive applications of pollution prevention measures required as part of National Pollutant Discharge Elimination System (NPDES) permitting. The maintenance program shall address the management of lands adjacent to off-site coastal sage scrub habitat areas and, at minimum, shall include the following requirements, to be performed to the satisfaction of the City:</u></p> <ul style="list-style-type: none"> <u>Install temporary silt fencing or vegetative plantings between development and adjacent sensitive natural communities, specifically off-site coastal sage scrub.</u> 	<p><u>Prior to issuance by the City of a grading permit or approval of a final subdivision map, the</u> applicant shall secure regulatory approvals, including an authorized Section 1602 Streambed Alteration Agreement, U.S. Army Corps of Engineers Permit and Section 7 Consultation, and a Section 401 Water Quality Certification for the Specific Plan, that demonstrate in-kind replacement of jurisdictional resources <u>with resources of equal or greater habitat values including their functions and values.</u></p> <p>The City shall confirm that proposed grading conforms to the terms and conditions of these federal and state agreements and permits, and that requirements for post-construction monitoring and reporting will be met.</p>	<p>Prior to issuance of a <u>grading permit or approval of a final subdivision map.</u></p>	<p>Director of Community and Economic Development or his/her designee</p>

**Table 8-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<ul style="list-style-type: none"> • <u>Locate fueling stations or vehicle or equipment storage and maintenance away from potentially jurisdictional areas and features, and otherwise isolate construction work areas from any identified jurisdictional features including California Fish and Game Code, U.S. Army Corps of Engineers, and Regional Water Quality Control Board jurisdictional areas.</u> • <u>Ensure on-going maintenance and management in perpetuity at no expense to the City for the preserved upland areas adjacent to the development footprint, along with provisions permitting the City to enforce management and maintenance requirements and recoup costs for enforcement should such enforcement be necessary. On-going maintenance and management of upland conservation areas shall be implemented in a manner consistent with the City of La Habra’s NPDES storm water discharge permit and Regional MS4 Permit, and evidence of compliance with such permit conditions shall be provided to the City Engineer on a quarterly basis.</u> • <u>Provide trash receptacles at appropriate locations and provide for regular litter removal.</u> • <u>Maintain all improvements within the parks, trails, and Community Center in a safe and working condition.</u> 			

would implement all applicable GHG reduction measures set forth in the Climate Action Plan and (2) emissions per service population would be consistent with AB 32 goals as discussed in Section 3.9, *Greenhouse Gas Emissions*, the proposed project would be consistent with the adopted City's Climate Action Plan. Impacts would therefore be *less than significant*.

3.1.2 REVISIONS TO PARTIALLY RECIRCULATED DRAFT EIR EXECUTIVE SUMMARY (FINAL EIR VOLUME 2)

1. The first paragraph of Section b on page ES-5 is revised to read as follows:

The applicant, ~~CalAtlantic~~ Lennar Homes of California, has established the following Project objectives for its proposed Specific Plan development:

2. The fourth bullet point on Page ES-11 is revised to read as follows:

- **Greenhouse Gas Emissions Impact GHG-1:** The proposed Rancho La Habra Specific Plan would result in a net increase in GHG emissions of 7,554.69 MTCO_{2e} per year, which would exceed the SCAQMD's screening threshold of 3,000 MTCO_{2e} per year even with implementation of Although Mitigation Measures GHG-1a, GHG-1b, GHG-1c, GHG-1d, GHG-1g, and GHG-1h, and GHG-1i. In addition, because the Project would introduce increased housing in an area without major transit and increase reliance on the use of automobile travel, it would ~~and~~ therefore be inconsistent with three goals and one policy of the regional RTP/SCS.

3. Impact Statement NOI-4 is added to ES.5.1 Significant Unavoidable Impacts list to read as follows:

- **Noise and Vibration Impact NOI-4:** Project-related demolition and crushing, site grading, and infrastructure and building construction would temporarily expose persons to noise levels substantially in excess of existing conditions. Even with implementation of Mitigation Measures NOI-4a through NOI-4j, construction noise levels would remain substantially above ambient conditions and would be clearly audible to area residents.

4. Mitigation Measure BIO-1.1a on page ES-14 is revised to read as follows:

Mitigation Measure BIO-1.1a: Compensatory Replacement of Special-Status Species Habitat. The loss of coastal sage scrub, riparian woodland, and riparian scrub alliances with the potential to support special-status species within the Project site as detailed in Table 3.5-9 shall be compensated through on-site or off-site establishment/restoration/enhancement and/or off-site purchase of functionally equivalent or better habitat.

Included in the establishment/restoration/enhancement of on-site functionally equivalent or better habitat shall be a minimum of 9.86 acres of open space for preservation and enhancement of on-site coastal sage scrub wildlife habitat (preservation of 4.05 acres of existing on-site coastal sage scrub and the replacement of existing golf course greens and fairways with an additional 5.81 acres of coastal sage scrub habitat). Such on-site habitat establishment/restoration/enhancement shall be in conformance with a Habitat Mitigation and Monitoring Plan approved by the California Department of Fish and Wildlife.

The determination of functional equivalency of on-site establishment/restoration/enhancement and/or off-site purchase shall be made by the California Department of Fish and Wildlife for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted and jurisdictional areas and by the City of La Habra for mitigation of loss of these habitats that occur outside of existing deed-restricted areas and jurisdictional areas.

It is recognized, however, that while Impact BIO-1.1a addressing upland habitats within existing deed-restricted areas is distinct from Impact BIO-1.2 and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).

Compensation for lost on-site habitat with functionally equivalent or better habitat shall be detailed on an acreage-specific basis in a Habitat Mitigation and Monitoring Plan (HMMP), which shall be developed in coordination and compliance with State of California and federal regulatory agency requirements. Evidence in the form of permit approvals ~~and associated mitigation and monitoring plans that meet agencies' standards~~ shall be provided to the City of La Habra ~~for review and approval~~ prior to initiation of site grading. At a minimum, the HMMP shall include:

- Baseline information, including the findings and conclusions of a Biological Assessment demonstrating that:
 - Off-site compensatory mitigation lands are functionally equivalent or better than the habitats lost on-site; and
 - On-site establishment of coastal sage scrub through restoration will result in functionally equivalent or better habitat than that lost on-site.
- Anticipated habitat enhancement goals to be achieved through compensatory actions, including mitigation site location (on-site enhancement, restoration, or off-site habitat acquisition, creation, or enhancement); and

- Measurable performance standards and criteria, including but not limited to the overall amount or percent of cover and species diversity for restoration or enhancement in the Specific Plan development footprint that must meet state and federal regulatory resources agency approval and must be documented for City review at the end of the five-year monitoring period. Should the restoration or enhancement fail to meet success criteria as defined in the HMMP, implementation of remedial restoration shall be required.
- Contingency funds (including but not limited to financial guarantee instruments such as Surety Bonds or Letters of Credit) shall be established and deposited in escrow account(s) to ensure successful implementation of the HMMP, such funds to be refunded to the applicant at the time the HMMP performance criteria are met.
 - One account in an amount to be determined by the California Department of Fish and Wildlife (CDFW) to be held by CDFW for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas.
 - Should the HMMP being overseen by the California Department of Fish and Wildlife not be adequate to address mitigation of loss of coastal sage scrub habitat outside of existing deed-restricted areas, a second escrow account is to be established with the City of La Habra in an amount to be determined by the City.

5. Mitigation Measure BIO-1.2 on page ES-18 is revised to read as follows:

Mitigation Measure BIO-1.2: Compensatory Replacement of Previously Provided Mitigation within On-Site Deed-Restricted Areas. The loss of previously provided mitigation within on-site deed-restricted areas ~~within the Project site~~ for impacts to 4.55 acres of mulefat scrub occurring during construction of the Westridge Golf Club shall be compensated through on-site establishment/restoration/enhancement and/or off-site purchase/restoration/enhancement of functionally equivalent or better habitat.

The determination of functional equivalency of on-site establishment/restoration/enhancement and/or off-site purchase/restoration/ enhancement shall be made by the California Department of Fish and Wildlife.

It is recognized, ~~however,~~ that while Impact BIO-1.1a addressing replacement of previously provided mitigation for impacts that occurred during construction of the Westridge Golf Club is distinct from Impact BIO-1.1a and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3)

loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).

Compensation for loss of on-site deed-restricted areas with functionally equivalent or better habitat shall be detailed as set forth in Mitigation Measure BIO-1.1a.

6. Mitigation Measure BIO-2b on page ES-21 is revised to read as follows:

Mitigation Measure BIO-2b: Conservation and Protection of Sensitive Habitats Avoided by Specific Plan Grading. For on-going conservation and protection of sensitive habitats that the Specific Plan proposes to avoid, the following requirements shall apply:

- A habitat conservation and protection plan for proposed upland conservation areas adjacent to the development footprint shall be prepared by a qualified biologist with implementation approved by the City of La Habra Community Development Director prior to approval of City grading permits. The habitat conservation and protection plan shall, at a minimum, include the following components to minimize the effect of night lighting on upland conservation area habitats adjacent to the development footprint.

The following shall apply to any proposed lighting within 150 feet of the upland or riparian conservation areas:

- Low-intensity streetlamps and low-elevation lighting poles shall be provided.
- Internal silvering of the globe or external opaque reflectors shall be provided to direct light away from sensitive natural habitats.
- Private sources of illumination around homes shall also be directed and/or shaded to minimize glare into sensitive habitats.
- Light spillage from on-site development or trails shall not exceed 0.05 foot-candles within upland or riparian conservation areas.

Common area lighting plans shall be reviewed by the City for conformance with these measures prior to installation. Private lighting restrictions shall be enforced by the property owners' association as described below.

- CC&Rs, as well as residential and commercial leases within the Project site shall prohibit building occupants from creating outdoor feeding stations for feral cats to prevent feral cat colonies from establishing and to prevent the attraction of other predatory wildlife such as coyotes, red fox, raccoon, and opossums. Such restrictions shall be monitored by a property owners' association that shall have the right to impose fines for violation of this requirement.
- As part of Community Center and Project trail improvements, interpretive signage regarding the sensitive habitats and the dangers of unleashed domestic animals shall be provided to the satisfaction of the City. Such information shall be provided in the

vicinity of the Community Center, along trails, and at wildlife viewing areas where public access is provided.

In addition, information materials shall be prepared by the applicant for review and approval by the City regarding the sensitive habitats and the dangers of unleashed domestic animals within the Project site. Such materials shall be provided to each initial homeowner by the home builder(s), to successive homeowners by the property owners' association, and to renters of for-rent multi-family dwellings by the building owner.

The property owners' association shall establish and enforce a pet policy prohibiting unleashed domestic animals outside of fully enclosed yard areas and have the right and obligation to impose fines for violation of the pet policy.

7. **Mitigation Measure BIO-2c on page ES-22 is revised to read as follows:**

Mitigation Measure BIO-2c: Compensatory Mitigation for Loss of Riparian and Wetland Habitat. Loss of riparian and wetland habitat that cannot be avoided during site development as detailed in Table 3.5-9 shall be compensated with provision of functionally equivalent or better habitat, which may be provided as part of Mitigation Measure BIO-1.1a.

The applicant shall prepare and implement a maintenance program as approved by the City that includes maintenance of water quality pollution-control features such as swales, sediment traps, or other passive applications of pollution prevention measures required as part of National Pollutant Discharge Elimination System (NPDES) permitting. The maintenance program shall address the management of lands adjacent to off-site coastal sage scrub habitat areas and, at minimum, shall include the following requirements, to be performed to the satisfaction of the City:

- Install temporary silt fencing or vegetative plantings between development and adjacent sensitive natural communities, specifically off-site coastal sage scrub.
- Locate fueling stations or vehicle or equipment storage and maintenance away from potentially jurisdictional areas and features, and otherwise isolate construction work areas from any identified jurisdictional features including California Fish and Game Code, U.S. Army Corps of Engineers, and Regional Water Quality Control Board jurisdictional areas.
- Ensure on-going maintenance and management in perpetuity at no expense to the City for the preserved upland areas adjacent to the development footprint, along with provisions permitting the City to enforce management and maintenance requirements and recoup costs for enforcement should such enforcement be necessary. On-going maintenance and management of upland conservation areas shall be implemented in a manner consistent with the City of La Habra's NPDES storm water discharge permit and

Regional MS4 Permit, and evidence of compliance with such permit conditions shall be provided to the City Engineer on a quarterly basis.

- Provide trash receptacles at appropriate locations and provide for regular litter removal.
- Maintain all improvements within the parks, trails, and Community Center in a safe and working condition.

8. Mitigation Measure TRA-1.2 on page ES-28 is revised to read as follows:

Mitigation Measure TRA-1.2. The applicant shall pay city-wide traffic improvement fees. Should the City Engineer identify a shortfall between the traffic improvement fees established by the Municipal Code and the actual fair share cost for providing the improvements within the City of La Habra that are identified as mitigation measures in the Rancho La Habra Specific Plan Final EIR, the City Engineer shall require payment of a fair share fee by the Project to fund construction of the improvements based on a prorated share of the Project's contribution to the need for such improvements.

9. Mitigation Measure NOI-1.1a on page ES-43 is revised to read as follows:

Mitigation Measure NOI-1.1a: Noise barriers shall be constructed in the locations identified in the Rancho La Habra Noise and Vibration Analysis Report (Partially Recirculated Draft EIR Appendix L) as exceeding applicable noise standards. In addition, to mitigate exterior noise from commercial activities within the Westridge Plaza shopping center, a 6-foot-high noise barrier that would block the line-of-sight to such activities at the first-floor elevations shall be constructed along the backyard property lines of the first row of homes along the south side of the shopping center.

10. Mitigation Measure NOI-1.1b on page ES-43 is revised to read as follows:

Mitigation Measure NOI-1.1b: To ensure that the interior sound levels of the future homes within the Project comply with the City's noise criterion, the following conditions shall be satisfied:

1. Exterior activity areas such as balconies shall be placed at the opposite side of buildings from the roadways within areas subject to a CNEL in excess of 60 dBA.
2. Windows and sliding glass doors of homes closest to the traffic and commercial noise sources along the west, east, and north sides of the Project shall be mounted in low air infiltration rate frames (0.5 cubic feet per minute/foot [cfm/ft.] or less per American National Standards Institute [ANSI] specifications).

3. Exterior doors of homes closest to the traffic and commercial noise sources along the west, east, and north sides of the Project shall be solid core with perimeter weather-stripping and threshold seals.
4. Air conditioning or mechanical ventilation shall be provided for the first row of homes closest to the traffic and commercial noise sources along the west, east, and north sides of the Project to allow occupants to close doors and windows for the required acoustical isolation.
5. Roof or attic vents directly facing the traffic and commercial noise sources shall be baffled so that sound must take an indirect route when entering the attic space.

3.2 REVISIONS TO CHAPTER 1, INTRODUCTION

3.2.1 REVISIONS TO PARTIALLY RECIRCULATED DRAFT EIR (FINAL EIR VOLUME 2)

1. The final two paragraphs on page 1-3 are revised to read as follows:

Because the Draft EIR ~~has been~~ was revised in part and the City of La Habra, as lead agency, is ~~recirculating~~ recirculated only the revised portions of the EIR identified above, pursuant to CEQA Guidelines Section 15088.5 (f)(2), the City Habra ~~is requesting~~ requested that reviewers limit their comments on the Partially Recirculated Draft EIR to the revised portions of the EIR contained in ~~this~~ that document.

Following the 57-day recirculated public review period, the City of La Habra ~~will~~ prepared responses to written comments that were received on the Draft EIR during the initial public review period as well as written comments received during the recirculation period that relate to the revised and recirculated portions of the Partially Recirculated Draft EIR. All comments and responses to comments ~~will~~ have been compiled into a Final EIR, as discussed below in Section 1.2(e).

2. Section d on page 1-18 is revised to read as follows:

The City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that ~~this~~ the Partially Recirculated Draft EIR ~~has been completed and is~~ was available for review on November 22, 2019. A Notice of Availability of the EIR was published concurrently with distribution of ~~this~~ the document. The Partially Recirculated Draft EIR for the proposed Rancho La Habra Specific Plan ~~is being~~ was distributed directly to agencies, organizations, and interested groups and persons for comment during the formal public review period in accordance with Sections 15085, 15086, and 15087 of the CEQA Guidelines.

The Partially Recirculated Draft EIR ~~is~~ was also available for review at the following locations:

- La Habra City Hall, City Clerk and Community Development counters, 110 East La Habra Boulevard, La Habra, CA 90631
- La Habra Public Library, 221 East La Habra Boulevard, La Habra, CA 90631
- City website (lahabracity.gov)

Materials included in the reference sections in this Draft EIR ~~are~~ were available for review at La Habra City Hall, 110 East La Habra Boulevard, La Habra, CA 90633.

The public review period ~~begins~~ began on November 22, 2019 and ~~ends~~ ended at 5:00 p.m. on January 17, 2020 (by which time comments on the Draft EIR needed to be received by the City). During this review period, written comments regarding the content, analyses, and conclusions of the Draft EIR ~~may be~~ were submitted to the City. The City requested that these comments should focus upon the sufficiency of ~~this~~ the Partially Recirculated Draft EIR in identifying and analyzing the possible impacts of the proposed Rancho La Habra Specific Plan and ways in which significant effects on the environment might be avoided or mitigated (CEQA Guidelines Section 15204(a)).

Comments on the Partially Recirculated Draft EIR ~~should~~ were requested to be sent to:

Mr. Andrew Ho, Community and Economic Development Director
City of La Habra
110 East La Habra Boulevard
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3.3 REVISIONS TO CHAPTER 3, SETTING, IMPACTS, AND MITIGATION MEASURES

3.3.1 REVISIONS TO DRAFT EIR (FINAL EIR VOLUME 1) SECTION 3.2, LAND USE AND PLANNING

1. Footnote 1 on page 3.2-8 is revised to read as follows:

¹ As set forth in Section 3.9, Greenhouse Gas Emissions of the Partially Recirculated Draft EIR, the proposed project would generate an annual net increase of ~~6,037.55~~ 8,095.99 MTCO_{2e} in 2026 and 7,554.69 MTCO_{2e} in 2030, exceeding the ~~applicable~~ SCAQMD screening threshold of 3,000 MTCO_{2e} as discussed in relation to Impact GHG-1. As discussed in relation to Impact GHG-2, the proposed project would implement all applicable provisions of the State of California's 2017 Scoping Plan and the City's Climate

Action Plan, and would generate emissions of 4.6 MTCO₂e per service population, which is below the per service population efficiency threshold recommended by the SCAQMD, and consistent with the service population efficiency standards needed to implement AB 32. See As discussed in relation to Impact LUP-2.3 and Impact GHG-2, even with implementation of all applicable Greenhouse Emissions Mitigation Measures, the Project would remain inconsistent with three goals and one policy of the regional RTP/SCS for additional discussion.

2. The following note is added to Table 3.2-1 on page 3.2-10

^a As discussed in relation to Impacts LUP-2.3, GHG-1, and GHG-2, the proposed Project would have a significant and unavoidable impact in relation to total GHG emissions, but would nevertheless be consistent with plans and programs to reduce GHG emissions, including the City's Climate Action Plan and AB 32 GHG emissions reduction targets.

3. The consistency analysis for General Plan Policy LU 17.6 in Table 3.2-2 on page 3.2-16 is revised to read as follows:

Consistent. The proposed Specific Plan provides ~~25.1~~ 28.86 acres of public parkland, which would increase existing citywide public park acreage per 1,000 from 2.29 acres of park per 1,000 population to ~~2.64~~ 2.71 acres per 1,000 population, thereby meeting La Habra's citywide goal of 2.5 acres per 1,000 population of city-owned parkland. This occurs since the ~~25.1~~ 28.86 acres of public park land to be provided by the proposed Project exceeds the ~~3.78~~ 4.13 acres of park land required to be dedicated per the City's Municipal Code. In addition to active and passive public parks and trails, the Project would provide a public Community Center, habitat conservation areas, and wildlife viewing areas.

4. The consistency analysis for General Plan Policy OS 2.1 in Table 3.2-2 on page 3.2-26 is revised to read as follows:

Consistent. The proposed Specific Plan provides ~~25.1~~ 28.86 acres of public parkland, which would increase existing citywide public park acreage per 1,000 from 2.29 acres of park per 1,000 population to ~~2.64~~ 2.71 acres per 1,000 population, thereby achieving La Habra's citywide goal of 2.5 acres per 1,000 population of city-owned park land.

5. The consistency analysis for General Plan Policy OS 2.2 in Table 3.2-2 on page 3.2-26 is revised to read as follows:

Consistent. The proposed Project would dedicate and improve ~~25.1~~ 28.86 acres of public park land, which is substantially in excess of the ~~3.78~~ 4.13 acres of park land that would be required to be dedicated per the City's Municipal Code. In addition to active and passive public parks

and trails, the Project would provide a public Community Center, habitat conservation areas, and wildlife viewing areas.

6. The consistency analysis for General Plan Policy OS 2.10 in Table 3.2-2 on page 3.2-26 is revised to read as follows:

Consistent. The proposed Project would dedicate and improve ~~25.1~~ 28.86 acres of public parkland, which exceeds Municipal Code requirements (~~78~~ 4.13 acres at a ratio of 3.0 acres per 1,000 residents).

7. Impact Statement LUP-2.3 on page 3.2-38 is revised to read as follows:

Impact LUP-2.3: Although the proposed Project would increase the citywide GHG emissions identified in the City's Climate Action Plan (CAP) by ~~5,746.61~~ 8,095.99 MTCO₂e in 2026 and 7,554.69 MTCO₂e in 2030 MTCO₂e annually, the proposed Project would not impede achievement of the CAP's GHG emissions reduction goals, which are based on AB 32 targets. Because (1) the proposed Project would implement all applicable GHG reduction measures set forth in the Climate Action Plan and (2) emissions per service population would be consistent with AB 32 goals as discussed in Section 3.9, *Greenhouse Gas Emissions*, the proposed Project would be consistent with the adopted City's Climate Action Plan. Impacts would therefore be *less than significant*.

3.3.2 REVISIONS TO PARTIALLY RECIRCULATED DRAFT EIR (FINAL EIR VOLUME 2) SECTION 3.5, BIOLOGICAL RESOURCES

1. The first paragraph in Section 3.5.2d of the Partially Recirculated Draft EIR is revised to read as follows:

Construction of the Westridge Golf Club pursuant to the 1992 La Habra Hills Specific Plan involved impacts on biological resources resulting in the need to provide mitigation. Mitigation was provided as part of a Lake and Streambed Alteration Agreement (LSA Agreement No. 5-465-94) dated February 23, 1995 for impacts on 4.55 acres of mulefat scrub interspersed with other riparian and exotic species on the Project site. To mitigate for the loss of 4.55 acres of riparian habitat, Agreement No. 5-465-94 required compensatory mitigation at a 2:1 ratio, including creation of 9.1 acres of new habitat within and around the drainage courses on the site.

in the form of To fulfill this requirement, a deed restriction was recorded on November 25, 2009, over an 11.43-acre portion of granted by the golf course property owner in favor of the California Department of Fish and Game (now the CDFW). This portion of the property

included 9.1 acres of riparian habitat (3.52 acres of southern willow scrub, 1.40 acres of mulefat scrub, 2.0 acres of oak woodland, 0.52-acre of freshwater marsh, and 1.72 acres of open water) and 2.27 acres of coastal sage scrub that was recorded on November 9, 2009. The original acreage requirement for the deed restriction was 11.43 acres in satisfaction of Conditions of Approval 5 and 11 of California Fish and Game Code Section 1603, Streambed Alteration Agreement (“Agreement Regarding Proposed Stream or Lake Alteration” No. 5-465-94) “to protect fish and wildlife in perpetuity.” A total of 10.97 acres were actually included in the legal description for the various parcels located throughout the golf course as part of the recorded documentation.

2. Mitigation Measure BIO-1.1a is revised to read as follows:

Mitigation Measure BIO-1.1a: Compensatory Replacement of Special-Status Species Habitat.

The loss of coastal sage scrub, riparian woodland, and riparian scrub alliances with the potential to support special-status species within the Project site as detailed in Table 3.5-9 shall be compensated through on-site or off-site establishment/restoration/enhancement and/or off-site purchase of functionally equivalent or better habitat.

Included in the establishment/restoration/enhancement of on-site functionally equivalent or better habitat shall be a minimum of 9.86 acres of open space for preservation and enhancement of on-site coastal sage scrub wildlife habitat (preservation of 4.05 acres of existing on-site coastal sage scrub and the replacement of existing golf course greens and fairways with an additional 5.81 acres of coastal sage scrub habitat). Such on-site habitat establishment/restoration/enhancement shall be in conformance with a Habitat Mitigation and Monitoring Plan approved by the California Department of Fish and Wildlife.

The determination of functional equivalency of on-site establishment/restoration/enhancement and/or off-site purchase shall be made by the California Department of Fish and Wildlife for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted and jurisdictional areas and by the City of La Habra for mitigation of loss of these habitats that would occur outside of existing deed-restricted areas and jurisdictional areas.

It is recognized, however, that while Impact BIO-1.1a addressing upland habitats within existing deed-restricted areas is distinct from Impact BIO-1.2 and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).

Compensation for lost on-site habitat with functionally equivalent or better habitat shall be detailed on an acreage-specific basis in a Habitat Mitigation and Monitoring Plan (HMMP), which shall be developed in coordination and compliance with State of California and federal regulatory agency requirements. Evidence in the form of permit approvals ~~and associated mitigation and monitoring plans that meet agencies' standards~~ shall be provided to the City of La Habra ~~for review and approval~~ prior to initiation of site grading. At a minimum, the HMMP shall include:

- Baseline information, including the findings and conclusions of a Biological Assessment demonstrating that:
 - Off-site compensatory mitigation lands are functionally equivalent or better than the habitats lost on-site; and
 - On-site establishment of coastal sage scrub through restoration will result in functionally equivalent or better habitat than that lost on-site.
- Anticipated habitat enhancement goals to be achieved through compensatory actions, including mitigation site location (on-site enhancement, restoration, or off-site habitat acquisition, creation, or enhancement); and
- Measurable performance standards and criteria, including but not limited to the overall amount or percent of cover and species diversity for restoration or enhancement in the Specific Plan development footprint that must meet state and federal regulatory resources agency approval and must be documented for City review at the end of the five-year monitoring period. Should the restoration or enhancement fail to meet success criteria as defined in the HMMP, implementation of remedial restoration shall be required.
- Contingency funds (including but not limited to financial guarantee instruments such as Surety Bonds or Letters of Credit) shall be established and deposited in escrow account(s) to ensure successful implementation of the HMMP, such funds to be refunded to the applicant at the time the HMMP performance criteria are met.
 - One account in an amount to be determined by the California Department of Fish and Wildlife (CDFW) to be held by CDFW for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas.
 - Should the HMMP being overseen by the California Department of Fish and Wildlife not be adequate to address mitigation of loss of coastal sage scrub habitat outside of existing deed-restricted areas, a second escrow account is to be established with the City of La Habra in an amount to be determined by the City.

3. The Significance Conclusion for Impact BIO-1.1 with Implementation of Mitigation Measures is revised to read as follows:

With implementation of Mitigation Measures BIO-1.1a through BIO-1.1c, the Project's impact on special-status species with the potential to occur in the development footprint would be reduced to a less-than-significant level for the following reasons:

- Mitigation Measure BIO-1.1a requires compensation for loss of any coastal sage scrub, riparian woodland, or riparian scrub habitat within the Project site through on-site establishment/ restoration/enhancement and or off-site purchase of functionally equivalent or better habitat.
- On-site establishment of 5.81 acres of CSS habitat would be provided through restoration (see **Figure 3.5-14**).
- Off-site acquisition of functionally equivalent or better habitat to compensate for Project impacts (vacation of deed-restricted areas and loss of on-site habitat) would be required subject to the approval of CDFW in consultation with USFWS. Off-site options for opportunities to provide functionally equivalent habitat or better include but are not limited to the following options:

~~○ **Mitigation Bank.** This option would include the purchase of Ephemeral Riparian Enhancement and/or of Oak Woodland Enhancement at the Soquel Canyon Mitigation Bank or an equivalent mitigation bank.~~

~~○ **West Coyote Hills Property.** This option would include the purchase of functionally equivalent or better habitat on the West Coyote Hills property located south of the Project site in Fullerton. The City of Fullerton and the State of California have made preservation of a portion of the West Coyote Hills property a high priority, and purchase of mitigation on this site would help the state achieve its goals. As part of this option, the applicant would work with the State of California and the City of Fullerton to identify the specific property that would be appropriate to purchase independent of the specific habitat type of such property or a requirement for in-kind purchase.~~

~~The biological resource importance of preserving the West Coyote Hills outweighs the need to purchase similar habitat types as those existing within the deed-restricted areas of the Project site because (1) the West Coyote Hills site has higher local and regional biological importance, including suitable habitat for CAGN and least Bell's vireo; and (2) the existing vegetation within the deed-restricted areas is underperforming and unsustainable, and lacks long-term maintenance or management. The purchase of off-site credits on the West Coyote Hills property includes long-term management of the property as established by the City of Fullerton prior to development.~~

- **Puente Hills Habitat Preservation Authority.** This option would include off-site establishment or acquisition and preservation of habitat that is desired by the Puente Hills Habitat Preservation Authority (Authority). The Authority currently manages over 3,870 acres of preserved public open space, with a goal of assembly of a reserve with over 4,000 acres. The overall goal of the Authority is to manage habitat and preserve biological diversity throughout this large area. An integral aspect of this goal is to preserve and enhance opportunities for wildlife movement through the Puente Hills with connections to the Chino Hills (i.e., movement at a much larger scale than currently occurs on the existing Westridge Golf Club site). The applicant has been working with the Authority, which is in the process of identifying specific projects that would provide mitigation opportunities for Rancho La Habra. These opportunities include acquisition of several habitat linkage parcels that would be added to the Authority lands as well as restoration of lands currently within the Authority's control and has executed a Memorandum of Understanding wherein the applicant would fund acquisition or establishment of CSS habitat. The Authority's priority is acquisition of lands that have been determined to have high value for establishing a wildlife corridor/linkage. Should acquisition not be immediately available due to the unwillingness of the sellers, the payment provided could then be used by the Authority for future acquisition or restoration (or combination thereof) at the Authority's discretion. Any restoration would be completed in accordance with the Authority's adopted Resource Management Plan. The terms and requirements of such an in-lieu-fee arrangement would need to be acceptable to the CDFW and USFWS in order to satisfy their mitigation requirements sufficiently to authorize the Project.
- **Cajon Creek Conservation Bank.** This U.S. Army Corps of Engineers-, CDFW-, and USFWS-approved mitigation bank with more than 24 listed or other special-status species has a service area that encompasses the Rancho La Habra Specific Plan area. The bank, with more than 1,200 acres, has over 1,000 credits presently available and could provide mitigation for waters of the state and U.S. as well as for the coastal California gnatcatcher.
- **Los Cerritos Wetlands Mitigation Bank.** While the Rancho La Habra Specific Plan is technically outside the service area of this mitigation bank, which is located in Long Beach, the bank is expected to have credits for sale in the next 12 months. Use of this bank as mitigation for projects outside of its service area can be permitted on a project-by-project basis.
- The identification of multiple mitigation options as described above demonstrates that acquisition of sufficient mitigation to compensate for impacts on to on-site resources is feasible.

Given the Project's location within a highly developed/urbanized portion of the Southern California region, it is appropriate to consider potential off-site mitigation opportunities that may ~~benefit~~ represent higher-value habitats and result in benefits to special-status associated species in the region. Also, it is appropriate for the CDFW and USFWS to be the arbiters for determining whether the specific selection of mitigation options constitutes "functionally equivalent or better" habitat to compensate for loss of CSS habitat within existing deed-restricted areas, as well as all riparian woodland and riparian scrub habitats, given the special attention focused on these resources by these agencies and the fact that (1) the CDFW has sole authority related to vacating existing deed restrictions and approving a Streambed Alteration Agreement to compensate for the habitat lost within the existing deed-restricted areas, (2) these agencies have approval authority for Project impacts on jurisdictional waters, and (3) both agencies have responsibilities under the federal and California Endangered Species Acts. The City would remain responsible for determining the adequacy of compensation for loss of CSS habitat outside of existing deed-restricted areas, recognizing that the combination of on-site and off-site mitigation approved by the CDFW and USFWS to compensate for impacts related to vacating existing deed restrictions and impacts on jurisdictional waters may also mitigate impacts on CSS habitat outside of existing deed-restricted areas.

Moreover, the ultimate mitigation approved by Responsible Agencies with jurisdictional authority over biological resources could consist of some combination of various amounts of on-site and off-site options that taken together represent functionally equivalent or greater habitat values than what would be impacted by the Project.

4. The Significance Conclusion for Impact BIO-1.2 is revised to read as follows:

The Project would ~~eliminate~~ remove existing deed restrictions within the Project site and thereby eliminate mitigation for the loss of 4.55 acres of riparian habitat that had been provided in perpetuity by Lake and Streambed Alteration Agreement No. 5-465-94 in 1995 and the recordation of deed restrictions over an 11.43-acre portion of the site in 2009. The Project would also directly remove approximately 9.66 acres of habitat suitable for special-status species within current CDFW deed-restricted areas. Vacating existing deed restrictions along with such grading and development would constitute a significant impact for which mitigation would be required.

5. Mitigation Measure BIO-1.2 is revised to read as follows:

Mitigation Measure BIO-1.2: Compensatory Replacement of Previously Provided Mitigation within On-site Deed Restricted Areas. The loss of previously provided mitigation within on-site deed-restricted areas ~~within the Project site~~ for impacts to 4.55 acres of mulefat scrub occurring during construction of the Westridge Golf Club shall be compensated through on-site

establishment/restoration/enhancement and/or off-site purchase/restoration/enhancement of functionally equivalent or better habitat.

The determination of functional equivalency of on-site establishment/restoration/enhancement and/or off-site purchase/restoration/enhancement shall be made by the California Department of Fish and Wildlife.

It is recognized, however, that while Impact BIO-1.1a addressing replacement of previously provided mitigation for impacts that occurred during construction of the Westridge Golf Club is distinct from Impact BIO-1.1a and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).

Compensation for loss of on-site deed-restricted areas with functionally equivalent or better habitat shall be detailed as set forth in Mitigation Measure BIO-1.1a.

6. The Significance Conclusion for Impact BIO-1.2 with Implementation of Mitigation Measures is revised to read as follows:

Because Mitigation Measure BIO-1.2 requires compensation for the loss of previously provided mitigation within on-site deed-restricted areas for impacts to 4.55 acres of mulefat scrub that occurred during construction of the Westridge Golf Club through the provision of ~~with~~ equivalent or better habitat ~~for the loss of previously provided mitigation within on-site deed-restricted areas,~~ impacts would be reduced to less than significant.

7. Mitigation Measure BIO-2b is revised to read as follows:

Mitigation Measure BIO-2b: Conservation and Protection of Sensitive Habitats Avoided by Specific Plan Grading. For on-going conservation and protection of sensitive habitats that the Specific Plan proposes to avoid, the following requirements shall apply:

- A habitat conservation and protection plan for proposed upland conservation areas adjacent to the development footprint shall be prepared by a qualified biologist with implementation approved by the City of La Habra Community Development Director prior to approval of City grading permits. The habitat conservation and protection plan shall, at a minimum, include the following components to minimize the effect of night lighting on upland conservation area habitats adjacent to the development footprint.

- The following shall apply to any proposed lighting within 150 feet of the upland or riparian conservation areas:
 - Low-intensity streetlamps and low-elevation lighting poles shall be provided.
 - Internal silvering of the globe or external opaque reflectors shall be provided to direct light away from sensitive natural habitats.
 - Private sources of illumination around homes shall also be directed and/or shaded to minimize glare into sensitive habitats.
 - Light spillage from on-site development or trails shall not exceed 0.05 foot-candles within upland or riparian conservation areas.

Common area lighting plans shall be reviewed by the City for conformance with these measures prior to installation. Private lighting restrictions shall be enforced by the property owners' association as described below.

- CC&Rs, as well as residential and commercial leases within the Project site shall prohibit building occupants from creating outdoor feeding stations for feral cats to prevent feral cat colonies from establishing and to prevent the attraction of other predatory wildlife such as coyotes, red fox, raccoon, and opossums. Such restrictions shall be monitored by a property owners' association that shall have the right to impose fines for violation of this requirement.
- As part of Community Center and Project trail improvements, interpretive signage regarding the sensitive habitats and the dangers of unleashed domestic animals shall be provided to the satisfaction of the City. Such information shall be provided in the vicinity of the Community Center, along trails, and at wildlife viewing areas where public access is provided.

In addition, information materials shall be prepared by the applicant for review and approval by the City regarding the sensitive habitats and the dangers of unleashed domestic animals within the Project site. Such materials shall be provided to each initial homeowner by the home builder(s), to successive homeowners by the property owners' association, and to renters of for-rent multi-family dwellings by the building owner.

The property owners' association shall establish and enforce a pet policy prohibiting unleashed domestic animals outside of fully enclosed yard areas and have the right and obligation to impose fines for violation of the pet policy.

8. Mitigation Measure BIO-2c is revised to read as follows:

Mitigation Measure BIO-2c: Compensatory Mitigation for Loss of Riparian and Wetland Habitat. Loss of riparian and wetland habitat that cannot be avoided during site development as detailed in Table 3.5-9 shall be compensated with provision of functionally equivalent or better habitat, which may be provided as part of Mitigation Measure BIO-1.1a.

The applicant shall prepare and implement a maintenance program as approved by the City that includes maintenance of water quality pollution-control features such as swales, sediment traps, or other passive applications of pollution prevention measures required as part of National Pollutant Discharge Elimination System (NPDES) permitting. The maintenance program shall address the management of lands adjacent to off-site coastal sage scrub habitat areas and, at minimum, shall include the following requirements, to be performed to the satisfaction of the City:

- Install temporary silt fencing or vegetative plantings between development and adjacent sensitive natural communities, specifically off-site coastal sage scrub.
- Locate fueling stations or vehicle or equipment storage and maintenance away from potentially jurisdictional areas and features, and otherwise isolate construction work areas from any identified jurisdictional features including California Fish and Game Code, U.S. Army Corps of Engineers, and Regional Water Quality Control Board jurisdictional areas.
- Ensure on-going maintenance and management in perpetuity at no expense to the City for the preserved upland areas adjacent to the development footprint, along with provisions permitting the City to enforce management and maintenance requirements and recoup costs for enforcement should such enforcement be necessary. On-going maintenance and management of upland conservation areas shall be implemented in a manner consistent with the City of La Habra's NPDES storm water discharge permit and Regional MS4 Permit, and evidence of compliance with such permit conditions shall be provided to the City Engineer on a quarterly basis.
- Provide trash receptacles at appropriate locations and provide for regular litter removal.
- Maintain all improvements within the parks, trails, and Community Center in a safe and working condition.

9. The third full paragraph on page 3.5-105 is revised to read as follows:

Notably, La Habra General Plan Policy BR 1.1 contemplates the ~~conversion~~ conservation and protection of "sensitive plant species areas within the Westridge Golf Course." Impacts on sensitive plant species within the Westridge Golf Course are addressed in Impacts BIO-1.1 and BIO-1.2, above.

3.3.3 REVISIONS TO PARTIALLY RECIRCULATED DRAFT EIR (FINAL EIR VOLUME 2) SECTION 3.7, TRAFFIC AND CIRCULATION

1. **The description of La Habra Hills Drive on page 3.7-16 of the Partially Recirculated Draft EIR is revised to read as follows:**

La Habra Hills Drive is generally a two-lane, divided roadway oriented in a north-south direction from Imperial Highway south to the existing cul-de-sac, at which point it becomes a two-lane undivided private roadway. Parking is not permitted along this roadway in the vicinity of the Project site. The *prima facie* speed limit on La Habra Hills Drive is 25 mph. A traffic signal controls the study intersection of La Habra Hills Drive at Imperial Highway.

2. **Mitigation Measure TRA-1.2 is revised to read as follows:**

Mitigation Measure TRA-1.2: The applicant shall pay city-wide traffic improvement fees. Should the City Engineer identify a shortfall between the traffic improvement fees established by the Municipal Code and the actual fair share cost for providing the improvements within the City of La Habra that are identified as mitigation measures in the Rancho La Habra Specific Plan Final EIR, the City Engineer shall require payment of a fair share fee by the Project to fund construction of the improvements based on a prorated share of the Project's contribution to the need for such improvements.

3. **Add the following text at the beginning of the Impact TRA-1.9 Mitigation Measures section:**

The following improvements were identified in the Rancho La Habra Traffic Impact Analysis to mitigate cumulative Year 2035 plus Project traffic impacts (based on Caltrans methodology):

- **Beach Boulevard at Rosecrans Avenue:** Widen and/or restripe the northbound approach of Beach Boulevard by up to 12 feet to provide a fourth northbound through lane. Widen and/or restripe the southbound approach of Beach Boulevard by up to 12 feet to provide a fourth southbound through lane. Widen and/or restripe the westbound approach of Rosecrans Avenue by up to 12 feet to provide an exclusive right-turn lane. Modify the existing traffic signal as necessary. Right-of-way acquisition will be required. Based on review of aerial photographs, these improvements appear to be feasible. The installation of these improvements is subject to the approval of Caltrans and the City of La Mirada.
- **Beach Boulevard at Imperial Highway:** Consistent with the City of La Habra General Plan, widen and/or restripe the northbound approach of Beach Boulevard by up to 12 feet to provide a fourth northbound through lane. Consistent with the City of La Habra General Plan, widen and/or restripe the southbound approach of Beach

Boulevard by up to 12 feet to provide a fourth southbound through lane. Modify the existing traffic signal as necessary. Right-of-way acquisition will be required. Based on review of aerial photographs, these improvements appear to be feasible. The installation of these improvements is subject to the approval of Caltrans and the City of La Habra. Since the Project cannot guarantee that these improvements that are located in the City of La Habra and/or also under the jurisdiction of Caltrans will be implemented, a statement of overriding considerations will be required for this location.

- **Euclid Street at Imperial Highway:** Widen and/or restripe the southbound approach of Imperial Highway by up to 12 feet to provide an exclusive southbound right-turn lane. Modify the existing traffic signal. Right-of-way acquisition will be required. Based on review of aerial photographs, these improvements appear to be feasible. The installation of this improvement is subject to the approval of Caltrans and the City of La Habra.
- **Harbor Boulevard at Imperial Highway:** Modify the existing traffic signal and install a southbound right-turn overlap phase. The installation of this improvement is subject to the approval of Caltrans, the City of La Habra, and the City of Fullerton.
- **Beach Boulevard at Lambert Road:** Widen and/or restripe the eastbound approach of Lambert Road by up to 12 feet to provide an exclusive right-turn lane. Modify the existing traffic signal as necessary. Right-of-way acquisition will be required. Based on review of aerial photographs, these improvements appear to be feasible. The installation of this improvement is subject to the approval of Caltrans and the City of La Habra.
- **Beach Boulevard at La Mirada Boulevard/Malvern Avenue:** Widen and/or restripe the southbound approach of Beach Boulevard by up to 12 feet to provide a fourth southbound through lane. Modify the existing traffic signal as necessary. Right-of-way acquisition will be required. Based on review of aerial photographs, these improvements appear to be feasible. The installation of this improvement is subject to the approval of Caltrans and the City of Buena Park.
- **Beach Boulevard at Artesia Boulevard:** Widen and/or restripe the southbound approach of Beach Boulevard by up to 12 feet to provide an exclusive right-turn lane. Modify the existing traffic signal as necessary and install a westbound right-turn overlap phase. Right-of-way acquisition will be required. Based on review of aerial photographs, these improvements appear to be feasible. The installation of these improvements is subject to the approval of Caltrans and the City of Buena Park.
- **Hacienda Road at Whittier Boulevard:** Widen and/or restripe the northbound approach of Hacienda Road to provide an exclusive left-turn lane. Widen and/or restripe the southbound approach of Hacienda Road to provide an exclusive left-turn lane, a shared left/through lane, and dual right-turn lanes. Modify the existing traffic signal for split-phase operation in the north-south directions. The installation of these improvements, which are planned by the City of La Habra/Caltrans as part of the

Hacienda Road/Whittier Boulevard Intersection Improvement Project, are subject to the approval of Caltrans and the City of La Habra.

Walnut Street at Imperial Highway: Consistent with the City of La Habra General Plan, install a three-phase traffic signal with protected left-turn phasing on Imperial Highway (i.e., eastbound left-turn lane). It should be noted that this key study intersection satisfies the peak hour signal warrant under existing traffic conditions (i.e., Warrant #3 described in the current California Manual on Uniform Traffic Control Devices [MUTCD]). Further, per discussions with City of La Habra staff, Caltrans has committed to install a traffic signal at this location.

3.3.4 REVISIONS TO PARTIALLY RECIRCULATED DRAFT EIR (FINAL EIR VOLUME 2) SECTION 3.11, NOISE AND VIBRATION

1. Mitigation Measures NOI-1.1a and NOI-1.1b are revised to read as follows:

Mitigation Measure NOI-1.1a: Noise barriers shall be constructed in the locations identified in the Rancho La Habra Noise and Vibration Analysis Report (Partially Recirculated Draft EIR Appendix L) as exceeding applicable noise standards. In addition, to mitigate exterior noise from commercial activities within the Westridge Plaza shopping center, a 6-foot-high noise barrier that would block the line-of-sight to such activities at the first-floor elevations shall be constructed along the backyard property lines of the first row of homes along the south side of the shopping center.

Mitigation Measure NOI-1.1b: To ensure that the interior sound levels of the future homes within the Project comply with the City's noise criterion, the following conditions shall be satisfied:

1. Exterior activity areas such as balconies shall be placed at the opposite side of buildings from the roadways within areas subject to a CNEL in excess of 60 dBA.
2. Windows and sliding glass doors of homes closest to the traffic and commercial noise sources along the west, east, and north sides of the Project shall be mounted in low air infiltration rate frames (0.5 cubic feet per minute/foot [cfm/ft.] or less per American National Standards Institute [ANSI] specifications).
3. Exterior doors of homes closest to the traffic and commercial noise sources along the west, east, and north sides of the Project shall be solid core with perimeter weather-stripping and threshold seals.
4. Air conditioning or mechanical ventilation shall be provided for the first row of homes closest to the traffic and commercial noise sources along the west, east, and north sides of the Project to allow occupants to close doors and windows for the required acoustical isolation.

5. Roof or attic vents directly facing the traffic and commercial noise sources shall be baffled so that sound must take an indirect route when entering the attic space.

3.3.5 REVISIONS TO DRAFT EIR (FINAL EIR VOLUME 1) SECTION 3.12, HAZARDS AND HAZARDOUS MATERIALS

1. Impact Statement HAZ-8, revised to read as follows:

Impact HAZ-8: ~~Proposed Project site development would place new residential uses within a Very High Fire Hazard Area and intensify development along a wildland-urban interface, increasing fire hazards. Compliance with existing codes, along with implementation of the proposed Fire Management Plan as approved by the Los Angeles County Fire Department, would ensure an adequate level of fire safety. The City of La Habra and the County of Los Angeles Fire Department require that development complies with building and fire codes that include sprinkler and fire hydrant requirements in new structures and remodels, standards for road widths and design to accommodate the passage of fire trucks and engines, and requirements for minimum fire flow rates for water mains and fire hydrants. The City has also adopted the most recent edition of the California Building Code that includes sections on fire-resistant construction material requirements based on building use and occupancy. The proposed Project would also be required to comply with the City's Fire Code (Section 15.46 of the La Habra Municipal Code). Compliance with existing codes would ensure an adequate level of fire safety within high fire hazard zones and along the wildland-urban interface. As a result, the impact would be less than significant.~~

2. Methodology for Impact HAZ-8, revised to read as follows:

A significant impact would occur if development were proposed within or adjacent to a high fire hazard zone or within a wildland-urban interface. To determine whether a significant impact would result from the proposed Project, the Specific Plan was evaluated against existing State of California wildland fire hazard maps, ~~as well as~~ discussion of wildland fire hazards in the La Habra General Plan and General Plan EIR, and correspondence from the Los Angeles County Fire Department.

3. Impact Assessment for Impact HAZ-8, revised to read as follows:

According to the Los Angeles County Fire Department¹, VTTM 17845 (Rancho La Habra Specific Plan) “does not exist within the very high fire hazard zone and does not qualify for fuel modification plan review.” Proposed Project site development would therefore not place new residential uses within a Very High Fire Hazard Area ~~and~~ or intensify development along a wildland-urban interface. As a result, proposed residential structures would not be subject to hazards from wildland fires, ~~and the potential would exist for a structural fire within the Project site to spread into adjacent wildland areas.~~

4. Significance Conclusion for Impact HAZ-8, revised to read as follows:

~~The proposed Project includes a Fire Management Plan (Figure 3.12-2). The plan would require fuel modification on newly constructed slopes between residential lots and the approximately 11 acres of Coastal Sage Scrub habitat in the southwest corner of the Project site and on a portion of the existing slope separating the Project site from the existing Westridge community. As a condition of approval, prior to issuance of a grading permit, the Chief Building Official would ensure that the proposed Fire Management Plan has been submitted to and review by the Los Angeles County Fire Department, and that the Fire Department has approved the plan along with any required revisions to the plan.~~

Fire suppression services in La Habra are provided by the Los Angeles County Fire Department. To help protect the City and its residents from fire hazards, the City of La Habra and the County of Los Angeles require that development complies with both building and fire codes. Provisions include sprinkler and fire hydrant requirements in new structures and remodels, road widths and configurations designed to accommodate the passage of fire trucks and engines, and requirements for minimum fire flow rates for water mains and fire hydrants. The City has also adopted the most recent edition of the California Building Code that includes sections on fire-resistant construction material requirements based on building use and occupancy. The construction requirements are a function of building size, purpose, type, materials, location, proximity to other structures, and the type of fire suppression systems installed.

The proposed Project would also be required to comply with the City’s Fire Code (Section 15.46 of the La Habra Municipal Code).

~~Compliance with existing codes, along with implementation of the proposed Fire Management Plan as approved by the Los Angeles County Fire Department, would ensure an adequate level~~

¹ Email from Robert Walton, Los Angeles County Fire Department, to David Otai, Los Angeles County Fire Department, October 24, 2018.

The Los Angeles RWQCB (Region 4) has approved TMDLs for Coyote Creek/San Gabriel River that apply to those portions of Orange County that drain to Coyote Creek and the San Gabriel River.

2. Table 3.13-2 is revised to read as follows:

**Table 3.13-2
 Pollutants of Concern**

Pollutant	Expected from Project?	Additional Information and Comments
Suspended-Solid/ Sediment	Yes	Potential sources of sediment include existing landscaping areas and disturbed earth surfaces.
Nutrients	Yes	Potential sources of nutrients include fertilizers, sediment, and trash/debris.
Heavy Metals	Yes	Potential sources of heavy metals include streets, as well as commercial and multi-family parking areas.
Pathogens (Bacteria/Virus)	Yes	Potential sources of pathogens include pets, food wastes, and landscaping/sediment areas.
Pesticides	Yes	Potential sources of pesticides include landscaping and open space areas.
Oil and Grease	Yes	Potential sources of oil and grease include streets and parked vehicles.
Toxic Organic Compounds	No <u>Yes</u>	Toxic organic compounds are not expected to be of concern due to the predominance of residential development. The Project includes land uses where generation of toxic organic compounds is anticipated.
Trash and Debris	Yes	Potential sources include common litter and trash cans from homes. <u>Project design would incorporate trash treatment devices meeting the full capture system definition of SWRCB Resolution Order No. 2015-0019 (Trash Amendments).</u>

Source: Hunsaker Associates, *Rancho La Habra Preliminary Water Quality Management Plan*, 2018.

3. The following text is added to the third column of the last row of the table on page 5 of the Preliminary Water Quality Management Plan (Draft EIR Appendix N):

Project design would incorporate trash treatment devices meeting the full capture system definition of SWRCB Resolution Order No. 2015-0019 (Trash Amendments).

4. Rows 1 through 3 of the table on page 16 of the Preliminary Water Quality Management Plan (Draft EIR Appendix N) are revised to read as follows:

Receiving Waters	Coyote Creek Channel, Coyote Creek, San Gabriel River (Reach 1 & Estuary), Alamitos Bay, San Pedro Bay and Pacific Ocean
------------------	---

2012 303(d) Listed Impairments	Coyote Creek Channel – Ammonia, Copper (dissolved), Diazanon, Indicator Bacteria, Lead, pH, and Toxicity Coyote Creek – Diazanon, Indicator Bacteria, pH, Toxicity San Gabriel River (Reach 1) – Coliform Bacteria, pH San Gabriel River (Estuary) – Copper, dioxin, Nickel, Dissolved Oxygen Alamitos Bay - Indicator Bacteria San Pedro Bay – Chlorodane, DDT, PCBs, Sediment Toxicity
Applicable TMDLs	Heavy Metals – (Technical TMDLs) <u>San Gabriel River and Impaired Tributaries – Heavy Metals and Selenium (per R13-004, LARWQCB)</u> San Gabriel River Estuary and Tributaries – Indicator Bacteria (R15-005, LARWQCB)

5. Row 5 of the table on page 16 of the Preliminary Water Quality Management Plan (Draft EIR Appendix N) is revised to read as follows:

Watershed-Based Plan Conditions	
Provide applicable conditions from watershed-based plans (including WIHMPs and TMDLs)	<p><u>WIHMPs:</u> There are currently no approved WIHMPs for the San Gabriel River – Coyote Creek Watershed.</p> <p><u>TMDLs:</u> Heavy Metals – (Technical TMDLs) Adoption Date: July 13, 2006 Completion Date: Ongoing <u>San Gabriel River and Impaired Tributaries – Heavy Metals and Selenium (per R13-004, LARWQCB)</u></p>

3.3.7 REVISIONS TO DRAFT EIR (FINAL EIR VOLUME 1) SECTION 3.14, GEOLOGY, SOILS, AND SEISMICITY

1. Impact Statement GEO-1.4 is revised to read as follows:

Impact GEO-1.4: The mechanically stabilized earth (MSE) wall below proposed Lots 241 through 245 would be at risk from landslide. In addition, site grading activities would result in removal of a buttress keyway in the southern portion of the site, requiring slope stabilization and remedial grading of an existing landslide. The impact related to risk of loss, injury, or death involving landslides would be *significant but mitigable*.

2. The second full paragraph on page 3.14-23 is revised to read as follows:

~~Proposed site grading would not cut into or otherwise modify existing perimeter slopes adjacent to the Westridge community. As stated earlier, these slopes were provided with buttress keyways and remedial grading when first constructed to ensure that stability. During site grading, a buttress keyway in the southern portion of the site would be removed and an existing landslide would undergo remedial grading. Analysis of the temporary slope stability~~

following removal of the buttress keyway indicates a factor of safety of approximately 1.2, which would require specific actions to be undertaken to ensure slope stability following removal of the buttress keyway. Based on the results and recommendations of the Geotechnical Report and supplemental analysis, proposed site development would not adversely affect adjacent perimeter properties.

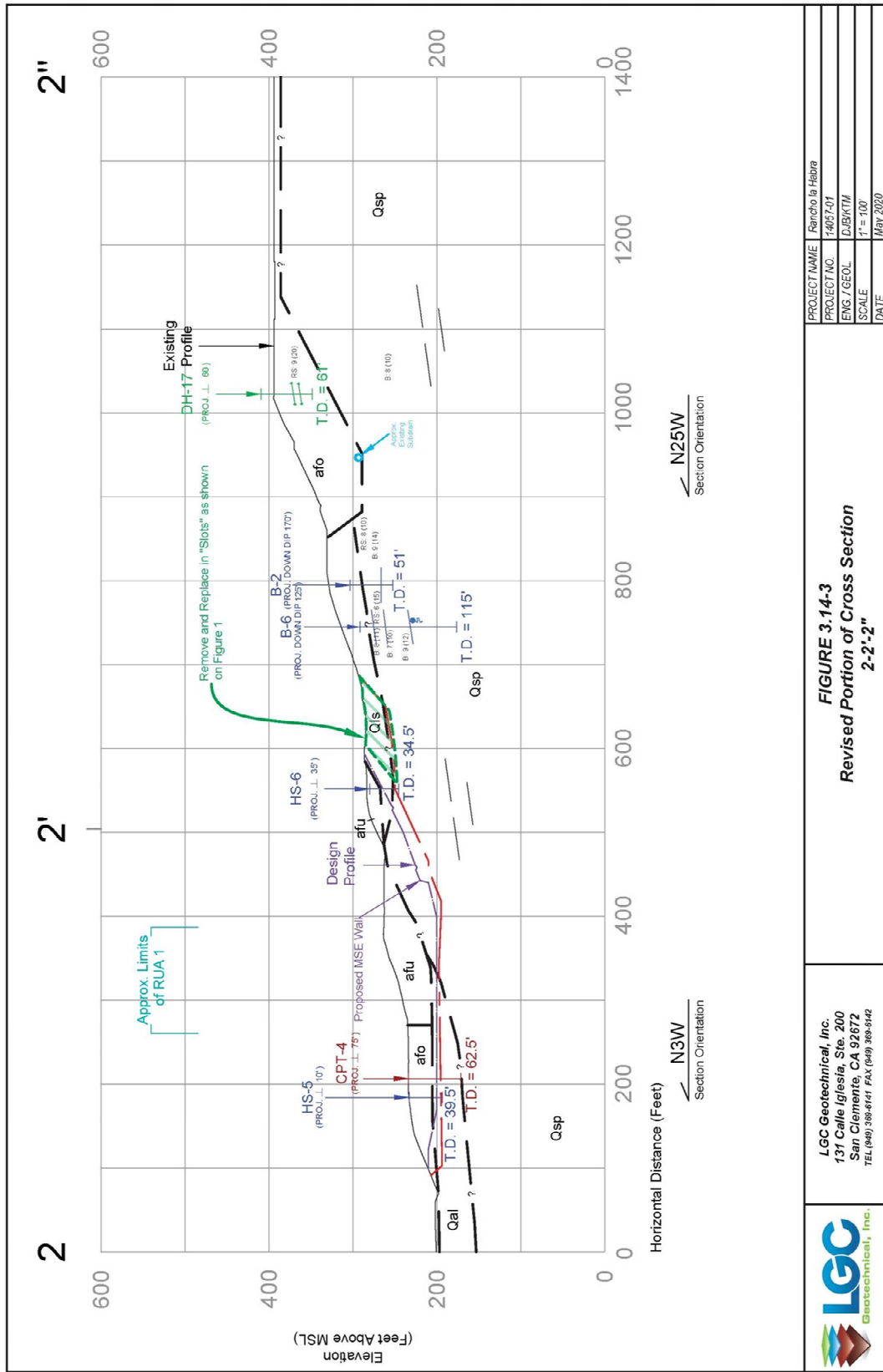
3. The Significance Conclusion for Impact GEO-1.4 is revised to read as follows:

As indicated in the Geotechnical Report and supplemental analysis, slopes within the project site would be stable and structures would not be at risk from landslide with ~~one~~ two exceptions. Reinforcement is necessary in order to provide an adequate factor of safety for the proposed MSE walls located below Lots 241 through 245 of Vesting Tentative Tract Map 17845. In addition, removal of a buttress keyway in the southern portion of the site during grading activities would require slope stabilization and remedial grading of an existing landslide. As a result, a significant impact would result, requiring mitigation.

4. Mitigation Measure GEO-1.4 is revised and Mitigation Measure GEO-1.4b is added to read as follows:

Mitigation Measure GEO-1.4a: Additional geogrid reinforcement length beyond local stability requirements to be determined by the MSE wall designer and approved by the Chief Building Official shall be required to provide adequate global stability factors of safety (greater than 1.5 and 1.1 for static and pseudo-static [seismic] loading conditions, respectively, for the MSE wall located below Lots 241 through 245 of Vesting Tentative Tract Map 17845.¹

Mitigation Measure GEO-1.4b: The planned landslide removal at Cross-Section 2-2'-2" shall be undertaken prior to excavation of the keyway back-cut slope north of the proposed landslide removal area as depicted in Figure 3.14-3, Revised Portion of Cross-Section 2-2'-2". Additionally, the landslide removal shall be excavated in slots, or sections, where an area of landslide approximately 80 feet long (measured parallel to the slope face) is removed and replaced as compacted fill, prior to excavation of the adjacent 80-foot-wide section. A minimum of approximately 15 vertical feet of compacted fill shall be placed above the landslide rupture surface within each completed slot, prior to the next section of landslide removal. The landslide removal operation shall be performed so that no sections are left open (defined as lacking a minimum of 15 vertical feet in front of the landslide) over a weekend/holiday or when a significant rain event is predicted over the next three days. Full-time observation and testing shall be monitored by a qualified geotechnical expert during the landslide removal operation, and the expert shall provide supplemental recommendations based on observed field conditions.



PROJECT NAME	Rancho La Habra
PROJECT NO.	14057-01
ENG. / GEOL.	DJB/KTM
SCALE	1" = 100'
DATE	May 2020

FIGURE 3.14-3
Revised Portion of Cross Section
2'-2'-2"

LCC Geotechnical, Inc.
 131 Calle Iglesia, Ste. 200
 San Clemente, CA 92672
 TEL (949) 368-6141 FAX (949) 368-6142



5. The Significance Conclusion for Impact GEO-1.4 after Implementation of Mitigation Measures is revised to read as follows:

With the implementation of **Mitigation Measures GEO-1.4a and GEO-1.4b**, all slopes within the project site would have an adequate factor of safety both during and following site grading activities and would not pose a landslide risk, resulting in a less-than-significant impact.

3.3.8 REVISIONS TO DRAFT EIR (FINAL EIR VOLUME 1) SECTION 3.16, RECREATIONAL RESOURCES

1. Impact Assessment starting on page 3.16-11 is revised to read as follows:

The Project's proposed 277 single-family detached and 125 multi-family dwelling units would result in a need for ~~3.78~~ 4.13 acres of parkland based on the formula of 3 acres per 1,000 persons specified in Municipal Code Section 15.48.063.² Should Planning Area 5 be developed for residential use, the additional 46 multi-family dwelling units would increase the need for parkland from ~~3.78~~ 4.13 acres to ~~4.12~~ 4.18 acres. By comparison, the proposed Project would provide ~~25.1~~ 28.86 acres of public parkland as follows:

- Public Community Center ~~and Park~~: 3.30 acres
 - ~~A 22,500 square foot structure providing an indoor banquet hall, kitchen, meeting, and office facilities in the existing Westridge Golf Club clubhouse~~ Approximately 22,500 square feet of building area providing indoor banquet, dining, kitchen, meeting, and office facilities in the existing Westridge Golf Club clubhouse, which is proposed to be converted to a public community center
 - Outdoor banquet, dining, and gathering space ~~on patios adjacent to an existing open water pond~~
 - ~~Kids water play, adventure play~~ Play area, and open turf
 - Parking for daily use and special events
- Public Park and Picnic Area: ~~10.4~~ 12.79 acres
 - An extension of the Community Center and park to the south
 - Terraced multi-purpose play areas
 - Picnic areas, including benches and tables, with shade trees and views of the San Gabriel Mountains

² Municipal Code Section 15.48.063 specifies the use of 3.41 persons per household for single-family detached homes, 3.26 persons per household for structures with two dwelling units, 3.32 persons per household for structures with 3-4 dwelling units, and 2.51 persons per household for multi-family homes with 5 to 9 units per building.

- ~~○ Picnic areas, shade trees~~
- ~~○ Natural drainage channel, oak woodland, and native grasslands~~
- Public Linear Park: ~~10.6~~ 12.77 acres
 - 2.6 miles of trails proposed to traverse throughout the community, with connections to Idaho Street and Beach Boulevard
 - Benches, shade trees, viewing overlooks, exercise equipment
- ~~○ Gardens~~

In addition to these public park and recreational facilities, ~~25.6~~ 28.07 acres of private recreational facilities are proposed, including the following:

- Planning Area 1:
 - Pool and spa
 - Restrooms and showers
 - Barbeque and picnic facility
 - Shade structure
- Planning Area 2:
 - Pool, wading pool, and spa
 - Restrooms and showers
 - Barbeque and picnic facility
 - Shade structure
- Planning Areas 3/4:
 - Lap pool and spa
 - Restrooms and showers
 - Shade structure
- Multiple Planning Areas:
 - Passive turf play areas
 - Shade trees
 - Bench seating
 - Children's play structures
 - Trail connections

Closure of the existing Westridge Golf Club to make way for proposed residential and commercial development would result in the loss of a major recreational resource in La Habra. As noted above, the La Habra General Plan identifies the 18-hole Westridge Golf Club as the “major recreational facility in the City,” and states that facility is “privately owned but restrictions have been placed by the City to assure it remains recreational open space.”

While proposed golf course closure for residential and commercial development would result in the loss of 63.6 acres of open space previously approved for the La Habra Hills Specific Plan,³ golf course closure and development would not affect the 29.5-acre community park and 2.6 acres of non-golf course open space approved for the La Habra Hills Specific Plan.

With the proposed closure of the Westridge Golf Club, the following golf courses would be available within a 5-mile radius of the Project site:

- La Mirada Golf Course: 1.25 miles west of the Project site.
- Fullerton Golf Course: 2.1 miles southeast of the Project site.
- Brea Creek Golf Course: 2.67 miles east of the Project site; nine-hole executive course.
- Coyote Hills Golf Course: 3.1 miles southeast of the Project site; semi-private with traditional memberships.
- Los Coyotes Country Club: 1.1 miles south of the Project site; members-only.
- Candlewood Country Club: 3.4 miles northwest of the Project site; members-only.

2. The first paragraph of the Significance Conclusion for Impact REC-1 is revised to read as follows:

Because the proposed Project would provide ~~25.1~~ 28.86 acres of public parkland, which is well in excess of Municipal Code requirements (~~3.78~~ 4.13 acres), along with ~~25.6~~ 28.07 acres of private recreational facilities, new residents within the Project site would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.

³ The 63.6 acres of open space loss is based on the acreage within the Rancho La Habra Specific Plan proposed for residential and commercial use, as well as roadways.

3.4 REVISIONS TO CHAPTER 6, CUMULATIVE ENVIRONMENTAL EFFECTS

1. The first full paragraph on page 6-3 of the Partially Recirculated Draft EIR is revised to read as follows:

A total of ~~64~~ 63 closely related projects were identified within the vicinity of the project site as of August 2019 when preparation of the updated Rancho La Habra Traffic Impact Analysis was under way, whose physical environmental effects might combine with those of the proposed project to create one or more cumulative impacts. These cumulative projects are identified in **Table 6-1** and illustrated in **Figure 6-1**.

2. Figure 6-3 is revised as follows.

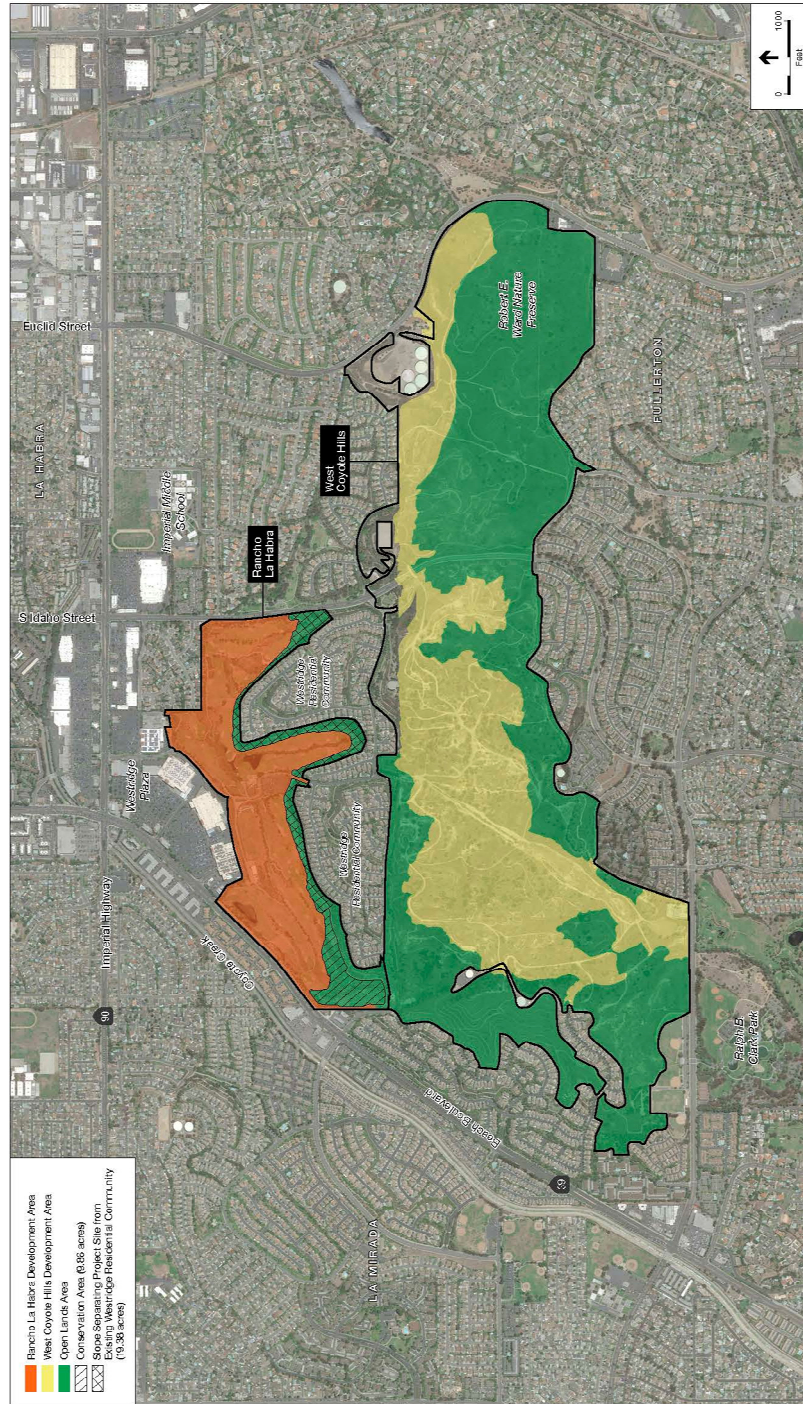


Figure 6-3: Rancho La Habra and West Coyote Hills Post-Development Cumulative Setting
 Source: Hamilton Biological, Wilden & Associates, Google Earth Pro, USA

RANCHO LA HABRA SPECIFIC PLANNER

3.5 REVISIONS TO CHAPTER 7, ALTERNATIVES

1. Section 7.4.3a of the Draft EIR (Final EIR Volume 1), discussion under Biological Resources, is revised to read as follows:

The addition of a hotel as part of the Golf Course and Hotel Alternative would avoid impacts on the most sensitive biological resources in the central and western portions of the project site, as would the proposed project. The Golf Course and Hotel Alternative would affect less habitat than the proposed project because it would require grading of a substantially smaller area.

This alternative would eliminate the grading footprint indicated in Figure 3.5-2 (Vegetation Alliances), with the exception of the existing clubhouse area and an approximately 5- to 10-acre area immediately to the north. Because the existing golf course and existing vegetative alliances within the balance of the Project site would remain in place, the Golf Course and Hotel Alternative would permit the existing deed restrictions to remain in place, and the loss of vegetative alliances within the site would be to a small area of Mixed Scrub Shrubland Alliance north of the existing clubhouse.

2. Section 7.4.4a of the Draft EIR (Final EIR Volume 1), discussion under Biological Resources, is revised to read as follows:

The limits of grading associated with the Residential/Nine-Hole Golf Course Alternative within the western portion of the site would be similar to the proposed project, resulting in similar impacts on sensitive biological resources within that area, such as coastal sage scrub. Both this alternative and the proposed project would avoid impacts on the central riparian drainage. This alternative would also avoid impacts on existing biological resources ~~within~~ throughout the eastern portion of the project site (area east of the existing clubhouse), resulting in reduced impacts compared to the proposed project. The Residential/Nine-Hole Golf Course Alternative would also permit the majority of deed-restricted areas identified in Figure 2-11 (Deed Restriction Boundaries) to remain in place. Only the two westernmost deed-restricted areas shown in Figure 2-11 would need to be vacated for the Residential/Nine-Hole Golf Course Alternative.

3.6 REVISIONS TO CHAPTER 8, MITIGATION MONITORING & REPORTING PROGRAM

1. The bullet points starting at the bottom of page 8-1 are revised to read as follows:

- Implementation Actions, describing the specific actions that are required to be taken to implement the mitigation measure;

- ~~Monitoring Phase Action is to be Taken~~, describing the timing of when the mitigation measure is to be implemented;
- ~~Implementation Party~~, identifying the party responsible for implementing the mitigation measure;
- ~~Enforcement Agency/Entity Responsible to Verify Compliance~~, specifying the agency with the power to monitor and enforce implementation of the mitigation measure; ~~and~~
- ~~Monitoring Agency~~, identifying the agency with the power to monitor and enforce implementation of the mitigation measure, and agency responsible for determining compliance with specified mitigation measures.

2. The “Implementation Action(s)” and “Action is to be Completed” columns in Table 8-1, MMRP, (Final EIR Volume 2) are revised to read as follows:

Mitigation Measure BIO-1.1a “Implementation Action(s)” and “Action is to be Completed” text is revised as follows:

Implementation Action(s)	Action is to be Completed
<p>Prior to issuance by the City of a grading permit or approval of a final subdivision map, the applicant shall:</p> <ul style="list-style-type: none"> • <u>Identify the specific acreage, location(s), and requirements for on-site and off-site mitigation that would provide “functionally equivalent habitat or better” for review and approval by CDFW;</u> • <u>Implement mitigation requirements to the satisfaction of CDFW, including acquisition of sufficient habitat land shall be acquired such that the California Department of Fish and Wildlife verifies that a combination of on-site establishment/restoration/enhancement and/or off-site purchase of land will result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas and jurisdictional areas;</u> • <u>Provide for permanent reservation and establish the mechanism for ultimate ownership and perpetual maintenance of a minimum of 9.86 acres of open space for preservation and enhancement of on-site coastal sage scrub wildlife habitat as approved by the City of La Habra and the California Department of Fish and Wildlife;</u> • <u>Obtain a new Streambed Alteration Agreement from CDFW;</u> • <u>Have existing deed restrictions in favor of CDFW vacated; and</u> • <u>Submit documentation to the City that a new Streambed Alteration Agreement has been approved by CDFW and existing deed restrictions in favor of CDFW have been vacated.</u> <p>Should such <u>the combination of on-site establishment/restoration/enhancement and/or off-site purchase of land as mitigation for impacts to deed-restricted and jurisdictional areas</u> not also result in functionally equivalent or better habitat than the <u>1.89 acres of coastal sage scrub, riparian woodland, and riparian scrub alliances</u> that would be lost outside of existing deed-restricted areas and jurisdictional areas, <u>either (1) mitigation credits shall be acquired by the Project sponsor within an agency-approved mitigation bank or (2) additional coastal sage scrub shall be provided onsite at a 1:1 ratio for any such shortfall.</u></p>	<p>Prior to issuance of a grading permit <u>or approval of a final subdivision map.</u></p>

Mitigation Measure BIO-1.2 “Implementation Action(s)” and “Action is to be Completed” text is revised as follows:

Implementation Action(s)	Action is to be Completed
<p><u>Prior to application to the City for a grading permit or submittal of a proposed final subdivision map, the applicant shall:</u></p> <ul style="list-style-type: none"> • <u>Identify the specific acreage, location(s), and requirements for on-site and off-site mitigation that would provide “functionally equivalent habitat or better” and obtain approval by CDFW;</u> • <u>Implement mitigation requirements to the satisfaction of CDFW, including acquisition of \$ sufficient habitat land shall be acquired such that the California Department of Fish and Wildlife verifies that a combination of on-site establishment/restoration/enhancement and/or off-site purchase of land will result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas and jurisdictional areas;</u> • <u>Obtain a new Streambed Alteration Agreement from CDFW;</u> • <u>Have existing deed restrictions in favor of CDFW vacated; and</u> • <u>Submit documentation to the City that a new Streambed Alteration Agreement has been approved by CDFW and existing deed restrictions in favor of CDFW have been vacated.</u> <p>Should such on-site establishment/restoration/enhancement and/or off-site purchase of land not also result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances that would be lost outside of existing deed-restricted areas and jurisdictional areas, mitigation credits shall be acquired by the Project sponsor within an agency approved mitigation bank at a 1:1 ratio for any such shortfall.</p>	<p>Prior to issuance of a grading permit or <u>approval of a final subdivision map.</u></p>

Mitigation Measure BIO-2b “Implementation Action(s)” text is revised as follows:

Implementation Action(s)	Action is to be Completed
<p>Proof that in-kind replacement at a minimum 1:1 ratio of sensitive natural communities has occurred may include a City-approved on-site re-planting or habitat restoration plan that includes direction and funding of monitoring and maintenance in perpetuity at no cost to the City, and could also include In-kind replacement at a minimum 1:1 ratio of sensitive natural communities off site at an agency-approved mitigation bank.</p> <p>In addition, the City shall review the agreement(s) the applicant enters into to verify that establishment has been made to provide for on-going management and maintenance (at no cost to the City) in perpetuity for <u>maintenance of</u> on-site replacement of sensitive natural communities, and shall require demonstration that management is consistent with the terms included in Mitigation Measure BIO-2a.</p>	<p>Prior to issuance of a grading permit</p>

Mitigation Measure BIO-2c “Implementation Action(s)” and “Action is to be Completed” text is revised as follows:

Implementation Action(s)	Action is to be Completed
<p><u>Prior to application to the City for a grading permit or submittal of a proposed final subdivision map, the applicant shall secure regulatory approvals, including an authorized Section 1602 Streambed Alteration Agreement, U.S. Army Corps of Engineers Permit and Section 7 Consultation, and a Section 401 Water Quality Certification for the Specific Plan, that</u></p>	<p>Prior to issuance of a grading permit or <u>approval of a final subdivision map.</u></p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
Biological Resources			
<p>Mitigation Measure BIO-1.1a: Compensatory Replacement of Special-Status Species Habitat. The loss of coastal sage scrub, riparian woodland, and riparian scrub alliances with the potential to support special-status species within the Project site as detailed in Table 3.5-9 shall be compensated through on-site or off-site establishment/restoration/enhancement and/or off-site purchase of functionally equivalent or better habitat.</p> <p>Included in the establishment/restoration/enhancement of on-site functionally equivalent or better habitat shall be a minimum of 9.86 acres of open space for preservation and enhancement of on-site coastal sage scrub wildlife habitat (preservation of 4.05 acres of existing on-site coastal sage scrub and the replacement of existing golf course greens and fairways with an additional 5.81 acres of coastal sage scrub habitat). Such on-site habitat establishment/restoration/enhancement shall be in conformance with a Habitat Mitigation and Monitoring Plan approved by the California Department of Fish and Wildlife.</p> <p>The determination of functional equivalency of on-site establishment/restoration/enhancement and/or off-site purchase shall be made by the California Department of Fish and Wildlife for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted and jurisdictional areas and by the City of La Habra for mitigation of loss of these habitats that would occur outside existing deed-restricted and jurisdictional areas.</p> <p>It is recognized, however, that while Impact BIO-1.1a addressing upland habitats within existing deed-restricted areas is distinct from Impact BIO-1.2 and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal</p>	<p>Prior to issuance by the City of a grading permit or approval of a proposed final subdivision map, the applicant shall:</p> <ul style="list-style-type: none"> • Identify the specific acreage, location(s), and requirements for on-site and off-site mitigation that would provide “functionally equivalent habitat or better” for review and approval by CDFW; • Implement mitigation requirements to the satisfaction of CDFW, including acquisition of sufficient habitat land such that the California Department of Fish and Wildlife verifies that a combination of on-site establishment/restoration/enhancement and/or off-site purchase of land will result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas and jurisdictional areas; • Provide for permanent reservation and establish the mechanism for ultimate ownership and perpetual maintenance of a minimum of 9.86 acres of open space for preservation and enhancement of on-site coastal sage scrub wildlife habitat; • Obtain a new Streambed Alteration Agreement from CDFW; • Have existing deed restrictions in favor of CDFW vacated; and 	<p>Prior to issuance of a grading permit or approval of a final subdivision map.</p>	<p>Director of Community and Economic Development or his/her designee.</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1a), and (3) loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).</p> <p>Compensation for lost on-site habitat with functionally equivalent or better habitat shall be detailed on an acreage-specific basis in a Habitat Mitigation and Monitoring Plan (HMMP), which shall be developed in coordination and compliance with State of California and federal regulatory agency requirements. Evidence in the form of permit approvals shall be provided to the City of La Habra prior to initiation of site grading. At a minimum, the HMMP shall include:</p> <ul style="list-style-type: none"> • Baseline information, including the findings and conclusions of a Biological Assessment demonstrating that: <ul style="list-style-type: none"> ○ Off-site compensatory mitigation lands are functionally equivalent or better than the habitats lost on-site; and ○ On-site establishment of coastal sage scrub through restoration will result in functionally equivalent or better habitat than that lost on-site. • Anticipated habitat enhancement goals to be achieved through compensatory actions, including mitigation site location (on-site enhancement, restoration, or off-site habitat acquisition, creation, or enhancement); and • Measurable performance standards and criteria, including but not limited to the overall amount or percent of cover and species diversity for restoration or enhancement in the Specific Plan development footprint that must meet state and federal regulatory resources agency approval and must be documented for City review at the end of the five-year monitoring period. Should the restoration or enhancement fail to meet success criteria as defined in the HMMP, implementation of remedial restoration shall be required. • Contingency funds (including but not limited to financial guarantee instruments such as Surety Bonds or Letters of Credit) shall be 	<ul style="list-style-type: none"> • Submit documentation to the City that a new Streambed Alteration Agreement has been approved by CDFW and existing deed restrictions in favor of CDFW have been vacated. <p>Should the combination of on-site establishment/restoration/enhancement and/or off-site purchase of land as mitigation for impacts to deed-restricted and jurisdictional areas not also result in functionally equivalent or better habitat than the 1.89 acres of coastal sage scrub, that would be lost outside of existing deed-restricted areas and jurisdictional areas, either (1) mitigation credits shall be acquired by the Project sponsor within an agency-approved mitigation bank or (2) additional coastal sage scrub shall be provided onsite at a 1:1 ratio for any such shortfall.</p>		

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>established and deposited in escrow account(s) to ensure successful implementation of the HMMP, such funds to be refunded to the applicant at the time the HMMP performance criteria are met.</p> <ul style="list-style-type: none"> ○ One account in an amount to be determined by the California Department of Fish and Wildlife (CDFW) to be held by CDFW for mitigation of the loss of coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas. ○ Should the HMMP being overseen by the California Department of Fish and Wildlife not be adequate to address mitigation of loss of coastal sage scrub habitat outside of existing deed-restricted areas, a second escrow account is to be established with the City of La Habra in an amount to be determined by the City. 			
<p>Mitigation Measure BIO-1.1b: Construction Avoidance of Active Bird Nests.</p> <p>Coastal Sage Scrub. If grading or soil disturbance of any kind is proposed within 50 feet of coastal sage scrub, or if upland conservation enhancement or restoration activities are proposed between March 1 and August 15, a qualified biologist shall conduct pre-construction nesting California gnatcatcher surveys. Surveys shall be conducted using USFWS focused survey protocol methods and shall be conducted during the spring breeding season during the year construction occurs. Where an active bird nest is located, a 500-foot radius surrounding the active nest shall not be disturbed until after the nest becomes inactive and the family group can be confirmed, by a qualified biologist familiar with the species, to have left the nest territory. Prior to initiating vegetation clearing of coastal sage scrub, a qualified biologist shall walk ahead of the clearing activities to flush any birds from the habitat to be cleared.</p> <p>Riparian Woodland. Proposed removal of riparian woodland within the development footprint shall be scheduled to occur during the non-breeding season for birds, which is between August 15 and January 31. If removal is scheduled to occur between February 1 and August 15, pre-construction breeding bird surveys shall be performed by a qualified</p>	<p>The applicant shall retain a qualified biologist acceptable to the City to conduct pre-construction nesting bird surveys as described in Mitigation Measure BIO-1b at the appropriate period and consistent with protocol and agency survey guidelines current at the time of construction.</p> <p>Any required setbacks shall be defined by the qualified biologist undertaking pre-construction surveys and shall be maintained during grading and construction.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Director of Community and Economic Development or his/her designee.</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>biologist familiar with local bird species no later than 14 days prior to start of construction. If active nests are found during preconstruction surveys, a buffer of 250 feet shall be established and temporary fencing shall be placed to prevent encroachment into the buffer area by construction equipment or workers.</p>			
<p>Mitigation Measure BIO-1.1c: Setbacks and Erosion Protection for Coastal Sage Scrub. All viewing areas, signage, benches, and other park features shall be located at least 50 feet from the edge of coastal sage scrub. Low fencing or vegetative plantings positioned to prevent trail or park users from encroaching upon coastal sage scrub habitats may be included in the setback, and shall be designed in coordination with a qualified biologist of the City’s choosing to confirm that proposed fencing, signage, or efforts to reduce potential habitat encroachment would not create additional perches or vegetative features used by birds of prey compared to existing conditions. In addition, construction of proposed fencing or features intended to deflect potential human encroachment onto coastal sage scrub habitat shall be subject to erosion control strategies included in the required Storm Water Pollution Prevention Plan (SWPPP), which would establish Best Management Practices (BMPs) to reduce sedimentation and erosion and prevent construction pollutants from leaving the site and the erosion and sediment control plan to be reviewed and approved by the City of La Habra prior to issuance of grading permit (see Impact HWQ-1.1 in Section 3.13, <i>Hydrology and Water Quality</i>, of the Draft EIR). Posted park rules shall identify coastal sage scrub habitats in the conservation areas and shall state that encroachment onto coastal sage scrub areas is prohibited. Educational signage and other signs proposed in the upland conservation area shall be placed away from nesting habitat to avoid introducing perches for birds of prey near special-status species nesting.</p> <p>Signage in public access areas shall advise that access is to approved trails, from 7:00 a.m. to 9:00 p.m. Lighting poles shall be located no closer than 50 feet from conservation areas wherever feasible. Where lighting poles cannot be located outside of setback areas, such as along permitted trails</p>	<p>The applicant shall provide sufficient evidence to the City in the form of plans and specifications that all stages of development meet the requirements set forth in in Mitigation Measure BIO-1f and the erosion control measures in EIR Section 3.13, <i>Hydrology and Water Quality</i>.</p>	<p>Prior to issuance of a grading permit and/or action that would permit site disturbance (whichever occurs first).</p>	<p>Director of Community and Economic Development or his/her designee.</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>within the upland habitat conservation area, such lighting poles shall be low level and designed so as to discourage birds of prey from using them as perches for hunting activities. All lighting shall be directed downward so as not to intrude into habitat areas after sundown. The lighting plan shall be reviewed by a biologist prior to installation and submitted to the City for approval to confirm conformance with this measure.</p>			
<p>Mitigation Measure BIO-1.2: Compensatory Replacement of Previously Provided Mitigation within On-site Deed Restricted Areas. The loss of previously provided mitigation within on-site deed-restricted areas for impacts to 4.55 acres of mulefat scrub occurring during construction of the Westridge Golf Club shall be compensated through on-site establishment/ restoration/enhancement and/or off-site purchase/ restoration/enhancement of functionally equivalent or better habitat. The determination of functional equivalency of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/ enhancement shall be made by the California Department of Fish and Wildlife.</p> <p>It is recognized, however, that while Impact BIO-1.1a addressing replacement of previously provided mitigation for impacts that occurred during construction of the Westridge Golf Club is distinct from Impact BIO-1.1a and that mitigation requirements for both Mitigation Measures BIO-1.1a and BIO-1.2 must be provided, a single mitigation program consisting of on-site establishment/ restoration/enhancement and/or off-site purchase/restoration/enhancement could be established to provide compensation for loss of (1) previous mitigation resulting from vacating existing deed restrictions (Mitigation Measure BIO-1.2), (2) loss of coastal sage scrub habitat both within and outside of deed-restricted areas (Mitigation Measure BIO-1.1), and (3) loss of riparian woodland and riparian scrub alliances that may also be determined to be jurisdictional waters (Mitigation Measure BIO-2c).</p> <p>Compensation for loss of on-site deed-restricted areas with functionally equivalent or better habitat shall be detailed as set forth in Mitigation</p>	<p>Prior to issuance by the City of a grading permit or approval of a proposed final subdivision map, the applicant shall:</p> <ul style="list-style-type: none"> • Identify the specific acreage, location(s), and requirements for on-site and off-site mitigation that would provide “functionally equivalent habitat or better” for review and approval by CDFW; • Implement mitigation requirements to the satisfaction of CDFW, including acquisition of sufficient habitat land such that the California Department of Fish and Wildlife verifies that a combination of on-site establishment/restoration/enhancement and/or off-site purchase of land will result in functionally equivalent or better habitat than the coastal sage scrub, riparian woodland, and riparian scrub alliances within existing deed-restricted areas and jurisdictional areas-; • Obtain a new Streambed Alteration Agreement from CDFW; • Have existing deed restrictions in favor of CDFW vacated; and • Submit documentation to the City that a new streambed alteration agreement has 	<p>Prior to issuance of a grading permit or approval of a final subdivision map.</p>	<p>Director of Community and Economic Development or his/her designee.</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
Measure BIO-1.1a.	approved by CDFW and existing deed restrictions in favor of CDFW have been vacated.		
<p>Mitigation Measure BIO-2a: Preventing Degradation of Natural Communities in Development Footprint.</p> <p>The applicant shall avoid or minimize adverse effects on sensitive natural communities within the Project site. The measures described below shall be employed to avoid degradation of sensitive natural communities by maintaining water quality and controlling erosion and sedimentation during construction as required by compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. (See also Draft EIR Section 3.13, <i>Hydrology and Water Quality</i>, for discussion of NPDES requirements and requirements for preparation and implementation of a Storm Water Pollution Prevention Plan [SWPPP] and implementation of Best Management Practices [BMPs].)</p> <p>The Project applicant shall comply with requirements of the City of La Habra’s NPDES storm water discharge permit and Regional MS4 Permit. This shall include construction site inspection and control programs at all construction sites, with follow-up and enforcement consistent with each Permittee’s respective Enforcement Response Plan, to prevent construction site discharges of pollutants and impacts on Beneficial Uses of receiving waters. The goal of Provision C.3 of the MS4 Permit is for the Permittee, such as the City of La Habra, to use its planning authorities to include appropriate source control, site design, and storm water treatment measures in new development projects to address both soluble and insoluble storm water runoff pollutant discharges and prevent increases in runoff flows from site development. This goal is to be accomplished primarily through the implementation of low impact development techniques. The Project applicant shall comply with local municipal requirements and the local storm water program as mandated under the Municipal Stormwater Permit, including, at minimum, the following measures:</p>	<p>The project applicant shall obtain appropriate storm water permits pursuant to the City of La Habra’s NPDES storm water discharge permit and Regional MS4 Permit.</p> <p>The Director of Community and Economic Development and the Director of Public Works shall review and verify the agreement applicant has entered into as necessary to provide for on-going maintenance in perpetuity at no cost to the City as required by Mitigation Measure BIO-2a, and with compensatory terms defined should the management entity fail to perform.</p>	<p>Prior to issuance of a grading permit and prior to any proposed implementation of restoration or enhancement in upland or riparian conservation areas.</p> <p>Prior to recordation of the proposed Vesting Tentative Tract Map.</p>	<p>Director of Community and Economic Development or his/her designee</p> <p>Director of Community and Economic or his/her designee Director of Public Works or his/her designee</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<ul style="list-style-type: none"> • Delineate clearing limits, easements, setbacks, sensitive or critical areas, trees, drainage courses, and buffer zones to prevent excessive or unnecessary disturbances and exposure. • Avoid excavation and grading if there is 0.5 inch of rain or more within 48 hours. • Limit on-site construction routes and stabilize construction entrance(s) and exit(s). • For any increase in impervious surface area, include establishment of vegetated swales and permeable pavement materials, preserve vegetation, re-plant with native vegetation, and evaluate and implement appropriate measures. • Provide native vegetation buffer areas where appropriate and practicable to prevent pollutants from entering off-site native habitats or water bodies. • Construct diversion dikes and drainage swales to channel runoff around the site and away from bodies of water. • Use berms and drainage ditches to divert runoff around exposed areas. • Place diversion ditches across the top of cut slopes. • Prohibit use of fertilizers or pesticides in areas with a potential runoff into adjacent native habitats. <p>The applicant shall prepare and implement a maintenance program as approved by the City that includes maintenance of water quality pollution-control features such as swales, sediment traps, or other passive applications of pollution prevention measures required as part of NPDES permitting. The maintenance program shall address the management of lands adjacent to off-site coastal sage scrub habitat areas and, at minimum, shall include the following requirements, to be performed to the satisfaction of the City:</p> <ul style="list-style-type: none"> • Install temporary silt fencing or vegetative plantings between development and adjacent sensitive natural communities, specifically off-site coastal sage scrub. 			

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<ul style="list-style-type: none"> Locate fueling stations or vehicle or equipment storage and maintenance away from potentially jurisdictional areas and features, and otherwise isolate construction work areas from any identified jurisdictional features including California Fish and Game Code, U.S. Army Corps of Engineers, and Regional Water Quality Control Board jurisdictional areas. Ensure on-going maintenance and management in perpetuity at no expense to the City for the preserved upland areas adjacent to the development footprint, along with provisions permitting the City to enforce management and maintenance requirements and recoup costs for enforcement should such enforcement be necessary. On-going maintenance and management of upland conservation areas shall be implemented in a manner consistent with the City of La Habra’s NPDES storm water discharge permit and Regional MS4 Permit, and evidence of compliance with such permit conditions shall be provided to the City Engineer on a quarterly basis. Provide trash receptacles at appropriate locations and provide for regular litter removal. Maintain all improvements within the parks, trails, and Community Center in a safe and working condition 			
<p>Mitigation Measure BIO-2b: Conservation and Protection of Sensitive Habitats Avoided by Specific Plan Grading. For on-going conservation and protection of sensitive habitats that the Specific Plan proposes to avoid, the following requirements shall apply:</p> <ul style="list-style-type: none"> A habitat conservation and protection plan for proposed upland conservation areas adjacent to the development footprint shall be prepared by a qualified biologist with implementation approved by the City of La Habra Community Development Director prior to approval of City grading permits. The habitat conservation and protection plan shall, at a minimum, include the following components to minimize the effect of night lighting on upland conservation area habitats adjacent to the development footprint. 	<p>Proof that in-kind replacement at a minimum 1:1 ratio of sensitive natural communities has occurred may include a City-approved on-site re-planting or habitat restoration plan that includes direction and funding of monitoring and maintenance in perpetuity at no cost to the City, and could also include In-kind replacement at a minimum 1:1 ratio of sensitive natural communities off site at an agency-approved mitigation bank.</p> <p>In addition, the City shall review the agreement(s) the applicant enters into to verify that</p>	<p>Prior to issuance of a grading permit</p>	<p>Director of Community and Economic Development or his/her designee</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<ul style="list-style-type: none"> • The following shall apply to any proposed lighting within 150 feet of the upland or riparian conservation areas: <ul style="list-style-type: none"> ○ Low-intensity streetlamps and low-elevation lighting poles shall be provided. ○ Internal silvering of the globe or external opaque reflectors shall be provided to direct light away from sensitive natural habitats. ○ Private sources of illumination around homes shall also be directed and/or shaded to minimize glare into sensitive habitats. ○ Light spillage from on-site development or trails shall not exceed 0.05 foot-candles within upland or riparian conservation areas. <p>Common area lighting plans shall be reviewed by the City for conformance with these measures prior to installation. Private lighting restrictions shall be enforced by the property owners’ association as described below.</p> <ul style="list-style-type: none"> • CC&Rs, as well as residential and commercial leases within the Project site shall prohibit building occupants from creating outdoor feeding stations for feral cats to prevent feral cat colonies from establishing and to prevent the attraction of other predatory wildlife such as coyotes, red fox, raccoon, and opossums. Such restrictions shall be monitored by a property owners’ association that shall have the right to impose fines for violation of this requirement. • As part of Community Center and Project trail improvements, interpretive signage regarding the sensitive habitats and the dangers of unleashed domestic animals shall be provided to the satisfaction of the City. Such information shall be provided in the vicinity of the Community Center, along trails, and at wildlife viewing areas where public access is provided. <p>In addition, information materials shall be prepared by the applicant for review and approval by the City regarding the sensitive habitats and the dangers of unleashed domestic animals within the Project site. Such materials shall be provided to each initial homeowner by the home builder(s), to successive homeowners by the property owners’</p>	<p>establishment has been made to provide for on-going management and maintenance (at no cost to the City) in perpetuity for maintenance of on-site replacement of sensitive natural communities, and shall require demonstration that management is consistent with the terms included in Mitigation Measure BIO-2a.</p>		

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>association, and to renters of for-rent multi-family dwellings by the building owner.</p> <p>The property owners’ association shall establish and enforce a pet policy prohibiting unleashed domestic animals outside of fully enclosed yard areas and have the right and obligation to impose fines for violation of the pet policy.</p>			
<p>Mitigation Measure BIO-2c: Compensatory Mitigation for Loss of Riparian and Wetland Habitat. Loss of riparian and wetland habitat that cannot be avoided during site development as detailed in Table 3.5-9 shall be compensated with provision of functionally equivalent or better habitat, which may be provided as part of Mitigation Measure BIO-1.1a.</p> <p>The applicant shall prepare and implement a maintenance program as approved by the City that includes maintenance of water quality pollution-control features such as swales, sediment traps, or other passive applications of pollution prevention measures required as part of National Pollutant Discharge Elimination System (NPDES) permitting. The maintenance program shall address the management of lands adjacent to off-site coastal sage scrub habitat areas and, at minimum, shall include the following requirements, to be performed to the satisfaction of the City:</p> <ul style="list-style-type: none"> • Install temporary silt fencing or vegetative plantings between development and adjacent sensitive natural communities, specifically off-site coastal sage scrub. • Locate fueling stations or vehicle or equipment storage and maintenance away from potentially jurisdictional areas and features, and otherwise isolate construction work areas from any identified jurisdictional features including California Fish and Game Code, U.S. Army Corps of Engineers, and Regional Water Quality Control Board jurisdictional areas. • Ensure on-going maintenance and management in perpetuity at no expense to the City for the preserved upland areas adjacent to the development footprint, along with provisions permitting the City to 	<p>Prior to issuance by the City of a grading permit or approval of a proposed final subdivision map, the applicant shall secure regulatory approvals, including an authorized Section 1602 Streambed Alteration Agreement, U.S. Army Corps of Engineers Permit and Section 7 Consultation, and a Section 401 Water Quality Certification for the Specific Plan, that demonstrate in-kind replacement of jurisdictional resources with resources of equal or greater habitat values.</p> <p>The City shall confirm that proposed grading conforms to the terms and conditions of these federal and state agreements and permits, and that requirements for post-construction monitoring and reporting will be met.</p>	<p>Prior to issuance of a grading permit or approval of a final subdivision map.</p>	<p>Director of Community and Economic Development or his/her designee</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>enforce management and maintenance requirements and recoup costs for enforcement should such enforcement be necessary. On-going maintenance and management of upland conservation areas shall be implemented in a manner consistent with the City of La Habra’s NPDES storm water discharge permit and Regional MS4 Permit, and evidence of compliance with such permit conditions shall be provided to the City Engineer on a quarterly basis.</p> <ul style="list-style-type: none"> • Provide trash receptacles at appropriate locations and provide for regular litter removal. • Maintain all improvements within the parks, trails, and Community Center in a safe and working condition. 			
<p>Mitigation Measure BIO-4a: Locations of Structures and Trail Features. Structures and trail features shall be situated to avoid obstructing the wildlife movement interface shown in Figure 3.5-1. Structures or facilities that would obstruct wildlife movement between the West Coyote Hills and the development footprint habitats shall not be placed within the interface between the Project site and adjacent undeveloped land in the West Coyote Hills.</p>	<p>A plan showing the specific location of all parks, trails, wildlife viewing areas, kiosks, passive recreation structures, or lighting associated with proposed trail systems along the interface between the project site and adjacent undeveloped land in the West Coyote Hills shall be prepared and approved by the Director of Community and Economic Development in compliance with the provisions of Mitigation Measure BIO-4a.</p>	<p>Prior to approval of a grading plan.</p>	<p>Director of Community and Economic Development or his/her designee</p>
<p>Mitigation Measure BIO-4b: Maintenance of Vegetative Cover along Wildlife Movement Interface. Native vegetation along the existing 500-foot-wide vegetative interface in the southern portion of the Project site shall be preserved so as to maintain cover available for wildlife using the interface to move between the West Coyote Hills and Project site habitats.</p>	<p>The applicant shall provide a planting plan and implementation schedule for the fuel management zone vegetation where it occurs adjacent to the wildlife interface area to the City, demonstrating that no reduction in the overall amount of vegetative cover available for wildlife movement use will occur. In addition, Specific Plan trail plans shall be submitted for City approval demonstrating avoidance of the wildlife interface area shown in Figure 3.5-2.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Director of Community and Economic Development or his/her designee</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>Mitigation Measure BIO-5: Replacement of Bird Nesting and Roosting Habitat. All Project landscaping shall be in conformance with the approved Rancho La Habra Specific Plan, Landscape Plans, and plant palette and shall incorporate replacement for landscaping lost during development (combination of native and non-native plantings) that will provide equivalent or better habitat suitable for bird nesting and roosting for resident and migratory birds. Replacement for habitat lost during Project development may be in the form of landscaped slopes, street trees, preservation and enhancement of conservation habitat areas, and landscaping of the Community Center, park, and trail areas.</p>	<p>The project landscape plan implementing Mitigation Measure BIO-5 shall be reviewed by the Director of Community and Economic Development to confirm that it meets the requirements of this mitigation measure, and that there are sufficient guarantees provided to ensure its implementation.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Director of Community and Economic Development or his/her designee</p>
<p>Cultural Resources</p>			
<p>Mitigation Measure CUL-2a: A qualified archaeologist shall be retained to conduct spot-checking of site grading activities and to respond on an as-needed basis to address unanticipated archaeological discoveries. In addition, a qualified Native American Monitor shall be present on-site during construction-related ground disturbance activities, including but not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, trenching, and vegetation removal.</p> <p>In the event that archaeological materials, including stone tools, shells, bones, glass shards, ceramics, or other materials older than 50 years in age, are encountered during ground-disturbing activities, work in the immediate vicinity of the resource shall cease until a qualified archaeologist approved by the City and a qualified Native American Monitor have assessed the discovery and appropriate treatment pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15064.5 is determined and implemented.</p> <p>If archaeological resources are found to be significant, the archaeologist and Native American Monitor shall determine, in consultation with the City and any local Native American groups expressing interest following notification by the City, appropriate avoidance measures or other appropriate mitigation. Pursuant to CEQA Guidelines Section</p>	<p>The applicant/developer shall retain a qualified archaeologist and a qualified Native American Monitor to implement the provisions of Mitigation Measure CUL-2, including conduct monitoring of site grading activities and responding on an as-needed basis to address unanticipated archaeological discoveries. In addition, any archaeological requirements established by the archaeologist or requirements established by the Native American Monitor evaluating the discovery shall be incorporated into development plans and included as conditions of approval.</p>	<p>Prior to the issuance of a grading permit and/or action that would permit site disturbance (whichever occurs first).</p>	<p>Director of Community and Economic Development or his/her designee.</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts on archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, such as data recovery or other appropriate measures, in consultation with the implementing agency and any local Native American representatives expressing interest in prehistoric or tribal resources. If an archaeological site does not qualify as a historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2.</p>			
<p>Mitigation Measure CUL-2b: Prior to removal of any native vegetation from the project site, Native American monitors or representatives of the Gabrieleño Band of Mission Indians-Kizh Nation shall be invited to the project site to document and distinguish native vegetation that is preferred by the Tribe. All plants preferred by the Tribe that are proposed to be removed as part of site development shall be made available to the Tribe prior to their removal.</p>	<p>The applicant/developer shall provide written evidence of compliance with the provisions of Mitigation Measure CUL-2b.</p>	<p>Prior to the issuance of a grading permit and/or action that would permit site disturbance or removal of native vegetation (whichever occurs first).</p>	<p>Director of Community and Economic Development or his/her designee.</p>

**Table 4-1
Mitigation Monitoring and Reporting Requirements**

Mitigation Measure	Implementation Action(s)	Action is to be Completed	Agency/Entity Responsible to Verify Compliance
<p>Mitigation Measure CUL-4: The applicant/developer shall retain a County-certified paleontologist approved by the City to conduct full-time monitoring during all earth-moving activities involving previously undisturbed sediments of the La Habra and San Pedro Formations along with periodic paleontological spot checks within excavation areas mapped as Quaternary alluvium exceeding depths of 5 feet to determine if older, paleontologically sensitive sediments are present. If such older, paleontologically sensitive sediments are present, full-time monitoring shall be implemented.</p> <p>If paleontological resources are encountered during ground-disturbing activities, work in the immediate vicinity of the resource shall cease until a County-certified paleontologist has assessed the discovery and appropriate treatment is determined and implemented.</p>	<p>The applicant/developer shall retain a County-certified paleontologist to implement the provisions of Mitigation Measure CUL-4. In addition, a paleontological resource monitoring plan shall be prepared for City review and approval, to be implemented as a condition of approval of the grading permit. The plan shall define the specific locations and construction activities requiring monitoring, procedures to follow for monitoring and fossil discovery, and a curation agreement with the John D. Cooper Archaeology and Paleontology Center.</p> <p>A report is to be prepared and published noting any findings discovered on the property. Any artifacts discovered shall be deposited in a location approved by the Director of Community Development.</p>	<p>Prior to the issuance of a grading permit and/or action that would permit site disturbance in soils that were not disturbed by previous golf course construction.</p>	<p>Director of Community and Economic Development or his/her designee.</p>
Traffic and Circulation			
<p>Mitigation Measure TRA-1.1: Prior to issuance of a demolition, grading or other permit, the Applicant shall prepare and implement a Construction Management Plan, subject to approval of the City Engineer or their designee to minimize construction-related traffic in the AM and PM peak hours, as well as to minimize disturbance to area residents. The Construction Management Plan shall, at a minimum, address the following:</p> <ul style="list-style-type: none"> • Proposed construction phasing plan. • Traffic control for any street or lane closure, detour, or other disruption to traffic circulation to minimize the effects of such disruption. • Limit the routes that construction vehicles may utilize for the delivery of construction equipment (e.g., excavators, dozers, scrapers, 	<p>The applicant shall prepare a Construction Management Plan in accordance with the requirements of Mitigation Measure TR-1.1a for review and approval by the City. The construction management plan shall be made a requirement of contractors for the proposed project.</p>	<p>Prior to issuance of a demolition, grading, or other permit for project development.</p>	<p>Director of Public Works or his/her designee.</p>