

Lopez, Maria [COB]

From: Hori, Susan <SHori@manatt.com>
Sent: Thursday, April 23, 2026 2:14 PM
To: COB_Response
Cc: Kirk, Justin; Walsh, Nicole; David Brainerd (david.brainerd@madisonmarquette.com); Recupero, Michael
Subject: Letter to the Board of Supervisors re Saddleback Meadows Use Permit Appeal (May 5, 2026 hearing)
Attachments: Letter to the Board of Supervisors (May 5 2026 hearing).pdf

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Please find attached a letter to the Board of Supervisors regarding the use permit application filed by California Quartet that is scheduled for hearing before the Board on May 5, 2026. We would appreciate it if you would distribute it to the Supervisors. Please let me know if you have any questions.
Thank you.

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April 23, 2026

Client-Matter: 63008-030

Orange County Board of Supervisors
400 Civic Center Drive
Santa Ana, CA 92701
Attn: Clerk of the Board of Supervisors
cob.response@cob.oc.gov

Re: Saddleback Meadows; Appeal of Use Permit No. PA23-0119 (“Use Permit”)
Hearing Date: May 5, 2026

Dear Chair Chaffee and Honorable Supervisors:

This firm represents California Quartet (“CQ” and “Applicant”), the owner of the Saddleback Meadows property (“Property”) and applicant for Use Permit No. PA23-0119 (“Use Permit”). After processing this project for over 20 years, resolving multiple legal challenges to the approvals, and receiving four separate Orange County (County) approvals, CQ filed an application for the Use Permit to establish the building standards (e.g., setbacks and height) for the 181 residential lots on 83.6 acres of the Property created by Final Map No. 15230, recorded in July 2025. The Use Permit is the last public hearing approval required by the County.

This letter describes why this item should be approved and responds to the allegations and claims of Shute Mihaly and Weinberger representing the Saddleback Canyons Conservancy and the Rural Canyons Conservation Fund.

We respectfully request that the Board of Supervisors (Board) adopt the recommendations of its staff, deny the appeal and uphold the January 28, 2026 Planning Commission approval of the Use Permit.

BACKGROUND OF THE SADDLEBACK MEADOWS PROJECT

The Saddleback Meadows project has a long history in the County of Orange. The Property is located in the Foothill/Trabuco Specific Plan (“FTSP”) area but exempt from the regulations and guidelines in the Specific Plan because it was already entitled and final mapped for 705 mobilehome lots. In 1998 and 2002, single family residential projects of 299 lots and 283 lots were approved by the Board. Those entitlements included an amendment to the FTSP and approval of a Vesting Tentative Map with a minimum lot size of 6,000 square feet (“sf”) and 5,000 sf respectively.

Thereafter, the County's approval of the Project was challenged by the a) Vedanta Society of Southern California, b) St. Michael's Abbey, c) Endangered Habitats League, d) Sea and Sage Audubon Society, and e) the Saddleback Meadows Land Conservancy LLC.

Over the course of two years, the Applicant and the County worked with the challengers to arrive at a compromise plan, and in 2004, the parties, including the County, entered into a settlement agreement with all of the entities identified above to further reduce the project to 266 residential lots with minimum lot sizes of 4,500 sf.¹ Again, the County found the Project consistent with the FTSP.

After the real estate recession, the Applicant made revisions to the 2004 Project; however, one of the parties to the 2004 settlement agreement, the Vedanta Society, challenged certain features of the Project through arbitration. As a result of that arbitration, the Applicant reached a compromise with Vedanta to *further reduce the footprint of the Project, increase the amount of open space, and limit the number of homes to 181*. This compromise plan was reflected in the revised Area Plan, Vesting Tentative Map 15230, and RSEIR Addendum No. 2 approved by the County in 2022. In June 2025, Final Vesting Map 15230 was approved in a public hearing and was subsequently recorded with the Orange County Recorder's Office.

THE USE PERMIT APPLICATION

Because the FTSP did not establish development standards for the Property, this Use Permit is required to consider building height, front, side, and rear setbacks, maximum building site coverage, and minimum building site area. The lot size is not at issue. It was considered and finalized by the County over 20 years ago, and again through the recorded Final Vesting Map 15230 approved in 2025.

RESPONSES TO THE SHUTE MIHALY LETTER

- 1. THE PROJECT ENHANCES PUBLIC SAFETY; NOT THREATENS IT. THE SHUTE MIHALY LETTER RELIES SOLELY UPON THE 2002 RSEIR, AND FAILS TO ACKNOWLEDGE THE ANALYSIS IN THE 2022 ADDENDUM NO. 2 WHICH ADDRESSED WILDLAND FIRES AND EVACUATION.**

The Shute Mihaly letter argues that the project would place new residential development in a Very High Fire Hazard Severity Zone and that wildland fires are a potential hazard. This is

¹ This included a Revised Subsequent Environmental Impact Report and Addendum No. 1, and Zone Change 02-008 to amend the FTSP, Area Plan 98-2, and Vesting Tentative Tract Map 15230.

not a new consideration and ignores the facts that the Applicant and County have worked extensively with the Orange County Fire Authority (“OCFA”) in processing a Fuel Modification Plan, Fire Master Plan and Fire Protection Plan to comply with the State law including the California Public Resources Code, Fire Code, Building Code and the Health and Safety Code. These laws establish fire safety standards for fire equipment access, signage, fuel breaks, water supply, hydrant locations, hose pull distances, defensible space, structure flammability, building standards and locations, vegetation maintenance and emergency egress. In short, the Project will incorporate the latest and most stringent Code requirements with a great deal of thought. To wit:

- The managed fuel modification zones will provide important mitigation which helps to prevent the spread of wildfire to this community and adjacent communities. The open space will be managed by a land conservancy pursuant to a Conservation Easement held by the California Department of Fish and Wildlife.
- The homes will incorporate Chapter 7A of Building Code which mandates the use of fire safe building materials, prohibits open eaves and mitigates against ember intrusion and home to home ignition making these residences more fire safe than any of the existing surrounding residential developments. For example, all roofs, walls, siding and signage materials will be constructed of fire safe materials.
- The dual evacuation routes were reviewed by the County, together with traffic from surrounding development and it was determined that the Project was designed with sufficient evacuation routes that can handle evacuation traffic from the Project and surrounding development.
- The Project also provides paved roads accessible by OCFA equipment and fire hydrants to assist in fighting fires.

2. THE PROJECT IS CONSISTENT WITH THE COUNTY’S ZONING AND THE FTSP.

The Shute Mihaly letter alleges that the Project violates the County’s zoning code and the FTSP because the zoning requires a minimum building site area of 20,000 sf per unit. Since 2002 the County has repeatedly considered and approved lot sizes ranging from 4,000 sf to 6,000 sf, and made findings that the Vesting Tract Map 15230 which establishes the lots and lot sizes is consistent with the General Plan. The Shute Mihaly letter fails to recognize and acknowledge the Project’s consistency with *“the overall goals and objectives of the F/TSP, including the goal of preserving the rural character of the planning area and provide a buffer between urban development and the Cleveland National Forest (Goal 1.0-a) and to preserve significant landform, biological, and scenic resources (Goal 1.0-b).”*

When the County initially approved the project in 2002 with minimum lot sizes less than 20,000 sf, it did so to avoid having the entire Property covered with 705 mobile home lots. Consistent with the General Plan and the goals of environmental protection and habitat preservation, Orange County, (along with every other municipality in California), encourages the clustering and consolidation of development.

Moreover, the argument that the lot sizes are inconsistent with the FTSP was raised and resolved in litigation. When the County approved the 2002 project consisting of 283 units with an average lot size of 6,000 sf, its consistency with the FTSP was subject to legal challenge. The lot size argument was raised by Vedanta Society of Southern California, St. Michael's Abbey, the Endangered Habitats League, the Sea and Sage Audubon Society and the Saddleback Meadows Land Conservancy and finally resolved in the 2004 Settlement Agreement, which was signed by all parties to the litigation, including the County. The issue of FTSP consistency has been raised previously and addressed.

All parties, the County and the Applicant agree that the smaller lot sizes and decreased number of homes allow for realization of the goals not only of the General Plan, but the FTSP, including:

- Conservation of about 84% of the Property.
- Creation of 144 acres of managed open space providing an extensive buffer between urban development and the Cleveland National Forest.
- Avoidance of residential development in the entire northern portion of the site where landslides have previously occurred. Only habitat creation of fairy shrimp ponds will occur in this area.
- Protection of the biological and scenic resources of the Property through a recorded Conservation Easement dedicated to the California Department of Fish and Wildlife and having that site managed by the San Diego Habitat Conservancy.

3. THE PROJECT'S CEQA ANALYSIS IS ADEQUATE AND INCLUDES AN UPDATED 2022 ANALYSIS OF THE ENVIRONMENTAL IMPACTS.

The Shute Mihaly letter (see page 3, Section III.) makes several serious errors in its argument regarding the County's CEQA compliance. In 2022, when the revised Area Plan 98-2 and revised Vesting Tentative Tract Map 15230 were approved, the County prepared an

Addendum (Addendum No. 2) to the 2002 RSEIR and Addendum No. 1. As Shute Mihaly is well aware, an addendum need not be circulated for public review (14 Cal. Code of Regs. Section 15164.) Because the project's modifications were all to reduce the size and impacts of the project, the County determined that the revised plans could be approved by the Public Works Director who – in connection with approving the revised plans also approved Addendum No. 2 to the 2002 RSEIR and Addendum No. 1. The CEQA documents were therefore properly approved. No challenge to the adequacy of the CEQA documents or process were brought at that time, and the documents are therefore considered approved and in compliance with CEQA, and thus can be relied upon by the Board in its review of the Use Permit.

A. Changed Circumstances and New Information Regarding Wildfire Risk and Evacuation Impacts.

The threat of wildfire is not a new issue, and was addressed in the 2022 Addendum No. 2, which also included the Project's Fire Protection and Fuel Modification Plan. The discussion of wildland fire was not challenged at that time and is therefore now considered approved and adequate under CEQA. Moreover, although we are all concerned regarding the devastating impacts of wildfires on our communities, CEQA does not require the analysis of existing environmental conditions, such as the threat of wildfire, on the project; rather, the California Supreme Court has held that CEQA was intended to address and analyze the impacts of the proposed project on the physical environment, not the reverse. (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.)

The Shute Mihaly letter includes an extensive appendix of material related to wildland fires. Those materials demonstrate, however, that wildfire concerns exist throughout the State as the entire western United States and is not an impact unique to or caused by this Project. The letter, however, fails to address the extensive fire mitigation measures that will be implemented by the proposed Project to reduce the potential for wildfires spreading to adjacent neighborhoods and to minimize the opportunity for wildfires to spread within the community. Currently, in its undeveloped state, if a wildfire were to start either in the canyon areas of the Cleveland National Forest or in any of the surrounding residential communities, it could spread throughout the Project site as it moved east or westward. With implementation of fuel modification areas on the Project site, these areas will help slow down the spread of fire by removing fuel from the area, as well as requiring compliance with current Fire Code and Building Code standards requiring fire protection measures.

B. The 2022 Addendum Discussed Why Greenhouse Gas Emissions Was Not New Information.

The Shute Mihaly letter next asserts that the 2002 RSEIR did not address GHG emissions; however, it fails to identify that the 2022 Addendum identified the issue of GHG and explained why it was not evaluated, citing the U.S. Supreme Court case, *Massachusetts v. Environmental Protection Agency* (2007) 549 U.S. 497 and the California CEQA decisions² holding that GHG emissions does not constitute new information under Public Resources Code Section 21166(c).

C. The Project Provides Greater Open Space Dedicated to California Department of Fish and Wildlife For Habitat Connectivity and Wildlife Movement.

The letter states that the 2002 EIR contains no analysis of the Project's impact to mountain lions and a limited discussion of impacts to wildlife corridors. The mountain lion was recently identified as a threatened species under the California Endangered Species Act. There have been no official reports identifying mountain lions on the Project site, however, the Project will provide 144 acres of open space over which a conservation easement will be granted to the California Department of Fish and Wildlife and managed by a land conservancy. We have been in discussions with Department of Fish and Wildlife regarding the conservation easement and their future oversight of the open space area. These 144 acres will provide a wide swath of land to permit the movement of wildlife and provide habitat connectivity for a number of listed and sensitive species, including the mountain lion if its presence is ever documented on site.

D. The Trabuco Canyon Water District Remains the Water Supplier for the Project.

The water supply for the Project will be provided by the Trabuco Canyon Water District. There has never been any questions or concerns raised by the Water District regarding the availability of water to supply the Project. The Water District has sufficient supplies of water to service the Project. The Shute Mihaly letter mischaracterizes the March, 2025 letter and ongoing discussions between the Water District and the applicant. While the parties have agreed that a water tank on the Project site is no longer desired by the District, the parties are currently working on an agreement regarding how the Project will support the District's efforts to provide more water storage district-wide since the previously-agreed upon, offsite location is no longer considered feasible by the District. Any new water tank will provide additional storage capacity for the District which should be distinguished between the availability of adequate supplies of water to service the Project's potable water needs.

² *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal. App. 4th 788; *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal. App. 4th 327.

E. The 2022 Addendum Was Prepared in Compliance with CEQA, and the County May Rely on it for the Use Permit.

The adequacy of the analysis in the 2022 Addendum as well as the process by which it was approved by the County has been previously discussed in this letter. The 2022 Addendum analyzed each of the environmental impacts that was previously analyzed in the 2002 RSEIR and determined that because the Project's impact would be the same or less (due to the reduction in the number of units and footprint of development) and because none of the criteria set forth in CEQA Guidelines Section 15162 for preparing a subsequent EIR were identified, a subsequent or supplement EIR was not required and the addendum would provide the appropriate level of CEQA documentation.

THE COUNTY'S FINDINGS FOR THE USE PERMIT ARE SUPPORTED BY THE FACTS AS SET FORTH IN THE COUNTY'S STAFF REPORT.

For the reasons previously set forth in this letter and the County's Staff Report, the record demonstrates and supports the finding that the Project is consistent with the FTSP. Findings of consistency for this Project in its current and prior iterations – which included lot sizes averaging less than 20,000 sf have been repeatedly made by the County since 2002. Moreover, the consolidation of the development area and the provision of over 144 acres of open space protect the rural character of the Cleveland National Forest and surrounding area as well as providing open space for the protection of wildlife habitat and sensitive resources. It should be noted that the Saddleback Meadows site is surrounded on its northern and western boundaries by urban development and the open space provided by the Project buffers the Cleveland National Forest from not only the Project but existing, adjacent residential development.

CONCLUSION

In conclusion, the CEQA documentation provided by the 2002 RSEIR, Addendum No. 1 and Addendum No. 2 have been determined to be adequate under CEQA to address the environmental impacts of the proposed Project. None of the information cited in the Shute Mihaly letter provides the substantial evidence to support preparation of additional CEQA documentation pursuant to CEQA Guidelines Section 15162. The County has previously determined that the prior iterations of this Project with average lots ranging in size from 4,500 to 6,000 sf were consistent with the FTSP and that the Project implements the policies of the FTSP to protect the rural character of the area by consolidating development away from the Cleveland National Forest and closer to existing residential development and increasing the amount of open

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space that will be protected and overseen by the California Department of Fish and Wildlife for the benefit of sensitive species and wildlife habitat protection. *We therefore urge the Board to deny the appeal and uphold the January 28, 2026 Planning Commission approval of the Use Permit.*

Very truly yours,

Susan K. Hori

Susan K. Hori
Partner

cc: Justin Kirk
Nicole Walsh, Esq.
David Brainerd
Michael Recupero