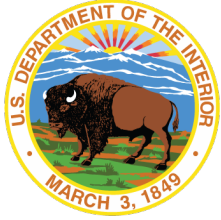


APPENDIX B

Biological Resources Reports



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer to:
FWS-OR-09B0217-19CPA0180

February 21, 2020
Sent by Email

Leo Simone
Associate Biologist
LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, California 92614

Subject: Garg Residence Project, 1 O'Hill Ridge, Laguna Niguel, Orange County, California

Dear Mr. Simone:

This letter responds to your request, dated November 25, 2019 for our review of the subject project for consistency with the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). Following extensive coordination with our office, the project proponents, Sushil and Lorene Garg, have committed to implement significant measures to avoid and minimize impacts to the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher). These measures were provided with your request (LSA 2019) and in additional correspondence with our agency since that time.

Section 9 of the Act prohibits “take” (e.g., harm, harassment, pursuit, injury, kill) of federally listed wildlife. Take incidental to otherwise lawful activities on private lands can be permitted under the provisions of section 10 of the Act. The project proponents, in coordination with our office, have attempted to design the project in a manner that avoids killing, injuring, or otherwise harming gnatcatchers, including modification of gnatcatcher habitat in a manner that significantly affects the breeding, feeding, and sheltering behaviors of individual gnatcatchers on site. Our analysis of these general criteria, as provided below, confirms that the project proponents have designed their project so that it can be implemented consistent with the Act, specifically that it can be implemented in a manner that will not require an incidental take permit under section 10 of the Act.

The proposed project is the construction of a single-family residence on a 9.91-acre project site at the terminus of O'Hill Ridge Road in Bear Brand Ranch, Laguna Niguel, California. A portion of the project will be constructed on the Garg's property (Figure 1, “Garg Parcel”), and a portion will be constructed within an easement granted to the Bear Brand Ranch Community Association (Figure 1, “HOA Parcel”). The site is bordered by single family residences to the west and south. Open space to the north and east is anticipated to be conserved consistent with a Habitat Conservation Plan (HCP) approved by the U.S. Fish and Wildlife Service (Service) in September 2019.

The 9.91-acre project site includes coastal sage scrub (5.71 acres, including disturbed), oak (0.09 acre), non-native grassland (0.90 acres), ruderal vegetation (1.98 acres), ornamental vegetation (0.72 acre), and disturbed/bare ground (0.50 acre). Vegetation within the project boundary was occupied by a pair of gnatcatchers and a single male gnatcatcher during the 2018 breeding season (LSA 2018). Gnatcatchers were observed foraging throughout the middle portion of the proposed project site (Figure 1) in areas mapped as coastal sage scrub, disturbed coastal sage scrub, nonnative grassland, and ruderal vegetation (Figure 1). Gnatcatcher nesting was observed about 250 feet east of the proposed project area (Figure 1). The proposed project will impact 3.95 acres of gnatcatcher foraging habitat, including coastal sage scrub (2.15 acres), non-native grassland (0.53 acre), and ruderal vegetation (1.27 acres) to construct the residence and associated fuel modification zone. In addition, the project could result in disturbance to nesting gnatcatchers as a result of construction activities and could lead to degradation of adjacent undisturbed habitat as a result of re-colonization of graded areas with invasive plant species.

The project proponents will implement the following conservation measures (CM) to avoid and minimize impacts to the gnatcatcher and its habitat, as described in your request:

- CM 1. The project proponents will create/enhance 2.15 acres of coastal sage scrub (0.76 acre within the grading limits and 1.39 acres outside the grading limits) and preserve an additional 3.51 acres of coastal sage scrub within the HOA Parcel and Garg Parcel, so that a total of 5.66 acres of coastal sage scrub will be available to support gnatcatcher foraging (outside the fuel modification zone) following completion of the project (Figure 2).
- CM 2. The 2.15 acres of coastal sage scrub creation/enhancement outside the fuel modification zone [2.05 acres creation (1.19 acres within the Garg Parcel and 0.86 acre within the HOA Parcel) and 0.1 acre of enhancement by removing nonnative vegetation within the HOA Parcel] will begin prior to project construction activities that require fuel modification (e.g., framing). The creation/enhancement activities will be conducted consistent with a plan submitted to the Service for review and approval before creation/enhancement is initiated. The plan will include methods of site preparation and planting, a plant palette, and annual monitoring and reporting in perpetuity.
- CM 3. The residence will be surrounded by a 2.55-acre fuel modification zone, composed of 1.12 acres of hardscape (i.e., pools, fountains, pathways, and planters) and 1.43 acres of local native shrub species approved for use by Orange County Fire Authority (Figure 3).¹ The composition, spacing, and required maintenance within the fuel modification zone will be included in the vegetation

¹ Native species currently approved for use in the fuel modification zone are identified in *Vegetation management guideline community risk reduction technical design for new construction fuel modification plans and maintenance program* (see Attachment 8, species with Code o: native to Orange County). January 2017. Website: <https://ocfa.org/Uploads/CommunityRiskReduction/OCFA%20Guide-C05-Fuel%20Modification.pdf>

enhancement plan (per CM 2). Vegetation maintenance will be conducted within the fuel modification zone as follows:

- a. Supplemental planting with approved native plants will be conducted by the property owner as necessary to maintain initial plant densities;
- b. The fuel modification zone will be planted with gnatcatcher-friendly vegetation. Planted areas within the fuel modification zone will be created using xeriscaping principles to match surrounding coastal sage scrub habitat water requirements. This will ensure that excess water does not run off into surrounding habitats; and
- c. Maintenance of the fuel modification zone will be conducted between September 1 and February 14, outside of the gnatcatcher breeding season.

CM 4. A total of 5.66 acres of coastal sage scrub will be preserved in perpetuity within the “Garg Parcel” and the “HOA Parcel”, as depicted in Figure 4. A Conservation Site Restrictive Covenant, applicable to 4.30 acres of coastal sage scrub areas (including 0.71 acre of native shrubs in the fuel modification zone) within the Garg Parcel will be recorded that runs with the land and with the Service as a third-party beneficiary. An additional 2.79 acres of coastal sage scrub (including 0.72 acre of native shrubs in the fuel modification zone) will be protected within the existing Bear Brand Ranch Association landscape easement. The landscape easement will be revised to include the anticipated location and extent of coastal sage scrub that will be maintained in the easement and will include the Service as a third-party beneficiary to the easement. Both the Conservation Site Restrictive Covenant and revised Bear Brand Ranch Association landscape easement will specify the anticipated maintenance within the fuel modification zone (per the Service-approved vegetation enhancement plan) and coordination with the Service should the fuel modification zone require changes by the Orange County Fire Authority.

An endowment with a Service-approved third-party endowment holder will be established to provide sufficient funding to conduct an annual inspection of the 7.09 acres proposed for preservation and to prepare a brief monitoring report for the Service annually. The inspection is to ensure that coastal sage scrub in the preserved open space is being maintained over time. The inspection will be conducted by a Service-approved biologist familiar with the life history and ecology of the gnatcatcher. The estimated long-term endowment amount is \$46,404. The final endowment amount will reflect increases in the California Consumer Price Index since the initial cost estimation was completed. Any extra funds generated by the endowment fund will be used only to improve habitat

quality within the 7.09 acres. Prior to the initiation of vegetation removal within the grading limits, the project proponents will complete the following actions:

- a. Record a final Service-approved Conservation Site Restrictive Covenant over 4.30 acres of coastal sage scrub (Figure 4, "Garg Parcel");
- b. Record a Service-approved revised Bear Brand Ranch Association landscape easement that identifies the location of 2.79 acres of coastal sage scrub that will be maintained for the gnatcatcher (Figure 4, "HOA Parcel"); and
- c. Deposit the final endowment amount with a Service-approved endowment holder.

CM 5. Vegetation removal will take place between September 1 and February 14, no more than 1 year prior to the initiation of construction.

CM 6. During construction, all areas of coastal sage scrub habitat to be avoided outside of the grading limits will be identified with highly visible barriers (e.g., orange snow fencing) that will be installed around habitat to remain adjacent to the project footprint to designate Environmentally Sensitive Areas (ESAs) to be preserved. No grading or fill activity of any type will be permitted within these ESAs. In addition, no construction activities, materials, or other equipment will be allowed within the ESAs. All construction equipment will be operated in a manner to prevent accidental damage to nearby preserved areas. No structure of any kind or incidental storage equipment will be allowed within these protected zones. Silt fence barriers will be installed at the ESA boundary to prevent accidental deposition of cut or fill material in areas where coastal sage scrub vegetation is adjacent to planned grading activities.

CM 7. Prior to construction, a qualified biologist, familiar with the life history and ecology of the gnatcatcher, will provide a Worker Environmental Awareness Program (WEAP) for all personnel working on site during construction. The WEAP will include: (a) a description of gnatcatcher and its habitat on the project site, (b) construction limits, and (c) the conservation measures that will be implemented in conjunction with project construction (i.e., CM 5 through 8).

CM 8. Prior to the commencement of activities involving disturbance of vegetation, a survey will be conducted to locate coastal California gnatcatchers within 500 feet of the outer extent of projected disturbance activities, and the locations of any such species will be clearly marked and identified on the construction/grading plans. A monitoring biologist acceptable to the Service will be on site during any vegetation and/or ground-disturbing activities. The Service will be advised at least 7 calendar days prior to the clearing of any habitat occupied by coastal California gnatcatcher to allow the Service to consult with the monitoring biologist, if desired.

- CM 9. During construction, a qualified biologist acceptable to the Service will conduct weekly inspections in areas adjacent to ESA boundaries to ensure that vegetation preservation and all conservation measures are properly followed. Particular attention will be given to monitoring gnatcatchers in the area, with the goal of locating active nests. Should any active gnatcatcher nests be found within the 500-foot buffer, the approved-biologist will consult with the Service to prevent construction noise levels from exceeding 60 A-weighted decibels (dBA) and to prevent the abandonment of an active nest. In collaboration with the Service, LSA biologists will have full authority to stop or modify any and all construction activities judged to be potentially disruptive to nesting gnatcatchers.

We anticipate disturbance to nesting gnatcatchers in the project vicinity will be avoided because vegetation will be cleared between September 1 and February 14, outside the gnatcatcher breeding season (CM 5), and a noise buffer will be maintained by a biologist between the construction activities and active nests, in coordination with the Service (CM 8 and 9).

Construction-related impacts to gnatcatcher habitat will be minimized by educating the construction crew about the importance of avoiding disturbance to preserved habitats (CM 7), flagging the limits of project disturbance (CM 6) and installing silt barriers to prevent incidental impacts to preserved habitats (CM 6). With these measures, we anticipate impacts to gnatcatcher foraging habitat will be limited to 3.95 acres, including 3.11 acres cleared within the grading footprint and 0.84 acre thinned within the fuel modification zone.²

There will be a temporary reduction in foraging habitat available for the gnatcatcher pair as a result of clearing vegetation within the grading footprint. However, a total of 4.64 acres of foraging habitat will remain available outside the project impact limits within the Garg and HOA Parcels, in addition to breeding habitat on the adjacent property where the nest site was located, to support this gnatcatcher pair (Figure 1). The creation/enhancement of 2.15 acres of coastal sage scrub before the vegetation in the fuel modification zone is thinned (CM 2) will minimize the temporal loss of foraging habitat. Therefore, we do not expect the temporary reduction in foraging habitat to result in the loss of the gnatcatcher pair or a reduction in gnatcatcher productivity.

The creation/enhancement of 2.15 acres of coastal sage scrub, along with planting native vegetation within the 1.43 acres of the fuel modification zone, will result in no net loss of coastal sage scrub and increase the overall extent of native vegetation within the site from 5.71 acres to 7.09 acres over the long term (CM 3). Although native vegetation within the fuel modification zone will be thinned consistent with approvals by the local fire authority, we anticipate it will continue to provide foraging habitat for gnatcatchers. Proposed preservation of coastal sage scrub within the Garg and HOA Parcels, along with annual inspections of the site for compliance with the proposed easements (CM 4) will ensure high quality foraging habitat and potential breeding habitat will be available to support the gnatcatcher pair into the future. Consequently, when considering potential impacts to gnatcatcher, we have determined that the proposed project is in

² Includes impacts to areas mapped as coastal sage scrub, non-native grassland, and ruderal vegetation, based on information provided in Table 3 of LSA (2019).

compliance with the Act and agree that an incidental take permit pursuant to section 10 of the Act is not required for the project.

In summary, we appreciate the Garg's efforts to coordinate with our agency to ensure regulatory compliance with the Act and your commitment to implement measures in support of gnatcatcher recovery. Should you have any questions regarding this letter, please contact U.S. Fish and Wildlife Biologist [Christine Medak](#) of this office at 760-431-9440, extension 298.

Sincerely,

for David Zoutendyk
Acting Assistant Field Supervisor

LITERATURE CITED

- [LSA] LSA Associates, Inc. 2018. Coastal California gnatcatcher protocol survey results: March 17, to April 30, 2018, 1 O'Hill Ridge property in Laguna Niguel, Orange County, California; LSA Project Number BJN1601. Prepared for U.S. Fish and Wildlife Service, Carlsbad, California
- [LSA] LSA Associates, Inc. 2019. Updates to Technical Assistance request related to the property at 1 O'Hill Ridge – Garg Residence in Laguna Niguel, California (LSA Project No. BJN1601). Prepared for U.S. Fish and Wildlife Service, Carlsbad, California.

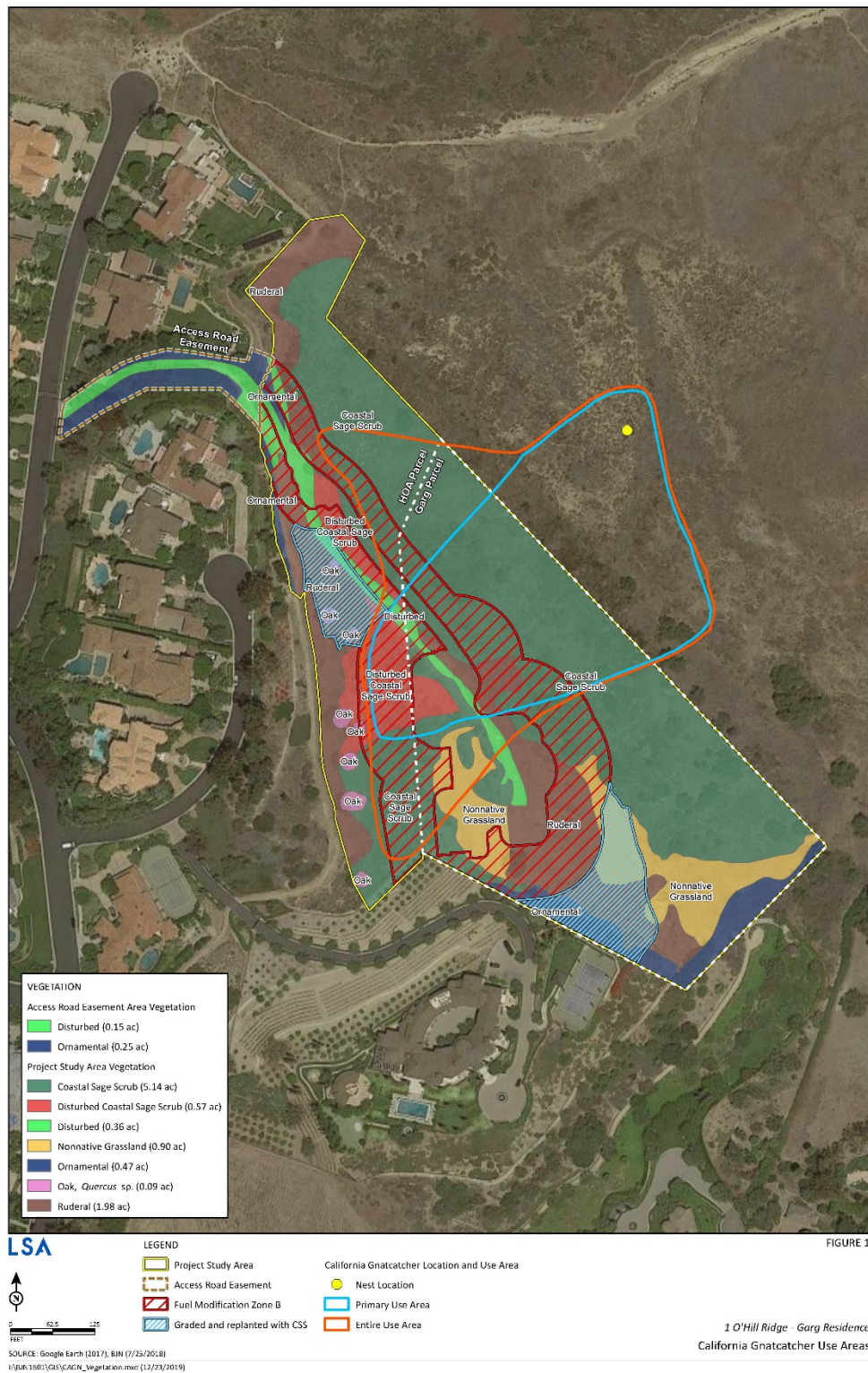


Figure 1. Limits of project-related grading and fuel modification impacts.

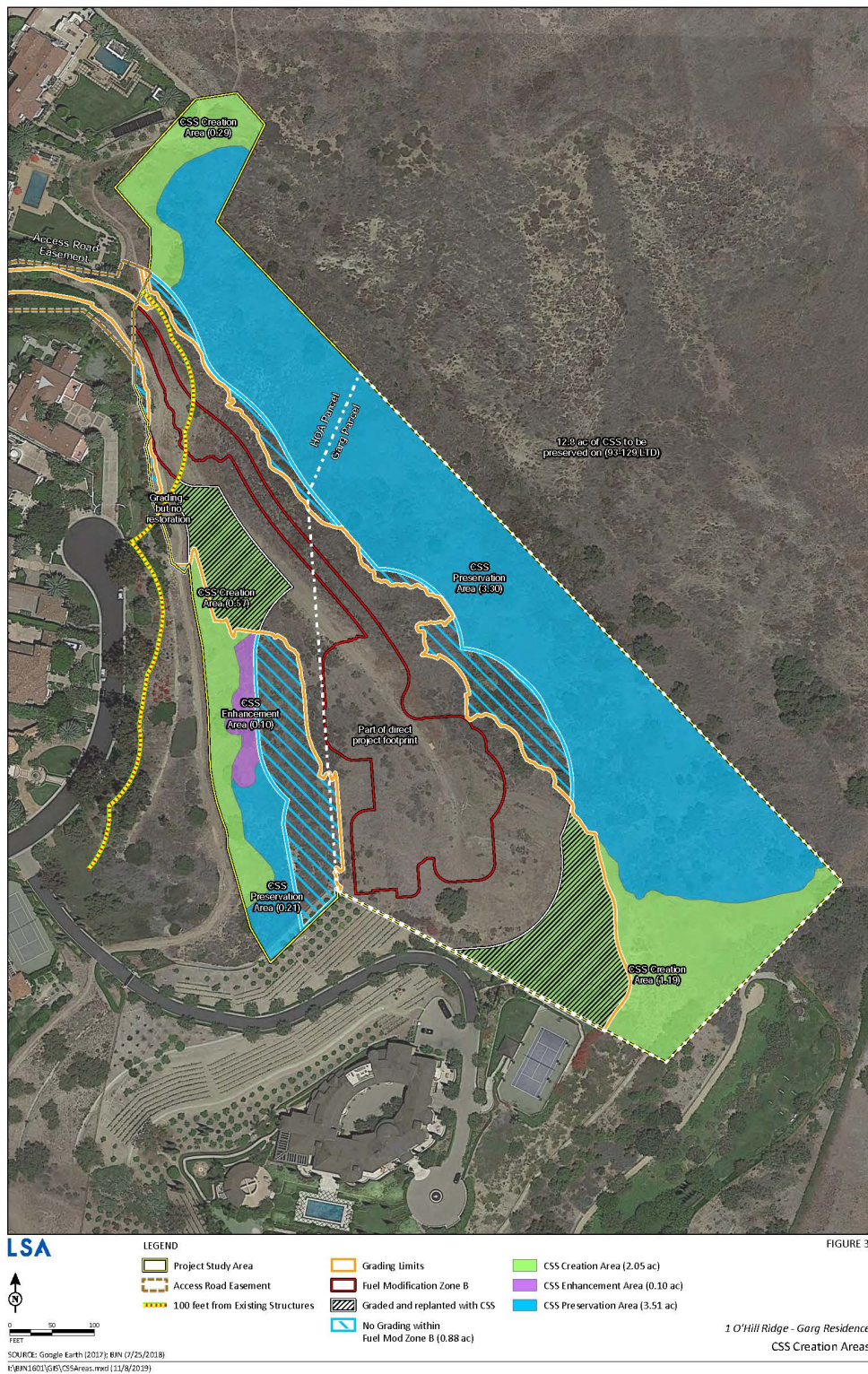


Figure 2. Created, enhanced, and preserved coastal sages scrub. (Source: LSA 2019).



Figure 3. Fuel modification zone, including hardscape (Source: LSA 2019).

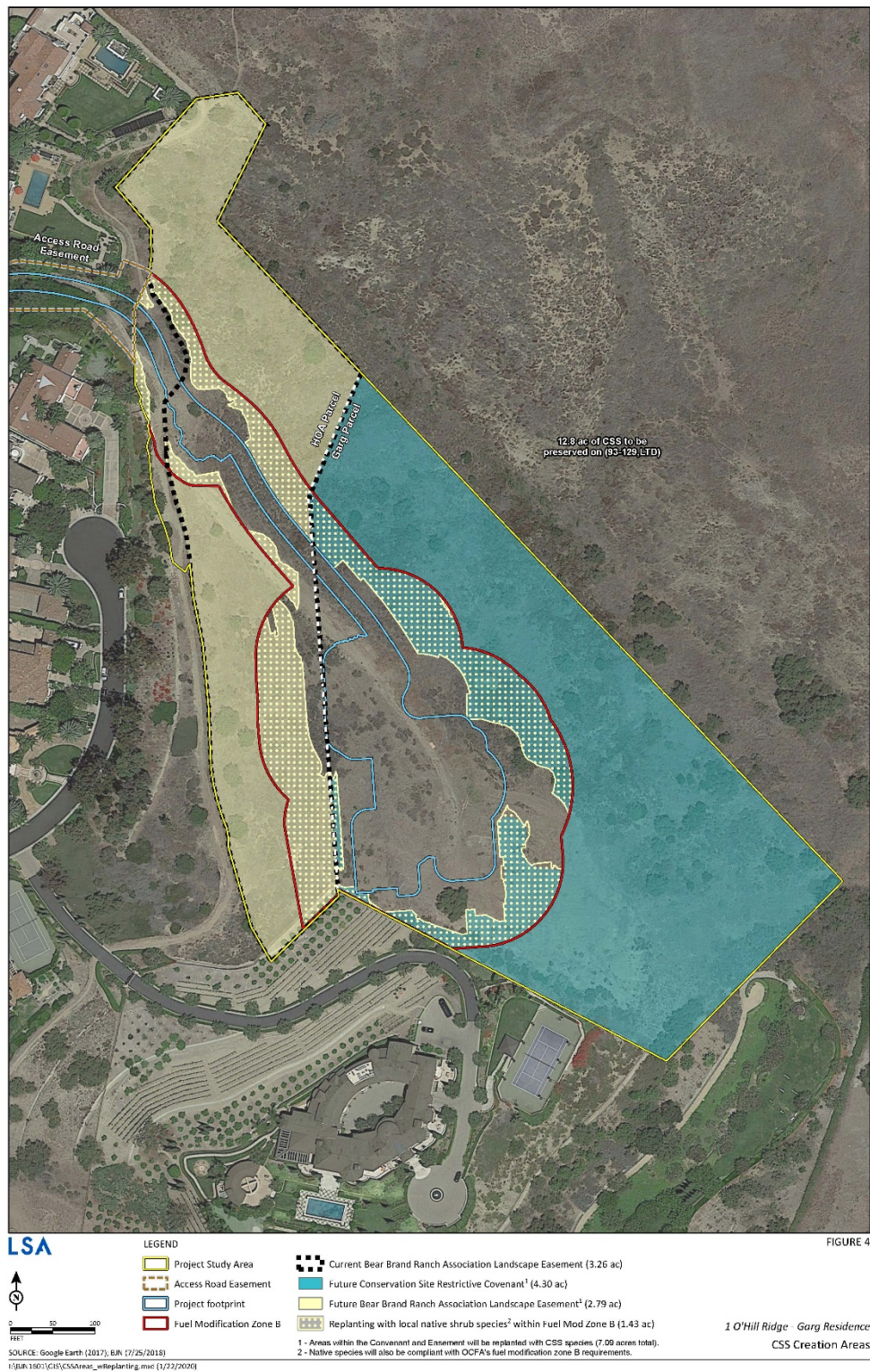


Figure 4. Preserved coastal sage scrub within the HOA and Garg Parcels.

BIOLOGICAL RESOURCES REPORT

**1 O'HILL RIDGE, GARG RESIDENCE
LAGUNA NIGUEL, ORANGE COUNTY, CALIFORNIA**



October 2017

BIOLOGICAL RESOURCES REPORT

1 O'HILL RIDGE, GARG RESIDENCE LAGUNA NIGUEL, ORANGE COUNTY, CALIFORNIA

Submitted to:

Sushil and Lorene Garg
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Prepared by:

LSA
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Project No. BJN1601



October 2017

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- A: LISTS OF PLANT AND ANIMAL SPECIES OBSERVED
- B: LIST OF SPECIAL-INTEREST SPECIES

INTRODUCTION

In anticipation of future development, LSA biologists visited the study area of the 1 O'Hill Ridge, Garg Residence (proposed project) and conducted a survey of the biological resources. The proposed project encompasses approximately 9.66 acres (ac) in Laguna Niguel, Orange County, California. The project site (Parcel 1 of Parcel Map 85-128) is located southeast of the terminus of O'Hill Ridge Road in the Bear Brand Ranch gated community. Geographically, the project site is mapped in the southeast quarter of the southwest quarter of Section 2 of Township 8 South, Range 8 West, as shown on the United States Geological Survey (USGS) *San Juan Capistrano, California* 7.5-minute quadrangle (Figure 1).

The purpose of the survey was to provide an updated assessment of the biological resources that are present on site. An assessment was conducted in 2016 for the same proposed project, but an updated visit has been conducted because site plans and conditions have changed. The study area has increased in size, and in the year since the most recent biological assessment, the area received a considerable amount of precipitation. This report presents the results of a literature review and field survey and analysis of potential impacts to biological resources. There are no potential jurisdictional waters on site; therefore, a jurisdictional waters delineation will not be required.

METHODOLOGY

Literature Search

A literature review was conducted to assist in determining the existence or potential occurrence of sensitive plant and animal species on the project site or in the vicinity thereof. Database records for the *San Juan Capistrano, San Clemente, Dana Point, Laguna Beach, Canada Gobernadora, Santiago Peak, El Toro, and Tustin, California* USGS 7.5-minute quadrangles were searched on October 7, 2016, using the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) *Rarefind 5* (Commercial Version, dated October 1, 2016; Biogeographic Data Branch), the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (online edition, v8-02), and the United States Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC; v3.0.9) online database. A current aerial photograph was also reviewed. Maps of USFWS-designated critical habitat were used to determine the location of critical habitat relative to the study area.

General Biological Survey

LSA biologist Laura Magee conducted a biological survey of the project site on October 12, 2016, and conducted a follow-up survey on September 15, 2017. The survey was conducted on foot. Notes were taken on general site conditions, vegetation, and suitability of habitat for various sensitive elements. Plant and animal species observed or otherwise detected were noted. The limits of the coastal sage scrub (CSS) habitat on site were also mapped using global positioning system (GPS) technology in order to accurately quantify potential impacts to CSS habitat. On October 18, 2016, LSA biologist Richard Erickson and Ms. Magee conducted a follow-up to the original site visit, to survey for the presence of the coastal California gnatcatcher (CAGN) and its use of the CSS habitat on site.

RESULTS

Physical Site Characteristics

The approximately 9.66-ac study area in Laguna Niguel is characterized by gentle to steep-sloping hills. The project is located south of the end of O'Hill Ridge Road within the boundaries of the gated Bear Brand Ranch single-family residential development. The project site is located north of Old Ranch Road, west of Interstate 5, and east of Golden Lantern Street. The entire study area is undeveloped. Ruderal nonnative grasses and ornamental species are the dominant vegetation on the lower slopes in the southeastern portion of the site as well as in the central and southern portions of the site where development is anticipated to occur. The western edge of the site is also disturbed with ruderal vegetation, with a number of native oak trees (*Quercus* sp.) scattered near the top of the slope. The majority of the site, 5.70 ac, is composed of native vegetation primarily consisting of CSS and disturbed CSS present on the steeper slopes in the eastern and central portions of the site (Figure 2). Surrounding land uses primarily consist of detached single-family homes as part of the existing Bear Brand Ranch community.

Topography and Soils

The project site, consisting of gentle and steep hills, generally slopes from the northwest to the southeast. The site elevation ranges from approximately 440 to 650 feet above mean sea level. Mapped soils on the site consist of clays and clay loams, including Bosanko complex (Bosanko clay, 15–30 percent slopes; Bosanko clay, 30–50 percent slopes), Alo complex (Alo clay, 30–50 percent slopes), and Sorrento complex (Sorrento clay loam, 2–9 percent slopes).

Plant Communities

The dominant native plant community on the east, southeast, and west sides of the site consists of Venturan-Diegan CSS (Orange County Habitat Classification System 1992), approximately 5.13 ac and 0.57 ac of disturbed CSS. The southwest and southeast portions of the site are mostly composed of nonnative grasses (0.90 ac). The central and western portion of the site is mostly disturbed and is now covered in ruderal vegetation. The disturbed portion makes up approximately 0.43 ac and the ruderal vegetation makes up approximately 1.91 ac. Oak trees are scattered throughout the western portion of the study area and cover approximately 0.09 ac. Ornamental plant material is located along the southeast and northern boundary of the site in conjunction with the existing adjacent residential development and accounts for 0.63 ac of the site (Figure 2).

Coastal Sage Scrub

This vegetation type is found on the steep south-facing slopes of the east portion of the site. Californiasagebrush (*Artemisia californica*) is the dominant species, with coyote bush (*Baccharis pilularis*) the co-dominant species. Other species in this series observed on site include California bush sunflower (*Encelia californica*) and deerweed (*Acmispon glaber*).



SOURCE: Eagle Aerial (6/2015)

I:\BJN1601\GIS\Vegetation.mxd (10/2/2017)

LEGEND

California gnatcatcher Territory

Photo Points (with ID)

Vegetation

	CSS, Coastal Sage Scrub (5.13 ac)
	DCSS, Disturbed Coastal Sage Scrub (0.57 ac)
	NNG, Nonnative Grassland (0.90 ac)
	ORN, Ornamental (0.63 ac)
	OAK, <i>Quercus</i> sp. (0.09 ac)
	RUD, Ruderal (1.91 ac)
	DIST, Disturbed (0.43 ac)

FIGURE 2

1 O'Hill Ridge - Garg Residence

Vegetation

Disturbed Coastal Sage Scrub

This moderate quality CSS was primarily found in the central portion of the site, generally in proximity to the disturbed areas and adjacent to those areas occupied with California sagebrush and sagebrush scrub. Species observed on site in this series include California sagebrush, orange bush monkeyflower (*Mimulus aurantiacus*), California bush sunflower, goldenbush (*Isocoma menziesii*), telegraph weed (*Heterotheca grandiflora*), horsetweed (*Conyza canadensis*), wild cucumber (*Marah macrocarpus*), and coyote bush. This lower quality CSS was also mixed with weedy nonnative species (e.g., black mustard [*Brassica nigra*]).

Nonnative Grassland

Nonnative grassland consists of early successional grassland dominated by pioneering grasses and herbaceous plants that readily colonize disturbed ground. Dominant genera in these areas on site include *Bromus* and *Avena*.

Ruderal

Ruderal vegetation is indicative of disturbed areas and is dominated by weedy introduced species. Vegetation in the north and west portions of the site as well as in the central and southern portions of the site where development is anticipated to occur falls under this classification. Species observed on site include but are not limited to pampas grass (*Cortaderia* sp.), fennel (*Foeniculum vulgare*), tree tobacco (*Nicotiana glauca*), black mustard, Russian thistle (*Salsola tragus*) and tocalote (*Centaurea melitensis*).

Ornamental Plantings

Ornamental plant material located in the study area is limited to the south, southwest, and north edges of the site in areas adjacent to existing residential development. Vegetation in this classification observed on site includes eucalyptus (*Eucalyptus* sp.), acacia (*Acacia* sp.), and Peruvian pepper (*Schinus molle*).

Oak Trees

A few scattered native oak trees were present, interspersed along the western edge of the site.

Disturbed Areas

The disturbed area on site comprises a dirt access road and a small amount of vegetation, which is dominated by nonnative weedy species, including artichoke thistle (*Cynara cardunculus*), redstem filaree (*Erodium cicutarium*), black mustard, and fennel.

Wildlife and Plant Special-Status and Special-Interest Species

This section discusses the status of sensitive wildlife and plant species observed or potentially occurring on site. Legal protection for sensitive species varies widely, from the comprehensive protection extended to listed threatened/endangered species to no legal status at present. The CDFW, USFWS, local agencies, and special-interest groups (e.g., the CNPS) publish watch lists of declining species. Species on watch lists can be included as part of the sensitive species assessment.

Species that are proposed for listing or candidates for State and/or federal listing are also included in the sensitive species list.

Inclusion of any of the potential species described in the sensitive species analysis of the study area is based on the following criteria:

- Direct observation of the species or its sign in the study area or immediate vicinity during surveys conducted for this study or reported in previous biological studies
- Sighting by other qualified observers
- Record reported by the CNDDDB published by the CDFW
- Presence or location of specific species lists provided by private groups (e.g., CNPS)
- Study area lies within known distribution of a given species and contains appropriate habitat

Figure 3 provides site photographs. Appendix A includes a full list of plant and animal species observed during the biological survey. Focused surveys for special-interest plant species with potential to occur in the study area were not conducted. It is recommended that spring plant surveys be conducted for these nonlisted special-interest species.

Threatened and Endangered Species

Eighteen federal/State-listed threatened or endangered species were identified as occurring in the site vicinity. However, potential habitat was identified for only the following three threatened or endangered species on site:

- CAGN (*Poliophtila californica californica*): present
- Laguna Beach dudleya (*Dudleya stolonifera*): low potential
- Big-leaved crownbeard (*Verbesina dissita*): low potential

One CAGN was audibly detected in CSS habitat in the northeast and western portion of the site. At least one pair of gnatcatchers is known to occupy the site and was observed during the previous survey in October 2016. This pair also used adjacent off-site habitat to the northeast. No other threatened or endangered wildlife species were observed during the site survey.

No threatened or endangered plant species were observed during the site survey. Two threatened or endangered plant species (Laguna Beach dudleya and big-leaved crownbeard) have a low potential for occurrence. The only known populations of Laguna Beach dudleya and big-leaved crownbeard in the vicinity of the project are found in Laguna Beach, primarily on north-facing cliffs associated with sandstone or gravelly soils. Neither exhaustive nor focused surveys for such species were conducted during this biological resource survey. However, due to the clay and clay loam soils that occupy the project site, it is highly unlikely that either species would be growing on the site; therefore, focused surveys for these species are not warranted.



Photo point 1 facing east.



Photo point 2 facing southeast.



Photo point 3 facing northwest.



Photo point 4 facing southwest.

LSA

FIGURE 3

1 O'Hill Ridge - Garg Residence
Site Photographs



Photo point 5 facing north.



Photo point 6 facing east.



Photo point 7 facing north.



Photo point 8 facing southeast.

LSA

FIGURE 3

1 O'Hill Ridge - Garg Residence
Site Photographs

Special-Interest Species

Special-interest species have limited population distribution in Southern California, and development is further reducing their ranges and numbers. These species have no official State or federal protection status but merit consideration under the California Environmental Quality Act (CEQA). A total of 81 nonlisted special-interest species were recorded in the literature as occurring in the vicinity of the study area. One species was observed during the survey in October 2016: Cooper's hawk (*Accipiter cooperii*). No additional special-interest species were observed during the updated survey. Species observed and those species with a moderate and high probability for occurrence are listed in Appendix B.

Wildlife Movement

Wildlife movement includes seasonal migration along migrational corridors, as well as daily movement for foraging. Migrational corridors may include corridors for unobstructed movement of deer, riparian corridors providing cover for migrating birds, routes between breeding waters and upland habitat for amphibians, and roosting and feeding sites for raptors and shorebirds. In some cases, noncontiguous patchworks of similar habitat types may act as corridors for some bird species by providing a "stepping-stone" function between areas composed of similar habitat types some distance apart from one another.

The project site is surrounded by existing residential development and a nearby major roadway that already reduces the likelihood that large mammals (e.g., mule deer) use this area regularly. Development of the property may impede the occasional movement of mammals in the area but will not have a significant effect on wildlife corridors. Mitigation that would be provided for impacts to CSS habitat on site will fulfill the same function as today. Therefore, with the proposed mitigation measures implemented, development of the project is not anticipated to have a significant effect on wildlife movement in the project area.

Natural Community Conservation Plan/Habitat Conservation Plan Existing Use

The project site is in an area classified as Existing Use under the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). Existing Use Areas comprise areas with important populations of Identified Species but which are geographically removed from the Reserve System. "Take" under the Implementation Agreement is defined as Incidental Take pursuant to the Federal Endangered Species Act (FESA) and includes harm, harassment, modification of habitat, and any other activity prohibited or otherwise limited in a manner comparable to current Take provisions of FESA in then-applicable provisions of law. Take in Existing Use Areas is not authorized. Within the jurisdiction of agencies that are signatory to the NCCP/HCP, project proponents would only have to pay a mitigation fee for development impacts outside the Reserve, but the mitigation fee option does not automatically apply in Existing Use Areas. Per the NCCP Implementation Agreement, the mitigation fee option will not be available for Take by non-participating landowners on lands located within Existing Use Areas unless (1) located within signatory Local Government jurisdictions and (2) specifically authorized by the USFWS and the CDFW.

Because the City of Laguna Niguel (City) is not currently a signatory to the NCCP, this project site does not meet either of the two requirements to be automatically eligible for the mitigation fee

option. If the City signs on to the NCCP/HCP, and if the Wildlife Agencies are willing to authorize Take, then the project proponent would simply need to pay the appropriate mitigation fees.

If the above is not possible, then another option is a low-effect HCP for the issuance of an Incidental Take permit under FESA for the gnatcatcher. A low-effect HCP involves minor or negligible effects on federally listed species and their habitats covered under the HCP. In addition, "low-effect" Incidental Take permits are those permits that, despite their authorization of some small level of Incidental Take, individually and cumulatively have a minor or negligible effect on species covered in the HCP. In the case of a low-effect HCP, mitigation would be required and could be on or off site. The HCP and mitigation plan would need to be approved by the USFWS, but the details cannot yet be determined until there is an approved project footprint and impacts are quantified.

Jurisdictional Waters and/or Wetlands

Potential jurisdictional waters of the United States, including jurisdictional wetlands, are not present on site due to a lack of an ordinary high water mark or nexus to other waters regulated by the United States Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. There is, however, a jurisdictional drainage at the bottom of the hill southeast of the site. If, for geotechnical reasons, impacts to this drainage were required to stabilize the hillside, there would need to be a jurisdictional delineation and likely a Corps permit. In this case, a Section 7 consultation would be required. A Section 7 consultation is triggered if a federal action could affect listed species or critical habitat for a listed species. If the project did require a Corps permit and Section 7 consultation, the low-effect HCP would not be necessary.

IMPACTS

Threatened and Endangered Species

The CAGN is a federally listed threatened species and is known to be present on the project site. One pair of CAGN has been observed on the project site's east-facing slope, in an area dominated by California sagebrush.

No other threatened or endangered species were observed during the biological surveys conducted on October 12 and 18, 2016, or September 15, 2017, and such species are not expected to occur within the project site.

Special-Interest Species

Special-interest species have no official State or federal protection status, but generally require consideration under CEQA. Because much of the project site is in a disturbed condition and is surrounded by residential development, impacts to the special-interest species listed in Appendix B are not considered significant. Cooper's hawk, a nonlisted special-interest species, was observed during the biological surveys conducted on October 12 and 18, 2016. A mitigation plan has not yet been written because there is not an approved project footprint, but with the implementation of mitigation measures, development of the project is not anticipated to have a significant effect on nonlisted special-interest species.

Sensitive Natural Plant Communities

The vegetation on the steep lower slopes of the eastern portion of the site and the upper slopes of the central portion of the site is dominated by CSS. Nonnative species dominate the south central portion of the site, where development will most likely occur. Native vegetation primarily consists of sagebrush scrub and mixed sage scrub plant communities. The native plant communities fall under what is considered to be sensitive natural communities. Most of the CSS habitat area is outside the proposed development portion of the project site, but a small acreage of CSS habitat will likely need to be removed for the parcel's fuel modification zone. Total impacts have not yet been calculated, but any potential impacts to CSS habitat are anticipated to be less than significant with an approved project mitigation plan.

Potential Raptor Nesting Sites

Several existing trees located on site (e.g., blue elderberry [*Sambucus nigra*] and Peruvian pepper) may provide nesting habitat for raptors (e.g., Cooper's hawk and red-shouldered hawk [*Buteo lineatus*]) protected by the Migratory Bird Treaty Act. With the proposed mitigation measures implemented, impacts to potential raptor nesting sites on the project site would be reduced to a less than significant level.

Cumulative Impacts

According to Section 15130 of the *CEQA Guidelines*, cumulative impacts refer to incremental effects of an individual project when viewed in connection with the effects of past projects, current projects, and probable future projects. Due to the location of the project site in an existing residential development area, and with consideration of mitigation and extensive habitat conservation within the NCCP/HCP, the potential impacts are not considered cumulatively significant.

MITIGATION MEASURES

An exhaustive list of mitigation measures is not yet available until a mitigation plan is created along with the low-effect HCP (if required) based on an approved project footprint; however, the following mitigation measures shall be required to reduce potential impacts to CAGN to less than significant:

- All fuel modification activities, including removal of nonnative vegetation outside the areas of CSS, shall be conducted outside the gnatcatcher breeding season (February 15–August 15).
- No grading of CSS habitat shall occur during the breeding season (February 15–August 15). Prior to the issuance of a grading permit, all areas of CSS habitat to be avoided, including those areas within the limits of the fuel modification zone, shall be identified with temporary fencing or other markers clearly visible to construction personnel during grading and construction of the project. Additionally, prior to the commencement of activities involving disturbance of CSS, a survey shall be conducted by a qualified biologist acceptable to the USFWS to locate CAGN within 100 feet of the outer extent of projected disturbance activities, and the locations of any such species shall be clearly marked and identified on the construction/grading plans. A monitoring biologist acceptable to the USFWS shall be on site during any vegetation and/or

ground-disturbance activities. The City shall advise the USFWS at least 7 calendar days prior to the clearing of any habitat occupied by CAGN to allow the USFWS to work with the monitoring biologist in connection with bird flushing/capture activities. The monitoring biologist shall flush CAGN from occupied habitat areas immediately prior to brush-clearing/ground-disturbance activities. No construction access, parking, or storage of equipment or materials shall be permitted within such marked areas.

- If large on-site trees are to be removed between December 15 and September 15, the likely raptor nesting season, the owner or designee shall have a City-approved qualified biologist conduct surveys to ensure that no nesting raptors are affected by tree removal activities.

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APPENDIX A

LISTS OF PLANT AND ANIMAL SPECIES OBSERVED

PLANT SPECIES OBSERVED

The following plant and animal species were observed in the study area by LSA biologists Laura Magee and Richard Erickson during the site surveys conducted on October 12 and 18, 2016.

* Introduced, nonnative species

ANGIOSPERMAE: DICOTYLEDONAE

Anacardiaceae

* *Schinus molle*

Apiaceae

* *Foeniculum vulgare*

Asteraceae

Ambrosia psilostachya

Artemisia californica

Baccharis pilularis ssp. *consaguinea*

* *Centaurea melitensis*

Erigeron canadensis

* *Cynara cardunculus*

Heterotheca grandiflora

Isocoma menziesii var. *menziesii*

Brassicaceae

* *Brassica nigra*

Cactaceae

Opuntia littoralis

Caprifoliaceae

Sambucus nigra

Chenopodiaceae

* *Salsola tragus*

Cucurbitaceae

Marah macrocarpus

Euphorbiaceae

Croton setigerus

DICOT FLOWERING PLANTS

Sumac Family

Peruvian pepper tree

Carrot Family

Sweet fennel

Sunflower Family

Western ragweed

California sagebrush

Coyote bush

Tocalote

Canada horseweed

Artichoke thistle

Telegraph weed

Menzies' goldenbush

Mustard Family

Black mustard

Cactus Family

Coastal prickly pear

Honeysuckle Family

Mexican elderberry

Goosefoot Family

Russian-thistle

Gourd Family

Wild cucumber

Spurge Family

Doveweed

Fabaceae

Acmispon glaber

Legume Family

Coastal deerweed

Fagaceae

Quercus sp.

Oak Family

Oak

Geraniaceae

* *Erodium cicutarium*

Geranium Family

Red-stemmed filaree

Platanaceae

Platanus racemosa

Sycamore Family

Western sycamore

Phrymaceae

Mimulus aurantiacus

Lopseed Family

Bush monkey flower

Rosaceae

Heteromeles arbutifolia

Rose Family

Toyon

Solanaceae

* *Nicotiana glauca*

Nightshade Family

Tree tobacco

ANGIOSPERMAE: MONOCOTYLEDONAE

MONOCOT FLOWERING PLANTS

Poaceae

- * *Avena barbata*
- * *Avena fatua*
- * *Bromus diandrus*
- * *Bromus hordeaceus*
- * *Bromus madritensis* ssp. *rubens*
- * *Cortaderia selloana*
- Leymus condensatus*

Grass Family

Slender wild oat
Common wild oat
Ripgut grass
Soft chess
Foxtail chess
Pampas grass
Giant wild-rye

ANIMAL SPECIES OBSERVED

This is a list of the conspicuous aerial insects, bony fishes, amphibians, reptiles, birds, and mammals noted in the study area by LSA biologists. Presence may be noted if a species is seen or heard, or identified by the presence of tracks, scat, or other signs.

* Species not native to the study area

AVES

Accipitridae

Accipiter striatus
Accipiter cooperii

Picidae

Colaptes auratus

Falconidae

Falco sparverius

Columbidae

Zenaida macroura

Trochilidae

Calypte anna
Selasphorus sasin

Tyrannidae

Tyrannus vociferans
Sayornis nigricans
Sayornis saya

Vireonidae

Vireo huttoni

Corvidae

Aphelocoma californica
Corvus brachyrhynchos

Aegithalidae

Psaltiriparus minimus

BIRDS

Hawks, Kites, Eagles, and Allies

Sharp-shinned hawk
Cooper's hawk

Woodpeckers and Allies

Northern flicker

Caracaras and Falcons

American kestrel

Pigeons and Doves

Mourning dove

Hummingbirds

Anna's hummingbird
Allen's hummingbird

Tyrant Flycatchers

Cassin's kingbird
Black phoebe
Say's phoebe

Vireos

Hutton's vireo

Crows and Jays

California scrub-jay
American crow

Long-Tailed Tits and Bushtits

Bushtit

Troglodytidae

Salpinctes obsoletus
Troglodytes aedon
Thryomanes bewickii

Sylviidae

Polioptila caerulea
Polioptila californica californica

Timaliidae

Chamaea fasciata

Turdidae

Catharus guttatus

Mimidae

Mimus polyglottos

Estrildidae

* *Lonchura punctulata*

Parulidae

Setophaga coronata
Setophaga townsendi

Emberizidae

Pipilo maculatus
Pipilo crissalis
Zonotrichia leucophrys

Fringillidae

Carpodacus mexicanus
Spinus psaltria

MAMMALIA

Geomyidae

Thomomys bottae

Wrens

Rock wren
House wren
Bewick's wren

Old World Warblers and Gnatcatchers

Blue-gray gnatcatcher
Coastal California gnatcatcher

Babblers

Wrentit

Thrushes

Hermit thrush

Mockingbirds and Thrashers

Northern mockingbird

Estrildid Finches

Scaly-breasted munia

Wood Warblers

Yellow-rumped warbler
Townsend's warbler

Emberizids

Spotted towhee
California towhee
White-crowned sparrow

**Fringilline and Cardueline Finches
and Allies**

House finch
Lesser goldfinch

MAMMALS

Pocket Gophers

Botta's pocket gopher

APPENDIX B

LIST OF SPECIAL-INTEREST SPECIES

LIST OF SPECIAL-INTEREST SPECIES

A total of 81 nonlisted special-interest species were recorded in the literature as occurring in the vicinity of the study area. Twelve species are considered to be absent based on the lack of suitable habitat; 47 species are considered to have a low probability for occurrence; 18 species are considered to have a moderate probability for occurrence; 3 species are considered to have a high probability for occurrence; and 1 species was observed during the surveys. Species observed and those species with a moderate and high probability for occurrence include the following:

- Western mastiff bat (*Eumops perotis californicus*): moderate potential
- San Bernardino ringneck snake (*Diadophis punctatus modestus*): moderate potential
- Northern harrier (*Circus cyaneus*): moderate potential
- White-tailed kite (*Elanus leucurus*): high potential
- Merlin (*Falco columbarius*): moderate potential
- Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*): moderate potential
- Northern red diamond rattlesnake (*Crotalus ruber ruber*): moderate potential
- Cooper's hawk (*Accipiter cooperii*): observed
- Southern California rufous-crowned sparrow (*Aimophila ruficeps conescens*): high potential
- Orange-throated whiptail (*Aspidoscelis hyperythra*): moderate potential
- Coastal western whiptail (*Aspidoscelis tigris stejnegeri*): moderate potential
- Coulter's saltbush (*Atriplex coulteri*): moderate potential
- Intermediate Mariposa lily (*Calochortus weedii* var. *intermedius*): moderate potential
- Dulzura pocket mouse (*Chaetodipus californicus femoralis*): moderate potential
- Summer holly (*Comarostaphylis diversifolia* ssp. *diversifolia*): moderate potential
- Costa's hummingbird (*Calypte costae*): moderate potential
- California thrasher (*Toxostoma redivivum*): high potential
- Yuma myotis (*Myotis yumanensis*): moderate potential
- Western red bat (*Lasiurus blossevillii*): moderate potential
- Southwestern yellow bat (*Lasiurus xanthinus*): moderate potential
- Many-stemmed Dudleya (*Dudleya multicaulis*): moderate potential
- Nuttall's scrub oak (*Quercus dumosa*): moderate potential



CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

September 4, 2018

Christine Medak
United States Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

Subject: Technical Assistance Related to the 9.42-Acre Property at 1 O'Hill Ridge – Garg Residence in Laguna Niguel, Orange County, California (LSA Project No. BJN1601)

Dear Ms. Medak:

LSA is under contract with Sushil and Lorene Garg to provide biological resources services for the Garg residence project (project) located southeast of the terminus of O'Hill Ridge Road in the Bear Brand Ranch gated community in Laguna Niguel, Orange County, California (Figure 1; all figures provided in Attachment A). The purpose of this letter is to request technical assistance from the United States Fish and Wildlife Service (USFWS) to verify agreement with the mitigation measures proposed for the revised project that would minimize impacts to coastal sage scrub (CSS) habitat that may be used by the coastal California gnatcatcher (*Poliophtila californica californica*). LSA has conducted focused protocol coastal California gnatcatcher surveys during the 2018 nesting bird season (refer to Attachment B, Focused Protocol Coastal California Gnatcatcher Survey Results) and performed a detailed assessment of the project site conditions and project plans. In addition, LSA has recommended several project modifications and mitigation measures to further reduce the minor impacts that might be associated with the project.

PROJECT SUMMARY

The proposed project encompasses 9.42 acres (including an abutting 3-acre landscape easement) known as 1 O'Hill Ridge – Garg Residence, and is southeast of the terminus of O'Hill Ridge Road in the gated Bear Brand Ranch single-family residential development in Laguna Niguel, Orange County, California. The 0.4-acre access road easement, which consists entirely of nonnative disturbed and ornamental vegetation, is not included as part of the 9.42-acre project since it will not be converted to CSS.

Geographically, the project site is mapped in the southeast quarter of the southwest quarter of Section 2 of Township 8 South, Range 8 West, as shown on the United States Geological Survey (USGS) *San Juan Capistrano, California* 7.5-minute quadrangle (Figure 1). The 1 O'Hill Ridge – Garg Residence project site is characterized by gentle and steep hills that generally slope from the northwest to the southeast. The site elevation ranges from approximately 440 to 650 feet above mean sea level.

The entire project site is currently undeveloped. Ruderal nonnative grasses and ornamental species are the dominant vegetation on the lower slopes in the southeastern portion of the site as well as in the southern portions of the site, where development is anticipated to occur. The western edge of

the site is also disturbed with ruderal vegetation, with a number of small oak trees (*Quercus* sp.) scattered near the top of the slope. Slightly more than half of the site (5.71 acres) is composed of native vegetation primarily consisting of CSS and disturbed CSS present on the steeper slopes in the eastern and central portions of the site (Figure 2). Surrounding land uses primarily consist of detached single-family homes that are part of the existing Bear Brand Ranch community.

The project also includes the adjacent 3-acre Bear Brand Ranch community homeowner's association (HOA) landscape easement (Figure 3). An agreement has been finalized and approved to convert an additional 0.99 acre of nonnative vegetation on adjacent HOA-owned property to CSS. With the HOA property conversion, the total coastal California gnatcatcher nesting and foraging habitat is increased to 5.9 acres.

One pair of California gnatcatchers and one additional male were located during the 2018 protocol surveys. The territory of the pair straddled the northeastern border of the project site, which parallels the bottom of a canyon. A pair was observed building a nest in California sagebrush (*Artemisia californica*) off site; no nesting activity was documented occurring on the project site. The configuration of this territory is similar to what was found by LSA biologists at the same site in 2009. No other threatened or endangered wildlife species were observed during the site survey.

All practicable measures to reduce the project's footprint and to minimize potential impacts to CSS habitat have been identified (see Table A). Most of the CSS habitat area is outside the proposed development portion of the project site, but up to 2.09 acres of CSS habitat within the parcel's development footprint and fuel modification zone and 0.03 acre of graded areas outside the fuel modification zone would be subject to removal. A total of 5.9 acres on the subject property outside the fuel modification zone will be preserved, created, and/or enhanced with CSS habitat, as described in more detail below (Figure 4).

Table A: Coastal Sage Scrub Impacts Within Developed, Fuel Modification, and Graded Portions of the Project Site

Vegetation Type	Acreage
Developed and Fuel Modification Zone	
CSS, Coastal Sage Scrub	1.59
DCSS, Disturbed Coastal Sage Scrub	0.48
<i>Developed and Fuel Modification Total</i>	<i>2.07</i>
Graded Areas Outside of Developed and Fuel Modification Zone	
CSS, Coastal Sage Scrub	0.01
DCSS, Disturbed Coastal Sage Scrub	0.02
<i>Graded Areas Outside of Developed and Fuel Modification Zone Total</i>	<i>0.03</i>
TOTAL Impacted Vegetation	2.10

The Orange County Fire Authority (OCFA) is responsible for enforcing fuel modification of natural vegetation at the urban interface on development occurring within canyons, foothills, and other lands containing combustible vegetation. Per OCFA requirements, a conceptual fuel modification plan showing the area and location of fuel modification (fuel modification zone) necessary to achieve the minimum acceptable level of risk to structures from combustible vegetation was

developed for the project (refer to Attachment C, Conceptual Fuel Modification Plan). The fuel modification zone is a strip of land where combustible vegetation is removed and/or modified and partially or totally replaced with more adequately spaced, drought-tolerant, fire-resistant plants to provide a reasonable level of protection to structures from wildland fires. The conceptual fuel modification plan must be approved by the OCFA prior to and/or concurrent with review and approval of the grading permit.

Per the conceptual fuel modification plan developed for the project and approved by the OCFA, a total of 3.52 acres of vegetation, consisting of 2.09 acres of CSS and 1.43 acres of nonnative vegetation within the fuel modification zone, will require modification, including selective removal. All nonnative grasses and ruderal vegetation identified above will be removed from the site. In addition, highly combustible CSS species, including but not limited to California sagebrush (*Artemisia californica*), wishbone bush (*Mirabilis laevis*), and coastal deerweed (*Acmispon glaber*), would be removed from within the fuel modification zone.

Although CSS habitat within the fuel modification zone will be subject to selective removal of highly combustible vegetation, many native shrub species will remain in place. Areas of nonnative vegetation will be replanted with “gnatcatcher-friendly” native vegetation, including California bush sunflower (*Encelia californica*) and bush monkey flower (*Mimulus aurantiacus*), to provide foraging opportunities for coastal California gnatcatcher within the fuel modification zone.

A total of 3.56 acres of CSS existing outside the development footprint and fuel modification zone would be preserved. The 2.24 acres of nonnative vegetation outside the fuel modification zone would be converted to CSS and 0.1 acre of disturbed CSS vegetation outside the fuel modification zone would be enhanced. It should be noted that much of the enhancement would take place prior to impacts occurring. In addition, creation and enhancement of 2.34 acres of CSS vegetation on site would result in 5.9 acres of on-site CSS habitat, which is more than is currently present and nearly triple the amount of on-site CSS habitat that the project would impact (see Table B).

Table B: Coastal Sage Scrub to Be Preserved, Created, and Enhanced

Type of Restoration	Acreage
Preserved CSS	3.56
Created CSS	2.24
Enhanced CSS	0.10
TOTAL (CSS to Be Preserved, Created, and Enhanced)	5.90
Development Footprint, Including Fuel Modification Zone	3.52
TOTAL (1 O Hill Ridge – Garg Property)	9.42

CSS = coastal sage scrub

As previously mentioned, the project also includes the adjacent 3-acre Bear Brand Ranch community HOA landscape easement. An agreement to convert an additional 0.99 acre of nonnative vegetation on adjacent HOA-owned property to CSS has been approved (see Table C). With the approved HOA property conversion, the total coastal California gnatcatcher nesting and foraging habitat is increased to 5.9 acres.

Table C: Existing Vegetation Within HOA Easement

Vegetation Type	Acreage
Native Vegetation	
CSS	1.50
Disturbed CSS	0.42
Oak	0.09
<i>Total Native Vegetation Within HOA Easement</i>	<i>2.01</i>
Nonnative Vegetation	
Ruderal	0.88
Disturbed	0.11
<i>Total Nonnative Vegetation Within HOA Easement</i>	<i>0.99</i>
TOTAL (HOA Landscape Easement)	3.00

CSS = coastal sage scrub

HOA = homeowner's association

Also worth noting is that the adjacent 52-acre project site (93-129, LTD), bordering the eastern edge of the proposed project in the Bear Brand Ranch community, has an approved mitigation plan requiring the creation of 12.8 acres of CSS habitat to satisfy that project's permit requirements. This would provide a total of 18.7 acres of nearly contiguous high-quality coastal California gnatcatcher nesting and foraging habitat.

The property owner will incorporate on-site mitigation measures (discussed below), which will further benefit the coastal California gnatcatcher and minimize potential impacts to the species and its habitat.

UNITED STATES FISH AND WILDLIFE SERVICE COORDINATION

LSA, with members of the project team, met with Christine Medak and Jonathan Snyder at the USFWS Carlsbad field office on December 12, 2017, to discuss the project and to get their input on ways to implement the project while minimizing potential impacts to coastal California gnatcatcher habitat. On December 20, 2017, Ms. Medak visited the site with LSA and members of the project team to discuss the proposed revised project footprint and the proposed mitigation measures. On December 22, 2017, Ms. Medak responded by email to the project team that she was "encouraged by the reductions in the footprint and the opportunities for restoration on the project site. We believe that there is a workable solution here outside of a low-effect habitat conservation plan (HCP)."

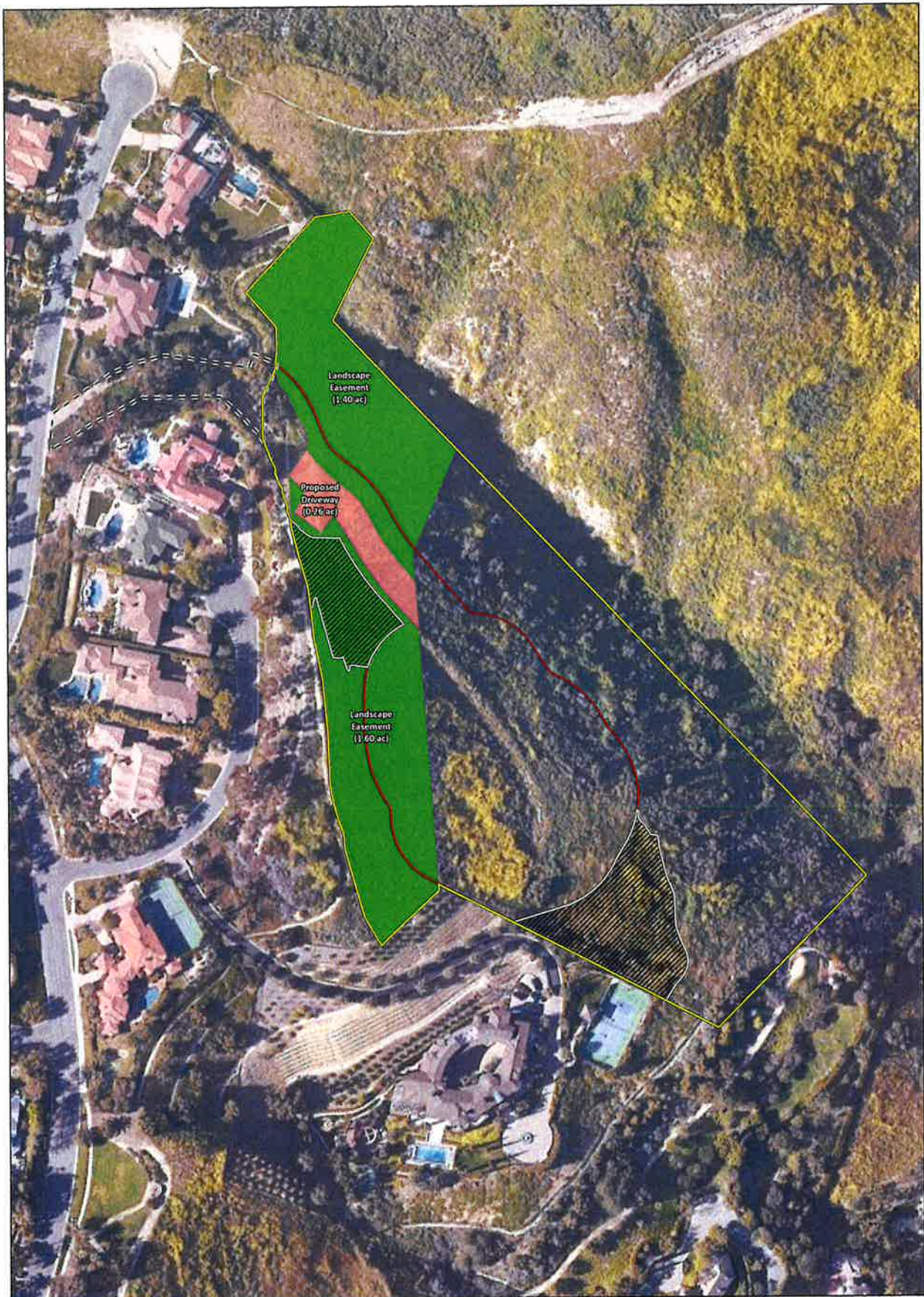


FIGURE 3

LSA



0 62.5 125
FEET

LEGEND

Project Study Area (9.42 ac)

Access Road (0.40 ac)

Fuel Modification Zone B

Graded and replanted with CSS

Landscape Easement (3.00 ac)

Proposed Driveway (0.28 ac)

SOURCE: Google Earth [2017]; BIN (7/25/2018)
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1 O'Hill Ridge - Garg Residence
HOA Easement

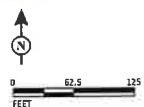


FIGURE 4

LSA

LEGEND

- Project Study Area (9.42 ac)
- Access Road (0.40 ac)
- Fuel Modification Zone B
- Graded and replanted with CSS
- CSS Creation Area (2.24 ac)
- CSS Enhancement Area (0.10 ac)
- CSS Preservation Area (3.56 ac)



SOURCE: Google Earth (2017); BIN (7/25/2018)
I:\BIN\1601\GIS\CSSAreas.mxd (8/16/2018)

1 O'Hill Ridge - Garg Residence
CSS Creation Areas

ATTACHMENT B

FOCUSED PROTOCOL COASTAL CALIFORNIA GNATCATCHER SURVEY RESULTS



CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

June 26, 2018

Ms. Stacey Love
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Ms. Esther Burkett
Nongame Wildlife Program
California Department of Fish and Wildlife
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California Natural Diversity Database
California Department of Fish and Wildlife
1807 13th Street, Suite 202
Sacramento, CA 95811

Subject: Coastal California Gnatcatcher Protocol Survey Results: March 17, 2018, to April 30, 2018, 1 O'Hill Ridge property in Laguna Niguel, Orange County, California; LSA Project Number BJN1601

Dear Ms. Love and Ms. Burkett:

This letter report documents the results of a coastal California gnatcatcher (*Polioptila californica californica*) protocol survey conducted by LSA at the 1 O'Hill Ridge property in Laguna Niguel, Orange County, California. The survey area totals approximately 10 acres (ac) (see Figures 1 and 2; all figures provided in Attachment A). LSA surveyed those portions of the area that support potential habitat for the coastal California gnatcatcher (i.e., coastal scrub habitat). One pair of gnatcatchers and an additional male were found, as described in more detail below.

Survey Area

The project area is located in Laguna Niguel and is mapped on the United States Geological Survey (USGS) *San Juan Capistrano, California* 7.5-minute series topographical quadrangle (Figure 1).

The study area is located on steep terrain in open space in southeastern Laguna Niguel, between O'Hill Ridge and Peppertree Bend. Dominant habitats in the study area are coastal sage scrub (undisturbed and disturbed; approximately 5.7 ac) and ruderal (approximately 1.9 ac). Also present are limited areas of nonnative grassland and ornamental vegetation, and individual oak trees (*Quercus* sp.).

Methods

During each survey, the LSA biologist walked slowly throughout the portions of the survey areas that support potential suitable habitat for California gnatcatchers. A taped recording of a coastal California gnatcatcher was played occasionally. A total of six gnatcatcher surveys were conducted between March 17 and April 30, 2018 (see table below for details). The LSA biologist conformed to protocol techniques for all surveys.

Permitted gnatcatcher biologist Richard Erickson conducted the surveys. All surveys were conducted pursuant to LSA's Federal Fish and Wildlife Permit TE-777965-11 (reissued May 3, 2018) and a California Department of Fish and Wildlife (CDFW) attachment to Scientific Collecting Permit SC-000777 providing Conditions for Research on Listed Birds (November 29, 2012–January 31, 2017, renewal underway).

Date	Time	Weather Conditions	Surveyor
March 17, 2018	0730–0935	Cloudy, cold-cool, light-moderate wind	RE
March 26, 2018	0720–0920	Partly cloudy, cold, light wind	RE
April 9, 2018	0710–0910	Clear, mild, calm	RE
April 16, 2018	0710–0910	Partly cloudy, cold, light wind	RE
April 23, 2018	0710–0910	Complete marine layer, cool, calm	RE
April 30, 2018	0840–1010	Mostly clear, cool, moderate wind	RE

Surveyor:

RE = Richard Erickson

Results

One pair of California gnatcatchers and one additional male were located during the protocol survey.

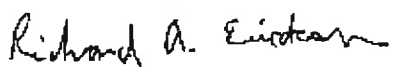
The territory of the pair straddled the northeastern border of the project site, which parallels the bottom of a canyon. The pair was actually observed on the project site on only three dates: March 26, April 9, and April 16. The birds were present off site on March 17 and April 23, but no gnatcatchers were observed on April 30. The pair was building a nest in a California sagebrush (*Artemisia californica*) bush off site (Figure 2) on April 9. The nest site was visited again by the birds on April 16 but not thereafter. The configuration of this territory is similar to what was found by LSA biologists at the same site in 2009.

On April 9, a second male was confronted by the male of the pair and driven off site to the south.

A complete list of animals detected during the surveys is included in Attachment B. California Native Species Field Survey Forms for California Species of Special Concern are included in Attachment C.

Sincerely,

LSA Associates, Inc.



Richard Erickson
Associate/Biologist

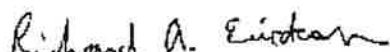
Attachments: A: Figures
B: Animal Species Detected
C: California Native Species Field Survey Forms

I CERTIFY THAT THE INFORMATION IN THIS SURVEY REPORT AND ATTACHED EXHIBITS FULLY AND ACCURATELY REPRESENTS MY WORK:

SURVEYOR:

PERMIT NUMBER:

DATE:



TE-777965-11

JUNE 26, 2018

RICHARD ERICKSON

ATTACHMENT A

FIGURES

Figure 1: Project Location

Figure 2: California Gnatcatcher Survey

On-Site Measures Proposed to Enhance Coastal Sage Scrub Habitat and Protect the Coastal California Gnatcatcher

The following mitigation measures are proposed to offset the unavoidable impacts to CSS vegetation within the fuel modification zone and to minimize impacts to coastal California gnatcatcher and its habitat.

1. LSA ornithologist Richard Erickson conducted focused protocol coastal California gnatcatcher surveys during the 2018 breeding season to define the area(s) used by gnatcatchers and determine those areas that should be avoided.
2. LSA will prepare a vegetation enhancement plan that will include discussion of existing site conditions, site preparation, vegetation enhancement, container plant list and quantity, installation methods, maintenance methods, monitoring methods, and documentation/reporting requirements. This will be achieved by reviewing previous documentation and discussing options with the USFWS. Draft copies of the vegetation enhancement plan will be submitted to the landowner and the USFWS for review. Based on comments received, the plan will be revised as appropriate. A copy of the final vegetation enhancement plan will be submitted to the landowner and the USFWS.
3. Approximately 2.24 acres of nonnative ruderal grasses and ornamental vegetation outside the fuel modification zone will be removed and restored with CSS vegetation, and approximately 0.1 acre of disturbed CSS vegetation outside the fuel modification zone will be enhanced prior to beginning project construction activities that require fuel modification (e.g., framing).
4. Several areas of native shrub species will remain in place within the 3.52-acre fuel modification zone. Highly combustible vegetation subject to selective removal will be replaced with “gnatcatcher-friendly” native vegetation to provide foraging opportunities for coastal California gnatcatcher within the fuel modification zone.
5. The property owner has finalized the Landscape Easement Agreement with the Bear Brand Ranch community HOA to convert an additional 0.98 acre of nonnative vegetation on adjacent HOA-owned property to CSS. With the approved HOA property conversion, the total coastal California gnatcatcher nesting and foraging habitat is increased to 5.9 acres.
6. A conservation easement over the 5.9 acres of preserved/enhanced/created CSS habitat will be established to ensure that this portion of the property is preserved in perpetuity. The legally binding conservation easement will allow this portion of the property to exist in its natural state and will prevent future development of this portion of the property. The language of the conservation easement will describe conservation and limited maintenance activities that can be performed.
7. Nonnative grasses and ruderal vegetation within the fuel modification zone will be removed and restored with native shrub and ground cover, including pockets of California bush sunflower, bush monkey flower, manzanita (*Arctostaphylos* spp.), bladderpod (*Peritoma arborea*),

California coffeeberry (*Rhamnus californica*), sugar bush (*Rhus ovata*), white-flowering currant (*Ribes indecorum*), blue elderberry (*Sambucus nigra*), and toyon (*Heteromeles arbutifolia*).

8. All areas of CSS habitat to be avoided outside of the grading limits will be identified with highly visible barriers (e.g., orange snow fencing) that will be installed around habitat to remain adjacent to the project footprint to designate Environmentally Sensitive Areas (ESAs) to be preserved. No grading or fill activity of any type will be permitted within these ESAs. In addition, no construction activities, materials, or equipment will be allowed within the ESAs. All construction equipment will be operated in a manner to prevent accidental damage to nearby preserved areas. No structure of any kind or incidental storage of equipment or supplies will be allowed within these protected zones. Silt fence barriers will be installed at the ESA boundary to prevent accidental deposition of cut or fill material in areas where CSS vegetation is adjacent to planned grading activities.
9. Prior to construction, a qualified biologist will provide a Worker Environmental Awareness Program (WEAP) for listed species that may be affected by the project. The program will be presented to all personnel working on site during construction.
10. Prior to the commencement of activities involving disturbance of CSS, a survey will be conducted to locate coastal California gnatcatcher within 500 feet of the outer extent of projected disturbance activities, and the locations of any such species will be clearly marked and identified on the construction/grading plans. A monitoring biologist acceptable to the USFWS will be on site during any vegetation and/or ground-disturbing activities. The USFWS will be advised at least 7 calendar days prior to the clearing of any habitat occupied by coastal California gnatcatcher to allow the USFWS to consult with the monitoring biologist, if desired.
11. A qualified biologist acceptable to the USFWS will conduct weekly inspections in areas adjacent to ESA boundaries to ensure that vegetation preservation and all mitigation measures are properly followed. Particular attention will be given to monitoring California gnatcatchers in the area, with the goal of locating active nests. Should any active gnatcatcher nests be found within the 500-foot buffer, LSA biologists will consult with the USFWS to prevent construction noise levels from exceeding 60 A-weighted decibels (dBA) and to minimize or eliminate any other potential disturbances. In collaboration with the USFWS, LSA biologists will have full authority to stop or modify any and all construction activities judged to be potentially disruptive to nesting gnatcatchers.
12. Landscaping of the preserved areas and the fuel modification zones will be done with native vegetation that emphasizes species known to be used by coastal California gnatcatcher.

CONCLUSION

It is LSA's belief that developing 1 O'Hill Ridge – Garg Residence in Laguna Niguel, California, as currently proposed and with the above mitigation measures, would not cause loss of productivity in the existing coastal California gnatcatcher territories associated with the project area.

The City of Laguna Niguel is in the process of preparing California Environmental Quality Act (CEQA) documentation for the project. Erich List is the contact person for the City of Laguna Niguel. Mr. List can be reached via letter, email, or phone at:

Erich List, Senior Planner
City of Laguna Niguel Planning Division
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
elist@CityofLagunaNiguel.org
(949) 372-4369

Thank you for giving this matter your prompt attention. Please contact Leo Simone or Art Homrighausen if you have any questions about this letter.

Sincerely,

LSA Associates, Inc.



Leo Simone
Associate Biologist

Attachments: A – Figures 1–4
B – Focused Protocol Coastal California Gnatcatcher Survey Results
C – Conceptual Fuel Modification Plan
D – HOA Grant Easement and Agreement

cc: Erich List, City of Laguna Niguel
Sushil and Lorene Garg, Owner
David Oatis, Firesafe Planning Solutions
Brion Jeannette, Architect

ATTACHMENT A

FIGURES 1–4

Figure 1: Project Location

Figure 2: Vegetation Impacts

Figure 3: HOA Easement

Figure 4: CSS Creation Areas

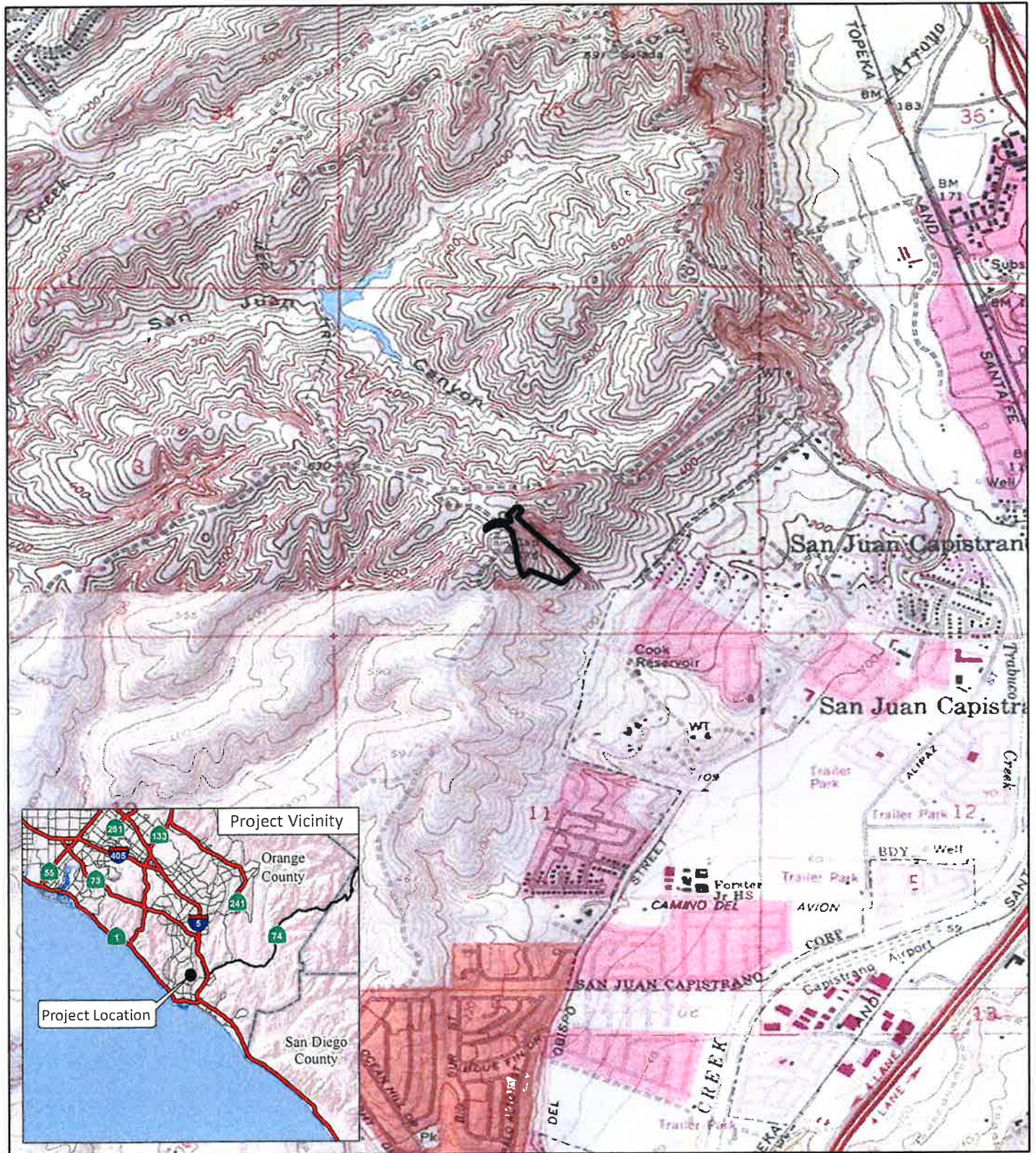


FIGURE 1

LSA

LEGEND

 Project Boundary



0 1000 2000
FEET

1 O'Hill Ridge - Garg Residence
Project Location

SOURCE: USGS 7.5' Quad - Dana Point (1975) and San Juan Capistrano (1981), CA.

I:\BJN1601\GIS\ProjectLocation_USGS.mxd (6/26/2018)

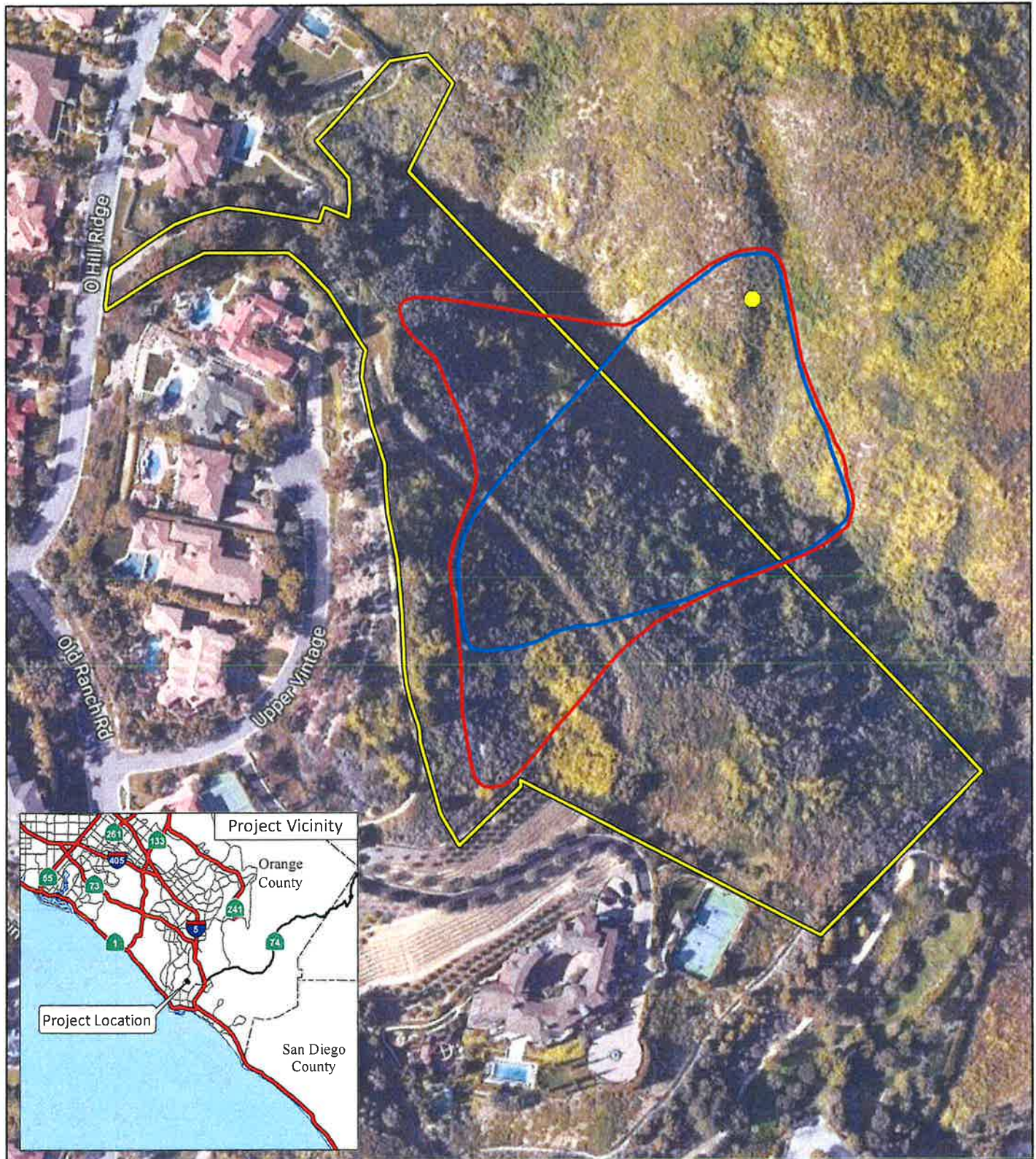


FIGURE 2

LSA

LEGEND

- Project Boundary
- Nest Location
- Primary Use Area
- Entire Use Area



0 87.5 175
FEET

SOURCE: Google aerial (~2016); Brion Jeannette Architecture (8/2017); LSA (6/2018)

I:\BJN1601\GIS\CAGN_Survey.mxd (6/25/2018)

1 O'Hill Ridge - Garg Residence
California Gnatcatcher Survey

ATTACHMENT B

ANIMAL SPECIES DETECTED

This is a list of the conspicuous aerial insects (i.e., damselflies, dragonflies, and butterflies), bony fishes, amphibians, reptiles, birds, and mammals noted in the study area by LSA biologists. Presence may be noted if a species is seen or heard, or identified by the presence of tracks, scat, or other signs. Please note that most species are listed in phylogenetic order of relation.

* Species is not native to the study area

LEPIDOPTERA

Pieridae

Anthocharis sara

AVES

Odontophoridae

Callipepla californica

Columbidae

* *Columba livia*

Zenaida macroura

Cuculidae

Geococcyx californianus

Apodidae

Aeronautes saxatilis

Trochilidae

Archilochus alexandri

Calypte anna

Selasphorus sasin

Phalacrocoracidae

Phalacrocorax auritus

Cathartidae

Cathartes aura

Accipitridae

Circus hudsonius

Accipiter cooperii

Buteo jamaicensis

BUTTERFLIES

Whites and Sulphurs

Sara orangetip

BIRDS

New World Quail

California quail

Pigeons and Doves

Rock pigeon

Mourning dove

Cuckoos, Roadrunners, and Anis

Greater roadrunner

Swifts

White-throated swift

Hummingbirds

Black-chinned hummingbird

Anna's hummingbird

Allen's hummingbird

Cormorants

Double-crested cormorant

New World Vultures

Turkey vulture

Hawks, Kites, Eagles, and Allies

Northern harrier

Cooper's hawk

Red-tailed hawk

Picidae

Picoides nuttallii
Colaptes auratus

Tyrannidae

Sayornis nigricans
Myiarchus cinerascens
Tyrannus vociferans

Vireonidae

Vireo gilvus

Corvidae

Corvus brachyrhynchos
Corvus corax

Hirundinidae

Stelgidopteryx serripennis
Petrochelidon pyrrhonota

Aegithalidae

Psaltiriparus minimus

Troglodytidae

Troglodytes aedon
Thryomanes bewickii

Poliophtilidae

Poliophtila caerulea
Poliophtila californica californica

Regulidae

Regulus calendula

Sylviidae

Chamaea fasciata

Turdidae

Catharus guttatus

Mimidae

Toxostoma redivivum
Mimus polyglottos

Woodpeckers and Allies

Nuttall's woodpecker
Northern flicker

Tyrant Flycatchers

Black phoebe
Ash-throated flycatcher
Cassin's kingbird

Vireos

Warbling vireo

Crows and Jays

American crow
Common raven

Swallows

Northern rough-winged swallow
Cliff swallow

Long-Tailed Tits and Bushtits

Bushtit

Wrens

House wren
Bewick's wren

Gnatcatchers and Gnatwrens

Blue-gray gnatcatcher
Coastal California gnatcatcher

Kinglets

Ruby-crowned kinglet

Sylviid Warblers

Wrentit

Thrushes

Hermit thrush

Mockingbirds and Thrashers

California thrasher
Northern mockingbird

Fringillidae

Haemorhous mexicanus
Spinus psaltria

Passerellidae

Pipilo maculatus
Aimophila ruficeps
Melospiza crissalis
Melospiza melodia
Melospiza lincolnii
Zonotrichia leucophrys
Zonotrichia atricapilla
Junco hyemalis

Icteridae

Icterus cucullatus

Parulidae

Oreothlypis celata
Geothlypis trichas
Setophaga coronata
Cardellina pusilla

Cardinalidae

Pheucticus melanocephalus
Passerina amoena

MAMMALIA

Leporidae

Sylvilagus audubonii

Canidae

Canis latrans

Geomyidae

Thomomys bottae

Sciuridae

Otospermophilus beecheyi

Fringilline and Cardueline Finches and Allies

House finch
Lesser goldfinch

New World Sparrows

Spotted towhee
Rufous-crowned sparrow
California towhee
Song sparrow
Lincoln's sparrow
White-crowned sparrow
Golden-crowned sparrow
Dark-eyed junco

Blackbirds

Hooded oriole

Wood Warblers

Orange-crowned warbler
Common yellowthroat
Yellow-rumped warbler
Wilson's warbler

Cardinals and Allies

Black-headed grosbeak
Lazuli bunting

MAMMALS

Rabbits and Hares

Audubon's cottontail

Foxes, Wolves, and Allies

Coyote

Pocket Gophers

Botta's pocket gopher

Squirrels, Chipmunks, and Marmots

California ground squirrel

Taxonomy and nomenclature are based primarily on the following:

- **Butterflies:** North American Butterfly Association (2001, NABA Checklist and English Names of North American Butterflies, Second Edition, North American Butterfly Association, Morristown, New Jersey, 2003 update in *American Butterflies* 11: 24-27; see <http://www.naba.org/pubs/checklst.html>).

-
- **Birds:** American Ornithological Society (1998, The A.O.U. Checklist of North American Birds, Seventh Edition, American Ornithologists' Union, Washington, D.C.; and supplements; see <http://checklist.aou.org/taxa>).
 - **Mammals:** Bradley, R.D. et al. (2014, Revised Checklist of North American Mammals North of Mexico. Museum of Texas Tech University Occasional Papers No. 327).

ATTACHMENT C
CALIFORNIA NATIVE SPECIES FIELD SURVEY FORMS

Mail to:
California Natural Diversity Database
California Dept. of Fish & Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814

Fax: (916) 324-0475 email: CNDDDB@wildlife.ca.gov

For Office Use Only

Source Code: _____ Quad Code: _____
Elm Code: _____ Occ No.: _____
EO Index: _____ Map Index: _____

Date of Field Work (mm/dd/yyyy): 03/17/2018

Clear Form

California Native Species Field Survey Form

Print Form

Scientific Name: *Poliophtila californica californica*

Common Name: coastal California gnatcatcher

Species Found? ☒ Yes ☐ No If not found, why? _____

Total No. Individuals: 3 Subsequent Visit? ☒ Yes ☐ No

Is this an existing NDDDB occurrence? 720 ☐ No ☐ Unk.
Yes, Occ. #

Collection? If yes: _____
Number Museum / Herbarium

Reporter: Richard A. Erickson

Address: LSA Associates, Inc.,
20 Executive Park, Suite 200, Irvine, CA 92614

E-mail Address: richard.erickson@lsa.net

Phone: 949 553-0666

Plant Information

Phenology:

% vegetative % flowering % fruiting

Animal Information

3
adults # juveniles # larvae # egg masses # unknown
☐ wintering ☐ breeding ☒ nesting ☐ rookery ☐ burrow site ☐ lek ☒ other

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

County: Orange Landowner / Mgr: Jonathan Garg

Quad Name: San Juan Capistrano Elevation: 500

T _____ R _____ Sec _____, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ Source of Coordinates (GPS, topo. map & type): _____

T _____ R _____ Sec _____, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ GPS Make & Model: _____

DATUM: NAD27 ☐ NAD83 ☐ WGS84 ☐ Horizontal Accuracy: _____ meters/feet

Coordinate System: UTM Zone 10 ☐ UTM Zone 11 ☐ OR Geographic (Latitude & Longitude) ☐

Coordinates: _____

Habitat Description (plants & animals) plant communities, dominants, associates, substrates/soils, aspects/slope:

Animal Behavior (Describe observed behavior, such as territoriality, foraging, singing, calling, copulating, perching, roosting, etc., especially for avifauna):

protocol survey conducted March 17-April 30, 2018
habitat primarily coastal sage scrub and ruderal
territory of single pair present similar to what was found in 2009
additional male seen one day only (April 9)

Please fill out separate form for other rare taxa seen at this site.

Site Information Overall site/occurrence quality/viability (site + population): ☐ Excellent ☐ Good ☒ Fair ☐ Poor

Immediate AND surrounding land use: residential and open space

Visible disturbances: invasive vegetation

Threats: invasive vegetation

Comments: _____

Determination: (check one or more, and fill in blanks)

- ☐ Keyed (cite reference): _____
☐ Compared with specimen housed at: _____
☐ Compared with photo / drawing in: _____
☐ By another person (name): _____
☒ Other: personal experience

Photographs: (check one or more)

	Slide	Print	Digital
Plant / animal	☐	☐	☐
Habitat	☐	☐	☐
Diagnostic feature	☐	☐	☐

May we obtain duplicates at our expense? ☐ yes ☐ no

Mail to:
California Natural Diversity Database
California Dept. of Fish & Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814
Fax: (916) 324-0475 email: CNDDDB@wildlife.ca.gov

For Office Use Only

Source Code: _____ Quad Code: _____
Elm Code: _____ Occ No.: _____
EO Index: _____ Map Index: _____

Date of Field Work (mm/dd/yyyy): 03/26/2018

Clear Form

California Native Species Field Survey Form

Print Form

Scientific Name: Circus hudsonius

Common Name: northern harrier

Species Found? ☒ Yes ☐ No
If not found, why?

Total No. Individuals: 2 Subsequent Visit? ☐ Yes ☒ No

Is this an existing NDDDB occurrence? ☐ No ☐ Unk.
Yes, Occ. # _____

Collection? If yes: _____
Number _____ Museum / Herbarium _____

Reporter: Richard A. Erickson

Address: LSA Associates, Inc.,

20 Executive Park, Suite 200, Irvine, CA 92614

E-mail Address: richard.erickson@lsa.net

Phone: 949 553-0666

Plant Information

Phenology:

% vegetative % flowering % fruiting

Animal Information

2
adults # juveniles # larvae # egg masses # unknown
☐ wintering ☐ breeding ☒ nesting ☐ rookery ☐ burrow site ☐ lek ☒ other

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

County: Orange Landowner / Mgr: Jonathan Garg

Quad Name: San Juan Capistrano Elevation: 500

T _____ R _____ Sec _____, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ Source of Coordinates (GPS, topo. map & type): _____

T _____ R _____ Sec _____, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ GPS Make & Model: _____

DATUM: NAD27 ☐ NAD83 ☐ WGS84 ☐ Horizontal Accuracy: _____ meters/feet

Coordinate System: UTM Zone 10 ☐ UTM Zone 11 ☐ OR Geographic (Latitude & Longitude) ☐

Coordinates:

Habitat Description (plants & animals) plant communities, dominants, associates, substrates/soils, aspects/slope:

Animal Behavior (Describe observed behavior, such as territoriality, foraging, singing, calling, copulating, perching, roosting, etc., especially for avifauna):

protocol California gnatcatcher survey conducted March 17-April 30, 2018

habitat primarily coastal sage scrub and ruderal

female seen March 26, 2018

male seen April 9, 2018

Please fill out separate form for other rare taxa seen at this site.

Site Information Overall site/occurrence quality/viability (site + population): ☐ Excellent ☐ Good ☒ Fair ☐ Poor

Immediate AND surrounding land use: residential and open space

Visible disturbances: invasive vegetation

Threats: invasive vegetation

Comments:

Determination: (check one or more, and fill in blanks)

- ☐ Keyed (cite reference): _____
☐ Compared with specimen housed at: _____
☐ Compared with photo / drawing in: _____
☐ By another person (name): _____
☒ Other: personal experience

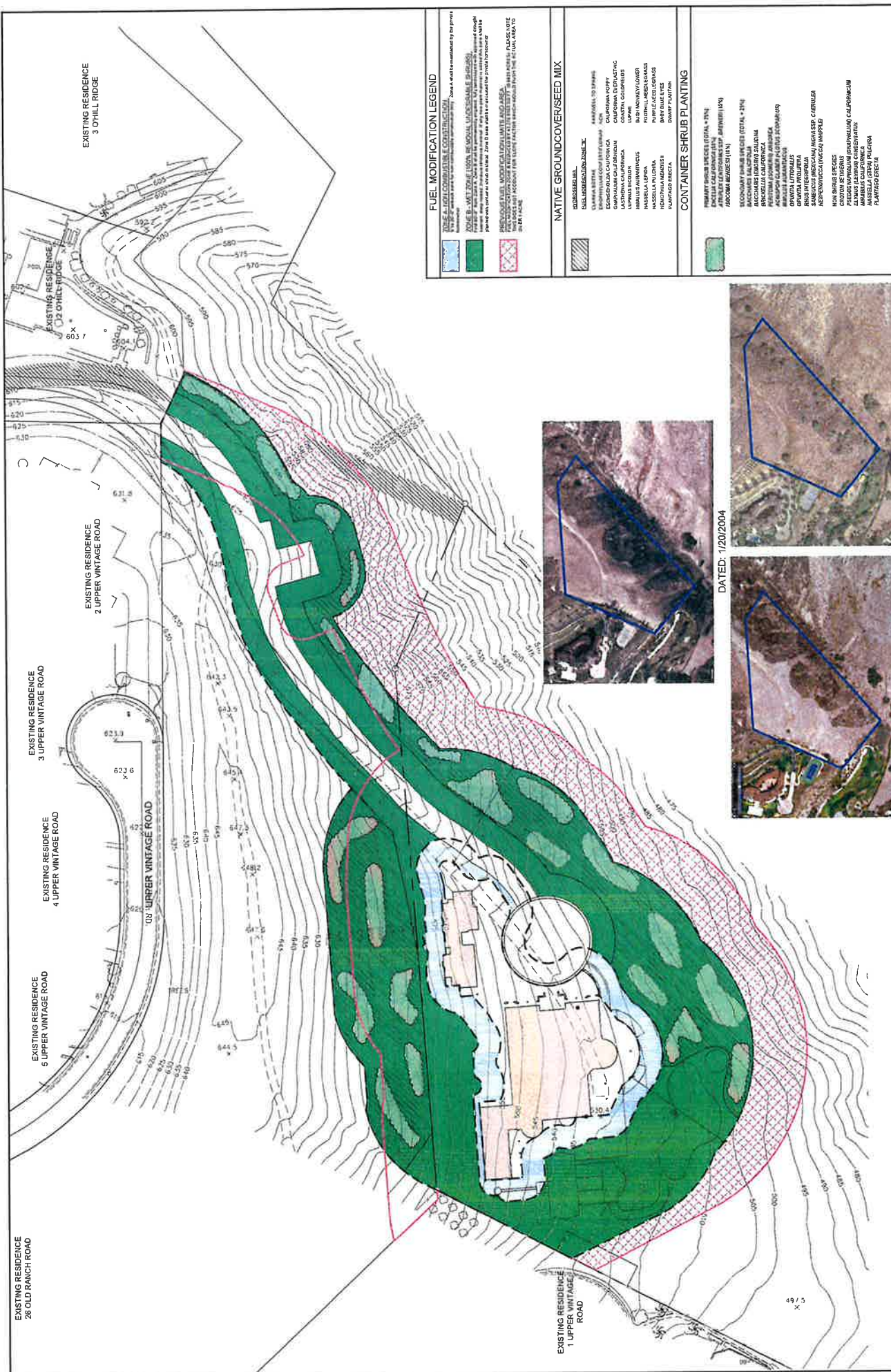
Photographs: (check one or more)

	Slide	Print	Digital
Plant / animal	☐	☐	☐
Habitat	☐	☐	☐
Diagnostic feature	☐	☐	☐

May we obtain duplicates at our expense? ☐ yes ☐ no

ATTACHMENT C

CONCEPTUAL FUEL MODIFICATION PLAN



FUEL MODIFICATION LEGEND	
	ZONE 1 - LOW FIRE HAZARD POTENTIAL (MODERATE FIRE HAZARD POTENTIAL)
	ZONE 2 - MODERATE FIRE HAZARD POTENTIAL (HIGH FIRE HAZARD POTENTIAL)
	ZONE 3 - HIGH FIRE HAZARD POTENTIAL (VERY HIGH FIRE HAZARD POTENTIAL)
PREVIOUS FUEL MODIFICATION AREAS AND AREAS TO BE MODIFIED	
	PREVIOUS FUEL MODIFICATION AREAS
	AREAS TO BE MODIFIED
NATIVE GROUND COVER/SEED MIX	
	SEED MIX 1: 10% GRASS, 90% FORGE
	SEED MIX 2: 10% GRASS, 90% FORGE
	SEED MIX 3: 10% GRASS, 90% FORGE
CONTAINER SHRUB PLANTING	
	CONTAINER SHRUB PLANTING

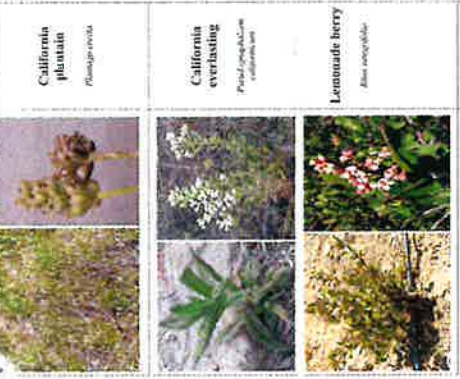
NATIVE CSS SPECIES DO NOT REMOVE



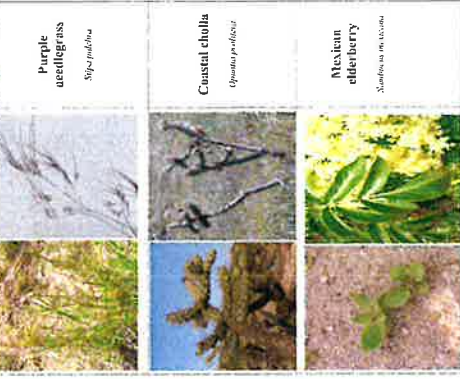
NATIVE CSS SPECIES DO NOT REMOVE



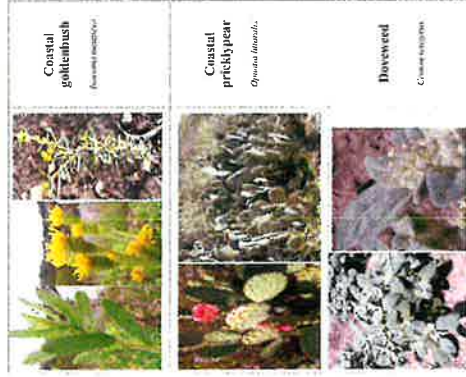
NATIVE CSS SPECIES DO NOT REMOVE



NATIVE CSS SPECIES DO NOT REMOVE



NATIVE CSS SPECIES DO NOT REMOVE



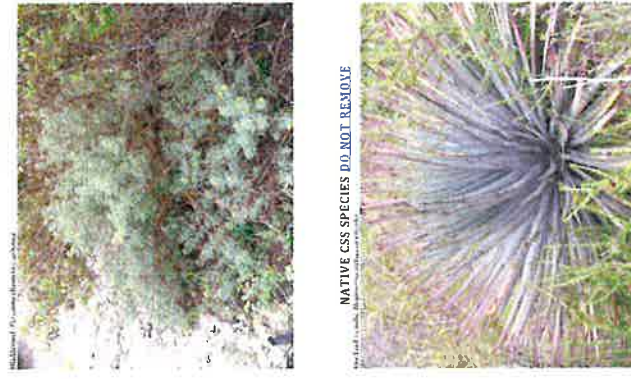
NATIVE CSS SPECIES DO NOT REMOVE



NATIVE CSS SPECIES DO NOT REMOVE



NATIVE CSS SPECIES DO NOT REMOVE



ATTACHMENT D

HOA GRANT EASEMENT AND AGREEMENT

03

RECORDING REQUESTED BY:

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



WHEN RECORDED, MAIL TO:

BERDING & WEIL, LLP (JSH)
575 Anton Blvd., Suite 1080
Costa Mesa, California 92626

213.00
* \$ R 0 0 1 0 2 7 6 6 5 2 \$ *
2018000292532 3:56 pm 08/09/18
93 414 A12 E01 16
0.00 0.00 0.00 0.00 45.00 0.00 0.000.00150.00 6.00

(Space Above For Recorder's Use)

**GRANT OF EASEMENTS
AND AGREEMENT**

2T
16P
2FF
CP

THIS GRANT OF EASEMENTS AND AGREEMENT ("Agreement") is made by and between **BEAR BRAND RANCH COMMUNITY ASSOCIATION**, a California nonprofit corporation ("Association"), and **SUSHIL GARG** ("Owner"), sometimes referred to herein individually as a "Party" and collectively as the "Parties," with reference to the following facts:

A. Association is an association as defined in California Civil Code Section 1351(a), formed for the purpose of operating and managing the Bear Brand Ranch planned development (the "Properties"), including without limitation ownership of certain real property ("Association Property") within the Properties, in the City of Laguna Niguel, County of Orange, State of California, more particularly described as follows:

Lot B of Tract No. 12026, as shown on a Subdivision Map filed in Book 606, Pages 15 *et seq.* of Miscellaneous Maps, in the Office of the Orange County Recorder.

B. Owner is the owner of certain real property ("Owner's Property") located within the Properties, in the City of Laguna Niguel, County of Orange, State of California, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

C. The Properties are encumbered by the Declaration of Covenants, Conditions and Restrictions of the Bear Brand Ranch, which was recorded on March 11, 1981, in Book 13978, Pages 896 *et seq.*, as amended by document recorded on July 29, 1996, as Instrument No. 19960384210 (collectively, the "Declaration"), both in the Official Records of Orange County, California.

D. Owner wishes to acquire easements over portions of the Association Property from Association, and Association wishes to grant Owner such easements, in accordance with the provisions of this Agreement.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Grant of Driveway Easement. Association hereby grants Owner a non-exclusive easement ("Driveway Easement") appurtenant to Owner's Property in, over, under, along, through and across the portions of the Association Property described on Exhibit "B" and depicted on Exhibit "C" attached hereto and incorporated herein by this reference to conduct geological and soils studies and investigations; to plan, engineer, grade, pave and construct a driveway (including approved retaining walls, gates and mailbox) and underground utilities; and to install, plant and irrigate appropriate and necessary landscape improvements.

2. Additional Driveway Easement Restrictions. The portions of the Association Property subject to the Driveway Easement may not be modified in any manner whatsoever unless and until plans and specifications for such proposed modifications have been submitted to and approved by Association's Architectural-Design Committee ("Committee") in accordance with the Committee's established procedures for evaluation of proposed modifications of residential lots in the Properties by the owners of such residential lots. In addition to the foregoing Committee approval requirement, certain types of improvements in the Driveway Easement are subject to the following restrictions:

(a) Utility Installations. All utility installations must be underground.

(b) Driveway Width. The maximum width of the paved surface area of the driveway, as measured across the width of the driveway from outside edge to outside edge, is twenty feet (20').

(c) Entry Gate. Except as otherwise set forth in improvement plans approved by the Association, no entry gate may be installed in the Driveway Easement except at the common boundary between Owner's Property and the Association Property. The maximum height of any entry gate (exclusive of pilasters) is six feet (6') above ground level.

(d) Trail Interference. None of the modifications to the portion of the Association Property subject to the Driveway Easement may in any way restrict or otherwise impair the free and normal use of any existing hiking and/or equestrian trail which may intersect the Driveway Easement.

(e) No Surcharge. The portions of the Driveway Easement improved as a driveway may only be used for purposes of providing ingress and egress to one (1) single-family residential estate home and appurtenant structures on Owner's Property. The Driveway Easement is not subject to apportionment or division.

(f) Extinguishment. Any use of the Driveway Easement in a manner inconsistent with the restrictions set forth in Paragraph 2 of this Agreement constitutes an act incompatible with the Driveway Easement within the meaning of California Civil Code Section 811 and shall, at Association's election, cause the Driveway Easement to be extinguished.

3. Grant of Conservation Easement. Association hereby grants Owner a non-exclusive easement ("Conservation Easement") appurtenant to Owner's Property over the portions of the Association Property described on Exhibit "D" and depicted on Exhibit "E" attached hereto and

incorporated herein by this reference for purposes of installing, establishing and maintaining vegetation suitable to provide habitat for California gnatcatcher specimens.

4. Maintenance and Repair. Owner shall maintain the Driveway Easement and the Conservation Easement and all landscape, hardscape, underground utilities, and other improvements located thereon (collectively, the "Improvements") in a neat, clean, orderly and attractive condition, in accordance with the requirements for maintenance of residential lots in the Properties set forth in the Declaration. In addition, Owner shall maintain the Conservation Easement in accordance with applicable requirements of relevant governmental agencies having jurisdiction thereover. If Association Board of Directors determines that Owner is not satisfactorily maintaining the Improvements, then Association shall notify Owner of such fact. If Owner fails to initiate and diligently prosecute the remedy of the condition to the satisfaction of Association within ten (10) working days of receipt of notice, then Association may, but need not, effect such remedy, and Owner shall reimburse Association for Association's reasonable expenses incurred in connection with such remedy within ten (10) days of receipt of request therefor. Such reimbursement may be collected by Association in the manner provided for collection of delinquent "Regular Assessments" in the Declaration.

5. Insurance. Owner shall procure and, during the term of this Agreement and all extensions thereof, continuously maintain general liability insurance on the Driveway Easement and the Conservation Easement, in an amount of at least One Million Dollars (\$1,000,000.00). Such policy shall name Association as an additional insured. Owner shall provide Association with proof of such insurance on an annual basis. Such insurance shall require the insurer to notify Association at least thirty (30) days in advance of any cancellation, modification or termination of such insurance.

6. Indemnity. Owner shall indemnify, defend and hold Association, and each of its respective members, officers, directors, agents, representatives and employees, as applicable, harmless from and against any loss, damage, or liability or claims or assertions thereof (including but not limited to reasonable attorneys' fees and costs) (collectively, "Claims") resulting from or arising in connection with the Driveway Easement or the Conservation Easement, except to the extent such Claims are attributable to the negligence or willful misconduct of Association or any of Association's directors, officers, agents, employees or contractors.

7. Successors and Assigns. The provisions of this Agreement shall run with Owner's Property and the Association Property; shall be binding upon and inure to the benefit of Owner's Property and the Association Property, and any portion thereof or interest therein; shall be binding upon and inure to the benefit of Owner, Association, and all persons having or acquiring any interest in Owner's Property or the Association Property, any portion thereof or interest therein, and their successive owners and assigns. If a monetary encumbrance has priority over this Agreement, Owner and each successive owner of Owner's Property shall (a) disclose the existence of this Agreement to each transferee and prospective transferee of Owner's Property, and (b) require each transferee of Owner's Property to enter into an assignment and assumption or similar agreement with the transferor whereby such transferees succeed to the obligations of Owner hereunder, and unless such agreement is entered into, Owner shall not be relieved of Owner's obligations hereunder.

8. Attorneys' Fees. If any action or proceeding, including without limitation, alternative dispute resolution, is instituted by any person to enforce or interpret any of the terms of this Agreement, the prevailing party shall be entitled to recover from the other party reasonable attorneys' fees, costs and expenses incurred in the prosecution or defense of such action.

9. Severable Provisions. The provisions of this Agreement are severable, and if any one or more provisions is determined by a court of competent jurisdiction to be illegal or otherwise unenforceable, in whole or in part, then the remaining provisions, and any partially unenforceable provisions to the extent enforceable, shall nevertheless be binding and enforceable.

10. Effect of Waiver. The waiver by any Party of a breach of any term, promise or condition of this Agreement shall not constitute a waiver of any subsequent breach of the same or any other term, promise or condition. The failure by any Party to enforce any right for a period of time shall not constitute a waiver of such right or any term, promise or condition of this Agreement.

11. Term. Unless earlier terminated as provided in this Agreement, the term of this Agreement shall be perpetual; provided, however, that the term of Owner's obligations set forth in Paragraph 4 of this Agreement shall be for one (1) year from the date of this Agreement's recordation in Official Records of Orange County, and shall automatically renew for successive terms of one (1) year.

12. Notices. Any notices to be given hereunder by any party to any other Party shall be in writing and shall be delivered either personally or by first class United States mail. Notices shall be delivered or addressed to the Parties, until notice is given at a different address, at the following addresses:

Association: Bear Brand Ranch Community Association
c/o Progressive Community Management
27405 Puerta Real, Suite 300
Mission Viejo, CA 92691
Attention: Ms. Glenda Reid

Owner: Sushil Garg
1301 Dove Street, Suite 300
Newport Beach, CA 92660

Notices not personally delivered shall be deemed delivered three (3) business days after mailing.

13. Mortgagee Protection. Notwithstanding any provision of this Agreement to the contrary, no amendment or violation of this Agreement shall operate to defeat or render invalid the rights of the beneficiary under any recorded deed of trust or the mortgagee under any recorded mortgage of any portion of Owner's Property made in good faith and for value, provided that after the foreclosure of any such deed of trust or mortgage, Owner's Property shall remain subject to this Agreement.

14. Miscellaneous. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof and shall supersede all other contemporaneous or prior oral or written agreements between the Parties respecting the subject matter of this Agreement. This Agreement may only be terminated or amended by a written instrument executed by each Party and

recorded in Official Records of Orange County, California. Headings at the beginning of each paragraph are solely for the convenience of the Parties, and not a part of this Agreement. This Agreement shall be construed according to its fair meaning and as though no single party drafted this Agreement. This Agreement shall be construed in accordance with, and governed by, the laws of the State of California.

This Agreement is dated 7/9, 2018 for identification purposes only and shall be effective upon recordation in the Office of the Orange County Recorder.

BEAR BRAND RANCH COMMUNITY ASSOCIATION, a
California nonprofit corporation

By:  Edward Zalpa ^{Pres}

Printed Name: Edward Zalpa

Its: President

By: _____

Printed Name: _____

Its: _____

"Association"

SUSHIL GARG

By: _____

Its: _____

"Owner"

CERTIFICATE OF ACKNOWLEDGMENT

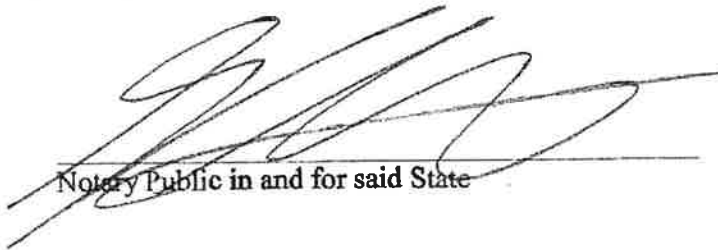
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange) ss

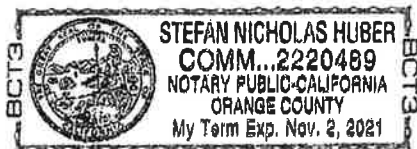
On 7/9/2018 before me, Stefan Nicholas Huber, Notary Public, personally appeared EDWARD ZALTA who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public in and for said State

(Seal)



recorded in Official Records of Orange County, California. Headings at the beginning of each paragraph are solely for the convenience of the Parties, and not a part of this Agreement. This Agreement shall be construed according to its fair meaning and as though no single party drafted this Agreement. This Agreement shall be construed in accordance with, and governed by, the laws of the State of California.

This Agreement is dated August 2nd, 2018 for identification purposes only and shall be effective upon recordation in the Office of the Orange County Recorder.

BEAR BRAND RANCH COMMUNITY ASSOCIATION, a
California nonprofit corporation

By: _____

Printed Name: _____

Its: _____

By: _____

Printed Name: _____

Its: _____

“Association”

SUSHIL GARG

By: Sushil Garg

Its: _____

“Owner”

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange) ss

On 8/2/2018 before me, K. Delano, Notary Public, personally appeared Sushil Garg who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said State

(Seal)

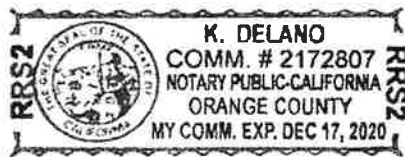


EXHIBIT "A"

PARCEL A:

PARCEL 1 OF PARCEL MAP NO. 85-128, IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 223, PAGES 30 AND 31 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID PROPERTY, BUT WITH NO RIGHTS OF SURFACE ENTRY, AS PROVIDED IN DEEDS OF RECORD.

PARCEL B:

A NON-EXCLUSIVE EASEMENT, TO BE APPURTENANT TO PARCEL A ABOVE DESCRIBED, FOR PRIVATE DRIVEWAY, LANDSCAPE AND UTILITY PURPOSES WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE SAME, OVER THAT PORTION OF LOT 8 OF TRACT NO. 12026, IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 606, PAGES 15 TO 21 INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEING A STRIP OF LAND, 40.00 FEET WIDE, 20.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EASTERLY LINE OF LOT 43 OF SAID TRACT NO. 12026, SAID POINT BEING SOUTH 15.79 FEET FROM THE NORTHEAST CORNER OF SAID LOT 43, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVE A RADIUS OF 150.00 FEET, A RADIAL LINE OF SAID CURVE PASSING THROUGH SAID POINT BEARS NORTH 52°02'07" EAST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°04'00" AN ARC DISTANCE OF 76.10 FEET TO A POINT ON A REVERSE CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 300.00 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH 81°06'07" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36°08'07" AN ARC DISTANCE OF 189.20 FEET; THENCE SOUTH 45°02'00" EAST 141.85 FEET TO THE EASTERLY LINE OF SAID TRACT NO. 12026.

THE SIDELINES OF SAID STRIP ARE TO BE SHORTENED OR LENGTHENED SO AS TO TERMINATE AT THE EASTERLY AND WESTERLY LINES OF SAID LOT 8.

PARCEL C-1:

A NON-EXCLUSIVE EASEMENT, TO BE APPURTENANT TO PARCEL A ABOVE DESCRIBED, FOR PRIVATE DRIVEWAY, LANDSCAPE AND UTILITY PURPOSES WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE SAME, OVER THAT PORTION OF LOTS 42 AND 43 OF TRACT NO. 12026, IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 606, PAGES 15 TO 21 INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEING A STRIP OF LAND, 20.00 FEET WIDE, 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LOT 43, SAID POINT BEING SOUTH 33.13 FEET FROM THE NORTHEAST CORNER OF SAID LOT, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 140.00 FEET, A RADIAL LINE OF SAID CURVE PASSING THROUGH SAID POINT BEARS NORTH 57°38'25" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53°36'25" AN ARC DISTANCE OF 130.99 FEET; THENCE NORTH 85°58'00" WEST 14.35 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING RADIUS OF 150.00, SAID POINT HEREINAFTER IS REFERRED TO AS POINT "A"; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 40°21'00" AN ARC DISTANCE OF 105.64 FEET; THENCE SOUTH 52°41'00" WEST 82.97 FEET TO THE WESTERLY LINE OF SAID LOT 42.

THE SIDELINES OF SAID STRIP ARE TO BE SHORTENED OR LENGTHENED SO AS TO TERMINATE AT THE EASTERLY AND WESTERLY LINES OF SAID LOTS 42 AND 43.

21 INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LOT 43, SAID POINT BEING SOUTH 33.13 FEET FROM THE NORTHEAST CORNER OF SAID LOT, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 140.00 FEET, A RADIAL LINE OF SAID CURVE PASSING THROUGH SAID POINT BEARS NORTH 57° 38' 25" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53° 38' 25" AN ARC DISTANCE OF 130.89 FEET; THENCE NORTH 85° 58' 00" WEST 14.35 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 150.00 FEET, SAID POINT HEREINAFTER IS REFERRED TO AS POINT 'A'; THENCE NORTH 04° 02' 00" EAST 10.00 FEET TO A POINT ON THE NORTHERLY LINE OF THE 20.00 EASEMENT DESCRIBED IN PARCEL C-1 ABOVE; THENCE SOUTH 85° 58' 00" EAST 67.27 FEET ALONG SAID NORTHERLY LINE AND ITS EASTERLY PROLONGATION TO A POINT ON A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 90.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41° 24' 35" AN ARC DISTANCE OF 65.05 FEET TO A POINT OF COMPOUND CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 170.00 FEET, A RADIAL LINE OF SAID CURVE PASSING THROUGH SAID POINT BEARS NORTH 45° 26' 35" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 45' 27" AN ARC DISTANCE OF 2.25 FEET TO THE EASTERLY LINE OF SAID LOT 42; THENCE SOUTH 24° 50' 00" WEST 10.58 FEET ALONG SAID EASTERLY LINE TO SAID NORTHEAST CORNER OF SAID LOT 43; THENCE SOUTH 33.13 FEET ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING.

PARCEL D-1:

AN EASEMENT FOR WATER AND SEWER PURPOSES, OVER A PORTION OF PARCEL 2 OF PARCEL MAP NO. 85-128, IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA, SHOWN ON A MAP FILED IN BOOK 223, PAGES 30 AND 31 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA, BEING A STRIP OF LAND, 20.00 FEET WIDE, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE NORTHERLY CORNER OF SAID PARCEL 2: THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL SOUTH 62° 27' 00" EAST 198.72 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 27° 33' 00" WEST 34.48 FEET; THENCE SOUTH 76° 23' 00" WEST 7.18 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 55.00 FEET, A RADIAL LINE OF SAID CURVE PASSING THROUGH SAID POINT BEARS NORTH 76° 23' 00" EAST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14° 20' 42" AN ARC DISTANCE OF 13.77 FEET.

PARCEL D-2:

AN EASEMENT FOR WATER AND SEWER PURPOSES, OVER THAT PORTION OF PARCELS 2 AND 3 OF PARCEL MAP NO. 85-128, IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 223, PAGES 30 AND 31 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA, INCLUDED WITHIN A STRIP OF LAND, 20.00 FEET WIDE, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE NORTHERLY CORNER OF SAID PARCEL 2: THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL SOUTH 62° 27' 00" EAST 198.72 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 27° 33' 00" EAST 10.00 FEET TO A LINE PARALLEL WITH AND 10.00 FEET NORTHEASTERLY OF SAID NORTHEASTERLY LINE; THENCE ALONG SAID PARALLEL LINE 62° 27' 00" EAST 163.57 FEET; THENCE SOUTH 19° 24' 00" WEST 179.47 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID PARCEL, SAID POINT BEING DISTANT SOUTH 44° 28' 00" WEST 175.24 FEET FROM THE EASTERLY CORNER OF SAID PARCEL 2; THENCE SOUTH 42° 25' 00" EAST 258.06 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 70.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37° 55' 00" AN ARC DISTANCE OF 46.32 FEET; THENCE SOUTH 4° 30' 00" EAST 69.42 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF PARCEL 3, SAID POINT BEING DISTANT SOUTH 18° 38' 23" WEST 547.32 FEET FROM THE ANGLE POINT IN SAID LINE.

THE SIDELINES OF SAID STRIP ARE TO BE SHORTENED OR LENGTHENED TO TERMINATE AT SAID SOUTHEASTERLY LINE.

PARCEL E:

AN EASEMENT FOR WATER PURPOSES, OVER A PORTION OF PARCEL 2 OF PARCEL MAP NO. 85-128, IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK

223, PAGES 30 AND 31 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA, BEING A STRIP OF LAND, 20.00 FEET WIDE, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE NORTHERLY CORNER OF SAID PARCEL 2; THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL SOUTH 62° 27' 00" EAST 198.72 FEET; THENCE SOUTH 27° 33' 00" WEST 34.48 FEET; THENCE SOUTH 78° 23' 00" WEST 7.18 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 55.00 FEET, A RADIAL LINE OF SAID CURVE PASSING THROUGH SAID POINT BEARS NORTH 78° 23' 00" EAST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14° 20' 42" AN ARC DISTANCE OF 13.77 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE WESTERLY THROUGH CENTRAL ANGLE OF 90° 02' 18" AN ARC DISTANCE OF 86.43 FEET; THENCE SOUTH 62° 00' 00" WEST 122.22 FEET TO A POINT ON A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 150.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32° 31' 00" AN ARC DISTANCE OF 85.13 FEET; THENCE NORTH 85° 29' 00" WEST 13.78 FEET TO A POINT ON A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 150.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9° 40' 12" AN ARC DISTANCE OF 25.32 FEET TO A POINT IN THE NORTHWESTERLY LINE OF SAID PARCEL, SAID POINT BEING SOUTH 46° 07' 00" WEST 215.68 FEET FROM THE ANGLE POINT IN SAID LINE.

THE SIDELINES OF SAID STRIP TO BE SHORTENED OR LENGTHENED SO AS TO TERMINATE IN SAID NORTHWESTERLY LINE.

A.P.N. 121-100-55

Also Known AS: 10 Hill, Laguna Niguel, CA 92677

EXHIBIT "B"
(LEGAL DESCRIPTION)

REAL PROPERTY IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS DESCRIBED AS FOLLOWS:

A NON-EXCLUSIVE EASEMENT, FOR PRIVATE DRIVEWAY, LANDSCAPE AND UTILITY PURPOSES WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE SAME, OVER THAT PORTION OF LOT B OF TRACT NO. 12026, IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA AS SHOWN ON A MAP RECORDED IN BOOK 606, PAGES 15 TO 21 INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEING A STRIP OF LAND 40.00 FEET WIDE, 20.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EASTERLY LINE OF LOT 43 OF SAID TRACT NO. 12026, SAID POINT BEING SOUTH 4.74 FEET FROM THE NORTHEAST CORNER OF SAID LOT 43, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 90.00 FEET, A RADIAL LINE TO SAID POINT BEARS N42°15'50"E; THENCE SOUTHERLY ALONG SAID CURVE 31.66 FEET THROUGH A CENTRAL ANGLE OF 20°09'18" TO A POINT ON A COMPOUND CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 267.64 FEET, A RADIAL LINE TO SAID POINT BEARS N62°25'08"E; THENCE SOUTHERLY ALONG SAID CURVE 40.35 FEET THROUGH A CENTRAL ANGLE OF 08°38'19" TO A POINT ON A REVERSE CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 125.35 FEET; THENCE SOUTHERLY ALONG SAID CURVE 75.84 FEET THROUGH A CENTRAL ANGLE OF 34°39'59" TO A POINT ON A REVERSE CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 401.88 FEET, SAID POINT BEING DESCRIBED HEREON AS POINT "A"; THENCE SOUTHERLY ALONG SAID CURVE 29.80 FEET THROUGH A CENTRAL ANGLE OF 04°14'54" TO A POINT ON A COMPOUND CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 115.06 FEET; THENCE SOUTHERLY ALONG SAID CURVE 45.78 FEET THROUGH A CENTRAL ANGLE OF 22°47'39" TO A POINT ON A REVERSE CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 394.61 FEET THROUGH A CENTRAL ANGLE OF 14°12'20" TO A POINT ON A COMPOUND CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS 93,724.81 FEET; THENCE SOUTHERLY ALONG SAID CURVE 39.08 FEET TO THE EASTERLY LINE OF SAID TRACT NO. 12026.

THE SIDELINES OF SAID STRIP ARE TO BE SHORTENED AND/OR EXTENDED SO AS TO TERMINATE AT THE EASTERLY AND WESTERLY LINES OF SAID LOT B.

TOGETHER WITH THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "A" AS DESCRIBED ABOVE, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 125.35 FEET; THENCE NORTHERLY ALONG SAID CURVE 14.28' THROUGH A CENTRAL ANGLE OF 06°31'41" TO A POINT ON A NON-TANGENT LINE, A RADIAL LINE TO SAID POINT BEARS SOUTH 42°55'09" WEST; THENCE ALONG SAID NON-TANGENT LINE S30°31'04"W 50.75'; THENCE S51°29'05"E 45.16"; THENCE N40°38'22"E 49.20 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 115.06 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 45°37'31" EAST; THENCE NORTHERLY ALONG SAID CURVE 10.01 FEET THROUGH A CENTRAL ANGLE OF 04°59'09" TO A POINT ON A COMPOUND CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 401.88 FEET; THENCE NORTHERLY ALONG SAID CURVE 29.80 FEET THROUGH A CENTRAL ANGLE OF 04°14'54" TO THE POINT OF BEGINNING, SAID POINT ALSO BEING POINT "A"

THIS DESCRIPTION HAS BEEN PREPARED BY ME
OR UNDER MY DIRECTION

PAUL D. CRAFT, P.L.S. 8516
JN:14077 - 1 O Hill Ridge

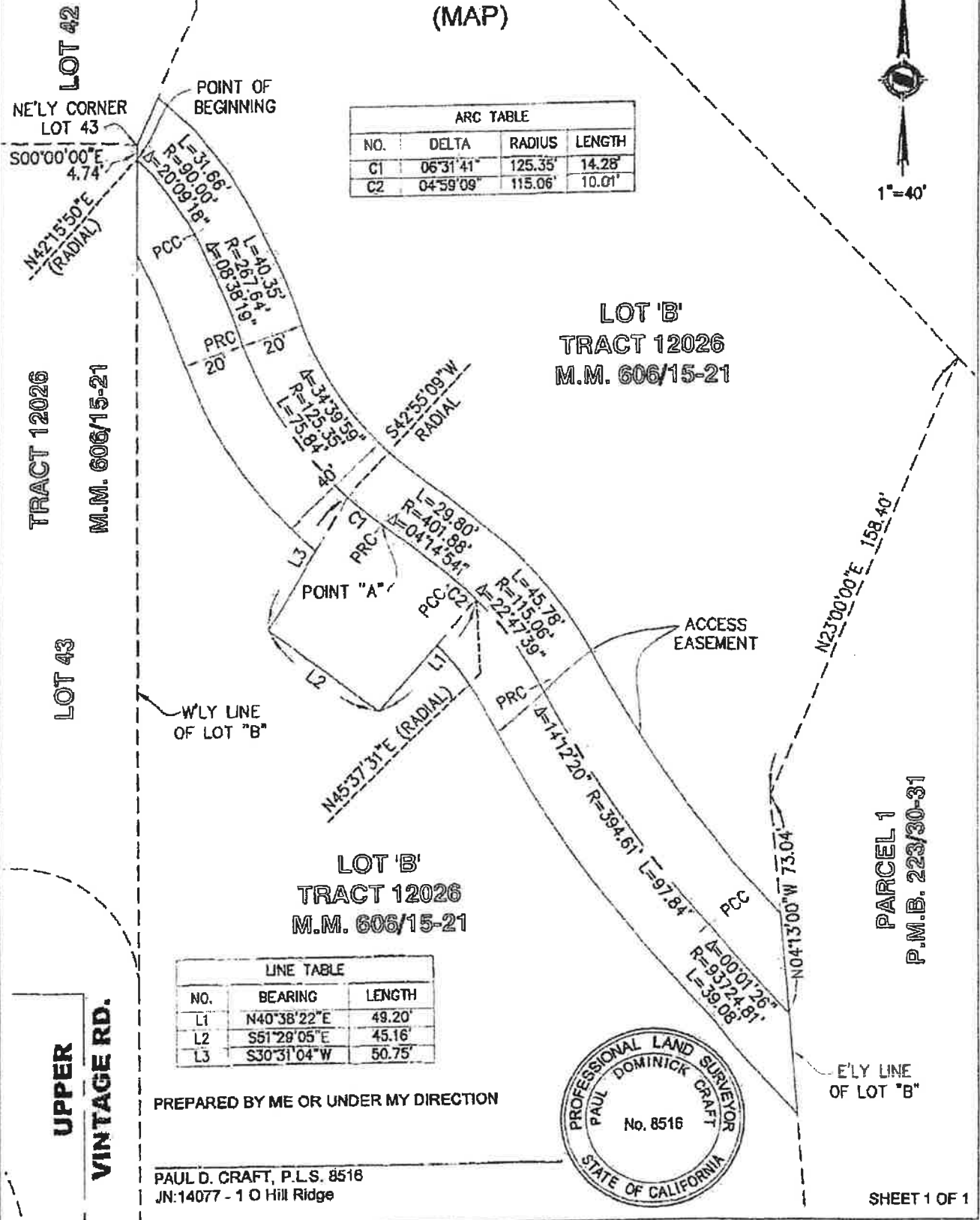


SHEET 1 OF 1

EXHIBIT "C" (MAP)



ARC TABLE			
NO.	DELTA	RADIUS	LENGTH
C1	06°31'41"	125.35'	14.28'
C2	04°59'09"	115.06'	10.01'



LINE TABLE		
NO.	BEARING	LENGTH
L1	N40°38'22"E	49.20'
L2	S51°29'05"E	45.16'
L3	S30°31'04"W	50.75'

PREPARED BY ME OR UNDER MY DIRECTION

PAUL D. CRAFT, P.L.S. 8516
JN:14077 - 1 O Hill Ridge



EXHIBIT "D"
(LEGAL DESCRIPTION)

REAL PROPERTY IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS DESCRIBED AS FOLLOWS:

A CONSERVATION EASEMENT, OVER THAT PORTION OF LOT B OF TRACT NO. 12026, IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA AS SHOWN ON A MAP RECORDED IN BOOK 606, PAGES 15 TO 21 INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE NORTHEASTERLY CORNER OF SAID LOT "B" TRACT NO. 12026, SAID POINT ALSO BEING THE NORTHERLY CORNER OF PARCEL 1 OF PARCEL MAP NO. 85-128, IN THE CITY OF LAGUNA NIGUEL, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 223, PAGES 30 AND 31 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA; THENCE ALONG SAID NORTHEASTERLY LINE OF SAID LOT "B" NORTH 43°30'00" WEST 246.00 FEET; THENCE NORTH 28°33'00" EAST 128.48 FEET; THENCE NORTH 41°33'48" WEST 49.91 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE OF SAID LOT "B" SOUTH 81°15'00" WEST 49.50 FEET TO A POINT AT THE NORTHEASTERLY CORNER OF LOT 41 OF SAID TRACT NO. 12026; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 41 SOUTH 42°25'00" WEST 141.83 FEET; THENCE SOUTH 40°50'00" EAST 63.40 FEET; THENCE SOUTH 01°33'00" EAST 53.40 FEET; THENCE SOUTH 24°50'00" WEST 9.34 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 70.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 78°18'23" WEST; THENCE SOUTHERLY ALONG SAID CURVE 35.30 FEET THROUGH A CENTRAL ANGLE OF 28°53'28" TO A POINT ON A REVERSE CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 40.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 14.99 FEET THROUGH A CENTRAL ANGLE OF 21°27'56" TO A POINT ON A REVERSE CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 150.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 39.11 FEET THROUGH A CENTRAL ANGLE OF 14°58'26" TO A POINT ON A REVERSE CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 46.95 FEET THROUGH A CENTRAL ANGLE OF 76°51'48" TO A POINT ON A TANGENT LINE; THENCE ALONG SAID TANGENT LINE SOUTH 42°48'13" WEST 28.38 FEET; THENCE SOUTH 04°26'24" EAST 24.02'; THENCE SOUTH 00°48'26" EAST 28.07 FEET; THENCE SOUTH 04°04'28" EAST 13.03 FEET; THENCE SOUTH 11°15'39" EAST 31.64 FEET; THENCE SOUTH 17°19'54" EAST 71.19 FEET; THENCE SOUTH 04°01'36" EAST 69.35 FEET; THENCE SOUTH 11°39'16" EAST 57.08 FEET; THENCE SOUTH 04°11'27" EAST 155.82 FEET; THENCE SOUTH 12°02'04" EAST 31.80 FEET; THENCE SOUTH 18°54'05" EAST 34.02 FEET; THENCE SOUTH 03°28'55" EAST 16.28 FEET; THENCE SOUTH 15°28'13" EAST 99.95 FEET; THENCE SOUTH 29°39'44" EAST 45.19 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT "B"; THENCE ALONG SAID LINE NORTH 46°07'00" EAST 110.78 FEET; THENCE NORTH 04°13'00" WEST 474.00 FEET; THENCE NORTH 23°00'00" EAST 158.40 FEET TO THE POINT OF BEGINNING.

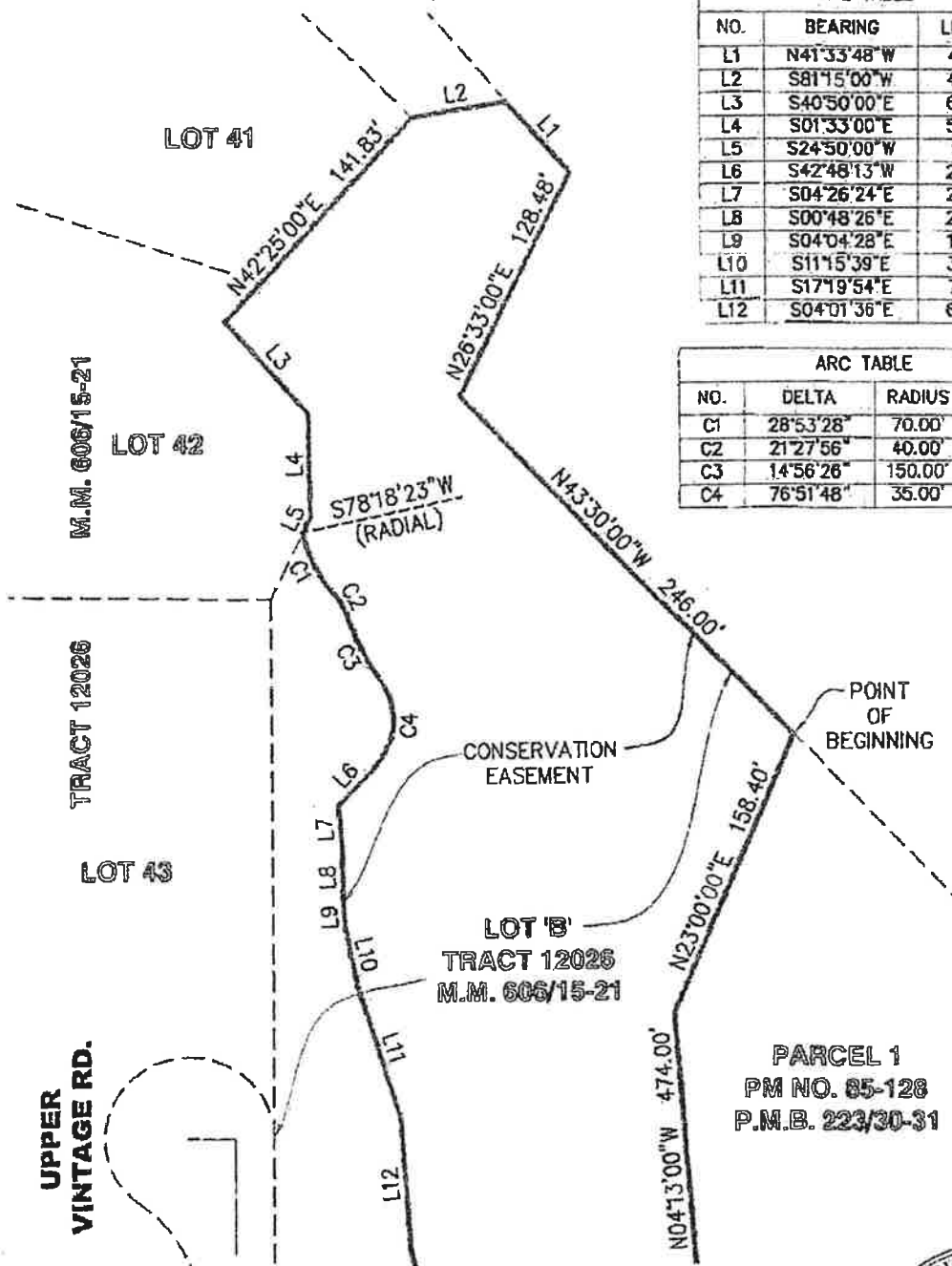
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PAUL D. CRAFT, P.L.S. 8516
JN: 14077 - 1 O Hill Ridge



SHEET 1 OF 1

EXHIBIT "E" (MAP)



LINE TABLE		
NO.	BEARING	LENGTH
L1	N41°33'48"W	49.91'
L2	S81°15'00"W	49.50'
L3	S40°50'00"E	63.40'
L4	S01°33'00"E	53.40'
L5	S24°50'00"W	9.34'
L6	S42°48'13"W	28.38'
L7	S04°26'24"E	24.02'
L8	S00°48'26"E	28.07'
L9	S04°04'28"E	13.03'
L10	S11°15'39"E	31.64'
L11	S17°19'54"E	71.19'
L12	S04°01'36"E	69.35'

ARC TABLE			
NO.	DELTA	RADIUS	LENGTH
C1	28°53'28"	70.00'	35.30'
C2	21°27'56"	40.00'	14.99'
C3	14°56'26"	150.00'	39.11'
C4	76°51'48"	35.00'	46.95'

SEE SHEET 2 OF 2

PREPARED BY ME OR UNDER MY DIRECTION

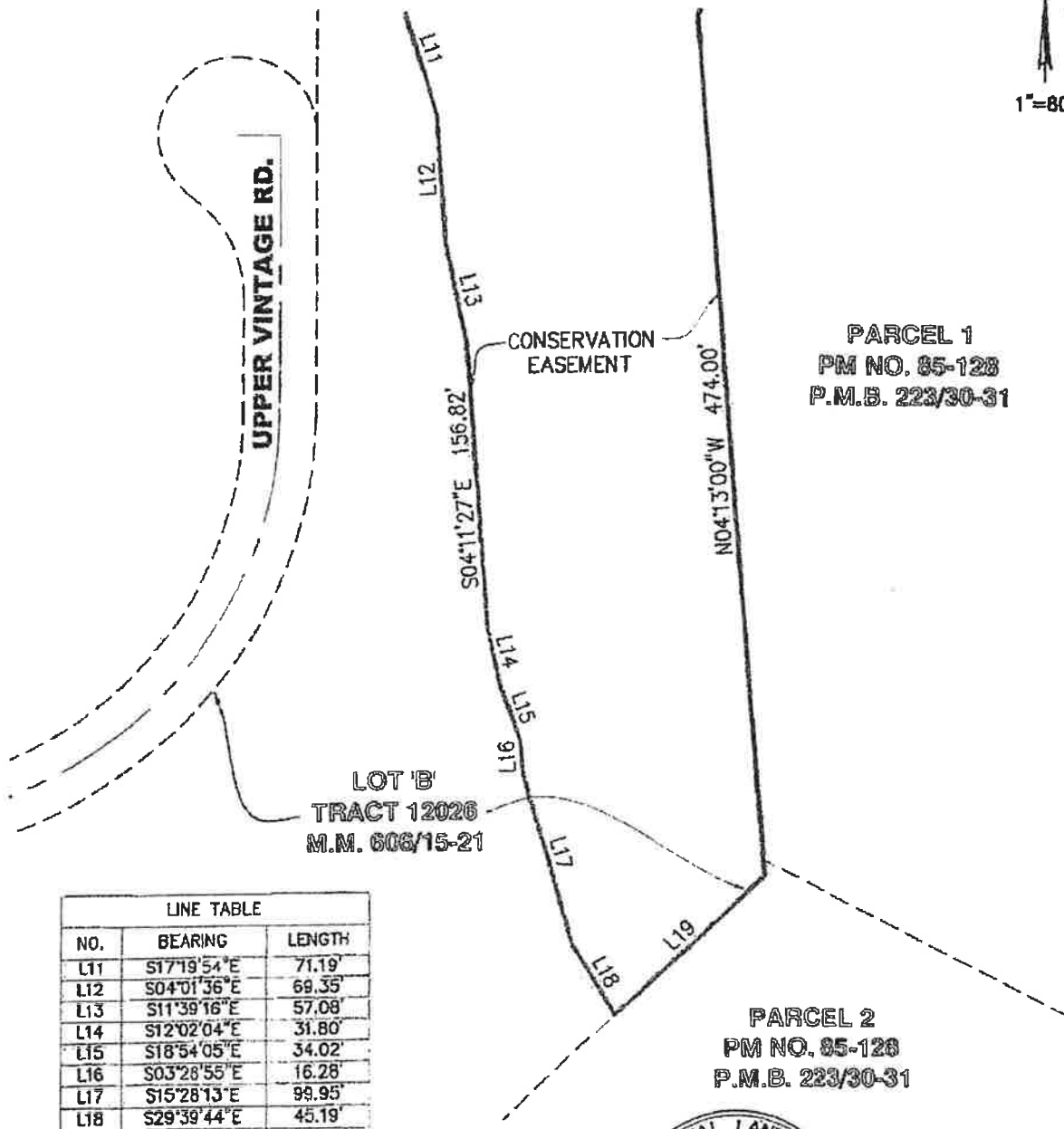
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PARCEL 1
PM NO. 85-128
P.M.B. 223/30-31



EXHIBIT "E" (MAP)

SEE SHEET 1 OF 2



LINE TABLE		
NO.	BEARING	LENGTH
L11	S17°19'54"E	71.19'
L12	S04°01'36"E	69.35'
L13	S11°39'16"E	57.08'
L14	S12°02'04"E	31.80'
L15	S18°54'05"E	34.02'
L16	S03°28'55"E	16.28'
L17	S15°28'13"E	99.95'
L18	S29°39'44"E	45.19'
L19	N46°07'00"E	110.78'

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