West Coyote Hills
Planning Commission Study Session

October 14, 2015 – 7:00 p.m.
**History To Date**

**2011**

**July 24** – City Council approves a zone change and development agreement for the West Coyote Hills development project.

**2012**

**June 22** – Orange County Superior Court issues judgement upholding City’s approval of WCH development project, including sufficiency of project EIR; appeal of Super Court judgement is later voluntarily dismissed by project opponents.

**November 7** – Measure W fails, overturning the City Council’s approval of the development agreement.

**2014**

**April 15** – City Council, in partnership with Friends of Coyote Hills, Open Coyote Hills and Pacific Coast Homes, announces the “Path Forward” plan allowing for the sale of all, or part, of the 510-acre property.

**April 16** – Pacific Coast Homes submits an application for Vesting Tentative Tract Map No. 17609, which eliminates development of Neighborhood 2, adding 18 acres of additional open space, for a total of 301 acres – 60% of the entire project site.

**2015**

**September** – City concludes initial negotiations with Pacific Coast Homes resulting in an acquisition plan and public benefit requirements, which are detailed in the Conditions of Approval to the Vesting Tentative Tract Map.
• Subdivides the 510-acre property to allow for the phased acquisition of all, or a part of, the project site, and dedicates the former Neighborhood 2 site.
• Creates development parcels, capped at a maximum of 760 residential units, and a 5-acre commercial area.
• Preserves 301 acres of open space for habitat, trails and vista parks.
• Requires conditions of approval that include the terms of the acquisition plan and define the public benefits, including trail improvements and an interpretive center at the Bob Ward Nature Preserve.
Neighborhood 2 Dedication

- Property Characteristics
  - 18 acres
  - High quality habitat
  - Creates 193 acres of contiguous open space including adjacent Ward Nature Preserve
Neighborhood 2 Dedication

- Property Characteristics
  - 18 acres
  - High quality habitat
  - Creates 193 acres of contiguous open space including adjacent Ward Nature Preserve
Neighborhood 2 Dedication

- How Did City Pay for Neighborhood 2?

<table>
<thead>
<tr>
<th>Item</th>
<th>Value</th>
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<tbody>
<tr>
<td>Reduction in Park Fees</td>
<td>$8,180,000</td>
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<tr>
<td>Elimination of Development Agreement Fee</td>
<td>$1,900,000</td>
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<tr>
<td>Elimination of 2 Quad-Runner Security Vehicles</td>
<td>$20,000</td>
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<tr>
<td>Reduction of Improvements to Coyote Hills Drive Greenbelt Park</td>
<td>$500,000</td>
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<tr>
<td>Reduction in Nature Center Square Footage</td>
<td>$1,350,000</td>
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<tr>
<td>Reduction in Open Space Maintenance Endowment</td>
<td>$1,350,000</td>
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<td>*Additional credit for two all-terrain maintenance vehicles</td>
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<tr>
<td>Redesign of Gilbert Bridge</td>
<td>$1,500,000</td>
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<tr>
<td>Additional Credits by PCH</td>
<td>$4,500,000</td>
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<tr>
<td>Neighborhood 2 Negotiated Price</td>
<td>$19,300,000</td>
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<tr>
<td>Neighborhood 2 Appraised Value</td>
<td>$22,800,000</td>
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Public Benefits

• Trails and Nature Center
  – Initial trail improvements, to provide access to the Robert E. Ward Nature Preserve, to commence within 60 days of the final approval date of the project.
  – Improvements to Nora Kuttner, Castlewood, and southern West Coyote Hills backbone trails on a phased basis, correlating to the project phasing plan.
  – Neighborhood trail and key vista improvements to occur on a phased basis, correlating to the project phasing plan.
  – Endowment of $3,840,000 (adjusted for CPI) to operate, maintain, repair and secure the open space dedication areas, trails, key vista parks and interpretive center.
Trails Phasing Plan

Conditions of Approval Exhibit 1:
West Coyote Hills Trails and Key Vista Improvement Phasing Plan

Legend:
1. Neighbohood Number Per the Specific Plan

Open Space Areas:
- Nature Preserve
- Open Space Areas
- Private Common Areas

Recreational Trails:
- Key Vista
- Initial Trails
- Neighborhood Trail Phase 1A
- Neighborhood Trail Phase 1B
- Neighborhood Trail Phase 2B
- Feeder Trail Only If Neighborhood #1 Is Not Acquired
- To Be Abandoned

Robert E. Ward Nature Preserve (City of Fullerton)

SOUTHERN WEST COYOTE HILLS TRAIL

CASTLEWOOD TRAIL

NORA KUTNER TRAIL

KEY VISTA

KEY VISTA

KEY VISTA

KEY VISTA

September 15, 2015
Public Benefits

• **Habitat Preservation**
  
  – Revegetation, preservation and enhancement of coastal sage scrub and other habitat within the open space preserve.
  
  – Endowment for habitat management for perpetual maintenance and protection of coastal sage scrub and wetland habitats. Amount to be determined by the U.S. Fish and Wildlife Service.
Public Benefits

• **Grants**
  – Grant of $270,000 to the Laguna Lake Capital Improvement Fund to create trails to connect to the Ward Nature Center.
  – Grant of a minimum $176,000 for library technology.
Public Benefits

• **Public Facilities and Infrastructure**
  
  – Purchase and dedication to City of a Brush Engine for firefighting purposes.
  
  – Installation of landscape medians along Euclid Street, Gilbert Street and Rosecrans Avenue project frontages and landscaping improvements to the parkway along the north side of Castlewood Drive between Parks Road and Gilbert Street.
  
  – Provision of equipment and software for an automated water meter reading system.
# Comparison of Public Benefits

<table>
<thead>
<tr>
<th>Public Benefit</th>
<th>Previously Approved Development Agreement</th>
<th>Proposed VTTM 17609 Conditions of Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Trails</td>
<td>☑</td>
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<tr>
<td>Nature Center</td>
<td>3,000 sq. ft.</td>
<td>2,400 sq. ft.</td>
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<tr>
<td>Kuttner, Castlewood, WCH Backbone Trail Improvements</td>
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<tr>
<td>Neighborhood Trails/Vista Parks</td>
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</tr>
<tr>
<td>Open Space Maintenance Endowment</td>
<td>$5,190,000</td>
<td>$3,840,000</td>
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<tr>
<td>Quad-Runner Security Vehicles</td>
<td>2</td>
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<tr>
<td>Habitat Restoration</td>
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<tr>
<td>Habitat Maintenance Endowment</td>
<td>☑</td>
<td>☑</td>
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<tr>
<td>Laguna Lake Grant</td>
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<tr>
<td>Brush Engine</td>
<td>☑</td>
<td>☑</td>
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<tr>
<td>Median Improvements/LLD</td>
<td>Included restoration of Coyote Hills Drive Greenbelt Park</td>
<td>Coyote Hills Drive Greenbelt Park reduced in scope</td>
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<tr>
<td>Automated Water Meter Reading System</td>
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Acquisition Plan
Acquisition Plan
Potential Funding Sources

- San Gabriel Rivers and Mountains Conservancy Proposition 1
- Orange County Transportation Authority M2 Environmental Mitigation
- Wildlife Conservation Board Land Acquisition Program
- Dept. of Fish & Wildlife Endangered Species Conservation Program and Habitat Conservation Land Acquisition
- Mysun grant ($1M)
- Mysun matching grant
Potential Acquisition

- Neighborhood 1
  - 10 acres
  - Purchase price of $9,600,000
  - Creates 203 acres of contiguous open space including adjacent Ward Nature Preserve
  - Reduction of 16 units
Potential Acquisition

- Neighborhood 1
  - 10 acres
  - Purchase price of $9,600,000
  - Creates 203 acres of contiguous open space including adjacent Ward Nature Preserve
  - Reduction of 16 units
Potential Acquisition

- Neighborhoods 1 and 3
  - 24 acres
  - Appraisal due by November 30, 2015
  - Creates 217 acres of contiguous open space, including Ward Preserve
  - Preserves all property east of Gilbert and converts roads to trails
  - Reduction of 76 units
Potential Acquisition

• Entire Site
  – 510 acres
  – Appraisal due by November 30, 2015
  – Preserves entire site as open space
  – Eliminates all public benefits except Ward Preserve trails and Laguna Lake grant
  – Reduction of 757 units
Acquisition Plan

• Acquisition Options
  – Single Acquisition Notice
    • Neighborhood 1
    • Neighborhoods 1 and 3
    • Entire Site
  – Alternative Acquisition Notice – requires $400,000 non-refundable Option Payment, which can be credited toward purchase price.
    • Entire Project Site, or Neighborhoods 1 and 3, or Neighborhood 1
    • Neighborhoods 1 and 3, or Neighborhood 1

City may select only one of the five sub-options.
Acquisition Plan

• Important Timeline Triggers
  – Final Administrative Action
    • Planning Commission decision – or –
    • City Council decision if Planning Commission decision is appealed.
  – Final Approval Date
    • 91st day after Final Administrative Action – or –
    • Conclusion of any legal challenge.
**Acquisition Timeline**

**Planning Commission Action**

**No Appeal**

2015

- **October 22** – Planning Commission takes action on Vesting Tentative Tract Map No. 17609. This becomes the Final Administrative Action. The City Council could consider an Acquisition Notice following this action.

2016

- **January 21** – Final Approval Date. An Acquisition Notice must be submitted by the City Council to the property owner within 30 days after the Approval Date (February 20), or by February 29, whichever is later.

- **February 16** – Latest regularly scheduled City Council meeting to authorize the release of an Acquisition Notice and to state intention whether to fund all or part of the acquisition of Neighborhood 1 with public bond funds.

- **February 29** – Latest date by which the City must submit Acquisition Notice to Pacific Coast Homes.

If, due to a legal challenge or other delay, an Approval Date does not occur within two years of the Final Administrative Action, the property owner may sell and develop the site, with the exception of Neighborhood 1 if the City has given an Acquisition Notice. In the event that this occurs, the City may request a one year extension.

2017

- **October 22** – Offer to sell Neighborhoods 1 and 3 together, or Entire Site, may be withdrawn by property owner if Final Approval Date has not occurred by that time.

2018

- **October 22** – Conclusion of one-year extension, if granted by property owner.

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**Acquisition Timeline**

City Council Action if Planning Commission Action is Appealed

**2015**

- **October 22** – Planning Commission takes action on Vesting Tentative Tract Map No. 17609.
- **November 2** – Latest date by which an appeal may be filed.
- **November 17** – Earliest regularly scheduled City Council meeting to hear the appeal and take action. This becomes the Final Administrative Action.

**2016**

- **February 16** – Approval Date. An Acquisition Notice must be submitted by the City Council to the property owner within 30 days after the Approval Date (March 17), or by February 29, whichever is later.
- **March 1** – Latest regularly scheduled City Council meeting to authorize the release of an Acquisition Notice and to state intention whether to fund all or part of the acquisition of Neighborhood 1 with public bond funds.
- **March 17** – Latest date by which the City must submit Acquisition Notice to Pacific Coast Homes.

If, due to a legal challenge or other delay, an Approval Date does not occur within two years of the Final Administrative Action, the property owner may sell and develop the site, with the exception of Neighborhood 1 if the City has given an Acquisition Notice.

In the event that this occurs, the City may request a one year extension.

**2017**

- **November 17** – Offer to sell Neighborhoods 1 and 3 together, or Entire Site, may be withdrawn by property owner if Final Approval Date has not occurred by that time.

**2018**

- **November 17** – Conclusion of one-year extension, if granted by property owner.

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January 15 – Review of appraisals and valuation process completed. Purchase prices for Neighborhood 3 and/or Entire Site are established.

November 30 – City and Property Owner complete preparation of appraisals for Neighborhood 3 and Entire Site.
Acquisition Timeline – No Legal Action
Neighborhood 1 Only Without Bond Funds

2015

**November 17** – Earliest regularly scheduled City Council meeting to hear the appeal and take action. This becomes the Final Administrative Action.

2016

**March 1** – Latest regularly scheduled City Council meeting to authorize the release of an Acquisition Notice and to state intention whether to fund all or part of the acquisition of Neighborhood 1 with public bond funds. *[Assumes City Council took the Final Administrative Action.]*

**March 16** – Latest date by which the City must submit Acquisition Notice to Pacific Coast Homes.

**May 16** – Latest date by which the City and Property Owner must complete a Purchase and Sale Agreement. If no agreement is reached, negotiations go to arbitration.

**June 16** – Latest date by which the City and Property Owner must complete arbitration process – the Agreement Date.

2017

**February 1** – Latest date by which purchase and sale may close and Neighborhood 1 is deeded to City.
Acquisition Timeline – No Legal Action
Neighborhood 1 Only With Bond Funds

2016

March 1 – Latest regularly scheduled City Council meeting to authorize the release of an Acquisition Notice and to state intention whether to fund all or part of the acquisition of Neighborhood 1 with public bond funds. [Assumes City Council took the Final Administrative Action.]

March 17 – Latest date by which the City must submit Acquisition Notice to Pacific Coast Homes including intention to use public bond funds.

November 8 – Latest election date by which a public bond measure may be considered.

2017

March 17 – If voters approve the bond – Latest date by which the purchase is completed for Neighborhood 1. This may change depending on certification date.

If voters do not approve the bond, or there is a legal challenge, there is an alternative scenario for acquisition, however the City is not obligated to purchase the property if the bond fails. There is a similar scenario for acquisition of Neighborhoods 1 and 3, and/or the entire site.
## Effects of Acquisition on Public Benefits

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<th>Neighborhood 1</th>
<th>Neighborhoods 1 &amp; 3</th>
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West Coyote Hills
Acquisition Plan

Questions and Answers
West Coyote Hills

Break
West Coyote Hills

Planning Commission Actions
Public Outreach

- April 15, 2014: Announcement of “Path Forward” plan
- October 7, 2014: Statement from Mayor Doug Chaffee
- April 7, 2015: Statement from Mayor Greg Sebourn
- September 2015: Updated West Coyote Hills webpage created
- September 18, 2015: Announcement of dates for Planning Commission Study Session and public hearing
- September 29, 2015: Mailing of 3,127 notices to owners of properties within one-quarter mile of the project site
- October 2, 2015:
  - Notice published in the Orange County Register, emailed to all persons requesting notice, posted on the City’s website and on Public Notice Boards at Maintenance Services Department, Main Library, Museum Center & City Hall
  - Staff report and supporting information published on City website
Application

- Addendum to Final Environmental Impact Report (FEIR); FEIR adopted July 12, 2011
- Vesting Tentative Tract Map (VTTM) No. 17609
- Abandonment (SUB03-00001A)
Addendum to Final EIR

• Final West Coyote Hills EIR was certified July 12, 2011.

• CEQA Guidelines provide for an Addendum to a previously certified EIR when some changes to the Final EIR are necessary, but project revisions will not result in new or more severe environmental effects than previously analyzed.

• Addendum compares potential environmental effects for the revised and previously approved projects and concludes that proposed revisions would not result in significant new adverse environmental effects.

• Planning Commission must consider the Addendum prior to making a decision on the project.
Vesting Tentative Tract Map 17609

- Subdivision includes 569 lots on 510 acre site
  - 553 lots for single-family detached units
  - 1 lot for attached units (up to 204)
  - 1 five-acre lot for commercial development
  - 1 lot for a private (neighborhood) recreation area
  - 13 lots for open space, key vista parks, private streets and water retention basins (approx. 301 acres)

- Primary differences between 2011 approved project and VTTM:
  - Conversion of 18-acre Neighborhood 2 development area to open space
  - Transfer of 56 units to other planning areas
Abandonment

• Several easements exist on the property that are no longer needed for current or future use.
• Abandonment of easements to occur at the time of Final Map approval.
Appeal Process

• Title 16 of Fullerton Municipal Code authorizes the Planning Commission to take action on a vesting tentative map

• Decision of Planning Commission is final unless appealed

• Appeal must be filed within 10 calendar days from the date of the Planning Commission decision

• City Council will hear appeal at a noticed public hearing

• Decision of the City Council is final
West Coyote Hills
Planning Commission Actions

Questions and Answers
West Coyote Hills
Vesting Tentative Tract
Map No. 17609