



CONNOR, FLETCHER & HEDENKAMP LLP

ATTORNEYS AT LAW

July 31, 2020

VIA E-MAIL

Mr. Kevin Canning
Contract Planner
OC Development Services / Planning
County of Orange
601 North Ross Street
Santa Ana, California 92701-4048

Re: Legacy at Coto - Planning Application No. PA 20-0022
Comments on Initial Study/Draft Mitigated Negative Declaration

We are the attorneys for the Coto de Caza Community Association (“CCCA”). The members of CCCA will be adversely impacted by the development of the 101-unit senior living facility (the “Project”) that California Grand Villages Coto Partners, LLC (“Legacy”) is proposing to build on a 3.86-acre site in the Coto community known as “The Village.”

For many decades, the project site has been restricted to recreational use under the CC&Rs which govern the site and are administered by CCCA. As such, it is simply unfathomable that the County of Orange (the “County”) would consider approving the massive Project for development at the site merely on the basis of a Mitigated Negative Declaration (the “MND”).

Indeed, as clearly established by the enclosed report prepared by Susan Whittaker of Whittaker Planning Services, there are so many significant environmental effects that will be caused by the Project that the “fair argument” test for determining whether an EIR must be prepared for the Project has been met several times over.

As amply demonstrated in the Whittaker Report, there are numerous significant environmental effects that will negatively and unavoidably impact The Village environment if the Legacy Project is developed. These adverse impacts cry out for an EIR to be prepared for the Project. The preparation of an EIR would afford the residents of Coto de Caza with a meaningful opportunity to provide important input on the scope of the EIR, the significant adverse impacts of the Project, and the reasonable project alternatives and feasible mitigation measures that should be analyzed by the County before approving the Project.

Enclosed as part of the Appendix to this letter are hundreds of pages of Petitions signed by some 1180 individuals, including over 1,050 persons who reside of Coto de Caza, each

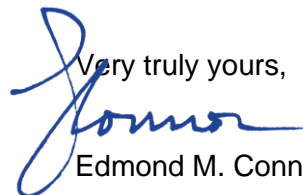


expressing strong opposition to the Project and calling for the preparation of an EIR for the Project. The Petitions also underscore the point that the proposed site for the Project is limited to recreational use in the CC&Rs that have applied to the property for more than 50 years.

The fact that the Legacy Project would radically change the long-standing recreational use of the Project site by developing hundreds of residential units is an overwhelmingly significant land use impact that, by itself, would require the preparation of an EIR. However, as noted in the enclosed Whittaker report, there are numerous additional Project impacts that are significant and have not been mitigated to a level of insignificance.

In short, this is not a close question. There can be no doubt whatsoever that an EIR must be prepared for the Legacy Project. On behalf of CCCA, I would respectfully urge the County to “do the right thing” and prepare an EIR for the Project. To avoid litigation, and for all of the reasons detailed in the Whittaker report, the County should not adopt the MND.

In closing, I would respectfully direct your attention to the Appendix which is being submitted concurrently herewith and can be accessed: [here](#). The Appendix contains the Whittaker report and related reference materials, plus copies of the Petitions referred to above.

Very truly yours,

Edmond M. Connor