

Canning, Kevin

From: Joe Byrne <jmbyrne10@sbcglobal.net>
Sent: Thursday, February 09, 2017 9:46 AM
To: Canning, Kevin
Subject: Esperanza Hills Proposal Comments

Mr. Canning,

I have some concerns with the recently proposed Esperanza Hills project. They are as follows:

- 1) Movement of the Bridge** – The bridge is 30’ from the original arch culvert location and is longer and taller than originally proposed and therefore needs to be analyzed.
- 2) 300’ Fire Break East of the Bridge** – The lands east of the bridge now proposes a 300’ fire break, which means the vegetation will be cleared and replaced—an impact that has not been analyzed.
- 3) Newly proposed Fire Break Near Residences** – There are apparently some new fire breaks near residential areas that haven’t been analyzed.

I hope these changes will be fully vetted before the new proposal goes before the Planning Commission. The Planning Commission deserves to have all the facts accurately presented.

I thank you for your attention to these matters.
Sincerely,
Joe Byrne

Diane Kanne



4825 Via del Corral • Yorba Linda, CA 92887 • Phone: 714-779-2803
E-Mail: ddkanne@gmail.com

SENT VIA EMAIL (Kevin.Canning@ocpw.ocgov.gov)

Date: February 9, 2017

Mr. Kevin Canning
300 North Flower Street
Santa Ana, California 92702-4048

RE: Esperanza Hills

Dear Mr. Canning:

I am a 30-year property owner and resident of Yorba Linda. This letter addresses the Revised Project Plans dated January 31, 2017 and the proposed Vesting Tentative Tract Map dated February 1, 2017 for the Esperanza Hills project.

Esperanza Hills Lacks an Agreement to Cross Land Technically Owned by Yorba Linda

The Esperanza Hills developer does not own the land off Stonehaven Drive he proposes to use as an entrance to the Esperanza Hills project and the land off Via del Agua he proposes to use as the entrance to the emergency access road. These lands, each designated as Lot A in each of Tract 12877, Tract 12850, Tract 10485, and Tract 13800, were dedicated as open space to the City of Yorba Linda in 1987, 1987, 1984, and 1988, respectively. The two Lots A's off Stonehaven are currently owned by Brock Homes which filed for bankruptcy in 2009. One Lot A off Via del Agua is owned by Brock Homes and the other is owned by Todd Cunningham.

The City of Yorba Linda confirmed in its letter dated October 26, 2016 that the City has rights to all of these parcels. As the letter states, "the County should require the applicant to prove and show all documentation that it has legal access to all property needed (including grading rights) for the primary and emergency access points prior to approving the project." I concur with the City of Yorba



Linda. Before this project is approved, including approval of the Final Environmental Impact Report (FEIR) and Vesting Tentative Tract Map, the County should require the developer to prove that he has secured all rights, including grading rights, to cross any land not owned by the developer.

The Esperanza Hills developer stated during the County Subdivision Committee Meeting on November 16, 2016 that he has the easement rights to go up the 20-foot wide Yorba Linda Water District road. This is technically true; Esperanza Hills has an easement to cross this City land **along existing roads**. The existing road is 20 feet wide. What the Esperanza Hills developer does not have is the legal right to create whatever road he wants to gain access to his property. No agreement has been secured with the current property owner of Tract 12877 and Tract 12850 to grade and build a road that is 100 feet across at the entrance, 60 feet across at the top of the hill, and includes many large retaining walls. This critical connection to the Esperanza Hills property is not up to developer; it is up to the City. Before all approvals are granted for this project, the applicant should be required by the County to obtain agreements with the City of Yorba Linda on any changes to **the existing road** off Stonehaven.

The New Road and Bridge Have Not Been Analyzed

On Page 2 of the proposed Vesting Tentative Tract Map, the Esperanza Hills developer shows a 40-foot wide road following the path of the 20-foot wide Yorba Linda Water District easement, moving from a proposed 100-foot wide entrance off of Stonehaven to a proposed 60-foot wide roundabout at the top of the easement and back down the Yorba Linda Water District easement road to the bottom of Blue Mud Canyon. At the bottom of Blue Mud Canyon, some 30 feet from the originally-proposed arched culvert in Option 1, the developer proposes yet another bridge. The road then continues up the steep slope on the other side of Blue Mud Canyon to the project entrance.

First, the proposed Vesting Tentative Tract Map does not show any grading of the road into Blue Mud Canyon. The only additions to the existing topography are retaining walls on either side of the proposed road. To build the proposed 40-foot road in place of the existing 20-foot road would require substantial grading of the hillside in addition to building massive retaining walls. The need for some of this grading is shown on the Option 1A on Option 1 Overlay map, but it not shown on

the Vesting Tentative Tract Map. Not only is this grading not shown on the Vesting Tentative Tract Map, the developer has not shown that he has permission to cut into the hillside that contains Metropolitan Water District utilities and an emergency access road for the Hidden Hills community. Before approval of the FEIR and Vesting Tentative Tract Map, the Esperanza developer should analyze the environmental effects of all proposed grading for the project, particularly grading proposed in environmentally sensitive areas like Blue Mud Canyon, and this grading should be shown on the Vesting Tentative Tract Map.

Second, the Esperanza Hills developer must analyze the environmental effects of this new bridge. The new proposed bridge is more than three times as large as the originally proposed arch culvert in Option 1, and this size does not even include the huge abutments connecting the bridge to the walls of the canyon. No measurements of abutments are included in either the proposed Conceptual Entrance Bridge View Studies or the proposed Vesting Tentative Tract Map. Using the scale of the Vesting Tentative Tract Map on page 2, when these abutments are added to the size of the bridge, the bridge could be as much as six-times as large as the original arched culvert. Moving the bridge 30 feet from its original location in Option 1, substantially increasing its size, and substantially increasing grading on both sides of the bridge, as shown in the proposed Option 1 on Option 1A Overlay, will have significant environmental effects on Blue Mud Canyon. These effects must be analyzed and included in the FEIR.

The New Proposed Firebreaks Have Not Been Analyzed in the FEIR

Northeast of the new bridge and just west of the Southern California Edison easement, designated as Lot Q on page 3 of the proposed Vesting Tentative Tract Map, is a new, very steep 300-foot firebreak that is proposed to be graded, to have the native vegetation removed, and to be replanted with non-native species. The effects of developing this land have not been analyzed in the proposed FEIR. Potential environmental impacts include, but not limited to: its propensity for landslides, whether grading the land will destroy sensitive native plant species, and its proximity to the Whittier Earthquake Fault. Additionally, new firebreaks are proposed along the southern edge of the development within Blue Mud Canyon, as shown on Page 3 of the proposed Vesting Tentative Tract Map, and within Phase 10, as shown on Page 2 of the proposed Vesting Tentative Tract Map. The

grading and replanting of this land, especially within the environmentally sensitive Blue Mud Canyon, has not been analyzed in the proposed FEIR. The effects of all new grading activity and replanting within the project, including the grading and replanting of this new large and steep Lot Q and the land within Blue Mud Canyon, must be analyzed in the FEIR before the FEIR and project are approved.

The Conceptual Entry Bridge View Studies are Misleading and Deceptive

The developer, in an attempt to visually show that his development will have little to no effect on the natural environment and surrounding community, has provided a number of digitally modified photographs of his land and land within the City of Yorba Linda. These digitally modified photographs are misleading and deceptive. They are not a replacement for adequate environmental, health, and safety analysis of the road and bridge required by the California Environmental Quality Act (CEQA). First, View 1, View 2, and View 3 show Stonehaven Drive and the Yorba Linda Water District easement at camera angles that hide the true steepness of both these roads. In fact, Stonehaven Drive is so steep that adding traffic from 340 homes likely will require the installation of medians and speed bumps. Nowhere in the proposed FEIR is this possibility mentioned.

Second, View 4, View 5, and View 6 show the Esperanza Hills land with retaining walls and new non-native vegetation all over the land, including non-native trees within Blue Mud Canyon. No flattening of the hills by moving massive amounts of dirt off the hilltops and throwing that dirt into the canyons is shown. None of the proposed 340 homes are shown. The vegetation shown does not look like fire-resistant vegetation. Digitally modified photographs of the proposed new bridge are shown only at a far distance, and they minimize the large abutments connecting the arched bridge to the canyon walls by not showing these abutments with the same color as the bridge. These deceptive photographs are not a substitute for the additional environmental, health, and safety analysis that must be completed on the road and the bridge and included in the FEIR to comply with the requirements of CEQA.

Summarizing, the Esperanza Hills developer is proposing significant changes to the project that must be analyzed in the proposed FEIR before approval of the FEIR and Vesting Tentative Tract Map.



Without this analysis, the FEIR is inadequate, incomplete, and inaccurate. Effects of building the new entrance off Stonehaven, including grading of the road and building a bridge that could be six-times as large as the arched culvert in Option 1, must be analyzed in the FEIR. Additional grading to build new proposed firebreaks must also be analyzed in the FEIR. Finally, all approvals for crossing land not owned by the Esperanza Hills developer should be secured before the County approves the project.

Very truly yours,

Diane D. Kanne

Canning, Kevin

From: Kevin Johnson <kevin@johnsonlawaplc.com>
Sent: Thursday, February 09, 2017 1:11 PM
To: Canning, Kevin
Cc: Melanie Schlotterbeck
Subject: RE: Esperanza Hills - Revised Project as Submitted January 30, 2017

Hi Kevin:

Thank you for the opportunity to comment on the applicant's most recent submissions. As you know, this firm represents Protect our Homes and Hills; Hills for Everyone; the California Native Plant Society; the Endangered Habitats League and Friends of Harbors Beaches and Parks.

The applicant's refusal to provide for two full time access points for the project does not in any way excuse the County, and in particular the Planning Commission, from needing to study the pros and cons of such access features and limitations. The Board of Supervisors has asked that the Planning Commission look closely not only at access issues but also to consider the pros and cons of possible density reductions. The respective analyses should be conducted in the formal CEQA process.

We have recently commented on the inadequacy of the Green House Gas analysis that has been developed to date as part of the County's response to the Writ of Mandate. Amongst the multiple deficiencies, there has been no meaningful consideration of fundamental mitigation measures like solar power and project size reduction. We urge the County to require meaningful analysis of these issues in the draft, revised EIR not only as they relate to the GHG issues, but also as a logical means to comply in substantial part with the directive of the BOS to the Planning Commission to rethink the access and density issues. The BOS is clearly concerned about "dumping" traffic from 340 homes all onto Stonehaven. Your environmental documents need to study how this can be avoided, even if the applicant refuses to consider a second, daily access.

Importantly, OCFA standards allow for no more than 150 dwelling units for the entire project if there is only one daily access point. This situation needs to be evaluated through additional environmental studies which would then in turn be reviewed and commented upon by the public, particularly in the context of the current zoning on the property which only allows 117 units. The environmental document for the project needs to closely examine the interplay of lowered project density with enhanced evacuation functionality. The possible unavailability of first responders, in the event of a multiple fire event in Southern California, to run an efficient evacuation of the neighborhoods needs to be squarely and honestly addressed in a revised, draft EIR.

We would also like to remind the County there is a demonstrated need to update gnatcatcher surveys on and near the property and these updates, once completed, need to be addressed in a revised EIR. The proposed changes related to the Bridge, Road Design and Public Safety in the applicant's January 30, 2017 letter require evaluation of impact avoidance and/or mitigation related to gnatcatcher habitat and the presence of gnatcatchers in all the access areas. Recently recommended fuel break expansions and additional fuel modification measures will of course have impacts on the environment both in terms of what is removed or thinned and in terms of increased water demands. The environmental documents need to specifically identify all the water needs for the project, particularly since the proposed project revisions will likely require more ongoing water use. Reduced density would result in less grading and less need for construction related watering.

Further environmental studies should also be conducted regarding the presence of hazardous waste on and around the project site in light of the recent oil spill on the property. Reduced project density could, for example, create opportunities to have greater setbacks between new homes and ongoing oil rig operations.

We appreciate the applicant correcting the vicinity map at Exhibit 2 to show the boundary with Chino Hills State Park. Corrections in this regard to other inaccurate maps in the draft, revised EIR should also be made at this time. Further, with the document then formally and consistently acknowledging the next door presence of the Park, the anticipated impacts on the park (to the immediate east of the project site), including added maintenance burdens to the State of California, need to be analyzed. Proceeding with this analytic approach would obviate the need for this Park impact issue to be addressed in the appeal of the Superior Court lawsuit.

Overall, time and continued public scrutiny and comment have lead the BOS and the Planning Commissioners to a better understanding of the many planning and public safety problems associated with the proposed project. Now is the time to require the applicant, in the context of formal CEQA studies and evaluations, to truly look at a variety of alternative project design features. The revised EIR should study all the advantages of meaningful reduced density alternatives with reasonable daily access and true evacuation functionality.

We note that the proposed revisions to the Specific Plan as they relate to fire safety continue to focus on protecting property versus making sure residents can safely evacuate.

Thank you for your attention to these matters. We urge the County to comprehensively and thoughtfully evaluate the project from the stand point of good planning principles and protection of public safety.

Kevin Johnson

Kevin K. Johnson, Esq.
KEVIN K. JOHNSON, APLC
703 Palomar Airport Road, Suite 210
Carlsbad, California 92011

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Nothing in this message should be interpreted as a digital or electronic signature that can be used to authenticate a contract or other legal document.

From: Canning, Kevin [mailto:Kevin.Canning@ocpw.ocgov.com]
Sent: Tuesday, January 31, 2017 1:47 PM
To: Canning, Kevin
Subject: Esperanza Hills - Revised Project

You are receiving this email because you have previously expressed an interest in the subject project.

The project applicant has submitted revised project plans that OCPW staff is currently reviewing. The plans and documents are available at the website listed below (technical issues have delayed the posting of these new materials to the project's webpage, but we hope to resolve those issues shortly)

We request that any written comments be returned to Kevin Canning (at the email address above) by February 9.

The Development Services SFTP is located at the following link: <https://ftp.eft.ocgov.com>
username: **devsvcs-guest**
password: **DevSvcsDocs**
target folder: **/Esperanza Hills January 2017**

If you have questions or any issues accessing the documents please contact Kevin Canning.

Kevin Canning | Contract Planner | OC Development Services | Planning
300 N. Flower Street, 1st Floor | Santa Ana, California 92702-4048 |
714.667.8847 | kevin.canning@ocpw.ocgov.com

February 8, 2017

Kevin Canning
OC Public Works
OC Planning
300 N. Flower Street
Santa Ana, CA 92702

Dear Mr. Canning

Re: Comment Letter regarding Esperanza Hills newest proposals
Project PA120037

The following comments are submitted for the record:

The proposal continues to ignore the fact that the single daily access to the project must cross land owned by the City of Yorba Linda. Yorba Linda Estates continues to reference the same agreement between Murdock and ADI/Brock from December 1988 which they maintain provides an easement for access to their land. It is true that it does, but that document clearly states that the limited easement consists of “the use of roads or roadways *now* or hereafter located on or within the ADI Property for ingress to and egress from all or any portion of the DHM Property.” (Article II, 2.1). As of this date all the roads “now or hereafter located” on the ADI property are those public streets in the Brock Estates development, e.g., Stonehaven) and an “*already existing*” twenty foot (20’) wide utility road located wholly within the MWD Easement Area (the “Access Road”)” (Article III, para 3.1 A). All the roads that were contemplated to be built in 1988 are now complete upon Brock Estates completion. The “Access Road” that was “already existing” in 1988 remains just that--a twenty-foot wide utility access road. The access road proposed by Esperanza Hills is not only near triple the width of the existing access road but it is proposed to extended by several hundred feet to access Stonehaven near the corner of Heatheridge. Nothing in this 1988 agreement provides that magnitude of or a redesign of an access road. Further, that agreement appears to be more protective of ADI’s rights to grade its land which may impact Murdock than providing expanded rights to Murdock (now YLE) to impact ADI (now the City of Yorba Linda (Article III, ADI’s Temporary Right of Entry).

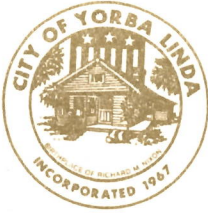
The revised proposal for Esperanza Hills is still flawed with the impacts of one daily access point which dumps onto the Stonehaven/Agua Loop. Esperanza Hills continues to ignore the Board of Supervisors’ directive to develop a second daily access road.

It is requested that all documentation be revised wherever it describes the primary access and the emergency access points to reflect that both locations dump onto **Stonehaven** exclusively. The intersection of the emergency access road should be clearly identified as being located on Stonehaven NOT Via Del Agua. Changing the street nomenclature would avoid confusion and provide clarity to reviewers who may believe that the access points are on two different streets when they are not. And the street signs clearly reflect that Via Del Agua ends on the north corner of Via De La Roca and not at the catch basin where Esperanza Hills allege they have an easement for limited purposes.

A third, new location of a bridge to access Esperanza Hills calls into question a revised 300-foot fire-break. This revised fire-break contemplates a revision to the vegetation plan regarding not only clearing but restoration. That is an impact that needs to be analyzed.

Regards,

Marlene Nelson
4790 Via De La Roca
Yorba Linda, CA 92887



CITY OF YORBA LINDA

P.O. BOX 87014

CALIFORNIA 92885-8714

February 7, 2017

Orange County Planning Commission
333 W. Santa Ana Blvd.
10 Civic Center Plaza
Santa Ana, CA 92701

Re: Esperanza Hills Proposed Project

Dear Orange County Planning Commissioners:

Thank you for inviting additional input from the City of Yorba Linda ("City") regarding the Esperanza Hills project ("Project"). Since 2012, members of the City Council, as well as City staff, have attended public outreach meetings and public hearings, reviewed draft plans and proposed Project-related documents, and repeatedly provided input to the County related to the proposed Project. Indeed, the City at the Board's request previously sent correspondence to the County dated May 22, 2015, May 27, 2015, January 8, 2016, October 26, 2016, and December 9, 2016, that contained the City's proposals to improve the Project and to safeguard the interests of the City and its residents. Amongst other things, the City has considered in detail the access options for the Project, the environmental impacts relating to the Project, the consistency of the Project's development standards with already existing residential developments in the City, the City's General Plan, Municipal Code requirements, and issues related to annexation.

The City has not yet received or reviewed final proposed plans for the Project, so the City requests that the County consider this input a preliminary response with a potential further future response after the City receives exact Project details. The City's current input on the Project is as follows:

Access To The Project

In order to diffuse traffic-related impacts so that they do not overly impact particular neighborhoods within the City with the full amount of new development traffic, the City requests multiple primary access points to the Project. Also, the City requests that the County require the Project applicant to prove and show all documentation that it has legal access to all property needed (including grading rights) for the primary and emergency access points prior to approving the Project and provide the exact locations for all proposed streets be presented and acceptable to the City before the County issues any permits for this Project.

Consistency With City General Plan

The City requests that the Project be consistent with the City's General Plan. In the City's General Plan, the Project is located in the Murdock Property Area Plan that allows residential development up to an average of one dwelling unit per acre.

Compliance With CEQA

The City requests that the County fully comply with the requirements of the California Environmental Quality Act ("CEQA"), including CEQA compliance for the final proposed design of the Project.

CITY OF YORBA LINDA

Annexation To The City

Although the Project is currently located in unincorporated land in the County, the Project will have multiple impacts upon the City including but not limited to future Project residents using City facilities and amenities. It benefits both the Project and the City if the Project area is annexed into the City. Hence, the City requests that the Project developer be required to take all legally required actions to annex into the City and enter into a preannexation agreement and/or other agreements to effectuate the annexation of the Project into the City.

Additional Requests Pertaining To The Project

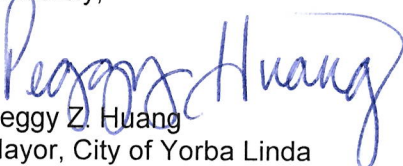
Consistent with the City's prior communications to the County, the City requests that the Project comply with the following requirements:

1. The Project comply with all mitigation measures set forth in the Certified Final Environmental Impact Report for the Project.
2. The streets, street lighting, parks, bio-retention basins, storm water facilities, storm drains, and landscaping be constructed, installed, and exclusively maintained by the Project's developer, or subsequent Homeowners Association ("HOA") established for the Project, at its sole expense.
3. The Project shall be landscaped utilizing low water use plants, comply with fuel modification requirements, and be in accordance with OCFA requirements and approvals. The Project shall be annexed into, and all parcels shall participate in, the City's Landscaping and Lighting Maintenance Assessment District ("LMAD"), to the extent permitted by Proposition 218 and the Landscaping and Lighting Act of 1972. In no event, however, shall private or HOA-owned slopes or open space (owned either in fee or as an easement) in the Project be maintained through the LMAD.
4. All actions shall be taken to require that parcels in the Project are assessed the same as other parcels in the City that are assessed for the Yorba Linda Public Library.
5. Open space designated within the Project shall remain open space with no development by private entities.
6. The Project shall be built compatible with neighboring communities in the City to the satisfaction of the City.

Furthermore, the City requests notification of any County actions on the Project sufficiently in advance of the County actions so that the City can discuss the matter at a City Council meeting in order to provide further comments and requests on the final design of the Project.

The general content of this letter was approved for transmittal to the County at a regular meeting of the City Council of the City of Yorba Linda on January 17, 2017.

Sincerely,


Peggy Z. Huang
Mayor, City of Yorba Linda



STAFF REPORT

CITY OF YORBA LINDA

Administration

DATE: JANUARY 17, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MARK PULONE, CITY MANAGER
PREPARED BY: TODD LITFIN, CITY ATTORNEY

SUBJECT: DISCUSSION AND DIRECTION REGARDING ESPERANZA HILLS PROJECT

RECOMMENDATION

It is recommended that the City Council discuss and provide direction regarding the Esperanza Hills Project.

BACKGROUND

Since 2012, members of the City Council, as well as City staff, have attended public outreach meetings and public hearings, reviewed draft plans and proposed Project-related documents, and repeatedly provided input to the County related to the proposed Esperanza Hills project ("Project"). The Project is a proposed development of a residential community of a maximum of 340 single family homes on 469 acres on an undeveloped site located within the unincorporated area of Orange County adjacent to and north of the City of Yorba Linda. Because the Project is located within the County of Orange and not the City, the Project is being processed for land use entitlements through the County. Amongst other things, the City has considered in detail the access options for the Project, the environmental impacts relating to the Project, the consistency of the Project's development standards with already existing residential developments in the City, the City's General Plan, Municipal Code requirements, and issues related to annexation.

The City last considered the Project (and the neighboring Cielo Vista project) on December 6, 2016. A copy of the City staff report prepared for the December 6th Council meeting is attached as Exhibit 1. A copy of the City's correspondence to the County reflecting the City's direction on the Project from the December 6th meeting is attached as Exhibit 2.

The County Board of Supervisors held a public hearing on the Project on December 13, 2016. The County's previous initial approval of the Project had included a requirement for two primary roadway access points (one connection to San Antonio Road and one to Stonehaven Drive) and required that the Project enter into a preannexation

DISCUSSION AND DIRECTION REGARDING ESPERANZA HILLS PROJECT

Page | 2

agreement with the City. The revised Project under consideration by the Board of Supervisors at the December 13th meeting had one primary access point (at Stonehaven) and one emergency access point (at Via Del Agua) and there was not a requirement for a preannexation agreement. The Board of Supervisors referred the revised Project back to the Planning Commission with direction to consider a secondary access for the Project via Aspen Way (that connects to San Antonio), to further study the bridge option that connects to Stonehaven Drive versus Option 1, and to consider a reduced unit project.

On January 11, 2017, the Orange County Planning Commission discussed the Project. The staff report for the County Planning Commission is attached as Exhibit 3. According to the County, the Planning Commission meeting was not a "public hearing" on the Project but rather merely an agendized discussion item as required by Government Code section 65857 that mandates that Planning Commissions report on any proposed modifications to a project by the legislative body within 40 days of the referral to the Planning Commission. Therefore, it is anticipated that actual public hearings on the Project will be reagendized for future Orange County Planning Commission and subsequent Board of Supervisors meetings for final determinations on the Project.

DISCUSSION

At the Orange County Planning Commission meeting, as directed by the Board of Supervisors, the Planning Commission discussed amongst other items three main issues: 1) the potential secondary access to Aspen Way; 2) the proposed bridge that connects to Stonehaven Drive and Option 1; and 3) the potential for a reduction of the number of residential units for the Project.

First, as to the potential secondary access to Aspen Way, the Project's representative Doug Wymore stated that he would not consider connecting to Aspen Way because of the cost that would have to be paid to the neighboring property owner to gain access to Aspen Way and the alleged existence of gnatcatchers in the proposed access way. Mr. Wymore stated that the Project was going to proceed with the access points at Stonehaven Drive and Via Del Agua.

Second, as to the proposed bridge connecting to Stonehaven Drive, Mr. Wymore stated that Esperanza Hills was abandoning the bridge and was proposing to go back to the original switchbacked roadway connection to Stonehaven Drive.

Third, as to a reduced number of units, Mr. Wymore stated that Esperanza Hills would not reduce the number of units for the Project. As to this point, the attorney for the Protect Our Homes and Hills community group stated that since Esperanza Hills refuses to enter a preannexation agreement with the City, the County should not amend the County's Zoning and General Plan designations for the property. According to Protect Our Homes and Hills, the property is currently designated under County land

DISCUSSION AND DIRECTION REGARDING ESPERANZA
HILLS PROJECT

Page | 3

use designations for Agriculture uses with one unit allowed per four acres and since the developer will not consent to annexing into the City it should not get the benefit of the City's General Plan designation of the property for residential uses at one unit per acre. A letter from the attorney for Protect Our Homes and Hills to the City after the Planning Commission meeting is attached hereto as Exhibit 4.

The Planning Commission directed County staff to work with the Esperanza Hills developer on the above-listed three points. Also, it was made clear that the County was very desirous and looking forward to clear direction from the City as to the City's input on the Project.

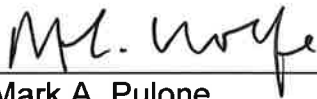
ALTERNATIVES

1. Do not provide comments to the County for the Esperanza Hills Project.
2. Other direction as the City Council deems appropriate.

ATTACHMENTS

- Exhibit 1 – City Staff Report for December 6, 2016, City Council Meeting
- Exhibit 2 – Correspondence From City To County Regarding Project
- Exhibit 3 – Orange County Planning Commission January 11, 2017, Staff Report
- Exhibit 4 – January 12, 2017, letter from Protect Our Homes and Hills to City

Approved by:



for
Mark A. Pulone
City Manager

Certified as to Fiscal Impacts:



Scott Catlett
Finance Director



STAFF REPORT

CITY OF YORBA LINDA

Administration

DATE: DECEMBER 6, 2016

TO: MEMBERS OF THE CITY COUNCIL

FROM: MARK PULONE, CITY MANAGER
PREPARED BY: TODD LITFIN, CITY ATTORNEY

SUBJECT: DISCUSSION AND DIRECTION REGARDING ESPERANZA HILLS AND CIELO VISTA PROJECTS AND COMMUNICATION TO COUNTY BOARD OF SUPERVISORS REGARDING PROJECTS

RECOMMENDATION

It is recommended that the City Council discuss and provide direction regarding the Esperanza Hills and Cielo Vista Projects and potential correspondence to the County Board of Supervisors regarding the Projects.

BACKGROUND

Since 2012, members of the City Council, as well as City staff, have attended public outreach meetings and public hearings, reviewed draft plans and proposed Project-related documents, and repeatedly provided input to the County related to the proposed Esperanza Hills and Cielo Vista projects (collectively, "Projects"). Because the Projects are located within the County of Orange and not the City, the Projects are being processed for land use entitlements through the County. Amongst other things, the City has considered in detail the access options for the Projects, the environmental impacts relating to the Projects, the consistency of the Projects' development standards with already existing residential developments in the City, the City's General Plan, Municipal Code requirements, and issues related to annexation.

A map showing the general location of the Projects and the potential roadway access points is attached hereto as Exhibit 1. A brief history of both Projects is as follows:

Esperanza Hills Project

The Esperanza Hills Project is a proposed development of a residential community of a maximum of 340 single family homes on 469 acres on an undeveloped site located within the unincorporated area of Orange County adjacent to and north of the City of Yorba Linda. Esperanza Hills is to the north and east of the neighboring Cielo Vista Project.

DISCUSSION AND DIRECTION REGARDING ESPERANZA
HILLS AND CIELO VISTA PROJECTS AND
COMMUNICATION TO COUNTY BOARD OF SUPERVISORS
REGARDING PROJECTS

Page | 2

At the March 10, 2015, meeting of the Board of Supervisors, the Board held a public hearing on the Esperanza Hills Project. The Board certified the Environmental Impact Report and approved the Statement of Overriding Considerations for the Project, but continued the determination on the General Plan Amendment, Zone Change, and Esperanza Hills Specific Plan. Furthermore, Supervisor Spitzer requested input from the City of Yorba Linda related to the Project and potential annexation of the underlying property to the City.

Thereafter, the City held a special community meeting on April 28, 2015, in which the City obtained extensive resident input on the Project. The City also discussed the Project at the May 5th and May 19th City Council meetings. After receiving this input, the City sent two letters to the County stating the City's preference for: 1) roadway access "Option 2B" which provided two access points to the Esperanza Hills project at San Antonio Road south of Aspen Way and at Stonehaven Drive (or, if Option 2B was not agreed to by the parties, then "Option 2 Modified" which connected directly to Aspen Way and Stonehaven Drive); 2) a requirement that the Project developer enter into a pre-annexation agreement with the City and annex to the City; and 3) other modifications to the Project. (Exhibits 2 and 3.) The County subsequently approved the land use entitlements for the Project that provided for access to the Project via either Option 2B or Option 2 Modified.

Subsequently, the City worked with the Esperanza Hills developer on the terms of a potential pre-annexation agreement and whether the City would allow access Option 2B to traverse City-owned land to connect to San Antonio Road. The City Council considered the matter at its November 17th and December 1st meetings in 2015 and the January 5, 2016, Council meeting. After receiving substantial community input, the City determined not to provide access for Option 2B and determined not to enter into the proposed pre-annexation agreement. As to the pre-annexation agreement, although the City strongly favored the future annexation of the Projects, the City determined not to take part in potential eminent domain relating to the Projects and directed Esperanza Hills and Cielo Vista to jointly work together to resolve issues pertaining to Project roadway access and other issues regarding the integration of the Projects. The City also sent a letter to the County stating that the City no longer supported Option 2B but instead supported Option 2 Modified. (Exhibit 4.)

It is the City's understanding that although Esperanza Hills and Cielo Vista held multiple meetings, the two parties were unable to reach a final agreement as to various issues relating to the Projects including but not limited to the potential provision of an access roadway across Cielo Vista property between the Esperanza Hills property and Aspen Way.

In addition to the public process outlined above, there was a lawsuit entitled *Protect Our Homes and Hills et al. v. County of Orange et al.*, OCSC No. 30-2015-00797300, filed

DISCUSSION AND DIRECTION REGARDING ESPERANZA HILLS AND CIELO VISTA PROJECTS AND COMMUNICATION TO COUNTY BOARD OF SUPERVISORS REGARDING PROJECTS

Page | 3

against the County's approval of entitlements and certification of the EIR for the Project. On June 24, 2016, Judge Claster issued a 41 page tentative opinion that determined that although a majority of the plaintiffs' challenges to the Project and EIR were legally unfounded, the aspect of the EIR that pertained to Greenhouse Gas emissions was inadequate. Therefore, on August 24, 2015, the trial court issued a Judgment Granting a Writ of Mandate ordering the County to vacate the certification of the EIR, vacate all land use approvals for the Project, and revise the EIR for the Project pursuant to CEQA. The case is currently on appeal.

After the trial court ruling in the *Protect Our Homes* case and the failure to reach agreement with Cielo Vista regarding potential access across Cielo Vista's property, additional information regarding Greenhouse Gas emissions was prepared for the EIR and Esperanza Hills requested a revised access plan for the Project known as "Option 1 Modified". Option 1 Modified provides primary roadway access to the Project via a connection to Stonehaven Drive that includes a new bridge over Blue Mud Canyon. Option 1 Modified also includes emergency access over the Cielo Vista Project via an existing easement known as the "Richards Easement" that connects to Via Del Agua. The County did not prepare a Supplemental EIR for the Project to consider the changes to the Project. The County Planning Commission considered the revised EIR and Project on November 9, 2016, and recommended approval of the Project on a 3-2 vote. The County Board of Supervisors is scheduled to hold a public hearing on the matter on December 13, 2016.

Cielo Vista Project

The Cielo Vista Project is a proposed residential development of 80 homes on approximately 83 acres on an undeveloped site located within the unincorporated area of Orange County adjacent to and north of the City of Yorba Linda. Cielo Vista is to the west and south of a portion of the neighboring Esperanza Hills Project.

The City Council previously discussed the Project at its March 1, 2016, City Council meeting and submitted a letter to the County stating the City's preference for: 1) the County requiring Cielo Vista to provide roadway access for Esperanza Hills Option 2 Modified to connect to Aspen Way; 2) a requirement that the Project developer enter into a pre-annexation agreement with the City and annex to the City; and 3) other modifications to the Project. (Exhibit 5.) The County Planning Commission recommended approval of the Project on March 9, 2016.

The current iteration of the Project, known as Alternative 5, includes 80 residential lots in the southern portion of the Project and a single roadway access to the Project at Via Del Agua. The Project design does not have any residential lots located within the area of the "Richards Easement" that proceeds south from the Esperanza Hills Project to Via

DISCUSSION AND DIRECTION REGARDING ESPERANZA HILLS AND CIELO VISTA PROJECTS AND COMMUNICATION TO COUNTY BOARD OF SUPERVISORS REGARDING PROJECTS

Page | 4

Del Agua over which Esperanza Hills has proposed emergency access to its Project via Option 1 Modified.

Although the City has not been provided the actual documents, the City is informed that Cielo Vista reached an agreement with various community groups pertaining to the Project in which the community groups agreed not to oppose the Project in return for various Project modifications and financial contributions by Cielo Vista. Of particular note, it is the City's understanding that the agreement between Cielo Vista and the community groups does not prohibit Cielo Vista from allowing a roadway that connects Esperanza Hills to Aspen Way.

The County Board of Supervisors is scheduled to hold a public hearing on the matter on December 13, 2016.

DISCUSSION

As the Council is aware, the City has analyzed and addressed multiple issues over the past number of years pertaining to the Projects. The Council may revisit or seek additional input on any of the issues related to the Projects at its discretion. However, in the current iterations of the Projects, it appears there are two primary issues that the City may wish to provide input on to the County prior to the Board of Supervisors' consideration of the Projects next Tuesday.

Access To The Projects

Pursuant to the currently proposed iterations of the Cielo Vista Project (Alternate 5) and neighboring Esperanza Hills Project (Option 1 Modified), both projects enter the City via roadway access points in the same general location. Via Del Agua (Cielo Vista's sole access and Esperanza Hills' proposed emergency access) and Stonehaven Drive (Esperanza Hills' proposed primary access) are in close proximity and are simply different names for portions of the same street that traverses a single neighborhood. Hence, the current Project proposals concentrate all of the collective traffic from 420 homes through a single residential neighborhood.

The City has previously requested that the County approve the Projects so that the access roadways diffuse traffic-related impacts so that they do not overly impact particular neighborhoods within the City with the full amount of new development traffic. The currently proposed Projects are contrary to the City's prior recommendations. A potential option regarding roadway access is to require Esperanza Hills to have multiple roadway access points to the Project that connect to different neighborhoods rather than just one primary access and one emergency access. One access point would tie into San Antonio Road (via Aspen Way) and one access point would tie into Stonehaven Drive/Via Del Agua. To facilitate the access, Cielo Vista could be

DISCUSSION AND DIRECTION REGARDING ESPERANZA
HILLS AND CIELO VISTA PROJECTS AND
COMMUNICATION TO COUNTY BOARD OF SUPERVISORS
REGARDING PROJECTS

Page | 5

requested to provide the rights for roadway access between Aspen Way and the Esperanza Hills property.

If the County proceeds with the current roadway access options, there are three additional potential concerns:

- First, for the emergency access in Option 1 Modified for Esperanza Hills, the access proceeds straight down through the middle of the proposed Cielo Vista Project until it connects to Via Del Agua. From a design perspective, it may be preferable that the emergency access tie directly into the streets of the Cielo Vista project rather than proceed via a straight line down to the connection with Via Del Agua.
- Second, the primary access in Option 1 Modified for Esperanza Hills includes a new bridge over Blue Mud Canyon. In order to fully understand and best evaluate the Project, the City may wish to suggest that the County prepare a Supplemental EIR pursuant to the California Environmental Act ("CEQA") that analyzes the changes to the Project including but not limited to the new bridge.
- Third, there remain issues that require clarification regarding the scope of legal access rights owned by the parties. Therefore, the City may wish to request that the County require the Project applicant to prove and show all documentation that it has legal access to all property needed (including grading rights) for the primary and emergency access points prior to approving the Projects. Furthermore, the exact locations for all proposed streets should be presented and acceptable to the City before the County issues any permits for the Projects.

Annexation Of The Projects Into The City

Although the Projects are currently located in unincorporated land in the County, the Projects will have multiple impacts upon the City including but not limited to future Project residents using City facilities and amenities. It benefits both the Projects and the City if the Project areas are annexed into the City. Hence, the City has previously requested that the Projects be required to take all legally required actions to annex into the City and enter into a pre-annexation agreement and/or other agreements to effectuate the annexation of the Projects into the City.

Esperanza Hills has requested that the County remove the conditions that require Esperanza Hills to annex into the City and enter into a pre-annexation or other agreements to effectuate the annexation. This is contrary to City's prior requests. Cielo Vista has stated that it would agree to annex into the City and enter into a pre-annexation agreement, but does not want to be required to do so if Esperanza Hills is not required to do so. The City may wish to continue to stress to the County that the Projects be required to be annexed into the City.

**DISCUSSION AND DIRECTION REGARDING ESPERANZA
HILLS AND CIELO VISTA PROJECTS AND
COMMUNICATION TO COUNTY BOARD OF SUPERVISORS
REGARDING PROJECTS**

Page | 6

Based on prior Council direction, City staff has prepared two draft letters to the County that provide the City's recommendations on the Esperanza Hills and Cielo Vista Projects respectively. (Exhibits 6 and 7.) The City Council may adopt, revise, or determine not to provide further correspondence or direction to the County at the Council's discretion.


ALTERNATIVES

1. Do not provide comments to the Board of Supervisors for the Esperanza Hills or Cielo Vista Project.
2. Other direction as the City Council deems appropriate.

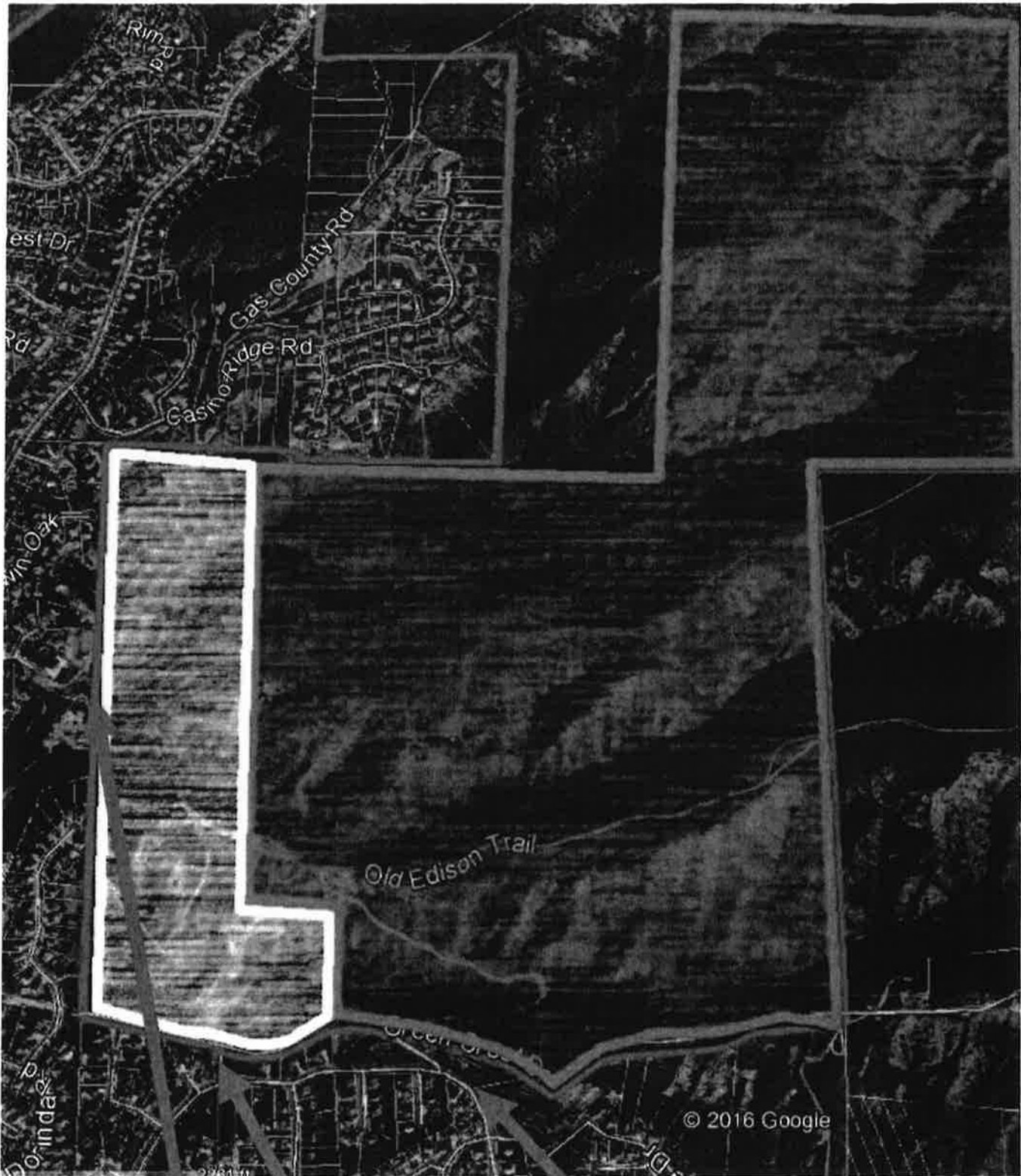
ATTACHMENTS

- Exhibit 1 – Overall Map of Project and Access Points
- Exhibit 2 – City Letter to County Regarding Esperanza Hills dated May 22, 2015
- Exhibit 3 – City Letter to County Regarding Esperanza Hills dated May 27, 2015
- Exhibit 4 – City Letter to County Regarding Esperanza Hills dated January 8, 2016
- Exhibit 5 – City Letter to County Regarding Cielo Vista dated March 1, 2016
- Exhibit 6 – Draft Letter to County Regarding Esperanza Hills
- Exhibit 7 – Draft Letter to County Regarding Cielo Vista

Approved by:



Mark A. Pulone
City Manager



**Aspen Way
Proposed Access**

Via Del Agua Proposed

Stonehaven Dr. Proposed Access

**Red – Esperanza Hills
Yellow – Cielo Vista**

Not to Scale

CITY OF YORBA LINDA

P.O. BOX 87014

CALIFORNIA 92885-8714

May 22, 2015

Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Re: Proposed Esperanza Hills Project

Dear Chairman Spitzer and Members of the Board:

At the March 10, 2015 meeting of the Board of Supervisors, you requested input from the City of Yorba Linda ("City") related to the Esperanza Hills project ("Project"), as well as the City's position on the issue of annexation related to the Project. The purpose of this letter is to detail the City's requested input and recommendations related to the approval and development of this Project.

It is the City's understanding that the Project developers seek to entitle through the County of Orange ("County"), obtain building permits through the County, pay development processing fees to the County, and propose to annex into the City in phases. Under this scenario, the City could be unfairly burdened by the Project due to, amongst other concerns, lack of regulation over the Project development and loss of fees that would compensate the City for services the City will in the future provide to the residents of the Project. The City, however, also recognizes certain benefits resulting from the potential annexation of the Project - in conjunction with the Cielo Vista project - including but not limited to future City regulatory control over the property and the ability to greater harmonize the area into the existing Yorba Linda community.

Since 2012, members of the City Council, as well as City staff, have attended public outreach meetings and public hearings, reviewed draft plans and proposed Project-related documents, and provided input related to the proposed Project. Amongst other things, the City has considered in detail access Options 1, 2, 2A, and 2B (as those terms are defined in the Final Environmental Impact Report certified by the County), the environmental impacts relating to the Project, the consistency of the Project's development standards with already existing residential developments in the City, the City's General Plan, Municipal Code requirements, and issues related to annexation.

Accordingly, to alleviate the City's concerns, the City Council seeks imposition of conditions of approval on the Project through the County as part of the entitlement process and prior to development of the property that ensure the following. The City requires compliance with both paragraphs 1 and 2 below prior to the approval of a vesting tentative tract map or other subdivision map approval by the County:

1. The City is opposed to access Option 1. The City requests that the County require Option 2B for the Project. In the event the necessary approvals for Option 2B are not granted by the City Council for any reason after a final decision by the City, or Option 2B is otherwise prohibited following a legal challenge, then the Project shall be required to take access via Option 2. The City requests that a vesting tentative tract map or other subdivision map act approval not be approved for the Project until the City has approved Option 2B and that any such subdivision map approval require Option 2B. If the necessary approvals for Option 2B are not granted by the City or otherwise prohibited following a legal challenge and the City informs the County that the City is abandoning its request for Option 2B, then and only then may a vesting tentative tract map or other subdivision map act approval be approved for Option 2.

The City retains discretion regarding all legal and decision making processes relating to Option 2B, including whether to grant or not grant access across City land for Option 2B and any requirements or payments related thereto. Furthermore, the City retains discretion regarding all legal and decision making processes it may possess pertaining to Option 2.

2. The City strongly desires that the Project annex into the City of Yorba Linda. The City requests that the County add a condition to the Project that requires the developer to enter into a pre-annexation and/or cooperative agreement with the City, and take all legally required actions to annex into the City of Yorba Linda to the satisfaction of the City of Yorba Linda, prior to the approval of a vesting tentative tract map or other subdivision map approval for the Project.

The City reserves all decision making and legal rights pertaining to a potential annexation and agreements related thereto. Any final determination by the City will be made in accordance with any and all applicable legal requirements. Although neither final nor intended to be all-inclusive, the City currently envisions any potential pre-annexation or related agreement to include the following requirements if not included elsewhere in the County's requirements for the Project:

- a) The payment by the developer of: 1) agreed-upon payments and fees (including but not limited to any and all City-related costs pertaining to the Project, including costs related to annexation, any required environmental review pertaining to City actions, and legal costs); 2) fees that the City would otherwise have received if the development were entitled and built in the City; and 3) provision to the City of an additional substantial public benefit - including but not limited to funds that could be used or related to the development of a library, Town Center, parks, recreational or civic facilities, roads, bridges and/or overpasses, or other City facilities or projects.
- b) The Project not exceed 340 units throughout the entire Project.
- c) The Project comply with all mitigation measures set forth in the Certified Final Environmental Impact Report for the Project.

- d) The streets, street lighting, parks, bio-retention basins, storm water facilities, storm drains, and landscaping shall be constructed, installed, and exclusively maintained by the Project's developer, or subsequent Homeowners Association established for the project ("HOA"), at its sole expense.
- e) The Project shall be landscaped utilizing low water use plants with the fuel modification requirements and in accordance with OCFA requirements and approvals. The Project shall be annexed into, and all parcels shall participate in, the City's Landscaping and Lighting Maintenance Assessment District ("LMAD"), to the extent permitted by Proposition 218 and the Landscaping and Lighting Act of 1972. In no event, however, shall private or HOA-owned slopes or open space (owned either in fee or as an easement) in the Project be maintained through the LMAD.
- f) All actions shall be taken to require that parcels in the Project are assessed the same as other parcels in the City that are assessed for the Yorba Linda Public Library.
- g) Open space designated within the Project remain open space with no development by private entities.
- h) The Project be built compatible with neighboring communities in the City to the satisfaction of the City.

Also, the City brings to the County's attention the attached letter dated May 12, 2015, that the City received from a citizen group pertaining to the Project.

The City retains any and all rights it has under law regarding review of the Project and annexation, City actions or decisions related to the Project and annexation, and any and all rights the City has under CEQA.

The general content of this letter was approved for transmittal to the County at a regular meeting of the City Council of the City of Yorba Linda on May 19, 2015.

Sincerely,



Gene Hernandez
Mayor, City of Yorba Linda

ATTACHMENT: May 12, 2015 from Kevin K. Johnson representing "Protect our Homes and Hills"

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

May 12, 2015

Via E-Mail and U.S. Mail

Ms. Marcia Brown, City Clerk
City of Yorba Linda
P.O. Box 87014
Yorba Linda, California 92885-8714

Mr. Steven K. Harris, AICP
Director of Community Development
City of Yorba Linda
P.O. Box 87014
Yorba Linda, CA 92885-8714

Re: ESPERANZA HILLS PUBLIC SAFETY MITIGATION MEASURES

Dear Ms. Brown and Mr. Harris

Our law firm represents Protect Our Homes and Hills, an unincorporated citizens group, consisting up of residents of Yorba Linda and the County of Orange. We have prepared for your review and consideration a detailed list of mitigation measures for public safety risks presented by the the project as proposed. The City should condition any approval of the project on all of the following mitigation measures being implemented at the developer's expense.

As time is of the essence, we request that you forward this letter to the Mayor and City Council members so they have it in their meeting packets by Thursday of this week.

May 12, 2015

FIRE MITIGATION MEASURES

- 1) A public loudspeaker system shall be built by Esperanza Hills, Cielo Vista and all other new developments in the area. The new developments shall be required to pay for similar systems in existing neighborhoods that will be impacted by new residents designated to evacuate through existing neighbors streets. A fund, to maintain the system in perpetuity, shall be established by the developer.
- 2) This system shall be connected 24 hours a day to the appropriate fire and sheriff's authorities who can use the system remotely to provide the earliest possible notice of fire threats.
- 3) The sheriff and fire authorities shall have pre-existing maps which provide them with estimates of travel time for fires that could reach the community. These maps shall have calculations from of a representative number of likely points of ignition. These maps shall be updated at least twice a year and shall be posted on agency websites and distributed regularly to all residents in the new developments and the existing developments that will have to carry evacuation traffic. The maps shall be included in information provided to prospective purchasers and to actual purchasers.
- 4) Fire history, threat and evacuation booklets shall be prepared in advance of any sales of houses in the community so that they are available to prospective purchasers and eventual buyers. These shall be prepared at the developer's expense and a fund should be established by the developer to update the booklets on an annual basis. The booklets shall be updated to include information on any recent fires and lessons learned. For example, the recent 300 acre fire by Prado Dam would be a topic candidate for a booklet update.
- 5) The developer shall fund, in perpetuity, a full time staff position for the HOA to routinely inspect homes, yards and fuel break areas for proper maintenance. The staff member/HOA must have clear authority to fine homeowners who do not comply with all recommended fire safety measures such as keeping lawn furniture away from structures and maintaining fuel buffer zones.
- 6) The staff member shall also be required to hold quarterly meetings with homeowners about fire safety and evacuation options and there should be practice evacuations at least once a year. The HOA will likely need to carry additional insurance coverage, to be paid for by the developer, to cover liability risks associated with evacuation practices. There shall be an enforcement budget, funded in advance by the developer, to handle possible legal fights with HOA members who will not cooperate. Fines shall be authorized against parents whose children are ever caught

May 12, 2015

playing with matches, fireworks, firecrackers or off-road vehicles that could spark and cause a fire.

- 7) Critically, in the event there is no time to evacuate the community, or the evacuation routes are over capacity, there shall be clearly identified and protected safety zones/ structures for residents and possible "hardened structures" that can survive a nearby house catching fire or a wall of flames passing over the structure as well as the associated radiant heat. If, for example, maximum flame heights are capable of reaching 50 to 60 foot heights, then any fire safety zone would need to be 200 to 240 feet from any flammable vegetation. This type of distance will require a redesign of the proposed project footprint. The BOS was concerned about a possible "pinch point" between the northern phase of the development and the southern phase whereby residents in the northern phase could not get out. The safety zones help reduce but not to eliminate completely the risk for residents being trapped in their neighborhoods.
- 8) There shall be at least two safety zones/structures in the northern phase in case residents cannot get out in time. The safety zones shall be supervised and those supervisors shall be able to communicate with one another to, among other things, let people know who has actually made it to the zones.
- 9) The designated safety zones shall be regularly pointed out to all residents. If, for example, a father is trying to rush home from work to help his family evacuate, his level of "determination" and "panic" could be materially reduced if he knew his wife and kids would be heading to the safety zone.
- 10) The future costs of watering the community's common areas, including fuel breaks, shall be carefully estimated and the HOA shall start business with a fund established by the developer that can be used only for fire safety projects. The HOA cannot be allowed to use the funds for non-public safety purposes. It is important that the HOA not be set up to require an endless procession of HOA fee increases to fund fire safety measures. The money should be in place before occupancy.
- 11) Alternative evacuation scenarios shall be specifically addressed in the handbook referenced above but most importantly, if there is to be a successful evacuation of 400 plus new homes and thousands of existing ones, there must a guarantee that qualified first responders will be available in a timely manner to operate effectively at all key intersections and other key points along evacuation routes. Since mutual aid agreements make it impossible to guarantee that any first responders will be available when other fires are raging in the region, the developer shall establish a fund to pay for private contractors who are, for example, former, experienced firefighters and sheriffs who can be under contract to show up in the case of an emergency. Ideally, these would be people who live in the subject neighborhoods and who would not have far to go to get to their designated intersection.

May 12, 2015

- 12) Comprehensive emergency planning shall also include first aid stations within the above referenced fire safety zones. Private contractors, with appropriate emergency treatment skills and supplies, could also be used for this purpose.
- 13) Portable traffic barriers, cones and other emergency items shall be stored at locations near key intersections. This way, any local immediate responders can set up such barriers without waiting for them to be delivered.
- 14) There must be 24/7 secondary access in and out of the development on roads that are wide enough and flat enough to allow emergency vehicles to access the neighborhoods. Planned evacuation routes cannot take residents in the direction of an on-coming fire, nor can they take residents through high fuel areas.
- 15) All residents in Esperanza Hills, Cielo Vista and other neighborhoods shall be mandated to sign up with all public emergency notice systems at the time of purchase and the HOA staffer's duties should include reaching out periodically to all residents to make sure they are in compliance.
- 16) The developer shall create a FireWatch program through a new Fire Safe Council and the program should be funded in perpetuity by the developer.
- 17) Bonds or other forms of insurance shall be acquired to protect against the possibility of insurance companies dropping home coverages at the wildland-urban interface.
- 18) A bond to cover the cost of restoring the land, in case the developer becomes involent and cannot complete the project, shall be purchased by the developer.
- 19) The City, the County and OCFA need to be in complete agreement on their interpretation of Appendix "B" of the California Fire Code.
- 20) In the event of an emergency, all electric gates shall be manually shut off and left in the open position for the ingress and egress of residents and of public safety personnel.
- 21) On red flag warning days, the on-site reservoirs shall be filled to a minimum of two thirds capacity to make sure water is available to fight wildfire. (This is particularly important to mandate for the water district because it has its own pressures to not fill the reservoirs too full out of concern that uncirculating water can become "stale" and no longer usable as drinking water.)
- 22) Prospective new residents shall be notified of new water use standards where the per capita goal for 2015 is 159 gallons per day. By 2020, the goal is 141 gallons per day.

May 12, 2015

EARTHQUAKE MITIGATION MEASURES

- 1) All homes should be sited at least 200 feet from earth quake faults and traces.
- 2) In addition to being designed to handle an 8.0 earthquake, the homes shall have designed to be fall safe. Similar in concept to retrofitting the bathroom of an elderly person, the bathrooms should avoid sink, toilet, tube and shower features that have sharp or narrow edges that could cause series injury. Similar design features should be incorporated into kitchen designs. The "G" forces from the more serious earthquakes will likely knock down any residents standing up in their homes. Homeowners should be required to educate their family members about what cover to take or what handle to grab, depending upon the room they are in, when the earthquake strikes.
- 3) There shall be no fracking allowed under any of the new homes. The process creates independent dangers of leaching gases and water contaminants but also recently has been linked to causing earthquakes.
- 4) The developer shall pay for the costs of an earthquake safety handbook to be made available to prospective purchasers and actual buyers. The booklet shall stress the need to secure all furniture or wall decorations that might fall in case of an earthquake and residents should be asked to certify annually that they have removed fall risks from their environment. Further, the booklet shall educate the residents on after-shocks and the circumstances and time frames where they should not go back to their homes. The fire safety zones discussed above shall be used for residents to evacuate to if they are injured and/or should not be going back into their home. The fire safety booklet shall address how homeowners can be prepared to stay in their back yards over night (and possibly for days) in the event there are ongoing and dangerous aftershocks.
- 5) Since emergency responders are likely to be in very short supply in the event of a major quake, the HOA shall have a detailed plan on how residents will take care of themselves, collectively, in the event evacuation is not an option. Provisions shall be made for first aid stations and reliable communication systems. For example, since cell phones would likely be knocked out by a major quake, the emergency responders within the neighborhood should have hand held radios or equivalents. Plans and supplies shall be in place to support residents for up to two weeks.
- 6) The earthquake safety booklets shall also have a section on what to do if existing oil wells catch on fire or begin leaking otherwise contained gases. It shall address, for example, how much distance the residents should keep from the wells themselves.

May 12, 2015

Landslides

- 1) The developer shall provide to the HOA, at its own cost, sandbags, k-rail and slope failure equipment tools for all on-site geological hazards. In this regard, there are seven land slides on the property. The Draft EIR incorrectly indicates there are only two landslides. It appears that the developer plans to build 125 lots on top of known, ancient landslides.
- 2) The best approach to the landslide threat is to not build directly upon or adjacent to ancient landslides. If for some reason the County or the City feel strongly that the homes can be built at such locations, than a map of all geological hazards—including the landslides—shall be given to prospective and actual buyers.

Methane and Hydrogen Sulfide Mitigation Measures

- 1) No homes shall be built on top of or near underground methane and hydrogen sulfide reserves. The location of the reserves, which typically co-occur with petroleum deposits, needs to be identified in the environmental documents and appropriate mitigation measures required.
- 2) A serious effort shall be made to identify the location of all previously closed and, in some cases, previously buried closed oil wells. If they were not properly sealed or their seals have been compromised by age, weather and/or frequent earthquakes causing exposure to lateral forces, the well can be leaking both methane and hydrogen sulfide.
- 3) A handbook on the health risks associated with methane and hydrogen sulfide should be prepared at the developer's expense and provided to prospective and actual purchases.
- 4) The HOA staffer in charge of working on fire safety should also address from time to time, as needed, exposure issues for the residents, including arranging periodic inspections of both known active and closed wells to be sure they are properly sealed. In this regard, given the sensitive acoustics in the area, the developer should also be responsible for making sure operating wells on the property be properly maintained not only in terms of preventing chemical leaks but also in minimizing operational noise.
- 5) If any home is to be built within one hundred feet of a known methane or hydrogen sulfide source, it should be required to have state of the art, protective liners underneath the homes as well as venting systems to capture any fumes that appear. There should be specific

May 12, 2015

estimates given regarding the functional life of the lining and venting systems given to the homeowners. Estimates about repair and replacement costs shall also be given. Homeowners should be advised to have an expert check the liners and venting systems every two to three years to make sure they are functioning correctly. They shall provide documentation to the HOA about completed inspection/preventative maintenance.

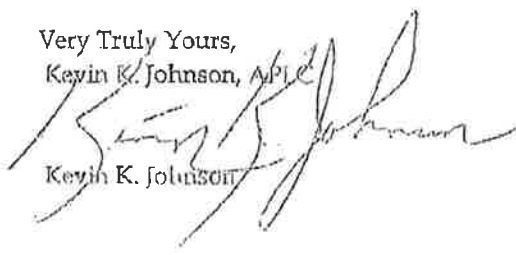
6) Homes within 300 feet of active or inactive well sites, shall be equipped with 24/7 methane and hydrogen sulfide monitors in each home. The monitors shall be replaced every five years.

PROSPECTIVE/ACTUAL PURCHASER DISCLOSURES

- 1) The developer must provide all transaction documents and all disclosures in the prospective buyer's native language with the translations being approved by a certified translator in the subject language.
- 2) Prospective/actual buyers shall be required to sign an acknowledgement of all the public safety risks addressed above: fire, earthquake, landslides, active and closed oil wells, methane and hydrogen sulfide.
- 3) The City shall commit staff time, to be reimbursed by the developer, for review of the scope and detail of disclosure materials to be used by the developer. The disclosure materials shall include a representative sample of where fires are most likely to start and how soon they are likely to reach residents homes. This information is essential to prospective purchasers understanding the type and scope of the risk they are considering undertaking. It is not sufficient to simply explain that the homes are in high fire risk zone.

Thank you for your careful consideration of these mitigation measures. They demonstrate the unusual and nearly unprecedented number of public safety risks to both future and current residents in the area. Adding over 400 more homes to the area compounds and exacerbates the public safety risks for everyone. This is a fact which simply cannot be ignored.

Very Truly Yours,
Kevin K. Johnson, A.P.C.


Kevin K. Johnson

Cc: Protect Our Homes and Hills

CITY OF YORBA LINDA

P. O. BOX 87014

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(714) 961-7110

FAX 993-7530

OFFICE OF THE CITY MANAGER

May 27, 2015

Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Re: Proposed Esperanza Hills Project – Supplemental Letter

Dear Chairman Spitzer and Members of the Board:

The City of Yorba Linda ("City") provided the Board of Supervisors via letter dated May 22, 2015, the City's input related to the Esperanza Hills project ("Project"). County staff contacted City staff and requested clarification on two matters discussed in the City's letter.

First, the City requested access Option 2B. If the City does not grant the necessary approvals for Option 2B as outlined in the letter, the City requested access Option 2. For both options, the City intended to convey the desire for two access points to the Project in order to diffuse traffic impacts. Therefore, in the "backup" request for Option 2, the City's letter was intended to support the same provision for a connection to Stonehaven as that allowed in Option 2B and not just an "emergency" access.

Second, the City stated that if the City Council does not grant the necessary "approvals" for Option 2B, then the City requested Option 2. As previously noted, the City retains discretion regarding all legal and decision making processes relating to Option 2B and Option 2 and any and all actions such process may entail, including but not limited to allowing access over City property. The word "approval" was intended to convey that the City retains all authority and rights it possesses under law pertaining to Options 2B and 2.

Hopefully, this letter provides the clarification requested. Let me know if additional information is needed.

Sincerely,



Mark A. Pulone
City Manager

CITY OF YORBA LINDA



CITY OF YORBA LINDA

P. O. BOX 87014

CALIFORNIA 92885-8714

(714) 961-7110

FAX 993-7530

OFFICE OF THE CITY MANAGER

January 8, 2016

Supervisor Todd Spitzer
Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Re: Proposed Esperanza Hills Project – Supplemental Letter

Dear Supervisor Spitzer and Members of the Board:

In response to a request from the Board of Supervisors, the City of Yorba Linda ("City") provided a letter dated May 22, 2015, to the Board regarding the City's input related to the Esperanza Hills project ("Project"). The City provided a further clarifying letter to the Board regarding the Project on May 27, 2015.

In its previous correspondence, the City stated that it retained discretion regarding all legal and decision-making processes pertaining to the Project. Specifically, the City indicated it retained discretion regarding the potential roadway access options for the Project. Previously, the City requested "Option 2B" as the access option for the Project (as such terms are defined in the Final EIR certified by the County). The City further noted that if the City decided not to proceed with Option 2B, that the City requested "Option 2 Modified" for the Project. To clarify, Option 2 Modified includes a roadway connection to Aspen Way and a roadway connection to Stonehaven Drive and not just an "emergency" access to Stonehaven.

Since the City's previous correspondence, there have been multiple City Council meetings where the roadway access options for the Project were discussed by the public and the City Council. At the City Council meeting of January 5, 2016, the City Council directed that the City send a letter to the Board stating that the City now requests that Option 2 Modified be the roadway access for the Project. As before, the City continues to retain all of its discretion pertaining to legal and decision-making processes regarding the Project.

If you have any questions regarding the above, please do not hesitate to contact me. The City appreciates the continued ability to provide such input to the County.

Sincerely,

Mark A. Pulone
City Manager, City of Yorba Linda

Cc: Shane Silsby
Robyn Uptegraff
County Council
Board of Supervisors



CITY OF YORBA LINDA

P.O. BOX 87014 CALIFORNIA 92688-8714 (714) 961-7110
FAX (714) 993-7530

OFFICE OF THE CITY COUNCIL

March 1, 2016

Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Re: Proposed Cielo Vista Project

Dear Chairwoman Bartlett and Members of the Board:

The City of Yorba Linda ("City") has been closely monitoring the progression of the Cielo Vista project ("Project"), and neighboring Esperanza Hills project, through the County of Orange ("County") entitlement process. The purpose of this letter is to detail the City's input and recommendations to the County if the County approves the development of the Project.

If the Project is entitled and developed through the County, the City could be unfairly burdened by the Project due to, amongst other concerns, lack of regulation over the Project development and loss of fees that would compensate the City for services the City will in the future provide to the residents of the Project. The City, however, also could obtain certain benefits from the potential annexation of the Project - in conjunction with the Esperanza Hills project - including but not limited to future City regulatory control over the property and the ability to greater harmonize the area into the existing Yorba Linda community.

Accordingly, to alleviate the City's concerns, the City Council seeks imposition of conditions of approval on the Project through the County as part of the entitlement process and prior to development of the property that ensure the following:

1. Annexation Into The City. The City requests that the County add a condition to the Project that requires the landowner(s) of the Project to enter into a pre-annexation agreement with the City, and take all legally required actions to annex into the City of Yorba Linda to the satisfaction of the City of Yorba Linda, prior to the approval of a vesting tentative tract map or other subdivision map approval for the Project.
2. Limitation On Units. The Project be limited to no more than 83 units throughout the entire Project area, which is a density that does not exceed more than 1 unit per acre.

CITY OF YORBA LINDA

3. Alternative 5. That the County only consider the approval of Alternative 5 as set forth in the Final EIR and not consider other iterations of the Project.
4. Planning Area 2. Planning Area 2 should be eliminated and no units approved for Planning Area 2.
5. Maintenance. The streets, street lighting, parks, bio-retention basins, storm water facilities, storm drains, and landscaping shall be constructed, installed, and exclusively maintained by the Project's developer, or subsequent Homeowners Association established for the project ("HOA"), at its sole expense.
6. Landscaping. The Project shall be landscaped utilizing low water use plants with the fuel modification requirements and in accordance with OCFA requirements and approvals. The Project shall be annexed into, and all parcels shall participate in, the City's Landscaping and Lighting Maintenance Assessment District ("LMAD"), to the extent permitted by Proposition 218 and the Landscaping and Lighting Act of 1972. In no event, however, shall private or HOA-owned slopes or open space (owned either in fee or as an easement) in the Project be maintained through the LMAD.
7. Library. All actions shall be taken to require that parcels in the Project are assessed the same as other parcels in the City that are assessed for the Yorba Linda Public Library.
8. Open Space/Trails. Other than the developed areas within Planning Area 1 and any easement for a roadway for Esperanza Hills Option 2 Modified, all remaining property in the Project be dedicated as open space and remain open space with no development by private entities. The Project shall contain trails that conform to the City's trail requirements and provide connections consistent with City planning documents.
9. Esperanza Hills Access. That Cielo Vista reach agreement with Esperanza Hills to provide access for the Option 2 Modified access option for the Esperanza Hills project.
10. Water Supply. The project shall only be served by "gravity flow" water supply. Cielo Vista shall enter into an agreement with Esperanza Hills for water storage.
11. Earthquake Fault. No grading permits be issued for the Project until the fault study required by California law is completed and approved.

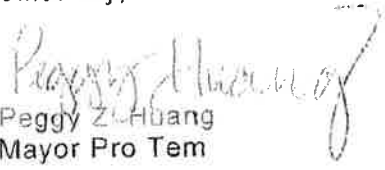
CITY OF YORBA LINDA

12. Compatibility. The Project be built compatible with neighboring communities in the City to the satisfaction of the City.

The City retains any and all rights it has under law regarding review of the Project and annexation, City actions or decisions related to the Project and annexation, and any and all rights the City has under CEQA.

The general content of this letter was approved for transmittal to the County at a regular meeting of the City Council of the City of Yorba Linda on March 1, 2016.

Sincerely,


Peggy Z. Huang
Mayor Pro Tem

CITY OF YORBA LINDA



CITY OF YORBA LINDA

P.O. BOX 87014

CALIFORNIA 92885-8714

December 6, 2016

Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Re: Esperanza Hills Proposed Project

Dear Supervisor Spitzer and Members of the Board:

At its December 13, 2016, meeting, the Board of Supervisors will be considering the Esperanza Hills project ("Project"). The current iteration of the Project proposes access Option 1 Modified with primary roadway access that connects to Stonehaven Drive and emergency access that connects to Via Del Agua both within the City of Yorba Linda ("City"). The purpose of this letter is to detail the City of Yorba Linda's recommendations related to the approval and development of this Project.

Since 2012, members of the City Council, as well as City staff, have attended public outreach meetings and public hearings, reviewed draft plans and proposed Project-related documents, and repeatedly provided input to the County related to the proposed Project. Indeed, the City at the Board's request previously sent correspondence to the County dated May 22, 2015, May 27, 2015, and January 8, 2016 that contained the City's proposals to improve the Project and to safeguard the interests of the City and its residents. Amongst other things, the City has considered in detail the access options for the Project, the environmental impacts relating to the Project, the consistency of the Project's development standards with already existing residential developments in the City, the City's General Plan, Municipal Code requirements, and issues related to annexation. The City's recommendations for the currently proposed Project are as follows:

Supplemental EIR

In order to fully understand and best evaluate the Project, the City suggests that the County prepare a Supplemental EIR pursuant to the California Environmental Act ("CEQA") that analyzes the changes to the Project including but not limited to the new bridge included as a part of Option 1 Modified.

Access To The Project

In order to diffuse traffic-related impacts so that they do not overly impact particular neighborhoods within the City with the full amount of new development traffic, the City suggests multiple access points to the Project that connect to different neighborhoods rather than just one primary access and one emergency access. Preferably, one access point would tie into San Antonio Road (via Aspen Way) and one access point would tie into Stonehaven Drive. In Option 1 Modified, both access points are in close proximity. Indeed, Stonehaven Drive and Via

Del Agua are simply different names for portions of the same street that traverses a single neighborhood.

If the County proceeds with Option 1 Modified, the City requests that the emergency access tie into the streets of the Cielo Vista project rather than proceed via a straight line down to the connection with Via Del Agua. Also, the City requests that the County require the Project applicant to prove and show all documentation that it has legal access to all property needed (including grading rights) for the primary and emergency access points prior to approving the Project and provide the exact locations for all proposed streets be presented and acceptable to the City before the County issues any permits for this Project.

Annexation To The City

Although the Project is currently located in unincorporated land in the County, the Project will have multiple impacts upon the City including but not limited to future Project residents using City facilities and amenities. It benefits both the Project and the City if the Project area is annexed into the City. Hence, the City requests that the Project developer be required to take all legally required actions to annex into the City and enter into a preannexation agreement and/or other agreements to effectuate the annexation of the Project into the City.

Additional Requests Pertaining To The Project

Consistent with the City's prior communications to the County, the City requests that the Project comply with the following requirements:

1. The Project not exceed 340 units throughout the entire Project.
2. The Project comply with all mitigation measures set forth in the Certified Final Environmental Impact Report for the Project.
3. The streets, street lighting, parks, bio-retention basins, storm water facilities, storm drains, and landscaping be constructed, installed, and exclusively maintained by the Project's developer, or subsequent Homeowners Association ("HOA") established for the Project, at its sole expense.
4. The Project shall be landscaped utilizing low water use plants, comply with fuel modification requirements, and be in accordance with OCFA requirements and approvals. The Project shall be annexed into, and all parcels shall participate in, the City's Landscaping and Lighting Maintenance Assessment District ("LMAD"), to the extent permitted by Proposition 218 and the Landscaping and Lighting Act of 1972. In no event, however, shall private or HOA-owned slopes or open space (owned either in fee or as an easement) in the Project be maintained through the LMAD.
5. All actions shall be taken to require that parcels in the Project are assessed the same as other parcels in the City that are assessed for the Yorba Linda Public Library.
6. Open space designated within the Project shall remain open space with no development by private entities.

7. The Project shall be built compatible with neighboring communities in the City to the satisfaction of the City.

The City retains any and all rights it has under law regarding review of the Project and annexation, City actions or decisions related to the Project and annexation, and any and all rights the City has under CEQA.

The general content of this letter was approved for transmittal to the County at a regular meeting of the City Council of the City of Yorba Linda on December 6, 2016.

Sincerely,

Peggy Huang
Mayor Pro Tem, City of Yorba Linda



CITY OF YORBA LINDA

P.O. BOX 87014

CALIFORNIA 92885-8714

December 6, 2016

Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Re: Cielo Vista Proposed Project

Dear Supervisor Spitzer and Members of the Board:

At its December 13, 2016, meeting, the Board of Supervisors will be considering the Cielo Vista project ("Project"). The current iteration of the Project proposes Alternate 5 which connects for roadway access to Via Del Agua in the City of Yorba Linda ("City"). The City of Yorba Linda ("City") has been closely monitoring the progression of the Cielo Vista project ("Project"), and neighboring Esperanza Hills project, through the County of Orange ("County") entitlement process. Indeed, the City at the Board's request previously sent correspondence to the County dated March 1, 2016, that contained the City's proposals to improve the Project and to safeguard the interests of the City and its residents. The City's recommendation for the currently proposed Project are as follows:

Access To The Project And The Neighboring Esperanza Hills Project

Pursuant to the currently proposed iterations of the Cielo Vista Project (Alternate 5) and neighboring Esperanza Hills Project (Option 1 Modified), both projects enter the City via roadway access points in the same neighborhood. Via Del Agua (Cielo Vista's sole access and Esperanza Hills' proposed emergency access) and Stonehaven Drive (Esperanza Hills' proposed primary access) are in close proximity and are simply different names for portions of the same street that traverses a single neighborhood.

In order to diffuse traffic-related impacts so that they do not overly impact particular neighborhoods within the City with the full amount of new development traffic, the City suggests that Cielo Vista be required to provide access for Esperanza Hills to connect to Aspen Way. Aspen Way connects to San Antonio Road and such access would spread the traffic impacts rather than concentrate all of the collective traffic from both projects' proposed 420 homes through a single residential neighborhood. The County could potentially effectuate the roadway by either requiring that an easement be provided to provide access or the creation of a separate lot that is dedicated to the County.

If the County proceeds with Alternate 5 for the Cielo Vista Project and Option 1 Modified of the Esperanza Hills Project, the City requests that Cielo Vista be required to allow Esperanza Hills' emergency access road to tie into the streets of the Cielo Vista project rather than proceed via a straight line down to the connection with Via Del Agua. Also, the City requests that the County require the Project applicant to prove and show all documentation that it has legal access to all property needed (including grading rights) for its connection to Via Del Agua prior to approving the Project and provide the exact locations for all proposed streets be presented and acceptable to the City before the County issues any permits for this Project.

Annexation To The City

Although the Project is currently located in unincorporated land in the County, the Project will have multiple impacts upon the City including but not limited to future Project residents using City facilities and amenities. It benefits both the Project and the City if the Project area is annexed into the City. Hence, the City requests that the Project developer be required to take all legally required actions to annex into the City and enter into a preannexation agreement and/or other agreements to effectuate the annexation of the Project into the City.

Additional Requests Pertaining To The Project

Consistent with the City's prior communications to the County, the City requests that the Project comply with the following requirements:

1. The Project not exceed 80 units throughout the entire Project.
2. That the County only consider the approval of Alternative 5 and not consider other iterations of the Project. Planning Area 2 shall be eliminated and no units approved for Planning Area 2.
3. The Project shall comply with all mitigation measures set forth in the Certified Final Environmental Impact Report for the Project.
4. The streets, street lighting, parks, bio-retention basins, storm water facilities, storm drains, and landscaping be constructed, installed, and exclusively maintained by the Project's developer, or subsequent Homeowners Association established for the project ("HOA"), at its sole expense.
5. The Project shall be landscaped utilizing low water use plants, comply with fuel modification requirements, and be in accordance with OCFA requirements and approvals. The Project shall be annexed into, and all parcels shall participate in, the City's Landscaping and Lighting Maintenance Assessment District ("LMAD"), to the extent permitted by Proposition 218 and the Landscaping and Lighting Act of 1972. In no event, however, shall private or HOA-owned slopes or open space (owned either in fee or as an easement) in the Project be maintained through the LMAD.
6. All actions taken to require that parcels in the Project are assessed the same as other parcels in the City that are assessed for the Yorba Linda Public Library.
7. Other than the developed areas within Planning Area 1 and the potential roadway connecting the proposed Esperanza Hills project to Aspen Way, all remaining property in the Project be dedicated as open space and remain open space with no development by private entities. The Project shall contain trails that conform to the City's trail requirements and provide connections consistent with City planning documents.
8. The project only be served by "gravity flow" water supply.

9. No grading permits shall be issued for the Project until the fault study required by California law is completed and approved.
10. The Project be built compatible with neighboring communities in the City to the satisfaction of the City.

The City retains any and all rights it has under law regarding review of the Project and annexation, City actions or decisions related to the Project and annexation, and any and all rights the City has under CEQA.

The general content of this letter was approved for transmittal to the County at a regular meeting of the City Council of the City of Yorba Linda on December 6, 2016.

Sincerely,

Peggy Huang
Mayor Pro Tem, City of Yorba Linda



CITY OF YORBA LINDA

P.O. BOX 87014

CALIFORNIA 92885-8714

(714) 961-7150
FAX (714) 524-7261

OFFICE OF THE CITY CLERK

December 9, 2016

Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Re: Proposed Esperanza Hills and Cielo Vista Projects

Dear Supervisor Spitzer and Members of the Board:

At the City of Yorba Linda ("City") City Council meeting of December 6, 2016, the Council considered an item on the Agenda entitled "Discussion and Direction Regarding Esperanza Hills and Cielo Vista Projects and Communication to County Board of Supervisors Regarding Project". At the City Council meeting, the City Council directed City staff to provide the Board with an informal letter explaining that the Council discussed this item for over two hours and was unable to reach consensus. The City Council also directed City staff to provide a copy of the staff report, the minutes of the City Council meeting, and the Council's votes for the item to the Board for the Board's consideration in making its final decision on the two projects.

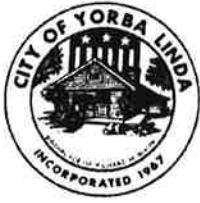
Therefore, enclosed please find the draft minutes of the December 6, 2016, Yorba Linda City Council meeting, the full Staff Report for this item including a PowerPoint prepared by City staff, and written communication received from the public. In addition, the City Council meeting can be viewed at this link: http://yorbalinda.granicus.com/MediaPlayer.php?view_id=4&clip_id=864

The City Council would like the Board to take all of this information into consideration as it makes its final decision on the Esperanza Hills and Cielo Vista projects at its meeting of December 13, 2016.

Sincerely,

CITY OF YORBA LINDA

Marcia Brown, CMC
City Clerk City of Yorba Linda



CITY OF YORBA LINDA

P.O. BOX 87014

CALIFORNIA 92885-8714

(714) 961-7150
FAX (714) 524-7261

OFFICE OF THE CITY CLERK

**MINUTE ORDER
FROM THE DRAFT MINUTES OF THE
JOINT YORBA LINDA CITY COUNCIL/SUCCESSOR AGENCY TO THE
YORBA LINDA REDEVELOPMENT AGENCY MEETING
OF DECEMBER 6, 2016**

ADMINISTRATIVE REPORTS

14. DISCUSSION AND DIRECTION REGARDING ESPERANZA HILLS AND CIELO VISTA PROJECTS AND COMMUNICATION TO COUNTY BOARD OF SUPERVISORS REGARDING PROJECT

Mayor Lindsey recused himself for the remainder of the open session due to a potential conflict of interest under Government Code Section 87100 on Administrative Report Item No. 14 as a result of the location of his property.

Mayor Pro Tem Peggy Huang presided over the remainder of the open session.

City Attorney Litfin announced that the Esperanza Hills and Cielo Vista Projects are scheduled to be in front of the County Board of Supervisors for a determination as to their land use entitlements and CEQA documents on Tuesday, December 13, 2016.

City Attorney Litfin provided a PowerPoint presentation on the proposed Esperanza Hills and Cielo Vista Projects, the traffic impacts and access issues that the Projects pose, the actions the City Council has taken thus far in regards to the Projects, and the draft letters to the County regarding the two Projects.

Doug Wymore, Esperanza Hills Project Manager, spoke regarding the status of the Esperanza Hills Project. He stated that they are returning to the County to request that the Esperanza Hills Project Option 1 Modified be approved. Mr. Wymore said the revised EIR and proposed bridge across Blue Mud Canyon (Option 1 Modified) will be presented to the Orange County Board of Supervisors. He stated that the County and Yorba Linda Estates, LLC, counsel determined that a Substantial Compliance Memorandum and not a Supplemental EIR was required for the modification to Option 1 of the Project. Mr. Wymore commented that the pre-annexation requirement has been dropped from the Project contract. He stated that they are opposed to pre-annexation as a condition of entitlement but are open to discussion of annexation in the future.

Sean Matsler, Land Use Counsel for Cielo Vista Project, spoke on the agreement they have reached with the Protect Our Homes and Hills group. He stated that the agreement reached between the Protect Our Homes and Hills group and the Cielo Vista Project developer, North County BRS, included creating a fire community protection, HOA funding for a Fire Safe Council, funding to cover legal expenses on the agreement and its implementation, downsizing from 83 units to 80 units, modifying some single family homes from two stories to one story, preserving the right for Esperanza Hills to connect to Aspen Way through North County BRS's property, and landscaping concessions. Mr. Matsler mentioned that as a result of the agreement the members of the Protect Our Homes and Hills group would not be opposing the Cielo Vista Project.

Elizabeth Cox, resident, spoke on the impacts the Esperanza Hills Project will have on safety, traffic, and the relocation of homeowners. She spoke in opposition to the Esperanza Hills Project.

Sharon Rehmeyer, resident, spoke on behalf of the Protect Our Home and Hills group regarding the agreement between Protect Our Homes and Hills and North County BRS relating to the Cielo Vista Project. She spoke in approval of the Cielo Vista Project.

Kim Paul, resident, spoke on the City Council's past and current actions on the Esperanza Hills Project. She spoke in opposition to the Esperanza Hills Project.

Bob Kanne, resident, spoke regarding the two draft letters to the County from the City related to the Esperanza Hills and Cielo Vista Projects. He spoke in opposition to the Esperanza Hills Project.

Paulette Bryne, resident, spoke regarding Esperanza Hills Project Option 1 Modified not addressing the Hidden Hills emergency access. She spoke in opposition to the Esperanza Hills Project.

Kent Ebinger, resident, spoke regarding previous remarks made by the Orange County Board of Supervisors in regards to the Esperanza Hills Project. He spoke in opposition to the Esperanza Hills Project.

Jeff Decker, resident, spoke regarding emails retrieved from a PRA request submitted to the Yorba Linda Water District referencing the Esperanza Hills Project.

A lengthy discussion ensued between Council, staff, and the project representatives regarding the fire safety requirements for both developments, safety concerns associated with the Esperanza Hills Project, future actions that may be taken by the Orange County Board of Supervisors on the two Projects, the impacts of the Projects on street accessibility, street capacity and traffic, the Esperanza Hills Project EIR, the Esperanza Hills Project proposed Option 1 Modified, the lawsuit against Esperanza Hills, the draft letters to the Orange County Board of Supervisors regarding the two Projects, and the impact the City's input would have on the Orange County Board of Supervisor's final decision.

Councilmember Young stated he was not in support the draft letters to the County because he does not want to dissuade the Orange County Board of Supervisors from approving in the

future the annexation of the area.

It was **MOVED/SECONDED – HUANG/SCHWING** – to approve the two letters to the County Board of Supervisors as drafted by staff. **MOTION FAILED** by the following roll call vote:

AYES: Huang, Schwing,
NOES: Hernandez, Young
ABSENT: Lindsey

It was **MOVED/SECONDED – YOUNG/HERNANDEZ** – to direct staff to communicate to the Orange County Board of Supervisors, without sending a letter but through the discussion that took place at the meeting; that the City presumes the Orange County Board of Supervisors has done their due diligence in regards to the Esperanza Hills and Cielo Vista Projects; that the City of Yorba Linda is supportive of Option 1 Modified with the bridge access and one additional emergency access and Alternative 5; and that the City would like to see an eventual annexation into the City.

Councilmember Schwing stated that he was not in support of the project.

Mayor Pro Tem Huang felt that the analysis conducted for the project was not adequate

MOTION FAILED by the following roll call vote:

AYES: Hernandez, Young
NOES: Huang, Schwing
ABSENT: Lindsey

RECESS

Mayor Pro Tem Peggy Huang called a recess at 8:56 p.m. and reconvened the meeting at 9:09 p.m.

A discussion continued between Council regarding their positions on the Esperanza Hills and Cielo Vista Projects and the Council's efforts to advocate for the City in regards to these Projects.

Brian Gass, resident, spoke regarding the efforts of the Protect Our Homes and Hills group on reaching an agreement with the Esperanza Hills Project developer.

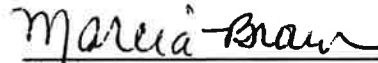
A discussion ensued between Council and the public in regards to sending the draft letters to the Orange County Board of Supervisors, the City's leverage on the two Projects and maintaining said leverage.

It was **MOVED/SECONDED – HUANG/YOUNG** – to direct staff to send an informal letter to the Orange County Board of Supervisors explaining that the Esperanza Hills and Cielo Vista Projects were discussed by Council for over two hours and consensus could not be reached, and with the letter, include the staff report and attachments, minutes excerpt, and votes for Administrative Report Item No. 14 for the Board's reference when making their final decision on the two Projects. **MOTION CARRIED** by the following roll call vote:

AYES: Hernandez, Huang, Schwing, Young
NOES: None
ABSENT: Lindsey

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

I, **Marcia Brown**, City Clerk of the City of Yorba Linda, do hereby certify that this is a true and correct copy of the original on file in the office of the City Clerk.



Marcia Brown, City Clerk
City Of Yorba Linda

Received at meeting of 12-10-16
by Sharon Rehmeier
Regarding Item No. 14

Cielo Vista Speech

Good evening Council members; my name is Sharon Rehmeier. I am here representing the resident-based community group Protect Our Homes and Hills. As you know, we formed nearly six years ago over concerns about the two proposed hillside developments. Tonight, I am here to confirm that our organization does NOT oppose the smaller of the two projects: Cielo Vista.

In August, the Leadership Team of Protect Our Homes and Hills (POHAH) reached a landmark settlement agreement with North County BRS—the applicant for the Cielo Vista project. You, and the residents at home, should know that the agreement includes:

- Creating a conservation easement over 30 acres of the northern Cielo Vista parcel— permanently blocking any use of San Antonio Canyon for the Esperanza Hills project access;
- Securing a respected land manager, long term endowment, and legal defense fund for the easement lands;
- Restricting Esperanza Hills' possible access to the west to only Aspen Way;
- Reducing the project's overall density (down 30% from the original proposal);
- Inclusion of a tall vegetative visual buffer to block views from homes along its entire southern and western border;
- Limiting numerous units to single story through deed restricted lots;
- Creating a Community Protection Plan with funding to launch a local Fire Safe Council;
- Funding for the Fire Safe Council by the future Cielo Vista Homeowners' Association for a minimum of 10 years;
- Requiring gravity-fed water systems for the project; and,
- Funding to cover legal expenses on this agreement and its implementation.

Because you are making a decision on the Cielo Vista project this evening, we wanted you to be aware of the ways North County BRS worked with residents to improve public safety, permanently protect more land, align densities with existing neighborhoods, and reduce visual impacts.

Esperanza Hills Speech

Good evening Councilmembers. My name is Bob Kanne. I'm here representing hundreds of Yorba Linda residents concerned about the proposed Esperanza Hills project. We'd like to thank you for taking seriously the concerns we outlined before the November 29th City Council Closed Session. This speech specifically focuses on the letter to the County on the Esperanza Hills project.

First, we fully support the comments about the need for a Supplemental Environmental Impact Report. As you know, we too believe the developer and the County are sidestepping requirements of the California Environmental Quality Act.

Second, we also support the City's comments that two access points need to tie into the Esperanza Hills project. It may be helpful to add the word "daily" to the second sentence under the paragraph "Access to the Project." The City should be explicit that the traffic from the 340 houses is split between Aspen and Stonehaven. So it would read "Preferably, one **DAILY** access point would tie into San Antonio (via Aspen Way) and one **DAILY** access point would tie into Stonehaven."

Third, we support the City's request for a pre-annexation agreement with Esperanza Hills. Instead of trying to work out the details in the future ***after the project has received the approvals to proceed by the County***, those details need to be worked out now. Supervisor Spitzer felt strongly enough about this he made it mandatory in 2015. Please stand your ground on this.

Fourth, we noticed that the Cielo Vista letter, under item #7, includes requirements to *(quote)* "contain trails that conform to the City's trail requirements and provide connections consistent with City Planning documents." *(end quote)* Since the Esperanza Hills project includes trails, we'd recommend being consistent in this request. Please add this additional language to the Esperanza Hills letter.

Fifth, again another consistency issue. We noticed that the Cielo Vista letter, under item #8, includes language to require "gravity flow" water supply. We respectfully request the City include this item in the Esperanza Hills letter as well.

Finally, we would like to make one clarification to the staff report. We did not lose the lawsuit. We won the lawsuit. That is why the County is required to rescind all project approvals including its certification of the old EIR. We may not have won on all of our claims, but we won enough to stop the project.

We are asking for a City spokesperson to be present and speak to the County at the December 13th Board of Supervisors hearing. Please don't simply rely on this letter. We believe the City needs to stand its ground on these issues to ensure the City and its residents are safeguarded.

Thank you in advance for your consideration.

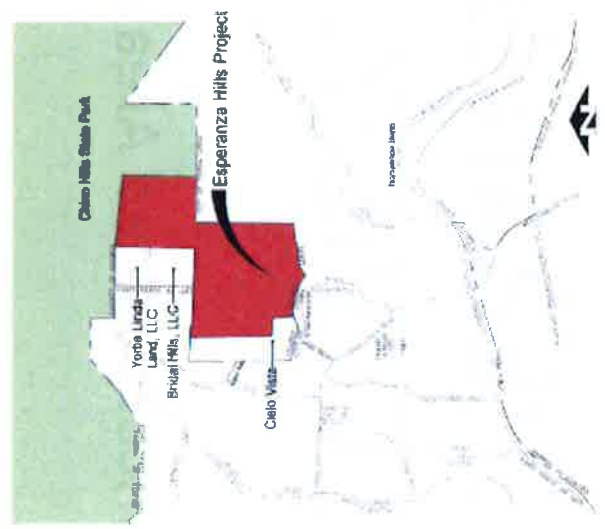
ESPERANZA HILLS / CIELO VISTA PROJECTS

Unincorporated Area of Orange County

Project Location

LOCATION:

North of SR-91 off Yorba Linda Boulevard, south and west of Chino Hills and State Park, adjacent to residential development within City of Yorba Linda, within the 3rd Supervisorial District. Within the Sphere of Influence of the City of Yorba Linda.



Esperanza Hills
Vicinity Map



All Access Options



Board Approved Access Options - 2015

CONCEPTUAL PARKS PLAN FOR THE WEST LOOP
CITY OF HOUSTON, TEXAS

CONCEPTUAL PARKS PLAN FOR THE EAST LOOP
CITY OF HOUSTON, TEXAS

PROJECT GOALS AND OBJECTIVES

- 1. Provide a network of high-quality, multi-use trails and paths for walking, jogging, and cycling.
- 2. Enhance the quality of life for residents and visitors by providing access to green spaces and recreational facilities.
- 3. Promote public health and safety by encouraging active lifestyles and providing safe routes for pedestrians and cyclists.
- 4. Support economic development and job creation by attracting investment and increasing property values.
- 5. Improve the environment by reducing air pollution and promoting sustainable transportation.

LEGEND

- 1. Multi-use trails and paths
- 2. Green spaces and parks
- 3. Existing infrastructure
- 4. Proposed infrastructure

SCALE

0 100 200 Feet

Public Works

Option 1 Modified



Proposed Main Access Bridge



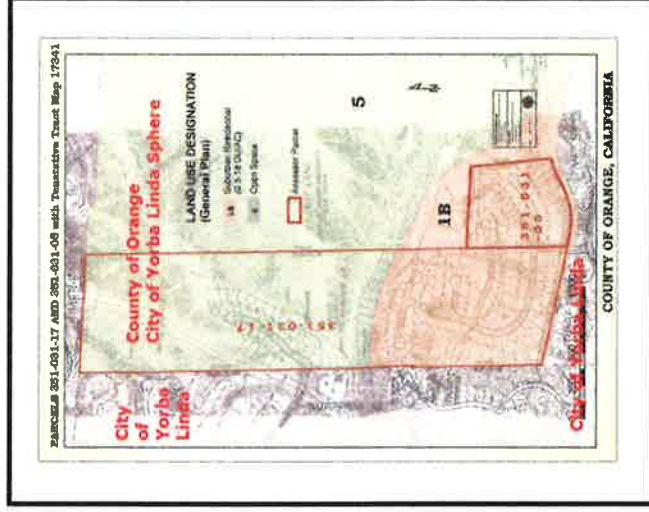
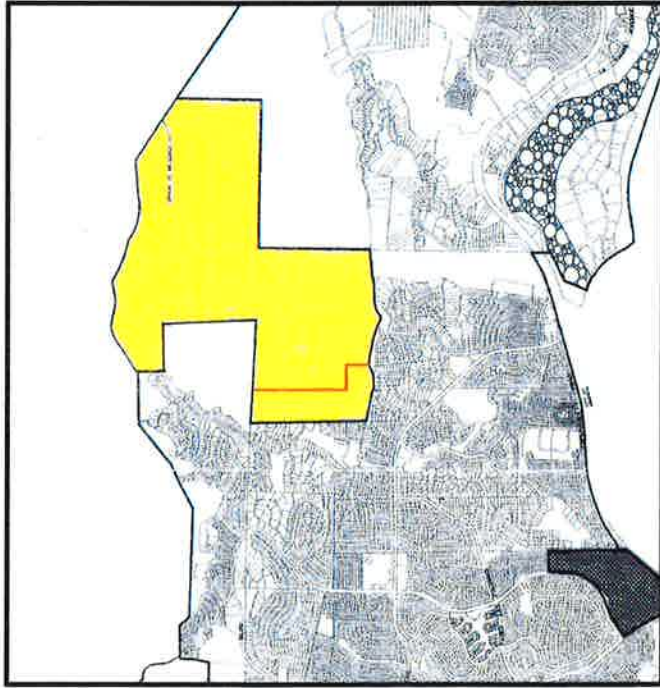
Proposed Main Access Bridge



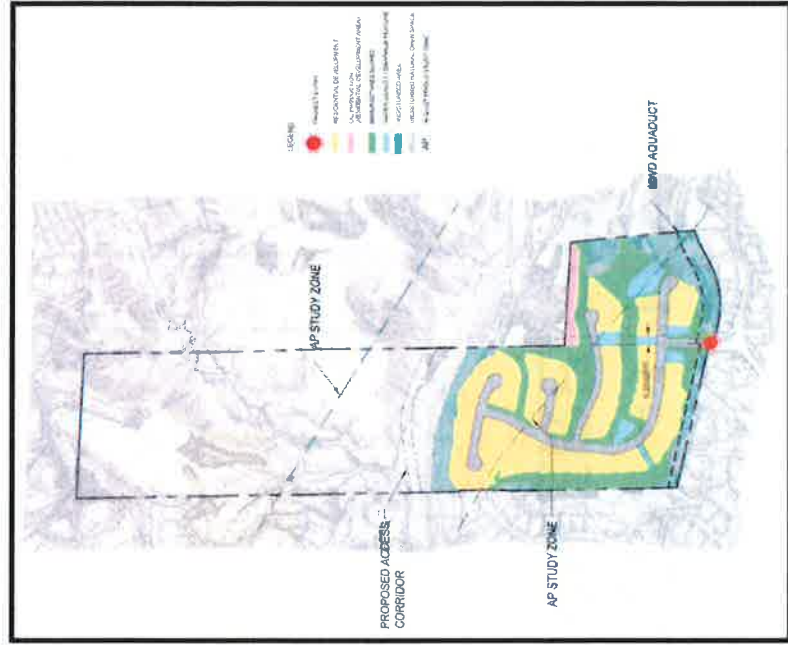


VIEW 6

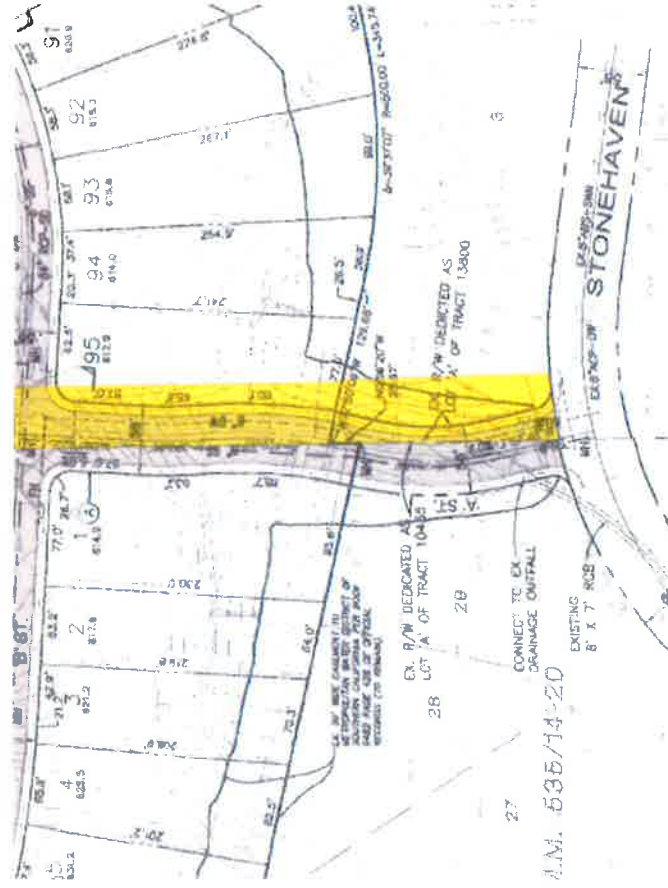
LOCATION — CITY OF YORBA LINDA LINDA SPHERE OF INFLUENCE



CIELO VISTA EIR ALTERNATIVE 5



Traffic - Easement





**CIELO VISTA
LOT SUMMARY EXHIBIT**

10/10/2014

FUSCOE

Issue of Access

- Current Project Designs Place All Traffic Impacts On Via Del Agua/Stonehaven Road
- Cielo Vista (Alternate 5) – Sole Access At Via Del Agua
- Esperanza Hills (Option 1 Modified) – Primary Access at Stonehaven Road and Emergency Access at Via Del Agua
- City Previously Requested Option 2 Modified To Diffuse Traffic Impacts To Aspen Way and Stonehaven Road

Additional Access Issues If County Proceeds With Option 1 Modified/Alternative 5

- Potential Supplemental EIR for Bridge Over Blue Mud Canyon
- Esperanza Hills Emergency Access Road Connecting To Cielo Vista Streets
- Clarification Of Legal Access Rights

Annexation Of The Projects Into The City

- Projects And Future Residents Will Have Impact On City Facilities And Resources
- Potential that Projects be required to take all legally required actions to annex into the City and enter into a pre-annexation agreement and/or other agreements to effectuate the annexation of the Projects into the City.

Other Potential Requests Pertaining To Project

- Limitation On Number of Units (Esperanza Hills – 340, Cielo Vista – 80)
- Compliance With Mitigation Measures In Final EIR
- Developer/HOA Maintenance of Infrastructure
- Landscaping – OCFA and LMAD
- Library District
- Open Space Remain Open Space
- Compatibility With Neighboring Communities



Public Works

Integrity, Accountability, Service, Trust

Item #2

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 Cleo 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: Larry 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 Stiles, Clerk of the Board

By:

Deputy

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
703 PALOMAR AIRPORT ROAD, SUITE 210
CARLSBAD, CALIFORNIA 92011

TELEPHONE (619) 696-6211

FAX (619) 696-7516

January 12, 2017

VIA EMAIL ONLY

Greg Rehmer
Senior Planner
City of Yorba Linda
4845 Casa Loma Ave.
Yorba Linda, CA 92886
grehmer@yorba-linda.org

Re: **Esperanza Hills Specific Plan (PA 120037/VTTM 17522)**
Our Client: Protect Our Homes and Hills et al.

Dear Mr. Rehmer:

Our firm represents Protect Our Homes and Hills, the Endangered Habitats League, the California Native Plant Society and Friends of Harbors Beaches and Parks in their opposition to the Esperanza Hills Project as currently proposed with the County of Orange.

We are pleased to write to you in advance of your City Council meeting on Tuesday, January 17th 2017, wherein everyone will be working on developing the City's latest position on the project.

We strongly urge the City to oppose the project as currently designed. The current County zoning for the project site is one unit per four acres. The project site is 468 acres. Divided by 4, there is a right to only build 117 units. The developer of course wants nearly three times this much in density (340 units) on a site that is remarkably constrained and uniquely dangerous for both future and existing residents.

The developer has continued to aggressively position itself by, functionally, demanding that the

January 12, 2017

County (and everyone else) prove there is any good reason to reduce the proposed 340 unit density. This approach turns common sense and solid planning purposes on its head. It should be the developer's burden to prove that the site and surrounding neighborhoods can reasonably handle something more than 117 units.

The developer repeatedly tries to focus the decision makers' attention on the Yorba Linda General Plan which provides, more or less as a placeholder, for an average of one unit per acre. It argues that it is entitled to 468 units so that 340 is completely reasonable for the site.

As you are probably aware, County staff continues to advocate for the 340 units despite direction from the Supervisors for the Planning Commission to review a lower density alternative. We urge the City to communicate the foundational position that there can be no units beyond the 117 unless there are two, fully functional ingress/egress points for the development. The number of units, if any, beyond that number needs to be justified only after a careful analysis of traffic impacts on existing streets as well as a comprehensive evaluation of evacuation scenarios that are based upon various density variations. Alternately stated, what is the likelihood of a failed evacuation effort as the number of dwelling units goes up?

Critically, we understand that the likely "first responders" in the event of an approaching fire (OCFA and OC Sheriffs) have acknowledged that in the event of a multi-fire event (where there is more than one fire in Southern California) they cannot guarantee that they will have enough personnel to manage all the intersections in the vicinity of the project site to have an effective evacuation. What everyone needs to ask is what are the exact chances of there not being first responders when there is multi-fire event? Is it 20% or 50% or some other projected number? If there is no ability of residents to evacuate, what are the estimated chances of fatalities?

The County and the applicant like to talk about everything about the project being approved by the "first responders" but this, in our experience, is substantially misleading. The fire and sheriff departments have limited issues that they are required to look at. No one ever seems to ask them if they think the project is a good idea from an overall public safety standpoint given the unique setting.

My clients and I at this point are encouraging the County to require further environmental studies on a number of issues, including project access and project density issues as they relate to public safety and climate change issues. The easiest way to reduce Green House Gas Emissions is to reduce the density which results in less grading and fewer households.

The revised EIR that the County has prepared in response to the Superior Court Writ of Mandate is a very poor effort to look at Green House Gas reduction options. We encourage the City to join us on this issue and others in the context of advocating for revised environmental studies and, fundamentally, a scaled down project with two full time access points.

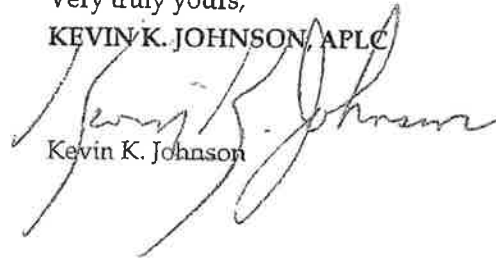
We would also ask the City to consider having its attorneys file an Amicus Brief in support of our appeal of the lower court decision related to access and public safety issues. The time for this will be in the March/April time frame.

January 12, 2017

Overall, we believe that a joint effort by the City and the citizens of Yorba Linda can have a material impact upon what is eventually approved and we look forward to working with you to bring about a responsible result.

Very truly yours,

KEVIN K. JOHNSON, APLC

A handwritten signature in black ink, appearing to read "Kevin K. Johnson", written over the typed name below.

Kevin K. Johnson