

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
1900 Main Street, 5th Floor | Irvine, CA 92614-7321
Telephone: 949.553.1313 | Facsimile: 949.553.8354
www.allenmatkins.com

K. Erik Friess
E-mail: rfriess@allenmatkins.com
Direct Dial: 949.851.5478 File Number: 390460.00001/SD906368.02

Via Electronic Mail

January 27, 2021

Mr. Kevin Canning
County of Orange
OC Development Services
301 N. Ross Street
Santa Ana, CA 92701

Re: Comments Regarding the Legacy at Coto Grand Villages Notice of Preparation of a Draft Environmental Impact Report

Dear Mr. Canning:

This firm represents Los Ranchos Estates Home Owners Association (“LRE HOA”), the association responsible for administering the Los Ranchos Estates, one of the neighbors of the proposed Legacy at Coto California Grand Villages (“Project”). We write this letter to comment on the County of Orange’s (“County”) December 15, 2020, Notice of Preparation of a Draft Environmental Impact Report (Planning Application No. PA-20-0022) and the associated Project Description for the Project.

On July 31, 2020, we submitted a comment letter to the County for the County Planning Commission’s consideration of a Mitigated Negative Declaration for the Project in which we challenged the adequacy of the Mitigated Negative Declaration’s environmental analysis. Our July 31 letter identified a number of significant environmental impacts associated with the Project, including: (1) aesthetic impacts related to the Project’s design and its location in a rural community; (2) traffic impacts, including congestion and safety impacts at several intersections and impacts on equestrian and pedestrian traffic, as well as Traffic Study deficiencies including use of incorrect performance criteria, erroneous trip distribution assumptions, flawed peak time trip calculations, and insufficient emergency evacuation analysis; and (3) land use and planning issues, including violation of the Coto de Caza Specific Plan.

Given our previously-stated concerns, we are pleased that the County has decided to prepare a Draft Environmental Impact Report to study the Project’s full impact. We are also pleased that the Notice of Preparation indicates that a wide range of Project Issues will be analyzed. We hope that all of the issues identified in our July 31 letter will be fully addressed, along with the Project’s other impacts, to ensure that the public is adequately informed.

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While we welcome the broad scope indicated by the Notice of Preparation, we note a concerning inaccuracy on the County's Project website. Particularly, the Project's Frequently Asked Questions¹ found on the County's webpage continues to misrepresent the permissibility of a Senior Living Facility on the Project site. The Frequently Asked Questions updated by the County in December 2020 provide:

Why/how can a senior living facility be allowed? Per the County Zoning Code, with the approval of a Use Permit by the Planning Commission, a senior living facility is allowed in any district, planned community or in any specific plan area zoned for multifamily residential or commercial uses subject to compliance with the applicable standards of the district. Refer to Zoning Code Section 7-9 98(b) for further criteria at the following link.²

As previously explained in our July 31 letter, the Project site is governed by the Coto de Caza Specific Plan. The County asserts that the County Zoning code allows a Senior Living Facility in any district with approval of a Use Permit. But full review of the Zoning Code reveals that Senior Living Facilities are only exempt from the Coto de Caza Specific Plan dwelling unit limit.³ In fact, the Zoning Code provides that Senior Living Facility Use Permits must "[d]emonstrate compatibility with adjacent development," thus requiring Senior Living Facilities to be consistent with the Specific Plan's pattern of development.⁴ The Project, which greatly exceeds the surrounding density, violates the Coto de Caza Specific Plan and Zoning Code's compatibility requirement. The County must study the Project's land use impacts, including this inconsistency, in the Draft Environmental Impact Report.

¹ https://ocds.ocpublicworks.com/sites/ocpwoocds/files/2021-01/Legacy-FAQ_1-5-2021.pdf.

² FAQ's: Legacy at Coto Grand California Villages, December 2020, accessed January 9, 2020 (link removed).

³ Orange County Zoning Code, Section 7-9-98(c).

⁴ Orange County Zoning Code, Section 7-9-98(b)(1).

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We reiterate our encouragement for the County to study all of the Project's impacts, including those analyzed in our July 31 letter, in the Draft Environmental Impact Report. We will continue to engage in the Project's environmental review process to ensure that all impacts are fully considered and analyzed as the Project is further defined.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'K. Friess', is written over a light blue horizontal line.

K. Erik Friess

KEF:ebp