

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 24 2016

ALAN CARLSON, Clerk of the Court

GH
BY G. HERNANDEZ *jl*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER**

PROTECT OUR HOMES AND HILLS;
HILLS FOR EVERYONE; ENDANGERED
HABITATS LEAGUE, INC.; CALIFORNIA
NATIVE PLANT SOCIETY; FRIENDS OF
HARBORS, BEACHES AND PARKS, INC.,

Petitioners and Plaintiffs,

v.

COUNTY OF ORANGE; BOARD OF
SUPERVISORS OF COUNTY OF ORANGE;
CITY OF YORBA LINDA; CITY COUNCIL
OF THE CITY OF YORBA LINDA; and
DOES 1 through 20, inclusive,

Respondents and Defendants, and

YORBA LINDA ESTATES, LLC, an Arizona
Limited Liability Company and a California
Limited Liability Corporation, and DOES 21
through 50,

Real Parties-in-Interest.

Case No. 30-2015-00797300-CU-CT-CXC

ASSIGNED FOR ALL PURPOSES TO
HON. WILLIAM CLASTER, DEPT. CX-
102

**JUDGMENT GRANTING WRIT OF
MANDATE ~~PROPOSED~~**

Action Filed: July 2, 2015

1 This matter came on for hearing on the Petition for Writ of Mandate and Complaint for
2 Injunctive and Declaratory Relief ("Petition") in Department CX-102 of the Civil Complex
3 Center of the Superior Court of the State of California for the County of Orange on May 13,
4 2016 and May 27, 2016, the Honorable William Claster presiding. Attorneys Kevin K. Johnson,
5 Jeanne L. MacKinnon and Heidi E. Brown of Kevin K. Johnson APLC appeared on behalf of
6 Petitioners Protect Our Homes and Hills; Hills For Everyone; Endangered Habitats League, Inc.;
7 California Native Plant Society; and Friends Of Harbors, Beaches And Parks, Inc.
8 ("Petitioners"). Senior Deputy County Counsel Nicole Walsh appeared on behalf of
9 Respondents County of Orange and the Board of Supervisors of the County of Orange
10 ("Respondents"). Attorney Christopher W. Garrett of Latham & Watkins LLP appeared on
11 behalf of Real Party in Interest, Yorba Linda Estates ("Real Party").

12 Following review and consideration of all papers filed with the Court in support of and in
13 opposition to the Petition, the certified administrative record lodged with the Court, the matters
14 judicially noticed and the arguments of counsel, and the matter having been submitted for
15 decision, the Court issued a Proposed Statement of Decision on June 24, 2016. After reviewing
16 Petitioners' Response and Objections to Proposed Statement of Decision, on July 22, 2016, the
17 Court issued its final Statement of Decision, granting in part and denying in part the Petition in
18 certain respects as set forth below. The Statement of Decision is hereby incorporated in this
19 judgment. This judgment addresses all matters in controversy.

20 Accordingly,

21 IT IS ORDERED, ADJUDGED, AND DECREED that:

22 1. Judgment is entered consistent with the July 22, 2016 Statement of Decision
23 (Register of Actions No. 342).

24 2. A peremptory writ of mandate shall issue directed to Respondents, together with
25 their officers, employees, agents, boards, commissions, other subdivisions, representatives and
26 successors as follows:

27 a. Respondents shall vacate certification of the Final Environmental Impact Report
28 616 ("EIR") for the Esperanza Hills Residential Development Project, Project

1 No. PA120037 ("Project"), State Clearinghouse No. 2012121071, adoption of a
2 Mitigation Monitoring and Reporting Program and Findings of Fact and the
3 Statement of Overriding Considerations made in support of the Project.

4 b. Respondents shall vacate all approvals of the Project based upon the EIR, the
5 Mitigation Monitoring and Reporting Program and Findings of Fact and the
6 Statement of Overriding Considerations made in support of the Project including:
7 Board of Supervisors Resolution No. 15-018 Certifying Final EIR 616 for the
8 Esperanza Hills Residential Development Project; Board of Supervisors
9 Resolution Adopting General Plan Amendment LUE 14-02 (Land Use Element)
10 for Land Use Designation Changes for the Esperanza Hills Project; and
11 Ordinance No. 15-010 Adopting the Esperanza Hills Specific Plan and Rezoning
12 Certain Land from the A-1 General Agricultural and A1(0) General
13 Agricultural/Oil Production Districts to the S 'Specific Plan' District.

14 c. Pursuant to Public Resources Code 21168.9(a)(3), Respondents shall revise the
15 EIR for the Project, in accordance with CEQA, the CEQA Guidelines, the
16 Statement of Decision, and this Judgment, to bring the EIR into compliance with
17 CEQA by resolving the deficiencies identified by the Court in its Statement of
18 Decision.

19 d. The EIR certification and the approvals, as described in paragraphs 2(a) and 2(b)
20 above, made in reliance thereon, shall be remanded to the Respondents for
21 reconsideration.

22 e. Pursuant to Public Resources Code section 21168.9, subdivisions (a)(2) and
23 (a)(3)(b), Respondents shall not issue any grading permits and/or allow the start
24 of construction or any other physical alterations of the proposed project until
25 Respondents take the necessary steps to bring the EIR into compliance with
26 CEQA by resolving the deficiencies identified by the Court in its Statement of
27 Decision.

28 f. Pursuant to Public Resources Code section 21168.9, subdivisions, (a)(2) and

1 (a)(3)(b), Real Parties in interest, their respective agents, officers, employees and
2 any successors in interest are directed not to commence construction of the
3 proposed project or take any steps to begin construction of the project that could
4 result in an adverse change or alteration of the physical environment until
5 Respondents take the necessary steps to bring the EIR into compliance with
6 CEQA by resolving the deficiencies identified by the Court in its Statement of
7 Decision.

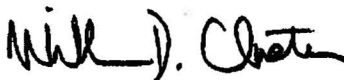
8 g. Respondents shall notify this Court within 90 days, by way of a return to the
9 peremptory writ, that they have complied with paragraphs 2(a), 2(b) and 2(c)
10 above.

11 3. The Court shall retain jurisdiction over these proceedings pursuant to Public
12 Resources Code Sections 21168.9(b) until the Court determines that Respondents have complied
13 with the writ.

14 4. Any party may claim costs and attorney fees by noticed motion after entry of this
15 Judgment. This Court retains jurisdiction to hear such motion and determine entitlement to, and
16 amount of, such costs or fees, if any. If such a motion is granted, any costs or attorneys' fees
17 awarded will be governed by a separate order.

18 5. In accordance with Public Resources Code Section 21168.9(c), the Court does not
19 direct Respondents to exercise their lawful discretion in any particular way.

20
21 Dated: 8-24-16


Honorable William Claster
JUDGE OF THE SUPERIOR COURT