

# DEFICIENCIES OF LEGACY AT COTO PROPOSAL

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**Background and Role:** I am an Attorney (Colorado licensed), CPA and Real Estate Broker serving Foundations, Nonprofits and closely held private businesses. With regard to the Legacy at Coto Project, I am a Coto de Caza resident working voluntarily with interested nonprofits, the Village HOA, and community groups to assess the Project and provide feedback from the community to the County.

**Disclaimer:** The following are statements based on my research, notes, and observations, and not necessarily official representations of interested groups (ie residents, HOA, and/or nonprofits) with whom I'm working. However, as evidenced by **over 1,200 signatures in opposition** to the Legacy at Coto Project, and reading through the multitude impact reports, it is my opinion that these statements of fact and opinion substantially reflect a majority of the Coto de Caza residents and various HOAs, and nonprofits.

Nothing herein is a legal opinion.



## THEME STATEMENT

The **Coto residents** have engaged various independent professionals to evaluate the Legacy Project, which reports have uncovered significant deficiencies in the proposed Project related to:

- 1) **Safety** (traffic affecting pedestrian and equine, flood zone issues, and wildfire ingress and egress issues)
- 2) **Environment** (failure to consider various matters as required by CEQA in a full Environmental Impact Report)
- 3) **Compatibility** (Per § 7-9-142 (b)(1) of the OC zoning code) with the surrounding area in the spirit well established Coto Specific Plan.
- 4) **Process/Collaboration**. (community collaboration has been very limited and lacking transparency)

It's not just the Coto Residents expressing concern. Government agencies have submitted comments raising similar concerns about safety and the environment – some examples:

- **City of Rancho Santa Margarita**
- **California Department of Fish and Wildlife**

# SAFETY DEFICIENCIES

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- FIRE INGRESS AND EGRESS: Related to the traffic congestion, professional reports raise significant concern about the substantial effect of such a large Project (101 residents + up to 38 employees, and congested traffic) has on the ingress and egress of the Village in the event of wildfire. The Village (and much of Coto), backs up to the Cleveland National Forest; wildfires, especially in the Village is a serious risk that cannot be ignored. The Residents (both existing and the proposed seniors) will likely have issues exiting safely and similarly, fire emergency services will have issues entering.



- TRAFFIC: The study estimates the Project will generate an additional 400 daily trips which will cause significant safety concerns. The roads are currently narrow, winding, lacking drainage gutters and/or sidewalks. Example:
  - The primary entry intersection into the Village was excluded from the traffic impact report presented by the developers. This intersection will likely result in major back up, which poses a significant risk to pedestrian traffic (primarily the main throughway for kids to go to the bus stop). This traffic also affects other Coto residents as well as the **City of RSM**.

# ENVIRONMENTAL DEFICIENCIES

NOT A COMPREHENSIVE LIST

- **BIOLOGICAL: CA Dept of Fish & Wildlife, under authority granted by CEQA**
  - has made comments about their concern that the project will disrupt protected bats and birds, requiring special studies.
- **FLOOD / EROSION:** The Project is in a flood zone, which (according to one report) puts this under the federal government or state jurisdiction.
  - Regardless, previously no residences were on these lots for this reason. An **EIR** will appropriately address this.
- **ASTHETICS:** Both an EIR and Coto Specific Plan issue.
  - No other building will be as high and as close to residents in Coto. The largest building in Coto is the Coto de Caza Golf and Racquet Club, which is 40 feet high, but located over 300 feet from the nearest residence. In contrast, the proposed project is 40 + feet high and located on the lot line in several locations and offers no landscape buffer or visual screening, and offers little noise reduction measures.
- **AIR QUALITY:** It is evident that significant evidence exists requiring an EIR.



# LACKS COMPATIBILITY

NOT A COMPREHENSIVE LIST

- **Compatibility.** When a developer uses OC zoning code § 7-9-142 to alter the existing zoning in order to build senior living, the project must be still be “compatible”. The Coto Specific Plan is the basis to determine compatibility.

**This project disregards compatibility:**

- Too large (the area is low to medium density). This project exceeds the maximum density by 400% (medium density = 6 du/acre = 25 units max). This project alone represents a 22% increase in the number of residential units in the area.
- No community use, which is a requirement of compatibility. The developers have offered just 113 s.f. for community use (out of 150,000 s.f. project).



- **Property Deed Restrictions:**

- The previous owners placed a more restrictive use covenant on the land for “Club / Resort Uses.”

## CONCLUSION

The Legacy Project as presented is not acceptable for myriad safety, environmental, compatibility and process reasons. The Mitigated Negative Declaration is not the appropriate approach as it attempts to circumvent CEQA. If the County decides to entertain the Project further, at the very least, the County should require an EIR, and allow Responsible Agencies (eg CA Dept of Fish & Wildlife) to exercise due diligence.

**CEQA Guidelines.** Per Subdivision (f)(1) of Section 15064:“.....if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR.” The County has been presented with substantial (indeed compelling) safety and environmental issues justifying an EIR.

Further, the County, as the lead agency, should take into consideration the **Coto Specific Plan** as the development standard (per § 7-9-142(b)). This plan calls for a low to medium density project, which limits the height to 35 feet or less, and much fewer units than the proposed 101 units, which may likely alleviate many of the Safety, Environmental, and aesthetic concerns.

## APPENDIX

Developer's Impact Reports. The impact studies provided by the developers are not reliable because they used incorrect baseline comparisons, irrelevant study points, and ignored basic environmental considerations. These surface level reports were used as a basis to circumvent a formal Environmental Impact Report in favor of the more simplified Mitigated Negative Declaration. The Coto residents have clearly demonstrated that there is a potential for substantial environmental impact, thus necessitating a formal EIR.

### LACK OF COLLABORATION / TRANSPARENCY

- **Community (Collaboration).** As an example, although the developers have met with the Village residents, the process lacked transparency. In order to meet “compatibility”, the developers offered the community access to various facilities including a place to have coffee and congregate. As it turns out, what has been put into the proposed plan is just a 113 s.f. Bistro (out of over 150,000 s.f. development, including parking).
- **Mitigated Negative Declaration** was filed without discussion with the residents. The developers indicated that it would share the reports with the residents so that the residents could collaborate, review and/or discuss with the developers their concerns, and then the residents would vote for approval or disapproval. The MND is a method to shorten the time frame for review and collaboration.