



AGENDA STAFF REPORT

ASR Control 14-001806

MEETING DATE: 03/10/15
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): 3
SUBMITTING AGENCY/DEPARTMENT: OC Public Works (Approved)
DEPARTMENT CONTACT PERSON(S): Shane Silsby (714) 667-9700
 Robyn Uptegraff (714) 667-3255

SUBJECT: Esperanza Hills General Plan Amendment, Zone Change, EIR, and Specific Plan

CEO CONCUR Concur	COUNTY COUNSEL REVIEW Approved Resolution(s) and Ordinance(s)	CLERK OF THE BOARD Public Hearing 3 Votes Board Majority
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Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A **County Audit in last 3 years:** No

Prior Board Action: N/A

RECOMMENDED ACTION(S):

1. Read the title of the ordinance adopting Zone Change ZC 14-04 and the Esperanza Hills Specific Plan.
2. Order further reading of the ordinance be waived.
3. Open the public hearing on Final EIR 616, General Plan Amendment, Zone Change and Esperanza Hills Specific Plan Ordinance, Planning Application for Esperanza Hills Project PA120037, take public testimony, and close the public hearing.
4. Adopt Resolution, which includes each of the following actions: adopt the Statement of Findings and Facts for EIR No. 616 for Esperanza Hills Project; adopt Mitigation Monitoring and Reporting Program for EIR No. 616; adopt Statement of Overriding Considerations for EIR No. 616 and certifying EIR No. 616 for the Esperanza Hills Project (General Plan Amendment, Zone Change, and Esperanza Hills Specific Plan).
5. Adopt Resolution for General Plan Amendment LUE 14-02 (Land Use Element).
6. Adopt the Ordinance for Zone Change ZC 14-04 and Esperanza Hills Specific Plan.

SUMMARY:

Adoption of the recommended actions approves the Planning Application for the Esperanza Hills Project PA120037, consisting of a gated community with a maximum of 340 single family homes on 469 acres located in the unincorporated area of Orange County within the sphere of influence of the City of Yorba Linda.

BACKGROUND INFORMATION:

Planning Application PA120037 is for the Esperanza Hills Project, hereinafter referred to as the "Project." The Project applicant, Yorba Linda Estates, LLC, is requesting approvals for the 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 north of the SR-91 freeway off Yorba Linda Boulevard, southwest of Chino Hills State Park, and adjacent to the existing residential development located in the City of Yorba Linda (City). Immediately south of the Project site is the proposed Cielo Vista residential project which is currently under review by OC Development Services. The Project proposal is to construct a gated community with large lot, low-density residential neighborhoods at an overall density of 0.73 dwelling units per acre. Once developed, approximately 62 percent of the project site will be open space, parks, and landscape areas. The Project proposal requires approval and certification of Final Environmental Impact Report No. 616 (FEIR) and approval of the General Plan Amendment, a Zone Change, and the Esperanza Hills Specific Plan (Specific Plan) establishing development regulations for the site. The property currently has a General Plan designation of 5 Open Space and is Zoned A1 "General Agriculture" and A1-O "General Agriculture" with Oil Production Overlay. In consideration of potential future annexation of the Project site to the City, the Project was reviewed for consistency with the Yorba Linda General Plan. The proposed Project is consistent with the City's General Plan which provides for the development of low density residential housing that averages 1.0 dwelling unit per acre over the entire area. The City's General Plan anticipates project access to be provided via Stonehaven Drive and San Antonio Road. For further details regarding the existing conditions and for more background information related to the Project proposal, please see the Planning Commission Staff Report dated January 14, 2015 (Attachment A).

The proposed Specific Plan sets forth two possible project access configurations for the Project (Attachment I). Both access configurations are fully analyzed in the proposed FEIR. In the first configuration, the "Stonehaven Drive Access," site access is proposed with the primary and only full public connection going south to Stonehaven Drive generally following the alignment of an existing dirt access road that would be regraded and improved to meet required standards. The access configuration is analyzed in the Draft Environmental Impact Report (DEIR) as Option 1. Under this alternative, a second ingress/egress road for emergency purposes only would extend south along the western edge of the Project through the adjacent Cielo Vista project site within an easement area.

The Specific Plan also allows for an alternate Project access identified as the "San Antonio Access," which is analyzed in the DEIR as Project Alternative 3 – Option 2B Access Alternative. This alternate access plan provides two full and public primary accesses; one from San Antonio Road and a second access via a road following the same alignment as the "Stonehaven Drive Access." There would be no 'emergency access only' roadway in this alternative.

On November 6, 2014, a study session was held for the Planning Commission, in which Planning Commissioners received a Project presentation and overview from the applicants of both the Project, as

well as, the proposed Cielo Vista project. Key topics of discussion and focus for Planning Commissioners included fire safety, evacuation traffic control, water availability, traffic, open space preservation, and Homeowner Association maintenance responsibilities. At that meeting, the City indicated that they oppose the Stonehaven Drive access but may be able to support the San Antonio Road access if pre-annexation discussions with the applicant are successful. Also at this meeting, both the Orange County Fire Authority (OCFA) and the Orange County Sheriff's Department (OCSD) repeated from their written comments a preference for the "San Antonio Road Access" configuration, while acknowledging that the Stonehaven Drive (only) access would also meet their minimum criteria.

On December 17, 2014, two Planning Commissioners conducted a community forum and received a Project overview from both staff and the Esperanza Hills applicant. The Planning Commissioners also heard comments from an attorney representing concerned community members.

On January 14, 2015, the public hearing for the Project was held by the Planning Commission. Public notices for this hearing were mailed to residents within a 2,000-foot radius of the Project site, in a manner consistent with City noticing standards, and which exceeded the County standard requirement of a 300-foot radius. The Planning Commission heard presentations from staff and the Project applicant, then heard testimony from affected agencies and members of the public. Key issues discussed at the Planning Commission hearing were community concerns related to fire safety, evacuation traffic control, water availability, fugitive dust during grading activity, noise, and traffic. Staff also presented the analysis in the proposed FEIR which indicates that the Project will result in three unavoidable significant impacts including greenhouse gas emissions, noise (for the Aspen Way access only, which is no longer a part of the Specific Plan), and traffic (in that three mitigations measures are off-site and outside of County jurisdiction). After receiving testimony from the public on the Project, the Planning Commission directed questions and discussion of concerns raised to OCFA and OCSD, both of whom stated the developer has adequately addressed evacuation and fire concerns. The Yorba Linda Water District representative also responded affirmatively to Planning Commission questions regarding the adequacy of area water supplies and project improvements. A copy of the draft Minutes from the January 14, 2015 Planning Commission hearing is attached as Attachment B. After due consideration, the Planning Commission voted unanimously to adopt resolutions recommending that the Board of Supervisors approve and certify Final EIR No. 616 and approve adoption of General Plan Amendment, Zone Change and Specific Plan which make up Planning Application PA120037 filed by Yorba Linda Estates, LLC. for development of 468.9 acre site to allow for a maximum of 340 residential single family homes. A copy of the Final EIR No. 616 is available for review in the office of the Clerk of the Board.

Compliance with CEQA: Proposed Final Environmental Impact Report (FEIR) 616, SCH No. 2012121071, has been prepared and circulated for public review (Attachment D). The Draft Environmental Impact Report (DEIR) was posted for public review and comment from December 4, 2013 to February 4, 2014. The Responses to Comments on the DEIR were made available to the public on-line December 5, 2014. The Response to Comments portion of the Final EIR includes eight Topical Responses which provide a comprehensive review and response to the most common questions or comments received on the Draft EIR and are summarized in the Planning Commission Staff Report on pages 8, 9, and 10. The proposed FEIR was presented to the Planning Commission on January 14, 2015, at which time the Commission recommended that the Board approve and certify the proposed FEIR. No additional or new comments were raised at the Planning Commission public hearing that had not been adequately addressed in the proposed FEIR. In addition to certifying the proposed FEIR, the resolution presented for consideration would approve the findings, facts in support of the findings, a statement of overriding considerations, and the mitigation monitoring and reporting plan for the Project.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A - Planning Commission Staff Report dated January 14, 2015 (without attachments)

Attachment B - Planning Commission Draft Minutes from January 14, 2015

Attachment C - Planning Commission Resolution Recommending Certification EIR 616

Attachment D - Planning Commission Resolution Recommending General Plan Amendment

Attachment E - Planning Commission Resolution Recommending Zone Change

Attachment F - Public Comment Letter Received after Draft EIR Comment Period

Attachment G - Final Environmental Impact Report 616 (document available at Clerk of Board)

Attachment H - Draft Esperanza Hills Specific Plan

Attachment I - Possible Project Access Configurations

Attachment J - Board Resolution for Certification of Final EIR 616

Attachment K - Board Resolution for General Plan Amendment

Attachment L - Ordinance for Zone Change and Esperanza Hills Specific Plan

Attachment M - Project Location Map



Revision to ASR and/or Attachments

Date: May 26, 2015
To: Clerk of the Board of Supervisors
CC: County Executive Office
From: Shane L. Silsby, Director, OC Public Works
Re: ASR Control #: 14-001806, Meeting Date 6/2/15 Agenda Item No. # 55
Subject: **Esperanza Hills General Plan Amendment, Zone Change, EIR, and Specific Plan**

2015 MAY 28 PM 1:52
RECEIVED
CLERK OF THE BOARD OF SUPERVISORS
ORANGE COUNTY
SHANE L. SILSBY

Explanation: On March 10, 2015, the Board took action to certify EIR No. 616 and opened a public hearing to address recommended actions 1 through 4. Only recommended actions 5 and 6 were continued to June 2, 2015. These actions are renumbered and revised as set forth below.

Revised Recommended Action(s)

1. Read the title of the ordinance adopting Zone Change ZC 14-04 and the Esperanza Hills Specific Plan. (Action taken on March 10, 2015)
2. Order further reading of the ordinance be waived. (Action taken on March 10, 2015)
3. Open the public hearing on Final EIR 616, General Plan Amendment, Zone Change and Esperanza Hills Specific Plan Ordinance, Planning Application for Esperanza Hills Project PA120037, take public testimony, and close the public hearing. (Note: The Final EIR 616 was approved March 10, 2015)
4. Adopt Resolution, which includes each of the following actions: adopt the Statement of Findings and Facts for EIR No. 616 for Esperanza Hills Project; adopt Mitigation Monitoring and Reporting Program for EIR No. 616; adopt Statement of Overriding Considerations for EIR No. 616 and certifying EIR No. 616 for the Esperanza Hills Project (General Plan Amendment, Zone Change, and Esperanza Hills Specific Plan). (Note: The Final EIR 616 was approved March 10, 2015)
5. ~~Adopt Resolution for General Plan Amendment LUE 14-02 (Land Use Element).~~

~~6. Adopt the Ordinance for Zone Change ZC 14-04 and Esperanza Hills Specific Plan.~~

5. Read the title of the ordinance adopting Zone Change ZC 14-04 and the Esperanza Hills Specific Plan.

6. Order further reading of the ordinance be waived.

7. Re-open the public hearing on General Plan Amendment, Zone Change and Esperanza Hills Specific Plan Ordinance, Planning Application for Esperanza Hills Project PA120037, take public testimony and close the public hearing.

8. Find that Final EIR No. 616 ("FEIR 616"), previously certified by the Board of Supervisors (Board) on March 10, 2015, reflects the independent judgment of the County of Orange and satisfies the requirements of California Environmental Quality Act (CEQA) for this Esperanza Hills General Plan Amendment, Zone Change and Specific Plan Project.

a. The circumstances of the project are substantially the same as described in FEIR 616, which adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken, no new information of substantial importance to the project which was not known or could not have been known when the previous EIR No. 616 was adopted has become known and no further environmental review is required.

b. FEIR No. 616 is adequate to satisfy the requirements of CEQA for the Esperanza Hills General Plan Amendment, Zone Change and Specific Plan Project.

c. All mitigation measures are fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and have either been adopted as conditions, incorporated as part of the project design, or included in the procedures of project implementation.

9. Adopt Resolution for General Plan Amendment LUE 14-02 (Land Use Element).

10. Adopt the Ordinance for Zone Change ZC 14-04 and Esperanza Hills Specific Plan.

11. Direct Staff to work with City of Yorba Linda to prepare a Cooperative Agreement and return to Board for approval of the agreement.

Make modifications to the:

Subject Background Information Summary

May 28, 2015

Subject : ESPERANZA HILLS EIR, GENERAL PLAN AMENDMENT, ZONE CHANGE, EIR AND SPECIFIC PLAN CONTINUED FROM MARCH 10, 2015

BACKGROUND:

Planning Application PA120037 ("PA120037") is for the Esperanza Hills Project, hereinafter referred to as the "Project." The Project applicant, Yorba Linda Estates, LLC, is requesting approvals for the 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 north of the SR-91 freeway off Yorba Linda Boulevard, southwest of Chino Hills State Park, and adjacent to the existing residential development located in the City of Yorba Linda ("City"). Immediately south of the Project site is the proposed Cielo Vista residential project which is currently under review by OC Development Services. The Project proposal is to construct a gated community with large lot, low-density residential neighborhoods at an overall density of 0.73 dwelling units per acre. Once developed, approximately 62 percent of the project site will be open space, parks, and landscape areas.

The Project proposal requires approval ~~and certification of Final Environmental Impact Report No. 616 (FEIR) and approval~~ of the General Plan Amendment, a Zone Change, and the Esperanza Hills Specific Plan (Specific Plan) establishing development regulations for the site. The associated FEIR 616 was certified by the Board of Supervisors ("Board") on March 10, 2015. The property currently has a General Plan designation of 5 Open Space and is Zoned A1 "General Agriculture" and A1-O "General Agriculture" with Oil Production Overlay. In consideration of potential future annexation of the Project site to the City, the Project was reviewed for consistency with the Yorba Linda General Plan. The proposed Project is consistent with the City's General Plan which provides for the development of low density residential housing that averages 1.0 dwelling unit per acre over the entire area. The City's General Plan anticipates project access to be provided via Stonehaven Drive and San Antonio Road. For further details regarding the existing conditions and for more background information related to the Project proposal, please see the Planning Commission Staff Report dated January 14, 2015 (Attachment A).

The proposed Specific Plan presented to the Board on March 10, 2015, sets forth two possible project access configurations for the Project (Attachment I). Both access configurations ~~are~~ were fully analyzed in the proposed FEIR 616. In the first configuration, the "Stonehaven Drive Access," site access is proposed with the primary and only full public connection going south to Stonehaven Drive generally following the alignment of an existing dirt access road that would be regraded and improved to meet required standards. The access configuration is analyzed in the ~~Draft Environmental Impact Report FDEIR 616~~ as Option 1. Under this alternative, a second ingress/egress

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road for emergency purposes only would extend south along the western edge of the Project through the adjacent Cielo Vista project site within an easement area.

The Specific Plan also allows for an alternate Project access identified as the "San Antonio Access," which is analyzed in the ~~FEIR~~ **FEIR 616** as Project Alternative 3 – Option 2B Access Alternative. This alternate access plan provides two full and public primary accesses; one from San Antonio Road and a second access via a road following the same alignment as the "Stonehaven Drive Access." There would be no 'emergency access only' roadway in this alternative.

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After receiving testimony from the public on the Project, the Planning Commission directed questions and discussion of concerns raised to OCFA and OCSD, both of whom stated the developer has adequately addressed evacuation and fire concerns. The Yorba Linda Water District representative also responded affirmatively to Planning Commission questions regarding the adequacy of area water supplies and project improvements. A copy of the ~~draft~~ final Minutes from the January 14, 2015 Planning Commission hearing is attached as Attachment B. After due consideration, the Planning Commission voted unanimously to adopt resolutions recommending that the Board of Supervisors approve and certify ~~Final~~ FEIR No. 616 and approve adoption of General Plan Amendment, Zone Change and Specific Plan which make up Planning Application PA120037 filed by Yorba Linda Estates, LLC. for development of 468.9 acre site to allow for a maximum of 340 residential single family homes. A copy of the ~~Final~~ FEIR No. 616 is available for review in the office of the Clerk of the Board.

On March 10, 2015, a public hearing for the Project was held by the Board. The Board heard presentations from staff, OCFA, OCSD and the Project Applicant. They also heard testimony and presentation from members of the public. Key issues discussed at the Board hearing were community concerns related to fire safety, evacuation traffic control, water availability, noise and traffic. After due consideration, the Board adopted Resolution No. 15-018 certifying FEIR 616 and continued further consideration of the Project, including adoption of General Plan Amendment, Zone Change and Specific Plan to allow the City and the applicant to discuss annexation of the Project area into the City prior to County Consideration and final action on the remainder of the Project proposals.

On April 28, the Yorba Linda City Council held a special meeting as a community meeting to hear public comments regarding the Esperanza Hills project. On May 5 and 19, 2015, the City Council discussed the project at their regularly scheduled City Council meetings. On May 19, 2015, the City Council unanimously approved the preparation of a letter dated May 22, 2015 (Attachment N) to the Board of Supervisors regarding Esperanza Hills. The City sent a subsequent clarifying letter dated May 27, 2015 which is also included in Attachment N. In summary, the City letters state that the City opposes the Stonehaven Drive access (Option 1) and recommends that the County require the San Antonio access (Option 2B). The letter also states in the event the necessary approvals for Option 2B are not granted by the City Council for any reason, the Project shall be required to take access via a modified Option 2 (primary access on Aspen Way, with secondary access to Stonehaven). Additionally, the letter states the City requests that the County require 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 prior to the approval by the County of a subdivision map.

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Should the Board wish to consider the Option 2 modified (Aspen Way access) access configuration as an additional Project access alternative in response to City comment, Attachment O is provided for review and potential inclusion in the Specific Plan. As noted previously, this alternate access plan provides full public primary access via an extension of Aspen Way and a secondary access via a road to Stonehaven Drive following the same alignment as shown in the "Stonehaven Drive Access." There would be no 'emergency access only' roadway in this alternative.

Should the Board wish to consider deletion of Option 1 (Stonehaven Drive Access), Attachment P is provided which details all deletions required to be made to the draft Specific Plan.

Compliance with CEQA:

This CEQA compliance paragraph applied to the recommended action number 4, approved by the Board March 10, 2015: Proposed Final Environmental Impact Report (FEIR) 616, SCH No. 2012121071, has been prepared and circulated for public review (Attachment D). The Draft Environmental Impact Report (DEIR) was posted for public review and comment from December 4, 2013 to February 4, 2014. The Responses to Comments on the DEIR were made available to the public on-line December 5, 2014. The Response to Comments portion of the Final EIR includes eight Topical Responses which provide a comprehensive review and response to the most common questions or comments received on the Draft EIR and are summarized in the Planning Commission Staff Report on pages 8, 9, and 10. The proposed FEIR was presented to the Planning Commission on January 14, 2015, at which time the Commission recommended that the Board approve and certify the proposed FEIR. No additional or new comments were raised at the Planning Commission public hearing that had not been adequately addressed in the proposed FEIR. In addition to certifying the proposed FEIR, the resolution presented for consideration would approve the findings, facts in support of the findings, a statement of overriding considerations, and the mitigation monitoring and reporting plan for the Project.

This CEQA compliance paragraph applies to recommended actions 6 through 11: FEIR 616, previously certified by the Board of Supervisor on March 10, 2015, analyzes the environmental impacts of the Project now being approved; a Zone Change, General Plan Amendment and Specific Plan. Since March 10, 2015, no substantial changes have occurred in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when FEIR 616 was certified has become known. Therefore, none of the triggering conditions requiring further environmental review are present and no such further review is required.

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Should the Board approve inclusion of Option 2 modified (Aspen Way access) in the Specific Plan, staff and the County consulting team have reviewed the environmental documentation prepared for the Project to ensure that the environmental impacts of Option 2 modified (Aspen Way Access) were analyzed by FEIR 616. Attached is a summary of that assessment which concludes that there are no new significant impacts of Option 2 modified. (Attachment Q).

Revised Attachments (attach copy of revised attachment(s))

Attachment B - Planning Commission Draft-Final Minutes from January 14, 2015

Attachment G - Final Environmental Impact Report 616 (document available at Clerk of Board)

Attachment K - Board Resolution for General Plan Amendment Dated June 2, 2015.

Attachment K - Board Resolution for General Plan Amendment Dated June 2, 2015 Redline Version

Attachment L - Ordinance for Zone Change and Esperanza Hills Specific Plan Dated June 2, 2015.

Attachment L - Ordinance for Zone Change and Esperanza Hills Specific Plan Dated June 2, 2015 Redline Version

Attachment N - City of Yorba Linda Letters dated May 22, 2015 and May 27, 2015

Attachment O - Possible Aspen Way Access Configuration (Option 2 modified) Base Map and Proposed Text Changes for Specific Plan

Attachment P - Possible Removal of Stonehaven Drive Access Configuration (Option 1) Proposed Text Changes for Specific Plan

Attachment Q - CAA Planning Memorandum dated May 27, 2015