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**To:** County of Orange Board of Supervisors

**From:** County of Orange Planning Commission

**Date:** January 23, 2017

**Subject:** Esperanza Hills Project – Planning Commission Update to the Board of Supervisors

On December 13, 2016, the Board of Supervisors referred the Esperanza Hills Project back to the Planning Commission for further review. The Board directed the Commission to consider: 1) Project density, 2) Option 1 Modified and related bridge structure, and 3) Secondary access via Aspen Way. At its regular meeting on January 11, 2017, the Commission received the Board minute order and conducted their discussion regarding the Board's three major topic areas of concern regarding the Esperanza Hills project.

Executive Officer, Mr. Colby Cataldi introduced the item by providing background on the Board's December 13, 2016 direction to staff and the Commission. The Commission received a report from staff reviewing the project's history and chronology, including the results of the CEQA litigation against the project. Staff also reviewed the project's consistency with the City of Yorba Linda General Plan (Land Use Element and Circulation Element) as it relates to density. Staff presented that the Yorba Linda General Plan anticipates a development averaging 1 dwelling unit per acre on the "Murdoch Property," which is inclusive of the Esperanza Project parcels. Staff presented that 469 units on the Esperanza Hills property would be consistent with the Yorba Linda General Plan allowance. The applicants discussed that they designed a reduced density project of 340 units (0.73 units per acre) in response to initial comments received from the City.

In addition, staff clarified the differences between the OCFA Guideline regarding a second public safety access for developments over 150 dwelling units versus the OCPW traffic impact criteria of Level of Service (LOS), noting that the OCFA Guidelines refers to a secondary emergency access, not a 24/7 public traffic access. Staff presented a few examples of previously developed projects that were approved with a single public traffic access that exceed 150 dwelling units (from 300 to over 1,250 units) that also abut high fire danger hillside areas, similar to the Esperanza Hills project. Staff then reviewed the Board's direction given at the December 13<sup>th</sup> hearing (Planning Commission PowerPoint attached).

Following staff presentations, the public was provided an opportunity to speak on the item. Approximately ten persons from the public attended the meeting with five speaker slips submitted, dedicating their time to one speaker (Mr. Kevin Johnson, attorney representing Protect our Hills and Homes, Homes and Hills for Everyone, Endangered Habitats League,

California Native Plant Society, and Friends of Harbors, Beaches and Parks). The Commission engaged Mr. Johnson for approximately 20 minutes at the podium.

The Commission conducted a focused dialogue on the three topic areas provided in the Board's direction on December 13, 2017:

1. **Project Density** - a reduced unit project

A. Applicant explained that the 340 units proposed is well below the City's General Plan density requirement (1 du/acre), and below the density for the approved the Cielo Vista Project of 1 du/acre. The Applicant explained that in their initial due diligence on the property in 2012, direction was provided by City of Yorba Linda planning staff that although 469 units (at 1 du/acre) was allowed, it was recommended that a supportable project density would be at 75% of the City's General Plan projection. Thus the Applicant's design efforts and proposal resulted in 340 units or 0.73 du/acre and not at 1.0 du/acre.

B. During public comments, Kevin Johnson argued that Esperanza Hills 'by right' under current A1 "Agricultural" zoning can have 117 units total. (Note: the current zoning designation requires a 4 acre lot for each residential unit. Given the site's topography and environmental features, achieving the full 117 units would be unlikely). Mr. Johnson stated that an agreement could be reached with his clients to allow Esperanza to have no more than 237 units (0.51 du/acre), as long as there was a full-time secondary access and other environmental concerns were addressed.

C. Staff noted to the Commission that the current General Plan designation for the property is 5 "Open Space". The General Plan further discusses that this designation indicates the current and near-term use of the land and is not an indication of a long-term commitment to specific open spaces uses except when one of the three open space overlay categories is also applied. Therefore, Staff noted that the Open Space can be considered a holding designation (which applies to the Esperanza Hills property) until long term uses are proposed.

D. Esperanza Hills asserted they should be held to the same standard as Cielo Vista, not to exceed 1 unit per acre.

2. **Option 1 Modified Access with Bridge**

A. The applicants stated that they did not intend to further pursue the bridge included in the Option 1 Modified.

B. The Applicant presented an alternate access configuration (referred to as "Option

1A”) for access to Stonehaven Road, which is a modified version of the original Option 1 access configuration. In the new Option 1A, each ‘leg’ of the original switchback design of Option 1 would be shortened and a bridge would cross Blue Mud Creek rather than a roundabout design. According to the Applicant, this design would still avoid sensitive habitat, as did the original Option 1, and also raises the creek crossing above potential fire hazards.

As presented, this new bridge design would be significantly shorter in both length and height from the larger Option 1 Modified bridge design. The Option 1 Modified access bridge (proposed to the Board on 12/13/16) was 480’ in length and 135’ in height. The new Option 1A bridge as presented would be 80’ in length and 35’ in height.

C. The Applicant also proposed adjusting the main entry road connection point to Stonehaven by aligning it with the rear yard area of the adjacent (head-on) property, instead of fronting onto a portion of the house itself. Under Option 1A access road, Applicant stated that the road would be widened to 56’ to match existing roads in the neighborhood. The Applicant proposed this road alignment as a safe alternative with more gradual grades to improve access of commercial vehicles to the development.

### 3. **Secondary Access Via Aspen Way**

A. Just prior to the January 11, 2017 Planning Commission meeting, staff received a copy of the letter from Cielo Vista’s attorney, Mr. Sean Matsler, offering the sale of the Option 2 access parcel to Aspen Way, and an email response from Esperanza Hills to Cielo Vista’s offer letter. The letter was provided to staff by the Esperanza Hills applicants, who asked that it be provided to the Commission. Staff provided the Commission both documents to review prior to the Commission’s proceedings (attached).

B. Applicant provided an update on their efforts to negotiate the acquisition of the 13 acre parcel. The Applicant noted that at the Board’s December 13, 2016 hearing, a Cielo Vista representative produced a map showing the property to be offered as a single 13-acre parcel, the subsequent offer sent to Esperanza Hills modified the parcel size to a 10-acre parcel with an irregular shape without the necessary map documents to allow Esperanza Hills to evaluate if the new parcel configuration could accommodate the feasible construction of road access to Aspen Way.

C. Commissioners directly asked the Applicant if they intended to pursue the Aspen access, applicant stated "No." The Applicant cited the following as the primary reasons they do not view the Aspen access as feasible: 1) the offered easement parcel is reduced by 25% and may not accommodate the slope grading and road construction; 2) the conditions of purchase related to the access easement were not tenable; 3) the presence of protected species such as gnatcatchers and least bell

vireo within the Aspen access area, an issue significantly complicated by the new letter submitted by the Center for Biological Diversity, and; 4) an opposition that will sue the project unless they reduce to 237 units even if the Aspen Way access is provided.

**Summary**

Overall, the Planning Commission did not direct the applicant to adjust the proposed unit count, and it did appreciate the effort made with the newly proposed bridge concept, however, it does generally agree that the project would be best designed with two full time access points, as long as a feasible agreement can be reached with all parties involved.

After receiving comments by staff, the applicant and the public, the Commission concluded by asking that staff continue to work with the applicant to complete a revised project submittal and return to the Commission for a full hearing on any project proposals and responses to the Board's directive.

This report is provided pursuant to Government Code section 65857. At this time, the Commission does not have a recommendation back to the Board, but instead anticipates further hearings to consider the Board's directives and/or project alternatives.