

## ACCESS

My name is Claire Schlotterbeck and I will talk about access.

FIRST, LET'S BE CLEAR, the developer failed to secure adequate access to the project appropriate for the number of housing units he has proposed. He only secured one legal access and it is onto Stonehaven. By now cramming all of the project traffic out of this one access point *on a daily basis*, he is hoping you will be willing to throw his own residents in Esperanza Hills and existing residents on Stonehaven under the bus for his failure.

SECOND, LET'S BE CLEAR. Stonehaven, Option 1, was specifically eliminated by Supervisor Spitzer in June 2015 when he said, "Option 1 is off the table...". He was not just concerned about the two hairpin turns and steep grade. He also said "People live on Stonehaven and it was really unfair to dump all of that traffic, as a primary." He went on to say that he was purposefully eliminating it from the Specific Plan.

And now the developer has not only proposed it to be a primary access, but also to be the only daily access... No, it's off the table.

THIRD, LET'S BE CLEAR. The emergency access on an easement through Cielo Vista has *not* been fully adjudicated in Court. This was even referenced by Supervisor Spitzer on June 2, 2015 when he said "Some of those issues haven't been completely worked out."

The easement that Esperanza Hills has, may ultimately apply only to the Yorba Linda Trails parcel # 351-031-04, not the entire Esperanza Hills project. So to rely on that iffy easement as adequate emergency access for the entire 340 houses is deceptive. What if it doesn't come through?

FOURTH, LET'S BE CLEAR. The fundamental issue of danger has not been resolved. It has simply changed. The zigs zags may be gone with a bridge, but the single exit has just created a daily morning back up for the new residents not only contributing to more GHG emissions as they idle, waiting their turn to exit onto Stonehaven, but also a nightmare scenario in an emergency. These streets were gridlocked with existing residents pouring out of Stonehaven in the 2008 Freeway Complex Fire as was Yorba Linda Blvd., the thoroughfare they empty onto.

Fire officials I have worked with over the years have always said you need two ways in and two ways out. The bigger the development, the more exits are needed. Why would this not apply to a massive housing project deep in the hills, next to permanent fire prone parklands? Where did this common sense rule of thumb go?

Indeed, how far are *you* willing to go to compromise public safety to come to a “yes” for this project? You must deny the developer's application for amendment.

Sent via email

To: Kevin Canning  
kevin.canning@ocpw.ocgov.com  
November 6, 2016

**Speech on GHG Emissions Given Before the OC Planning Commission  
On October 26, 2016**

Good afternoon. My name is Diane Kanne. Let's address greenhouse gas emissions.

First, while the Esperanza Hills developer is asking for a new access option in their EIR, this change is dismissed by CAA Planning as an insignificant contributor to greenhouse gas emissions. How can construction of a massive bridge not affect GHG emissions?

Second, can we trust the new calculations for baseline greenhouse gas emissions? Using a new model, Greve and Associates calculate 42% lower construction baseline emissions and 65% lower operational area source baseline emissions than in the original EIR. So what has changed? Apparently, new, lower vehicular emissions were used in the model, but it is unclear if these new emission rates were for on-road or off-road vehicles. If they were for on-road only, then wouldn't these reductions be accounted for in the 23.9% subtracted for statewide emission reductions? For the operational emissions baseline, the 65% lower area source emissions are partially attributed to including a lower water consumption rate. Why has the water consumption rate changed in the baseline model, and if water conservation is included in the baseline, isn't it double counting to also include water conservation as a mitigation measure?

While we are on the subject of water, the developer takes a 0.57% credit for using 100% reclaimed local water. However, Yorba Linda Water District water is 30% imported, on average. The consultant claims that the North East Area Planning Study

completed by the Yorba Linda Water District guarantees delivery of 100% reclaimed local water to Esperanza Hills. **This is untrue.** Nowhere in that study does YLWD guarantee 100% local water to Esperanza Hills, 100% of the time. Mitigation measure GHG-34 cannot be achieved. It should be removed from the analysis and mitigated GHG emissions should be recalculated.

How does the developer plan to mitigate GHG emissions? Almost 50% of GHG reductions are attributed to installing sidewalks, parks, and equestrian paths. In most of Yorba Linda, these features **are** business as usual. Also, if the developer uses 100% traffic calming in his model, then shouldn't every Esperanza Hills intersection be required to have a traffic circle? Additionally, the Esperanza Hills developer should take credit **only** for those Energy Star appliances and other low-energy features actually installed in homes. Every home should be required to be sold with an Energy Star refrigerator, ceiling fans, and a 50% restriction on air conditioner operation as specified in their model.

Many questions remain about the adequacy of this revised GHG section. Reject this developer's move to try to subvert the system. Deny the application for amendment. There are too many unanswered questions. Thank you.

## **Notification Process**

My name is Joe Byrne and I'm a 53 year resident of Orange County.

I was very disappointed with the haphazard manner of the County's notification process regarding today's actions. It has been confusing at best and incorrect in too many places.

For example, my wife requested to be notified regarding all actions concerning the Esperanza Hills project. Her first notification of the upcoming decisions was by email. Please be aware that not everyone that requested to be on this email list, and had historically been on the email list, was notified. You may want to check your database to ensure everyone requesting to be notified was sent an email because this is a violation of the Public Resource Code Section 21092.2.

Ironically, the content of Kevin Canning's email was more informative than the actual 'Notices of Public Hearings' that were attached. The same Public Notices which were later mailed out and posted on the subject property.

Additionally, the email sent by Mr. Canning provided a link to the County website where links to all applicable documents were listed. As you read in our attorney's comments, we believe the Subdivision Committee Public Hearing must be rescheduled due to the website problems outlined in the letter's Attachment 1. The description of each attachment was unreadable in a non-English font.

For those downloading the documents, it became apparent a significant number of them were mislabeled--seven of 19 to be exact. A **handout** is available for each of you to see what I'm talking about. If this were a test in school, a 63% success rate means you failed. To anyone trying to review the material, they rely on an accurate representation of the attachments. The haste with which the documents were named and assembled reflects poorly on the County and its process.

Here's another example; both the original Staff Report for today's hearing and the corrected Staff Report, which came out Monday morning, include reference to a different project's EIR. On Page 4 and 5 of both Staff Reports, the County incorrectly identified the EIR as 661 (the Saddle Crest project) not 616. Again, the haste in writing these documents reflects poorly on the County.

Finally, the Public Notice for the OC Subdivision Committee hearing was mailed and emailed with the wrong date. It states November 2, 2015. We noticed a corrected Notice was posted to the County's website at the end of last week. However, the postings at the property were never changed nor was an email ever sent with a corrected date. I'm submitting two photos of the posting at the property to further my point.

We urge you to deny the Applicant for amendment and reschedule the Subdivision Committee meeting.

# ESPERANZA HILLS REVISED EIR AND SPECIFIC PLAN

AKA OPTION 3

## WHAT WE KNOW

- The Board approved EIR 616 on June 2, 2015
- The Board removed Option 1 and confirmed Option 2 and 2B
- The Board added provisions to the Specific Plan which ultimately requires Board approval of a map



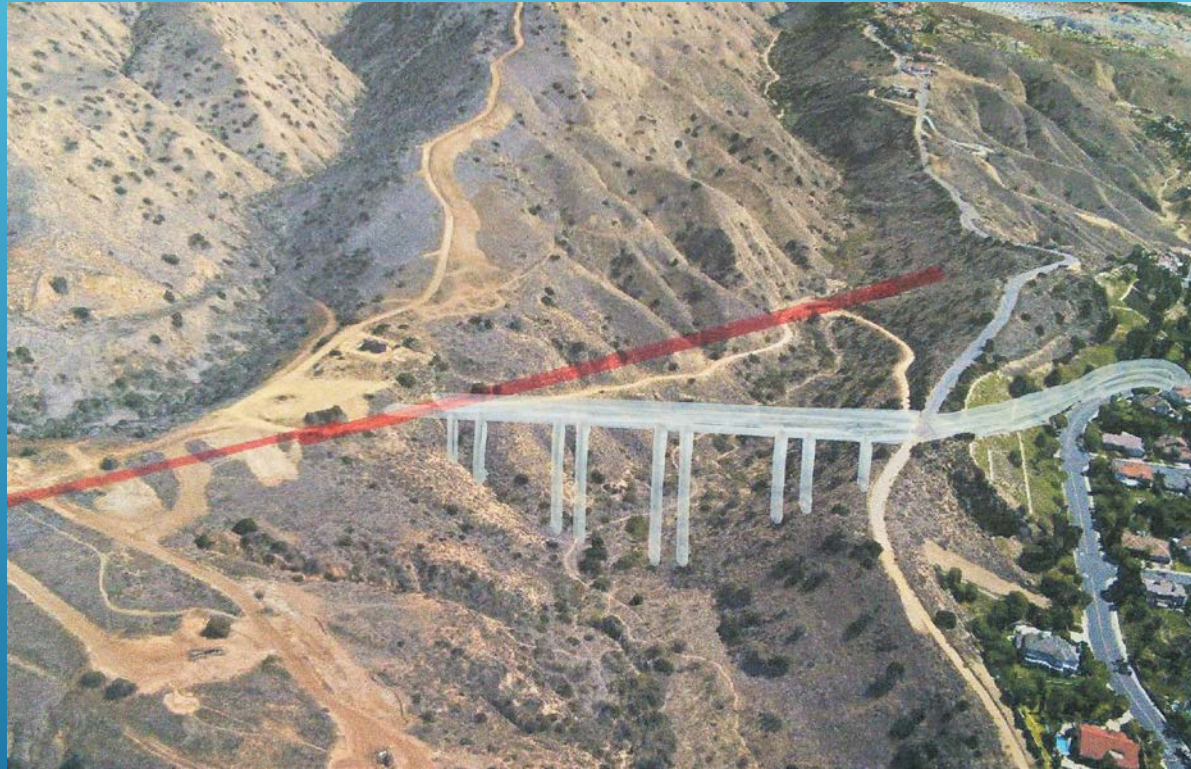
- Those provisions included:
  - A pre-annexation agreement between Esperanza Hills and Yorba Linda be completed
  - That Esperanza Hills secure access across land owned by Cielo Vista to access San Antonio

- Protect Our Homes and Hills filed suit and a Writ of Mandate was issued August 24
- The Court ordered the vacation of all County approvals on Esperanza Hills
- The Court also ordered that the EIR be brought into compliance with CEQA re Green House Gas mitigation

- Esperanza Hills is requesting the Board not only comply with the Writ but is also demanding and including an amendment to their Specific Plan that:
  - Deletes the requirement for a pre-annexation agreement with the City of Yorba Linda **prior** to map approval
  - Proposes a new access design option, they term as Option 1, Modified, because:

- They can't reach agreement with the City of Yorba Linda since they last tried to on March 1, 2016 (3 months **before** the Board's directive)
- They can't reach agreement with Cielo Vista on access since they last tried as of January, **2015** (1 ½ years **before** the Board's directive)

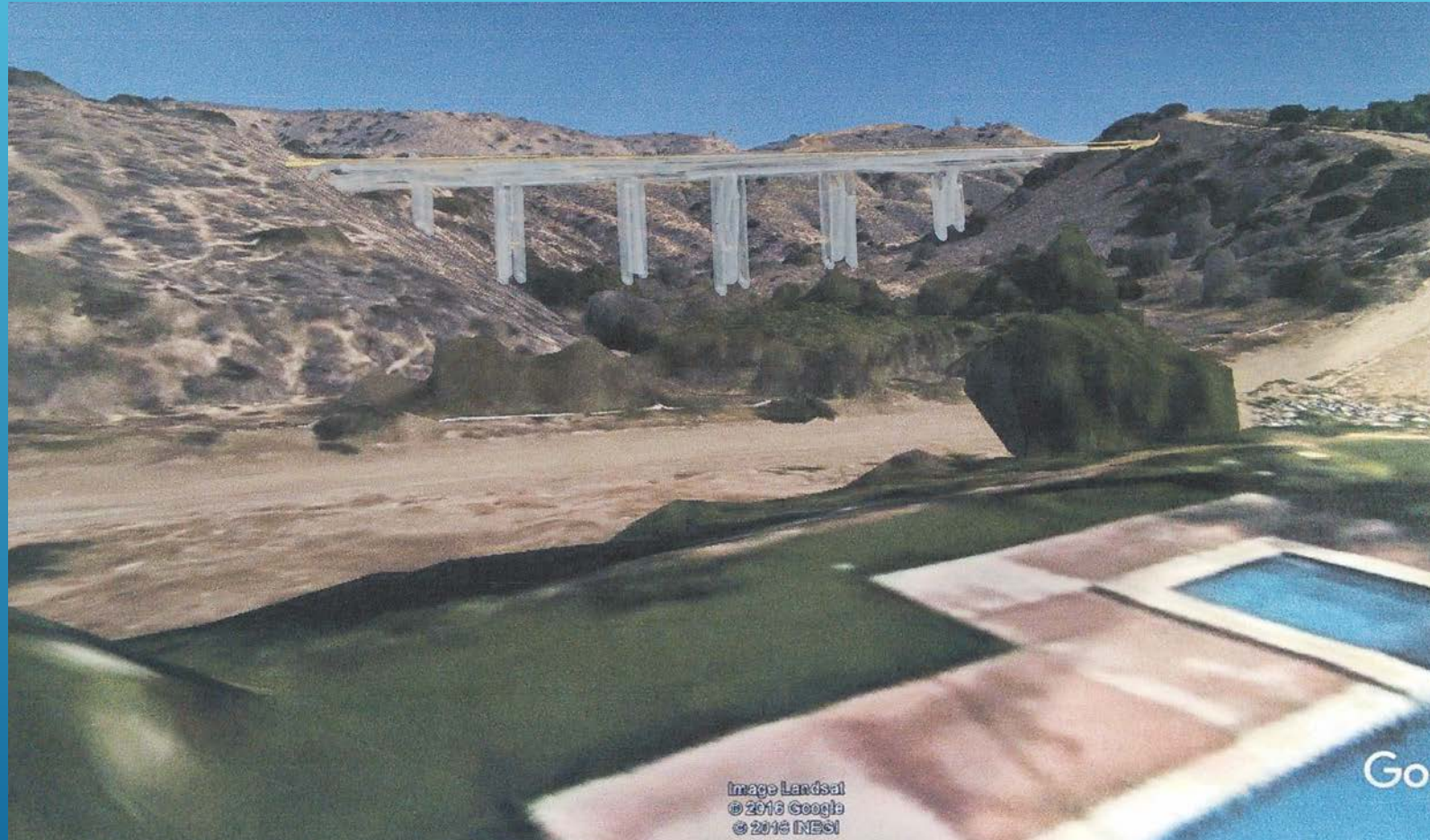
# So what is this Option 1 Modified, (sic Option 3)?



Aerial view depicting the bridge across Blue Mud Canyon (with red fault line)



Or maybe this depiction is better:



Bridge depicted looking northeast from existing residences

What will this bridge look like exactly? We're not sure because:

- There are **no** specifications or renderings provided in the documentation
- Our best guess is the bridge will be at least 360 feet long, 60 feet wide and 160 feet high.



# Does EH's Specific Plan Modified Access Proposal Result in New Environmental Effects?

Their consultant says "No"; We say "yes" because:





- Public Resources Code (Section 21166) states that if “. . . one or more of the following events occurs:” a recirculation must be done, such as:
  - “c) New information . . . becomes available” that was not known at the time the EIR was certified as complete. We certainly don't recall this massive bridge.

- California Code of Regulations (Title 14, Ch. 3, Section 15162) requires a subsequent EIR when at least **one** impact occurs, such as:
  - Substantial changes are proposed due to new, significant environmental effects, new information of “substantial importance, which was not known . . . at the time the environmental impact report was certified” which shows any of a number of items including:
    - A. The project will have **one**, or more significant effects **not discussed** in the previous EIR. . . .”

# WHAT ONE THING COULD THAT BE?



Proposed new bridge depicted across Blue Mud looking West

This revision to add a new massive bridge does the following:

- It poses a new, significant environmental effect;
- It was not included and therefore not analyzed previously in the FEIR;
- It has not been evaluated with respect to Aesthetics because:



- Visibility of the project to adjacent properties was not analyzed and impacts to Aesthetics now need to be reanalyzed;
- CAA Planning's memo (dated Sept 28, 2016) to the County **erroneously** states that:
  - "The **bridge** identified in Option 1 Modified is reduced in length. . ." (page 6)

- It's the overall length of the **road**, not the bridge, that is marginally reduced
- The new bridge added to the Specific Plan is 360 feet long, 60 feet wide and over 160 feet high.
- The culvert bridge in Option 1 was 26 feet long, 54 feet wide and 13 feet high, hardly comparable

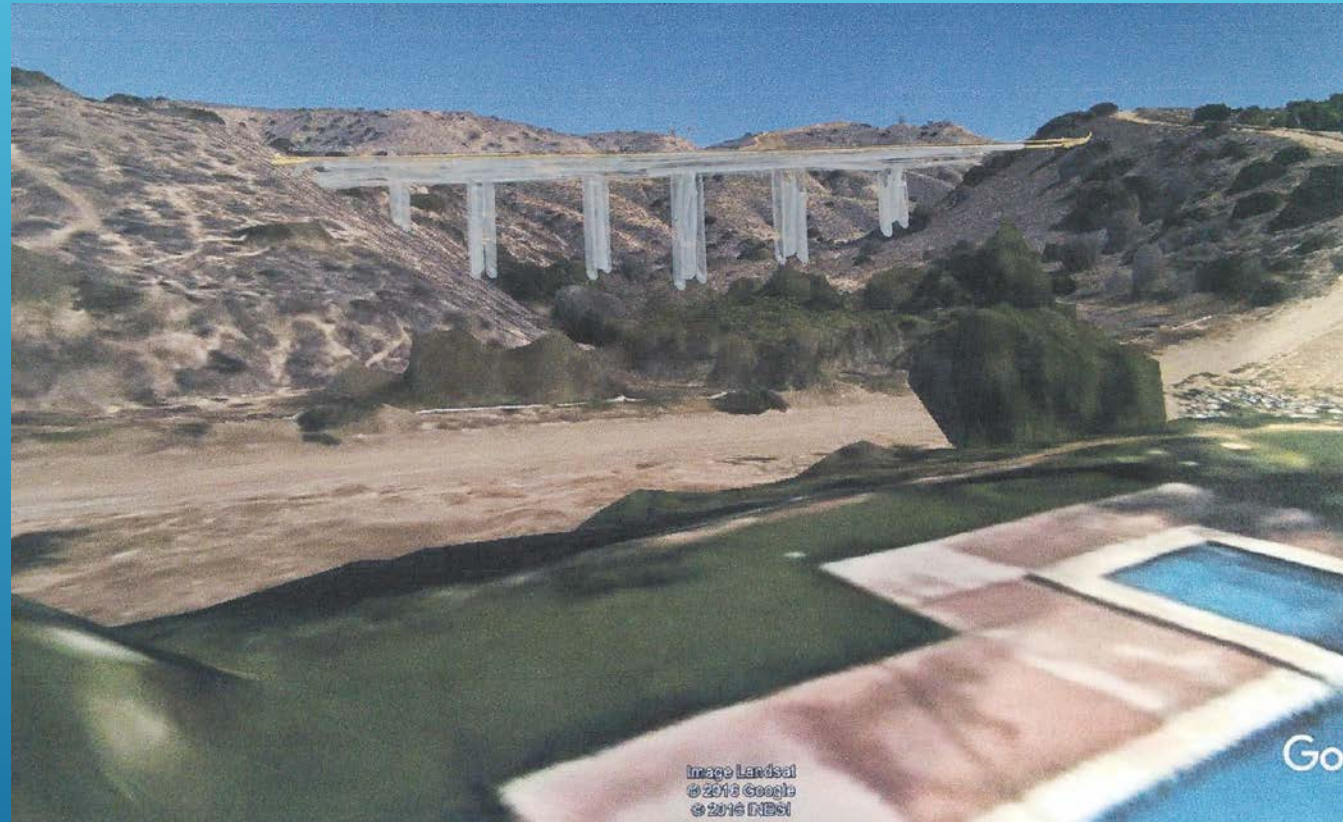
## CONCLUSION

- The purpose of this meeting was to meet the requirements of the Writ on the subject of GHGs, not to redesign the project through an end run attempt.
- EH is attempting to circumvent CEQA yet again by submitting a new design element that has a major impact on Aesthetics which produces an extremely negative visual impact upon Yorba Linda

Finally, while Esperanza Hills believes a 1999 County Resolution requires the processing of planning applications due to inaction of a city, the County Board also resolved in Post Bankruptcy Restructure resolutions that no new County Islands would be developed. Let's not make this a new one 23 years later.



# Desperate times require desperate measures...



An Example of Mr. Wymore's Desperate Measure! AKA Option 3

### Option 1 Modified Traffic Impacts

My name is Paulette Byrne.

As you saw at the June 2<sup>nd</sup>, 2015 Board of Supervisors Meeting Supervisor Spitzer stated, he does NOT support Option 1, and specifically removed it because it wasn't fair to existing residents to dump ALL the traffic from Esperanza Hills onto Stonehaven.

We agree. It is unfair to existing residents. On page 32 of the Esperanza Hills Final EIR, it states (*quote*) "Via del Agua and Stonehaven Drive are designated as Local Roadways in the City of Yorba Linda Circulation Element, and no capacities are identified for Local Roadways." (*end quote*). This is a partial truth.

The City of Yorba Linda has adopted the County's designation for its roads. The County's Public Works Standard Plan 1107 confirms Stonehaven's classification as a local street and assigns its capacity at 1,200 vehicles per day. Per the Esperanza Hills Final EIR (page 33), the current volume for Stonehaven is estimated at 1,966 vehicle trips per day. This local street is already 766 trips over 'capacity', 60% more traffic than advised. Via del Agua is at 1,112 vehicles per day.

Per Table 5-14-5 of the Draft EIR, Esperanza Hills plus the anticipated Bridal Hills project calculates, the traffic generated will be 3,617 trips per day. The proposed Cielo Vista project, will add in an additional 794 car trips to Via del Agua. These projects will add 4,411 trips per day. **Add** in the existing residences already on the roads and you're at 7,489 car trips per day on the Stonehaven / Via del Agua loop. This is over three times what it should be!

These added cars create impacts that are both negative and significant. This local street would become significantly overburdened, expected to handle more than three times the traffic it is rated for.

Imagine being one of the 55 residences with driveways along this loop that will find it at best challenging and at worst dangerous to get in and out of their own driveways?

Regarding safety, the Draft EIR (page 5-588) states (*quote*)

“...emergency access is proposed via Esperanza Hills Parkway as well as an emergency only access roadway provided off Via del Agua...” (*end quote*) **BOTH** emergency egresses feed into the same local roadway. In 2008, based on the current residential density people narrowly escaped the Freeway Fire as traffic backed up Stonehaven.

Adding more houses with the same escape route is a planning error.

Denying the Applicant's application for amendment can ensure that doesn't happen.

Sent via email

To: Kevin Canning  
kevin.canning@ocpw.ocgov.com  
November 6, 2016

**Speech on “Subverting” the CEQA Process and Avoiding Negotiations  
Given Before the OC Planning Commission on October 26, 2016**

Good afternoon. My name is Sharon Rehmeyer.

Let's address the real elephant in the room. First, Esperanza Hills is attempting to subvert the CEQA process. Second, what Esperanza Hills is asking would deny the City of Yorba Linda the right to approve this development before final approval by the County.

Esperanza Hills is throwing their wish list into this revised section of the EIR and trying to push these changes through without giving opportunity for the public to comment on these changes. Using a 137-page “Memorandum” by CAA Planning to justify his position, the developer proposes to replace the road into Blue Mud Canyon with a massive bridge next to the Whittier Earthquake Fault. In Mr. Wymore's letter, he misleads the County by saying the bridge will be a “wider, shorter road that does not cross the Whittier fault.” He neglects to point out that the bridge will be massive in length. Substantial footings, possible support structures in Blue Mud Canyon could be required. CAA Planning flat out misstates this proposed change. In an attempt to play down the biological impacts of this bridge, they **incorrectly** state that the bridge in Option 1 Modified is “**reduced** in length” compared to the small bridge in Option 1. How can we trust CAA Planning's analysis if they don't even know what they are analyzing? A complete analysis of Option 1 Modified should be completed and added to the EIR.

In another attempt to subvert the CEQA process, this out-of-state developer is asking the County to recertify an EIR that includes substantial changes to the Biological

Resource Section. Why isn't the public being given the opportunity to review these changes? Don't let this developer subvert the CEQA process. Require recirculation of the EIR.

Just as alarming is this developer's attempt to subvert the authority of our local government. Why is Esperanza Hills asking to have the pre-annexation agreement requirement removed from the Specific Plan? Why, because the developer knows that Yorba Linda requested two access points in its May 2015 letter to the County. But the developer has abandoned negotiations with Cielo Vista to secure the Aspen Way access point and is expecting the City to just go along with the plan. When the City is unresponsive, expecting the developer to accept the City's right to protect the health and safety of its residents, this developer attempts to subvert the process. This developer has inserted language in the EIR that implies the project may not be annexed into the City. The Board of Supervisors has made it very clear they do not want to create any more county islands. Don't let this developer subvert our local government. Require a pre-annexation agreement before a tentative tract map is issued.

Thank you.

## Court's June 24, 2016 Statement of Decision:

"After careful consideration of the arguments of all parties, as well as the administrative record, the Court finds that virtually all of these arguments are without merit. However, because the EIR impermissibly defers mitigation of greenhouse gas (GHG) impacts and also arbitrarily limits the extent to which these mitigation measures must be considered, the Court intends to issue a writ on this basis."

Statement of Decision, pages 2-3

Revise EIR to comply with Judge's Order

Amend Specific Plan to go to Option 1 Modified  
(PC approved Option 1 in January 2015)

Delete language requiring pre-annexation with City prior to VTTM approval (PC approved without language in January 2015)

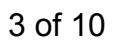


THE DESIGN CONCEPT FOR ESPERANZA HILLS IS TO SHIPWRECK YOUR AMBITION TO AN EXCLUSIVE HIGH-END RESIDENTIAL COMMUNITY NESTED IN ONE OF THE MOST PRISTINE AND PRISTIGIOUS HILTOP LOCATIONS IN YOUR AREA.

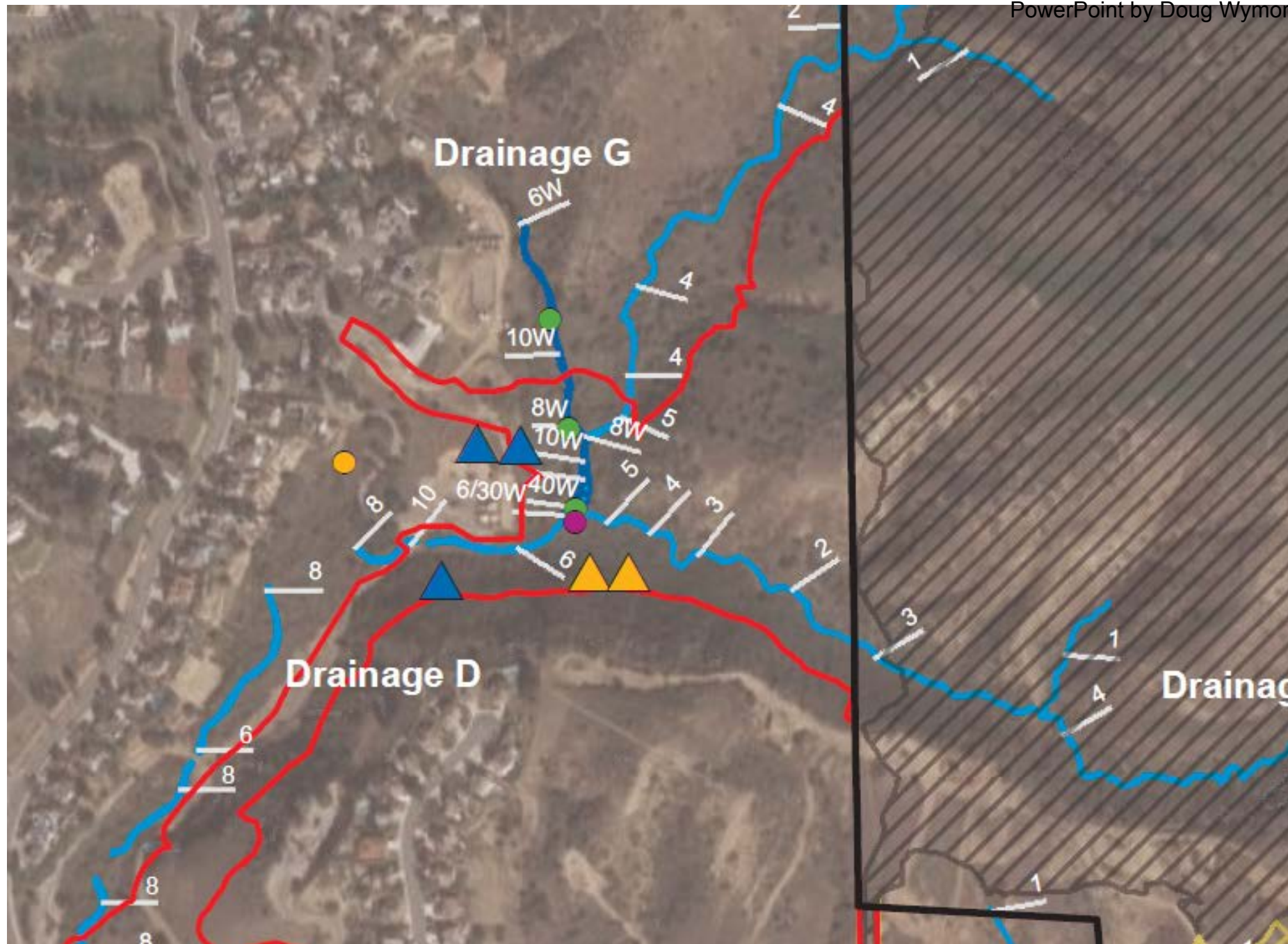
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ENCASED THROUGH THE STEEL, YOU ARE GUARANTEED WITH A STUNNING DISPLAY OF WHITENESS. CALCULATING DOWN THE OPPOSING SLOPS DISAPPEARING UNDER THE STEEL BODY. ALL INTERCEPTS, SCOTCH, AND NEIGHBORHOOD PAINS WILL BE HARMONIOUSLY INTERWOVEN WITH THE NATURAL HILLTOP. BY LITIGATING AN ORGANIC USE OF CALIFORNIA DUES, POLYMERES, NATURAL SWIRLS, AND GRASSES TO BUILT HOME AND REINFORCE VIEWS PARKS AND TRAILS WILL ALSO BE USED TO PROMOTE NEIGHBORHOOD ACTIVITIES AND RESIDENT INTERFERENCE WITH THE NATURAL SITE. AMENITIES INCLUDING CONNECTIONS TO REGIONAL TRAILS AND TOPOGRAPHIC PRODUCTS.

CONCEPTUAL PARKS PLAN  
ESPERANZA HILLS  
YORBA LINDA, CALIFORNIA





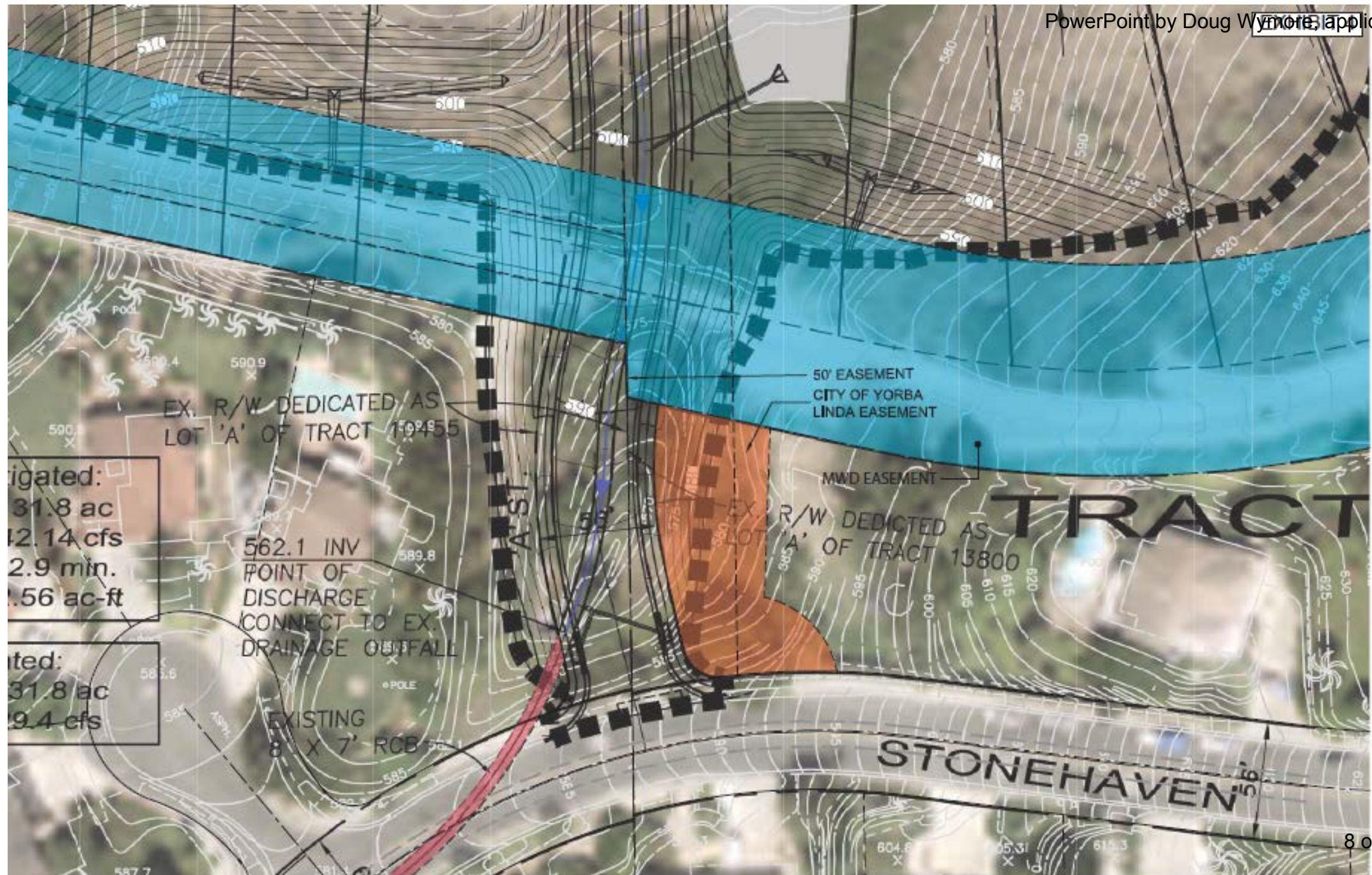


- 60ft. wide main access road right of way
- Exclusive emergency vehicle access road to the middle of the development adjacent to the fire staging area
- Two Fire Staging areas with direct gravity fed fire hydrants to accommodate up to five fire trucks
- Fuel Modification including 170 & 185 foot zones
- Fire breaks in Blue Mud Canyon
- Independent inspection & maintenance of fuel modification zones
- Hardened Homes including added provision of attic sprinklers (exceeds building code)
- Participation in OCFA Ready Set Go Program

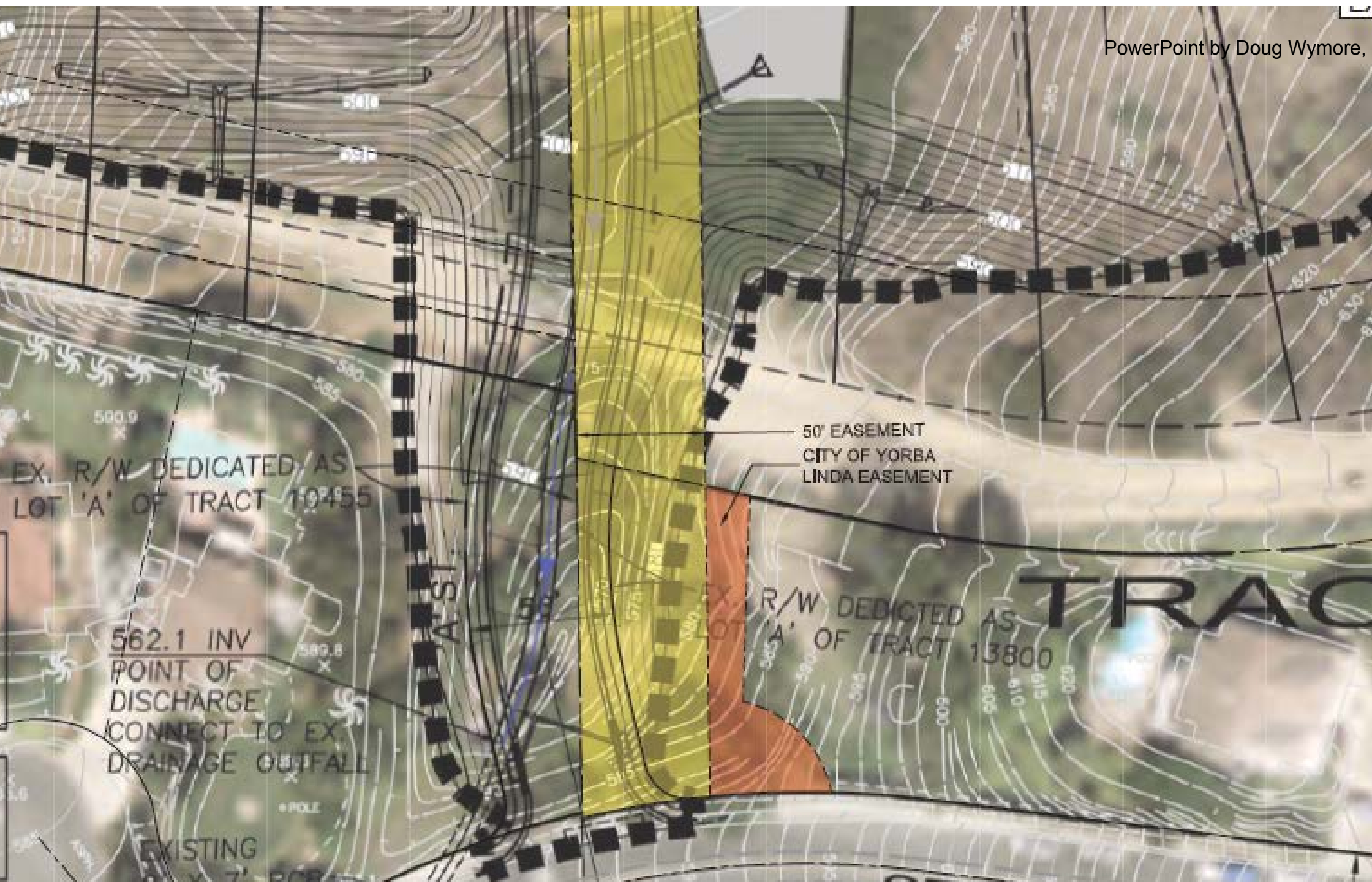
Street	Capacity	Modified Capacity	Existing	Project Only EH + BH	Projected 2020 CV + EH + BH	Current LOS	2020 LOS
Via De Agua (Option 1) (65% of traffic)	12,500	6250	1112	2351	4452	A	C
Stonehaven (Option 1) (35% of traffic)	12,500	6250	1966	1266	3389	A	A
Street	Capacity	Modified Capacity	Existing	EH Only	CV (83) + EH	Current LOS	2020 LOS
Via De Agua (Option 1) (65% of traffic)	12,500	6250	1112	2115	4101	A	B
Stonehaven (Option 1) (35% of traffic)	12,500	6250	1966	1138	3261	A	A











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Tentative tract map approval or conditional approval may be made by the Board of Supervisors subject to the following findings or conditions in addition to those recommended by the Subdivision Committee:

1. Permission to gain access across land area not owned by the Project Applicant has been secured or it is reasonably assured that access rights will be secured
2. Permission to allow for off-site grading has been secured or it is reasonably assured that permission will be secured