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Dangerous Residential Project Overturned by OC Appellate Court

Brea, California—After a David versus Goliath fight spanning more than a decade, the Orange County 4th District Court of Appeals agreed that the 162-unit Madrona project violates local laws. Over the last week, 14 fires were simultaneously burning in California, including one in North Orange County. Frequent wildfires were a key reason Hills For Everyone filed suit against the project approvals. The poorly-situated Madrona project has burned four times in the last 30 years and relies on one daily access point for residents in a steep, narrow canyon plagued by traffic jams and motor vehicle accidents.

The Brea City Council originally approved the project on a 4-1 vote in June 2014, despite fifteen years of overwhelming public opposition. The approvals were overturned by Judge Moss in November 2015, but the Brea City Council voted not to join the appeal, leaving the developer to fight the court's ruling on its own. In its decision, the Appellate Court stated that the City of Brea violated its General Plan, specifically its Woodland Protection policy, and that the Environmental Impact Report should have considered the grading standards in the Carbon Canyon Specific Plan.

While Hills For Everyone took the lead on this lawsuit, co-petitioners included California Native Plant Society; Friends of Harbors, Beaches and Parks; and Sierra Club. Sara Clark and Gabriel Ross of Shute, Mihaly and Weinberger, consistently and clearly represented petitioners on this case.

“We feel vindicated. This decision has been a long time coming,” said Claire Schlotterbeck, Executive Director of Hills For Everyone. “On several occasions, the City admitted that the project violated its own policies. We are thankful the panel understood the complexities of the case, and we are grateful to the residents who used their voices to oppose this dangerous project.”

Since its inception, the Madrona project has been fraught with turmoil, from a lawsuit grandfathering in the project under old standards, to multiple bankruptcies of the developer. Most recently, the State of Idaho was appointed trustee to take responsibility for seeking approvals for the Madrona project.

Though the project is located in Brea, it abuts San Bernardino and Los Angeles Counties. Residents throughout the area were concerned that building 162 houses in a fire-prone location with only one way in and out would put people in danger. In addition to posing threats to public safety, the Madrona project involved unsustainable development practices and excessive water use. The development would have impacted Chino Hills State Park and destroyed important habitat lands in a documented wildlife corridor. The proposed housing project also called for the removal of 1,400 oak and walnut trees. The Appellate Court's decision is especially important because these types of woodlands are a dwindling natural resource statewide.

The developer may opt to ask the Court to reconsider the decision or appeal it to the Supreme Court.

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*For more than 35 years, **Hills For Everyone** has worked to preserve the unique and disappearing landscapes of the Puente-Chino Hills Wildlife Corridor. **California Native Plant Society** focuses on conservation of California native plants and their natural habitats. **Friends of Harbors, Beaches, and Parks** works to protect the natural lands, waterways, and beaches of Orange County. **Sierra Club**'s mission is to explore, enjoy, and protect the wild places of the earth.*