

OC DEVELOPMENT SERVICES REPORT

DATE: January 11, 2017

TO: Orange County Planning Commission

FROM: OC Development Services/Planning Division

SUBJECT: Board referral of Planning Application PA120037 - Esperanza Hills General Plan Amendment, Zone Change, Revised Final EIR 616 and Specific Plan

PROPOSAL: Planning Commission discussion, report and response to the Board of Supervisors regarding potential modifications not previously considered for the Esperanza Hills Specific Plan project.

GENERAL PLAN DESIGNATION: 1B "Suburban Residential"

ZONING: Esperanza Hills Specific Plan

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

APPLICANT: Yorba Linda Estates, LLC
Douglas Wymore

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

RECOMMENDED ACTIONS

OC Development Services/Planning recommends the Planning Commission:

1. Receive Board of Supervisor's Minute Order dated December 13, 2016;
2. Receive information from project applicant, and staff as necessary, regarding potential modifications to the Esperanza Hills Specific Plan project responding to the Board of Supervisor action of December 13, 2016;
3. Direct staff to coordinate with applicant to submit project materials that analyze the following, pursuant to Board direction:

- a. A secondary access option via Aspen Way; and/or
 - b. A modified design project utilizing either the Modified Option 1 (Bridge) or Option 1 access; and/or
 - c. A reduced unit project;
4. Direct staff to prepare a Planning Commission report, pursuant to Government Code section 65857, to the Board of Supervisors stating that the Planning Commission received the Board's direction from December 13, 2016 and has directed staff to coordinate with the applicant to submit materials to allow the Planning Commission to fully consider the Board direction.

BACKGROUND

On November 9, 2016, the Planning Commission adopted Resolution No. 16-08 recommending Board action on several items in order to approve the Esperanza Hills Specific Plan project. The recommended project configuration was Option 1 Modified, which proposed a single full public access to the project via a bridge spanning Blue Mud Canyon and connecting the project to Stonehaven/Via del Agua. A secondary emergency-only access was also proposed through the adjacent Cielo Vista property.

On December 13, 2016, the Board of Supervisors conducted a public hearing to consider the Commission's recommendations. Following three hours of public testimony and Board discussion, the Board took the following action:

ON THE MOTION OF SUPERVISOR SPITZER AND SECONDED BY CHAIRWOMAN BARTLETT, THE BOARD REFERRED THE ITEM BACK TO THE PLANNING COMMISSION WITH DIRECTION TO CONSIDER A SECONDARY ACCESS VIA ASPEN WAY, FURTHER STUDY THE BRIDGE OPTION VS OPTION 1, AND CONSIDER A REDUCED UNIT PROJECT.

Because the Board's direction included possible modifications that the Commission had not considered at its hearings on October 26 and November 9, Government Code Section 65857 governs the process and procedures regarding the referral of an item back for Commission consideration. This section states:

Government Code Section 65857. *The legislative body may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification.* (Emphasis added)

DISCUSSION

Because the applicable Government Code section requires the Commission's consideration within 40 days, the January 11th meeting is the last feasible date for compliance. The Commission's consideration will not be a public hearing.

As noted above, the Board has directed the Commission to consider:

- A secondary (additional full public) access to Aspen Way
- Further study of the Option 1 Modified (bridge) versus Option 1 ('switchback' road) - or any further alternative(s) as necessary
- A reduced unit project

To further consideration of the Board's direction, staff recommends that staff and the applicant continue to work together to consider secondary access and Option 1 Modified versus Option 1 and return to the Planning Commission to present the findings and potentially seek a Planning Commission approval. Currently, the applicant continues to weigh alternatives in support of these options. Any new information will either be forwarded separately as it becomes available or will be presented to the Commission at the next meeting at which the project will be heard.

All previous reports and supporting studies may also be found on-line at:

- 1) Esperanza Hills project webpage - http://ocplanning.net/planning/projects/esperanza_hills
- 2) Board Agenda Staff Report and attachments - <http://ocgov.com/gov/bos/agenda>
 - a. Select December 13, 2016 *HTM* link
 - b. Scroll to and select Item #62
 - c. ASR and all attachments will be available

Video of the Board's December 13 hearing and discussion on Esperanza - http://ocgov.granicus.com/ViewPublisher.php?view_id=6

1. Select 2016
2. Select Video "Board Meeting Afternoon 12/13/16"
 - a. or chose to download via MP3 Audio or MP4 Video
3. The Esperanza Hills is the first item up (with Item #42 vacating previous approvals)

Submitted by:



Laree Alonso, Planning Manager
OC Development Services

Concurred by:



Colby Cataldi, Deputy Director
OC Public Works/Development Services

ATTACHMENTS:

1. Board of Supervisor Minute Order dated December 13, 2016

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

December 13, 2016

Submitting Agency/Department: OC PUBLIC WORKS

Public Hearing to consider reading and adoption of "An Ordinance of the County of Orange, State of California Adopting the Esperanza Hills Specific Plan and Rezoning Certain Land from the A-1 General Agricultural and A1(O) General Agriculture/Oil Production Districts to the S 'Specific Plan' District"; adopt resolution to certify Revised Final Environmental Impact Report No. 616 and other findings; adopt resolution approving General Plan Amendment Land Use Element 16-01; and adopt resolution approving Vesting Tentative Tract Map 17552 and making related findings - District 3

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

ON THE MOTION OF SUPERVISOR SPITZER AND SECONDED BY CHAIRWOMAN BARTLETT, THE BOARD REFERRED THE ITEM BACK TO THE PLANNING COMMISSION WITH DIRECTION TO CONSIDER A SECONDARY ACCESS VIA ASPEN WAY, FURTHER STUDY THE BRIDGE OPTION VS OPTION 1, AND CONSIDER A REDUCED UNIT PROJECT

Unanimous (1) DO: Y (2) STEEL: Y (3) SPITZER: Y (4) NELSON: Y (5) BARTLETT: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
 Ordinances(s)
 Contract(s)

Item No. 62

Special Notes:

Copies sent to:

OCPW: Laree Alonso
Eric Swint

12-21-16



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California. Robin Stieler, Clerk of the Board

By:

[Signature]
Deputy