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**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

**SUPPLEMENTAL PEREMPTORY
WRIT OF MANDATE
[PROPOSED]**

**TO RESPONDENTS COUNTY OF ORANGE AND BOARD OF SUPERVISORS OF
THE COUNTY OF ORANGE:**

The Court of Appeal, Fourth Appellate District, Division Three, issued its opinion on
October 13, 2017 affirming, in part, and reversing, in part, the trial court's judgment and
remanded the matter for further proceedings.

NOW THEREFORE, consistent with the amended judgment granting peremptory writ

1 of mandate:

2 1. You together with your officers, employees, agents, boards, commissions, other
3 subdivisions, representatives and successors are commanded, immediately upon receipt
4 of this peremptory writ of mandate to:

5 a. By no later than 120 days from this issuance of this writ, vacate certification of
6 the Revised Final Environmental Impact Report No. 616 (“REIR”) for the
7 Esperanza Hills Residential Development Project, Project No. PA120037
8 (“Project”), State Clearinghouse No. 2012121071, adoption of a Mitigation
9 Monitoring and Reporting Program and Findings of Fact and the Statement of
10 Overriding Considerations made in support of the Project.

11 b. By no later than 120 days from this issuance of this writ, vacate all approvals of
12 the Project based upon the REIR, the Mitigation Monitoring and Reporting
13 Program and Findings of Fact and the Statement of Overriding Considerations
14 made in support of the Project including: Board of Supervisors Resolution No.
15 17-052 Certifying Revised Final Environmental Impact Report No. 616 for the
16 Esperanza Hills Residential Development Project; Board of Supervisors
17 Resolution 17-053 Adopting General Plan Amendment LUE (Land Use
18 Element) for Land Use Designation Changes for the Esperanza Hills Project;
19 Board of Supervisors Resolution 17-054 Approving Vesting Tentative Tract Map
20 17522; Board of Supervisors Ordinance No. 17-006 Adopting the Esperanza
21 Hills Specific Plan and Rezoning Certain Land from the A-1 General
22 Agricultural and A1(0) General Agricultural/Oil Production Districts to the S
23 ‘Specific Plan’ District;

24 c. Pursuant to Public Resources Code 21168.9(a)(3), revise the REIR for the Project
25 in accordance with CEQA, the CEQA Guidelines, the Court of Appeal opinion,
26 the Amended Judgment and this Writ, to bring the REIR into compliance with
27 CEQA by correcting and resolving the deficiencies identified by the Court of
28 Appeal in its opinion.

- 1 d. Reconsider, in light of the revised REIR, whether to recirculate and certify the
2 revised REIR and issue any Project-related approvals, as described in paragraphs
3 a. and b. above, in reliance thereon.
- 4 e. Pursuant to Public Resources Code section 21168.9, subdivisions (a)(2), (a)(3),
5 and (b), Respondents shall not issue any grading permits and/or allow the start of
6 construction or any other adverse physical change or alterations to the physical
7 environment of the proposed Project site until Respondents have taken the
8 necessary steps to bring the REIR into compliance with CEQA by correcting and
9 resolving the deficiencies identified by the Court of Appeal in its opinion.
10 This prohibition shall not extend, however, to the following activities that the
11 Real Parties in Interest may engage in on the subject property:
- 12 i. Geotechnical testing, including boring and handwork;
 - 13 ii. Soils testing (typically from samples from small diameter boring or a
14 small bucket auger or handwork);
 - 15 iii. Repairs of existing roads as needed to address damage caused by rain
16 and annual maintenance and use by the Orange County Fire Authority
17 (OCFA) and Southern California Edison;
 - 18 iv. Brush clearing along existing roads or around the oil wells to meet weed
19 abatement and fire buffer requirements of OCFA (for roads) and the
20 California Department of Oil, Gas, and Geothermal Resources (for oil
21 wells);
 - 22 v. Environmental Testing in the form of drilling or boring around existing
23 oil wells as part of a "Phase 2" Environmental Report;
 - 24 vi. Clean-up activities for existing oil well sites, such as removal of the oil
25 well rigs, or tanks, or both;
 - 26 vii. Repair of existing oil wells to the extent that they are still operating; and
27 viii. Biological surveys.
- 28 f. Pursuant to Public Resources Code section 21168.9, subdivisions (a)(2) and
(a)(3)(b), Real Parties in Interest, their respective agents, officers, employees and

1 any successors in interest are directed not to commence clearing of vegetation,
2 grading or construction of the proposed project or take any steps to begin
3 construction of the project that could result in an adverse change or alteration of
4 the physical environment of the proposed Project site until Respondents take the
5 necessary steps to bring the REIR into compliance with CEQA by correcting and
6 resolving the deficiencies identified by the Court of Appeal in its opinion.

7 g. Notify this Court within 180 days, by way of a return to the supplemental
8 peremptory writ, the status of compliance with paragraphs 1. a., b. c. and d.
9 above.

10 h. Should the Real Party in Interest seek to engage in any on-site physical activities
11 beyond those specified in paragraph (e) above as being permissible prior to the
12 discharge of this peremptory writ, the Real Party shall provide written notice to
13 both the County and Petitioners of its proposal to engage in such activities.
14 Petitioners shall have five (5) business days in which to respond to such proposal,
15 either by objecting or agreeing not to object. If Petitioner does not object, or does
16 not respond within five (5) business days of receipt of notice from Real Party in
17 Interest, Real Party in Interest may proceed with the activity, if acceptable to the
18 County. If Petitioner does object within five (5) business days, then Real Party in
19 Interest may not proceed with the activity for at least twelve (12) business days
20 after receiving such an objection in order to give Petitioners adequate time to
21 make an ex parte application to the Court for alleged violation of this peremptory
22 writ and/or seek a temporary restraining order from this Court.

23 2. The parties to this action shall file any objections to the initial return to the
24 peremptory writ within 30 days of service and filing of the return. Any objections to any
25 supplemental return(s) to the peremptory writ shall be served and filed within 30 days of
26 the filing of the return(s).

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

4. In accordance with Public Resources Code section 21168.9(c), nothing in this writ directs Respondents to exercise their lawful discretion in any particular way.

Dated: 4-3-18



Will D. Claster
Honorable William Claster
JUDGE OF THE SUPERIOR COURT