

# RANCHO MISSION VIEJO PROJECT

## CITY COUNCIL REVIEW PACKET



*September 2004*

### Table of Contents

- Project Review Memo, September 9, 2004.
- Letter Concerning Draft Development Agreement to County Planning Director Bryan Speegle, September 9, 2004.
- Evaluation of the Ranch Plan, Collins Schoettler, Planning Consultants.
- Review Comments on the EIR, August 5, 2004.



# Memorandum Community Development

September 9, 2004

To: City Council Members  
From: James S. Holloway, Community Development Director  
Subject: **RANCHO MISSION VIEJO PROJECT REVIEW**  
Copies: George Scarborough, City Manager  
Planning Commission  
George Buell, City Planner

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The City's consultant team and staff have prepared the attached binder concerning the Rancho Mission Viejo project. The purpose of the binder is to provide a document that will provide useful information and discussion regarding the issues concerning the proposed Rancho Mission Viejo project (RMV). The analysis and discussion does not attempt to provide a comprehensive discussion of all of the environmental issues or issues affecting other jurisdictions or unincorporated areas. Rather, the binder focuses on the issues that may impact the City of San Clemente.

City staff is also active in reviewing the County Development Agreement for the RMV project and the SCRIPS traffic mitigation fee program that is proposed for the RMV project. At the appropriate time, staff expects to ask Council for further direction concerning the review of the Development Agreement (DA) and SCRIPS program. Included in the binder is a recent letter to the County Planning Department concerning both the DA and SCRIPS program. The letter will give the Council some insight as to the issues concerning the DA and SCRIPS program. We are told that both the DA and SCRIPS programs are being amended by the County.

Staff expects to present a status report to the City Council, possibly sometime in October, in order to receive further Council direction concerning this very important topic.

Attachments:

September 9, 2004 letter to Bryan Speegle, Director, Resources  
Development Management Department, County of Orange  
September 21, 2004 Agenda Report, Development Agreement – Annual  
Review



# City of San Clemente Community Development

James S. Holloway, Community Development Director

Phone: (949) 361-6106 Fax: (949) 361-8281

HollowayJ@San-Clemente.org

September 9, 2004

Mr. Bryan Speegle, Director  
Resources Development Management  
Orange County Planning Division  
300 N. Flower, 8<sup>th</sup> Floor  
Santa Ana, CA 92703

**Subject:** This letter is in response to the proposed County Development Agreement (DA) for the Rancho Mission Viejo (RMV) project – Agreement dated May 2004.

Dear Bryan,

We received a copy of the Development Agreement (DA) on August 19, 2004, after noting in the County's Environmental Impact Report (EIR) that the DA was part of the project description for the EIR and proposed as mitigation to some of the impacts identified in the EIR. Unfortunately we did not receive a copy of this DA until more than a week after the comment period for the RMV EIR was closed.

The DA has been described as a "place holder" agreement. Therefore, please consider the following comments as place holder comments.

Overall the main criticism is that the "public benefits" described in the DA are not benefits at all; but rather, the "benefits" are mitigations that begin to address the significant environmental impacts that are identified in the County's EIR. The City has taken the initiative to set up meetings with RMV to discuss ideas that could be considered to be real public benefits.

The City of San Clemente has entered into a number of development agreements over the years and has always been able to successfully negotiate agreements that reduce the developer's risk and, in return, achieve public benefits that go beyond simple mitigation of environmental impacts which are identified in the Environmental Impact Reports (see attached summary).

Please consider the following comments:

1. The public benefits identified are either not valid (no public benefit) or are inadequate to justify the developer's benefits for a 30 year term development

agreement. The public needs to receive significantly greater benefits than has been provided, and the benefits need to be something other than what would be normally be required to mitigate the impacts of this development.

2. What does the Quimby Act require from this development and how much has been provided in the application? We note that there is little or no specificity as to park guarantees contained within the DA, such as:
  - Where are the parks to be located?
  - How large are the parks? What are the amenities?
  - Who is paying for the construction of the amenities?
  - When will the amenities, relative to adjacent development, be constructed?
3. The County should apply the City of San Clemente's Hillside Development Ordinance to the portions of the development south of the Ortega. The EIR indicates some sensitivity to hillside development but the DA provides no assurances that Hillside Development Ordinance standards and criteria will be followed during the thirty year build-out of this project.
4. The transfers of density provisions in the DA are poorly written. It is common to allow density transfers within relatively small planning areas. However, the County's DA is worded in a way that would allow, literally, the transfer of 14,000 housing units into the San Mateo Basin. As written, this kind of allowance for transfer of density would not withstand a CEQA challenge and represents unacceptable public policy.
5. The DA relieves the developer of any financial obligation for cost of right-of-way acquisition associated with the implementation of mitigation measures. There is no apparent justification to shift this financial burden from the development that creates the necessity for the acquisition of right-of-way to the existing tax payers. This is unacceptable public policy.
6. There is no provision for affordable housing. This is somewhat ironic in that the County has often stated that the main public policy that is driving the need for this project is to provide more housing for Orange County. What is needed is a balance of housing product types, and in reality, the County should consider making up for the County's lack of inclusionary housing policy for other major developments that have occurred in the past; i.e., Ladera, Mission Viejo, and Laguna Niguel. Affordable housing issues need to be aggressively addressed in the Rancho Mission Viejo project.
7. The DA prohibits the County from forming maintenance districts over the next thirty years. This is a dramatic limitation on the future of the County or any annexing city to address legitimate future public facilities needs.

8. The DA outlines a number of traffic improvements which are required as mitigation for impacts caused by the RMV development. A requirement should be placed in the DA that ties the issuance of building permits to the actual construction of each mitigation measure. The Ranch obligation may be limited to paying fees, but the County has to insure the improvements are constructed before impacts are felt on the roadways used by existing residents. It will be very helpful to the developers to know when these trigger points are anticipated, so they can plan accordingly. A vague and ill-defined monitoring program is not of service to the public or the developer.
9. The DA says that the County shall not levy any further development exactions for public facilities. If the property is annexed to adjacent jurisdictions, then the normal impact fees, paid by all other developers in that jurisdiction, should be applied to the RMV builders. This is a fairness issue and is the policy the County already agreed to for the County portion of the Talega development. Failure to correct this problem will greatly complicate future annexation discussions.

We understand that a new draft of the Development Agreement is due out soon, we anxiously await a copy of the next draft as soon as it is available. We believe that the final Development Agreement should be available for review, prior to any final decisions being made by the County Planning Commission.

Sincerely,

James S. Holloway  
Community Development Director

Attachment: Development Agreement Summary Report

cc: Tom Wilson, Orange County Supervisor  
George Scarborough, City Manager  
David N. Lund, Public Work and Economic Development Director  
Jeff Oderman, City Attorney  
Chuck Wilson, Mission Viejo Community Development Director  
Kathleen Haton, Rancho Santa Margarita Community Development Director  
Molly Bogh, Planning Director  
Richard Broming, Rancho Mission Viejo  
Tim Neeley, Orange County Planning Director

**AGENDA REPORT**  
**SAN CLEMENTE CITY COUNCIL MEETING**  
 Meeting Date: September 21, 2004

Agenda Item \_\_\_\_\_  
**Approvals:**  
 City Manager \_\_\_\_\_  
 Dept. Head \_\_\_\_\_  
 Attorney \_\_\_\_\_  
 Accounting \_\_\_\_\_  
 Other \_\_\_\_\_

**Department:** Community Development  
**Prepared By:** James S. Holloway, Community Development Director

**Subject:** **DEVELOPMENT AGREEMENT – ANNUAL REVIEW**

**Summary:** The Development Agreements negotiated over the past several years call for an annual review. The sole purpose of the annual review is to review and determine the developer’s compliance with the terms of their Agreement.

The purpose of a development agreement is to guarantee that both the City and the developers get what they want and need, as a result of planned and proposed development. The City has a long list of needs that must be met, as the City builds out to its ultimate size and form. Those needs are detailed in the following charts. Generally, those needs include parks, fire stations, transportation improvements, a seniors’ center, a civic center, and funds for the revitalization of existing commercial areas. What the developers need is reduced risk. In order to commit to millions of dollars for infrastructure and community improvements, developers need legal assurances that development rules won’t change to an extent that their projects can not go forward as they have planned. The development agreements that have been entered into guarantee that as development occurs, the City will be able to fund community capital facility needs, and the developers will be able to proceed with their development plans in an orderly, businesslike manner.

The following chart summarizes the status of the five development agreements currently in effect in the City.

**Plaza Pacifica Development Agreement**  
 November 1, 1995

Obligation	Use	Status
\$650,000	Unspecified	Paid
\$550,000	Generally to be used for downtown revitalization	Paid - Construction contract to be considered by City Council in late 2003.

**Monarch Development Agreement**

November 18, 1998

Obligation	Use	Status
\$260,000	Commercial district revitalization	Paid

**Laing Forster Ranch Development Agreement**

March 4, 1998

Obligation	Use	Status
\$500,000	Forster Ranch: Community Park Improvements: Phase I	Paid: Phase I park complete
\$1,500,000*	Park Improvement Phase II <i>*Provided more money in order to expedite Phase II park construction.</i>	Paid. <i>*Payment was accelerated in order to expedite Phase II park construction.</i>
\$500,000	Park maintenance funds	Paid
\$1,700,000	Affordable housing fund payment	Payable as building permits issued.
340 acres	Public use; i.e., sports fields, civic center, etc.	Agreement executed, formal acceptance - January 2000.
\$1,145,885	Vista Hermosa Interchange (VHI)	Paid
\$16,000,000	Vera Cruz connection	Completed March 2002.

**Marblehead Coastal Development Agreement**

September 30, 1998

Obligation	Use	Status
\$1,000,000	Downtown revitalization	Pending grading permits
\$1,000,000	Senior Center	Pending grading permits
\$250,000	Library Improvements	Pending grading permits
\$1,000,000	Sports Park improvement *	Pending grading permits
7 ac.	Sports Park land dedication	Pending grading permits
\$1,000,000	Bluff Park improvements *	Pending grading permits
9 ac.	Bluff Park land dedication	Pending grading permits
1 ac.	Commercial site land dedication	Pending grading permits
\$1,500,000	North Beach Improvements and Planning	Per unit fee
\$7,231,440	VHI and other traffic fees	Prior to first building permit
\$900,000	Affordable housing payment	As building permits are issued

\* California Coastal Commission conditions of approval require the Developer construct the parks in fall, rather than making a payment to the City.

**Amended**  
**Talega Development Agreement**  
 December 2001

<b>Obligation</b>	<b>Use</b>	<b>Status</b>
\$1,500,000	Recreational Uses	Paid. - 1998
\$1,600,000 + (approx.) 1 ac.+	Fire Station Construction  Fire Station Site	Paid 2002  Talega/City executed implementation agreement July 2003.
10 ac. land dedication	Affordable Housing	Land has been transferred; 186 low income family units, completed summer 2002.
\$4,500,000	Unspecified; i.e., “downtown” revitalization, cultural projects, and any civic use.	Payable on per unit basis after \$115,170 paid to date. Casa, Downtown, and North Beach are paid.
\$15,500,000	Parks improvements.	Paid as final maps recorded. Approximately \$12M paid to date. An additional approximate \$3M will be paid in addition to the \$15.5M as a result of a DA amendment in 2002.
22 ac.	Park land dedication	First 5.2 ac. Park completed. March 2002.
\$4,575,495	Vista Hermosa Interchange and other off-site traffic improvements	Approximately \$13,000,000 paid. Interchange completed
\$ 14,912,121	Vista Hermosa Extension	Completion due August 2003.
\$ 4,500,000	La Pata Extension	Construction started. Completion to Saluda, August 2004.
\$1,618,220	Sewer capacity purchase	Paid
\$1,000,000	Casa Romantica	Paid.
\$1,500,000	Downtown	Paid.
\$1,000,000	North Beach	Paid.

***Conclusion:***

All developers have and are performing required obligations per City Council approved Development Agreements. The Development Agreements will enable the City to complete most of the community facilities that have been identified as needed in the Master Plan for City Facilities (MPCF). Completion of the facilities is guaranteed by the Development Agreements to coincide (and in most cases precede) build out of the City. For more details concerning the Development Agreements (DA), they may be found at the City Clerks office, along with relevant staff reports.

***Recommended***

***Action:*** STAFF RECOMMENDS THAT the City Council find that the Developers are in compliance with their respective development agreements.

***Fiscal Impact:*** None.

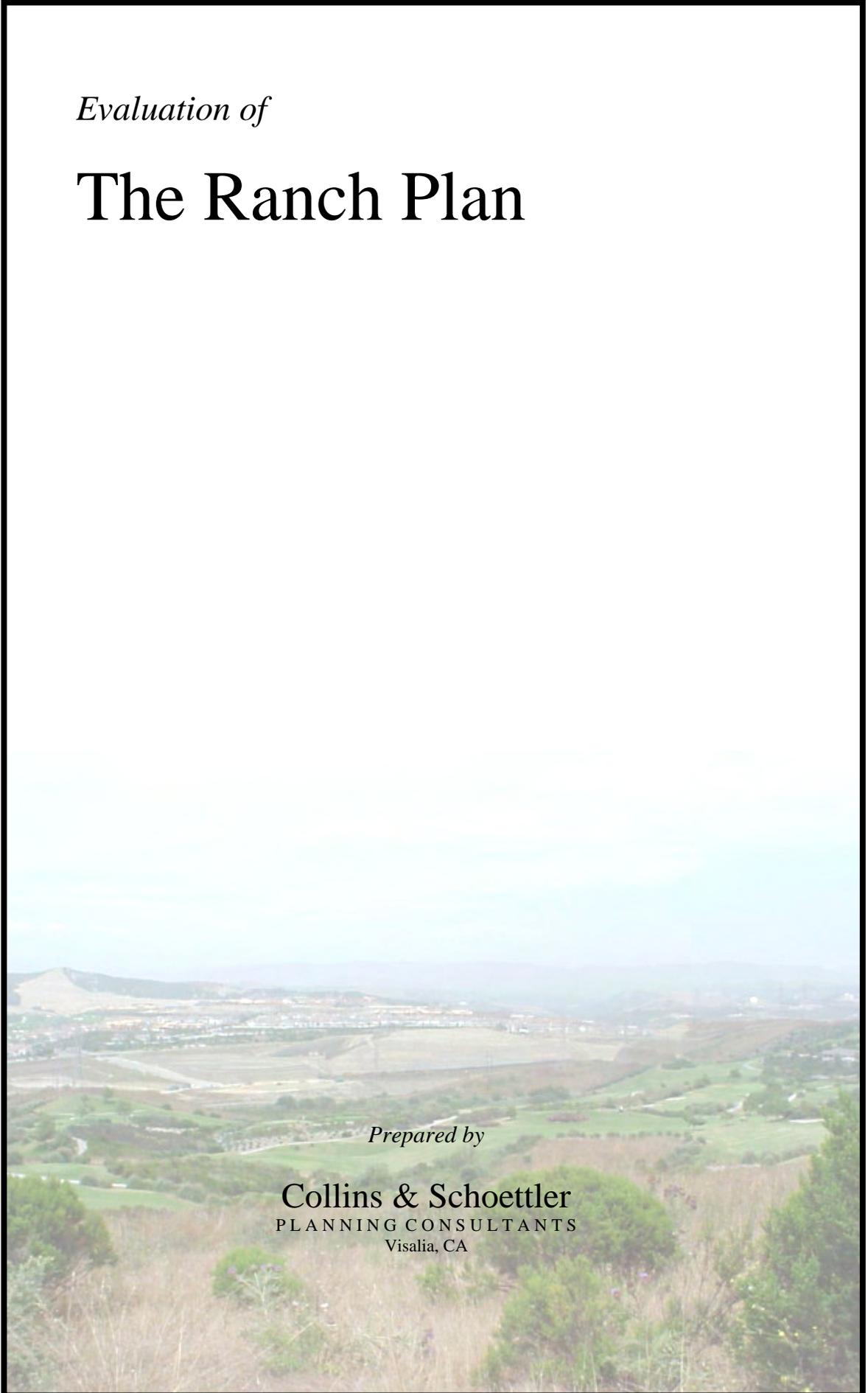
***Attachments:*** None

*Evaluation of*

# The Ranch Plan

*Prepared by*

**Collins & Schoettler**  
PLANNING CONSULTANTS  
Visalia, CA



# THE RANCH PLAN: AN ANALYSIS FOR THE CITY OF SAN CLEMENTE

## TABLE OF CONTENTS

OVERVIEW	1
Project Description	
History of Project	
Timeline	
ENVIRONMENTAL IMPACTS	
Traffic	4
Air Quality	6
Land Use	8
Aesthetics and Visual Resources	9
Public Services - Fire and Police Protection	12
Domestic Water and Wastewater Treatment/Disposal	16
Recreation Resources	19
GROWTH-INDUCING IMPACTS	20
GOVERNANCE	21
POLITICAL IMPLICATIONS	23
CITY MANAGEMENT IMPLICATIONS	24
MONETARY IMPACTS	25
ALTERNATIVES TO THE PROJECT	26
RESPONSE OPTIONS	27
TABLES	

Table 3.4-2: The Ranch Plan Statistical Table after page 1

## EXHIBITS

Exhibit 3-1: Regional Location	after page 1
Exhibit 3-2: Local Vicinity	after page 1
Exhibit 3-3: Aerial Photograph	after page 1
Exhibit 3-21: The Ranch Plan	after page 1
Exhibit 4.1-1: Jurisdictional Boundaries	after page 1
Exhibit 4.6-2: Existing Circulation System	after page 2
Exhibit 4.6-6: Project Buildout Roadway System	after page 4
Exhibit 4.6-8: Existing Conditions and Project Buildout	after page 4
Exhibit 4.12-1: Location of Recreation Facilities	after page 17
Exhibit 4.12-2: Location of Riding/Hiking Trails	after page 17
Exhibit 4.12-3: Location of Bikeways	after page 17

# THE RANCH PLAN: AN ANALYSIS FOR THE CITY OF SAN CLEMENTE

## OVERVIEW

### Project Description

In 2001, Rancho Mission Viejo (RMV) submitted applications to the County of Orange for The Ranch Community Plan and Open Space Management Program (hereinafter called The Ranch Plan), which embodied general plan and zone change amendments, a development agreement and the cancellation of certain Williamson Act contracts.

The 22,815-acre project site is located in southeastern Orange County and constitutes the remaining undeveloped portions of Rancho Mission Viejo located within unincorporated Orange County (See Exhibits 3-1, 3-2 and 3-3).

The General Plan Amendment would amend the land use designations for the project site from Open Space (5) to 1A-Rural Residential, 1B-Suburban Residential, Employment (3), Open Space (5), and Urban Activity Center (6); and the zone change amendment would change the zoning on the project site from A-1 General Agricultural and SAG-Sand and Gravel Extraction to the PC-Planned Community zoning district.

A Development Agreement between Rancho Mission Viejo and the County of Orange will be processed concurrent with this project. The agreement will vest the project's development approvals to allow build out of the site under the development standards and requirements in place at the time of project approval. The development agreement identifies the improvements or benefits to the community that the project would be required to provide, as well as other key provisions, such as the phasing of roads and other infrastructure and how they are tied to the level of development.

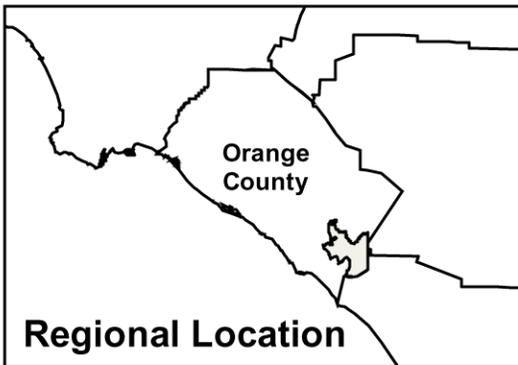
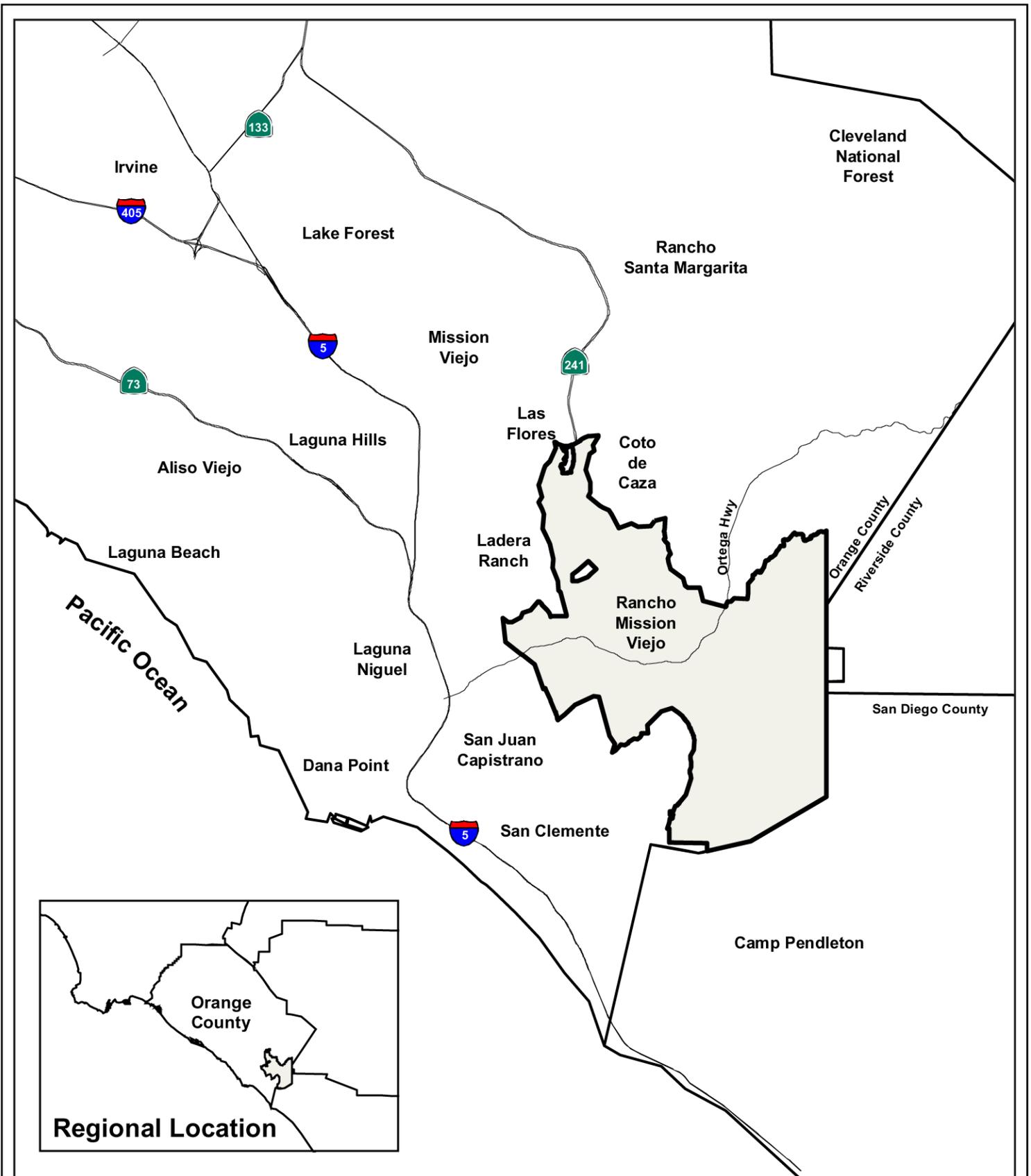
The Ranch Plan will contain 12 Planning Areas, containing over 22,000 acres (see Exhibit 3-21). The Plan proposes up to 14,000 dwelling units, 6,000 units of which will be senior housing units. The Plan also provides for 251 acres (3,480,000 square feet of building area) of Urban Activity Centers, 50 acres (500,000 square feet of building area) of Neighborhood Commercial and 80 acres (1,220,000 square feet of building area). In total, the developed portion of the Ranch Plan will occupy approximately 7,694 acres. The remaining 15,121 acres will be retained in open space. For a detailed breakdown of the Ranch Plan by planning area, use and acreage/square footage the reader is directed to Table 3.4-2: The Ranch Plan Statistical Table.

The planned community of Ladera Ranch and the cities of Mission Viejo, San Juan Capistrano, and San Clemente border the project site on the west. The City of Rancho Santa Margarita borders the northern edge of the project site; the United States Marine Corps Base (MOB) Camp Pendleton in San Diego County borders the southern edge; and Casper's Wilderness Park and the Cleveland National Forest border the site on its eastern edge (see Exhibit 4.1-1).

**TABLE 3.4-2  
THE RANCH PLAN STATISTICAL TABLE**

Planning Area	Development Use				Gross Acres	Open Space Use		Planning Area Totals	Development Sensitive Areas (Overlay)	
	Residential	Urban Activity Center	Neighborhood Center	Business Park		Golf Resort	Open Space Gross Acres		Rancho Mission Viejo Regional Park Gross Acres	Development Gross Acres
1	451	1,020	89	1,190,000	540	148	122	810		
2	985	1,550	40	610,000	1,030	650		1,680	505	505
3	1,957	5,630	122	1,680,000	2,089	264		2,353	140	149
4	211	150			216			216		
5	1,181	2,440			1,191	159		1,350		
6	263	110			263	45		308		
7	843	1,480			853	589		1,442	128	497
8	982	1,400			1,092	172		1,264	446	158
9	420	220			420	8,852		9,272	420	2,827
10						845		845		
11						1,015		1,015		
12						1,348		1,348		35
13							912	912		
<b>Subtotal</b>	<b>7,293</b>	<b>14,000</b>	<b>251</b>	<b>3,480,000</b>	<b>7,694</b>	<b>14,087</b>	<b>1,034</b>	<b>22,815</b>	<b>1,639</b>	<b>4,171</b>
<b>Total</b>						<b>15,121</b>		<b>22,815</b>		<b>5,810</b>

a. Of the 14,000 units, 6,000 will be senior housing and will be located in PA's 1, 2, 3, 5 and 8.  
 b. Development area is inclusive of fuel modification zones.



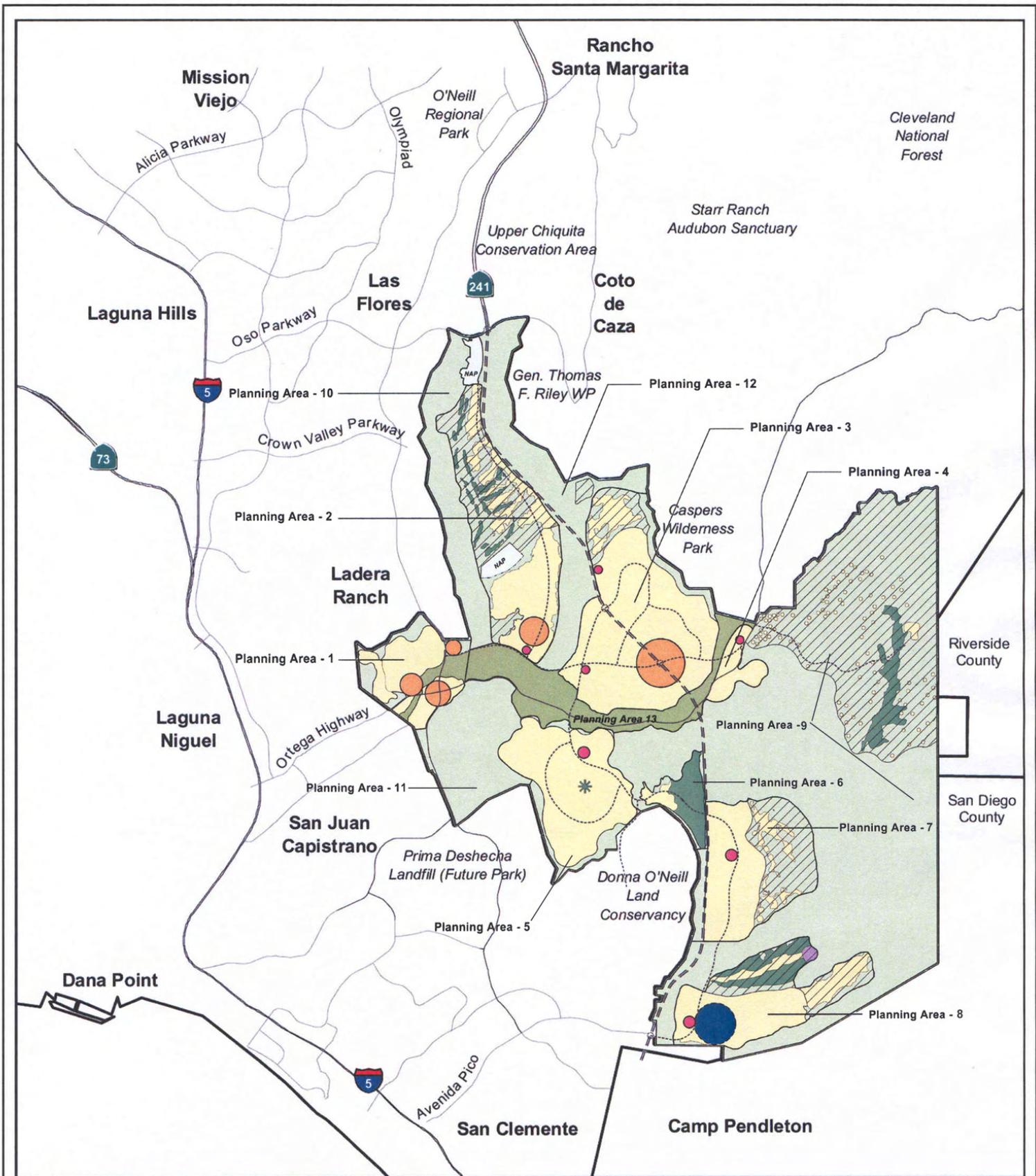
**Regional Location**

**Exhibit 3-1**

*The Ranch Plan*

1" = 16,000'





Local Vicinity

Exhibit 3-2

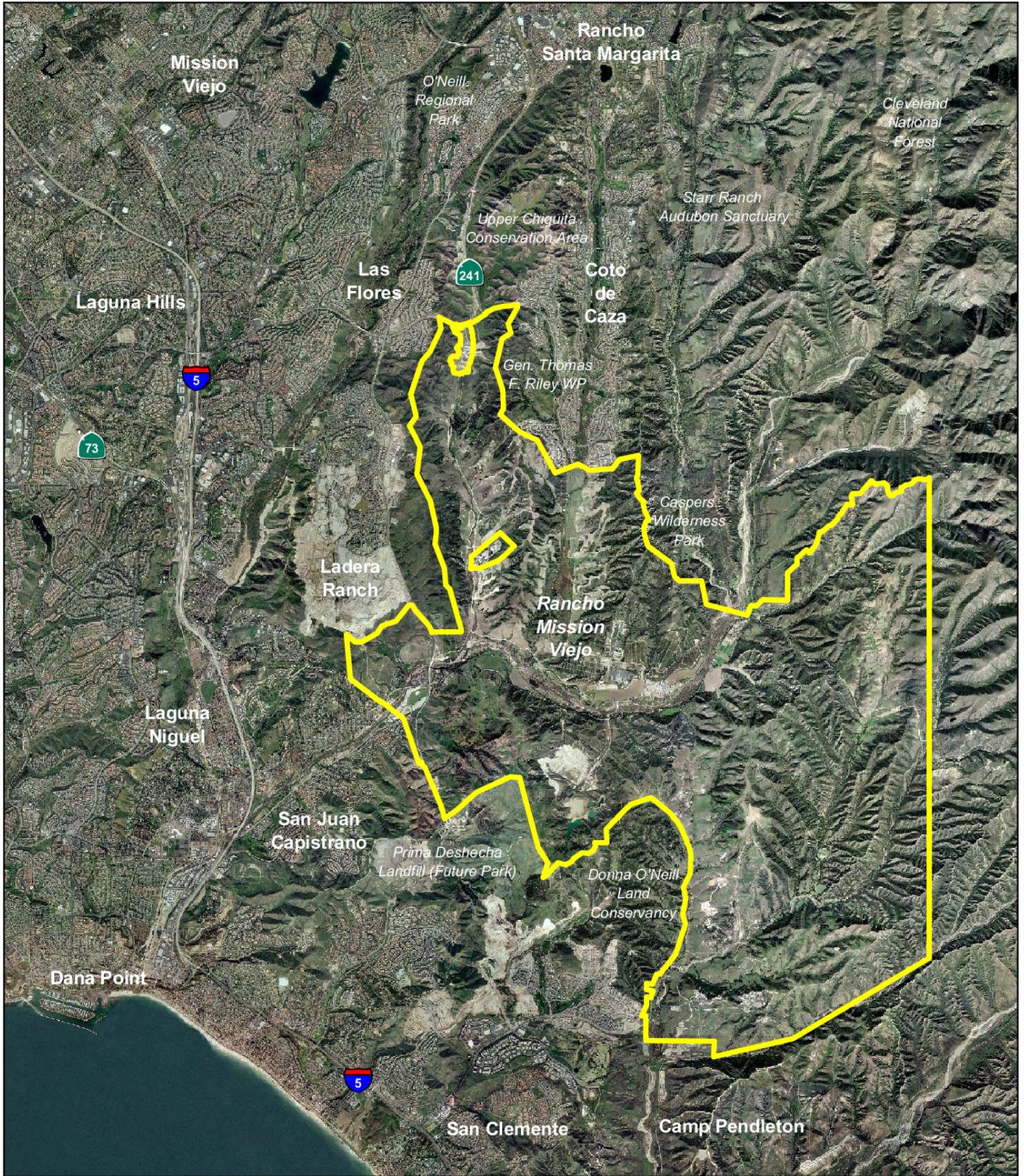
The Ranch Plan

1" = 9000'



- |                            |                       |                 |               |
|----------------------------|-----------------------|-----------------|---------------|
| Residential                | Urban Activity Center | Golf Course (*) | Regional Park |
| Development Sensitive Area | Neighborhood Center   | Golf / Resort   | Open Space    |
|                            | Business Park         |                 |               |

Source: EDAW, Inc. 2004



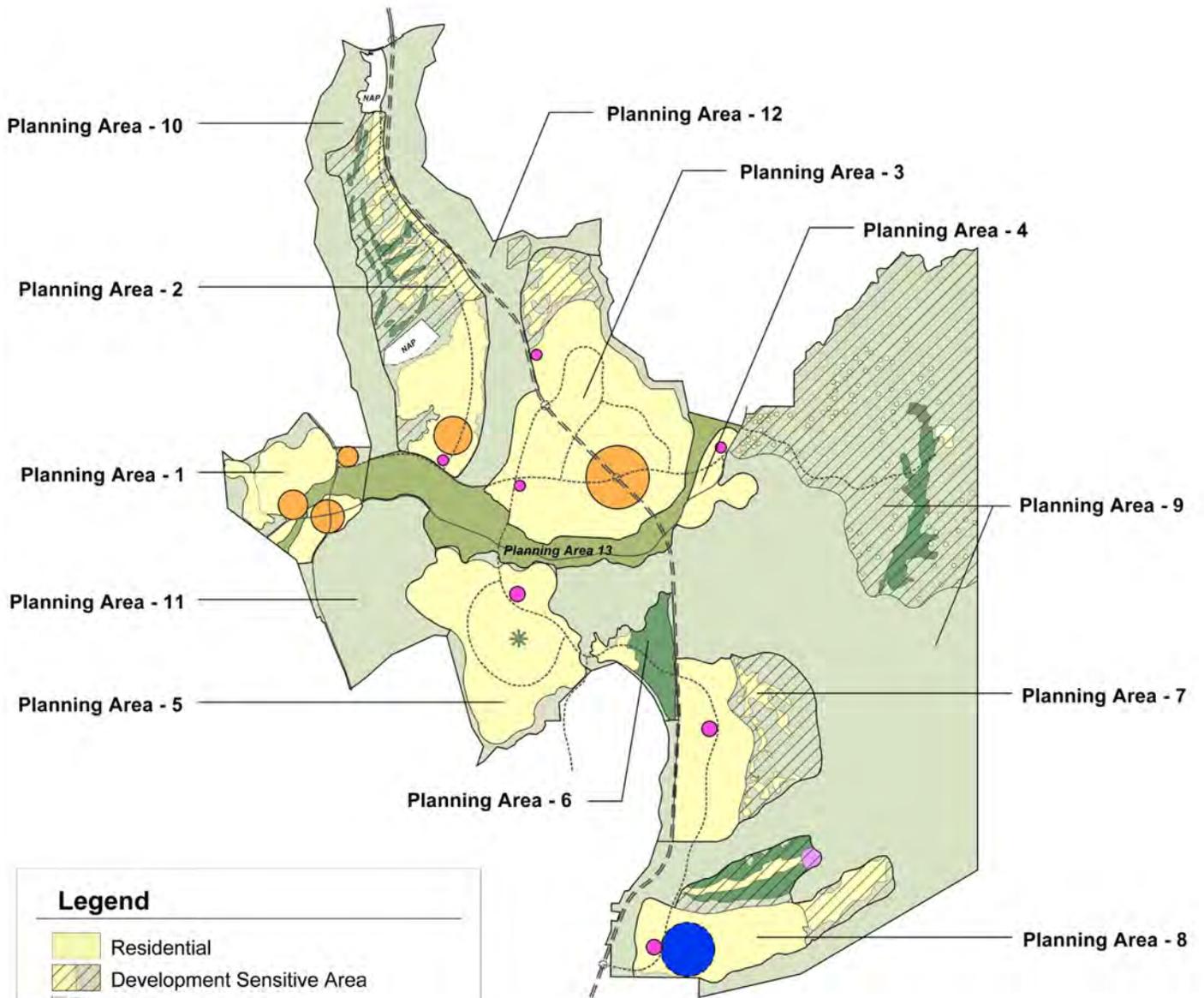
Aerial Photograph of the Project Site

Exhibit 3-3

*The Ranch Plan*

1" = 9,000'





**Legend**

- Residential
  - Development Sensitive Area
  - Urban Activity Center
  - Neighborhood Center
  - Business Park
  - Golf Course (⌘)
  - Golf / Resort
  - Regional Park
  - Open Space
- ▶ Reflects relative size and approximate location  
 == FTC - South: Shown for Informational Purposes Only  
 --- Reflects Conceptual Road Alignments

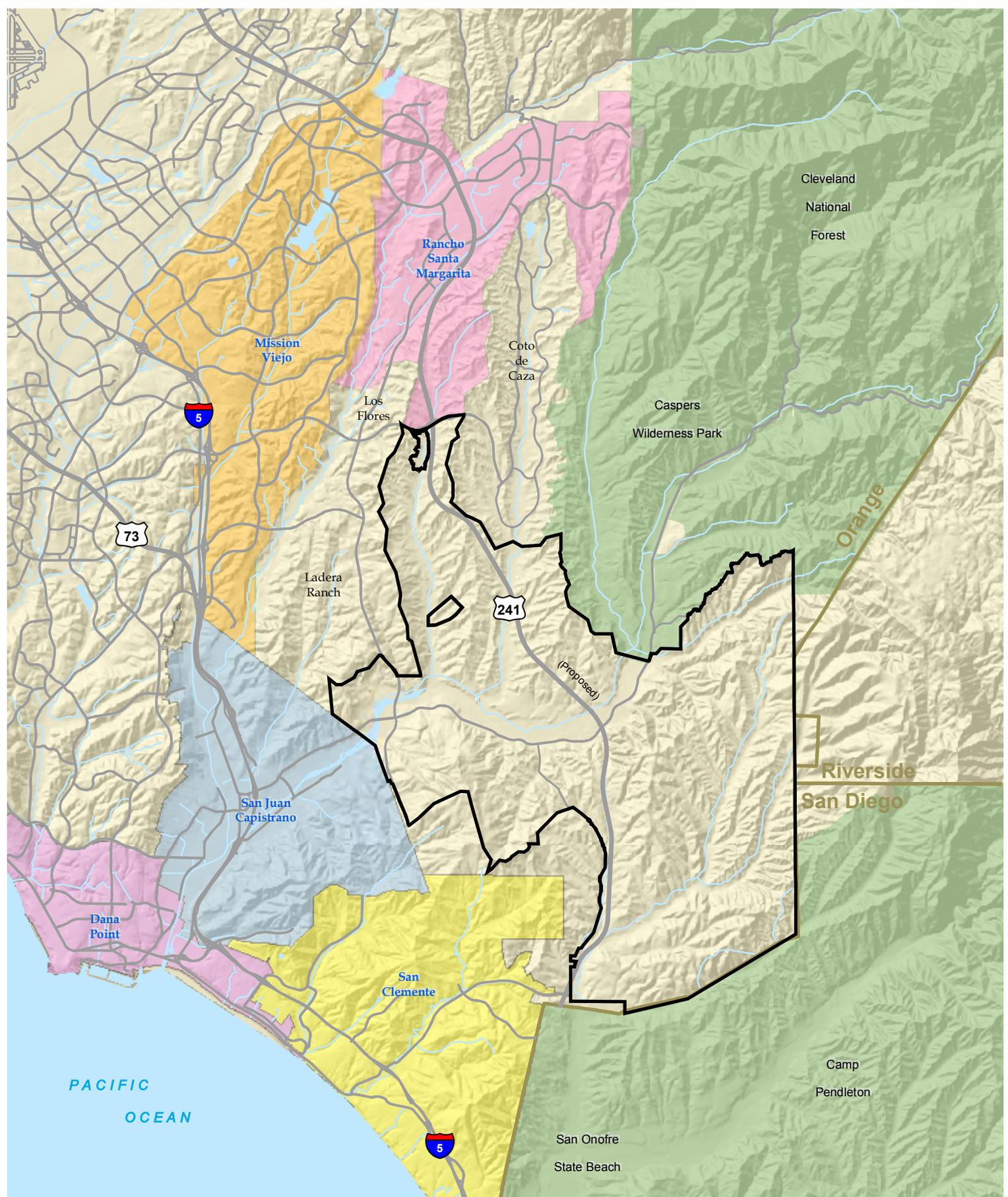
**The Ranch Plan**

**Exhibit 3-21**

*The Ranch Plan*

1" = 8,500'





# Jurisdictional Boundaries

Exhibit 4.1-1

The Ranch Plan



Roadways within the project boundaries include Ortega Highway, which runs in an east/west direction through the project site and connects with I-5 to the west and Riverside County to the east; Antonio Parkway/La Pata Avenue is a north-south arterial highway that extends through the western portion of the project site; and Oslo Parkway, which runs east and west and forms the northern border of the project area, connecting I-5 with State Route 241 (see Exhibit 4.6-2).

### History of Project

Rancho Mission Viejo (RMV) submitted an application to the County of Orange in 2001 for The Ranch Plan, including requests for general plan and zone change amendments and a development agreement for the project site.

The project site has been used for ranching and agricultural uses for the past 120 years and these uses continue today. Commercial nursery operations, research and development uses, and natural resources extraction are ongoing activities on the Ranch through lease agreements. Previous extractions of mineral resources within the project site included rock aggregate, silica sand, clay, and expanded aggregate. The owners grow and harvest citrus on several hundred acres of the ranch.

The Ranch Plan was developed in coordination with the ongoing Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and the Special Area Management Plan/Master Streambed Alteration Agreement (SAMP/MSAA) planning programs to ensure that the Ranch Plan was substantially consistent with the draft planning goals and principles formulated to address biological and water resources. A third process, the South County Outreach and Review Effort (SCORE), sought input from the community on the project.

In December 2001, Fifth District Supervisor Tom Wilson proposed the SCORE process as a means for receiving community input on the proposed project. The SCORE process encouraged early comment by the community on issues related to the Ranch Plan development with the objective of establishing and maintaining positive and constructive communications among potentially interested parties in order to consider a range of planning issues and perspectives. The SCORE program established two task forces: (1) the Urban Runoff Task Force and (2) the Land Use Task Force.

As a result of the input through the NCCP/HCP, SAMP/MSAA, and the SCORE processes, Planning Areas 2, 3, and 7 of the original Ranch Plan were modified. These modifications responded to protection recommendations involving the California gnatcatcher and thread leaved brodiaea, protection of wildlife corridors, and consideration of the specific terrains and geomorphology found in these planning areas.

The second phase of the SCORE process was a review of additional information from the environmental resource agencies, review and discussion of draft land use alternatives to be evaluated in the EIR for the Ranch Plan, and further consideration of the reserve design concepts by the SCORE Land Use Task Force. A SCORE Phase II Report was prepared that provided an overview of the SCORE Land Use Task Force comments on the land use alternatives that were developed as part of the NCCP/HCP process. The report presented the Land Use Task Force's comments regarding the nine Ranch Plan development areas using the SCORE Land Use Evaluation criteria and performance objectives.

The third phase of the SCORE process will be a report to the SCORE Land Use and Urban Runoff Task Forces on this EIR prepared for the Ranch Plan. The Board of Supervisors will receive for consideration the input provided by the SCORE process as part of the final Program EIR package.

### Timeline

Project build-out is anticipated to take 20 to 25 years. During that period, existing authorized land uses continue until the commencement of any new proposed land use for the affected areas. The phasing plan assumes that the project would be graded in seven phases and developed in eight phases. The actual timing of the grading and construction may vary based on market forces.

## **ENVIRONMENTAL IMPACTS**

### **TRAFFIC**

The evaluation of traffic/circulation impacts posed by the The Ranch Plan on San Clemente was based on the following general effects that are deemed significant under CEQA.

- A freeway mainline segment is considered to be adversely impacted.
- A freeway ramp is considered to be adversely impacted.
- For arterial highways, an intersection is considered to be adversely impacted.

### **Comments**

The build out of the Ranch Plan will have an adverse impact on San Clemente's circulation system. A detailed analysis of these impacts and recommended mitigation measures will be provided by Les Card, LSA, in collaboration with San Clemente's M. Akram Hindiye, Principal Civil Engineer, and David N. Lund, Public Works/Economic Development Director.

Over time, the build out of the project will place additional traffic pressure on San Clemente's roadways, intersections and freeway ramps (see Exhibits 4.6-6 and 4.6-8). Specifically, the components of the city's circulation that will be most impacted include:

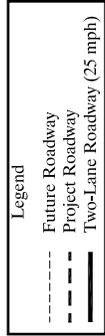
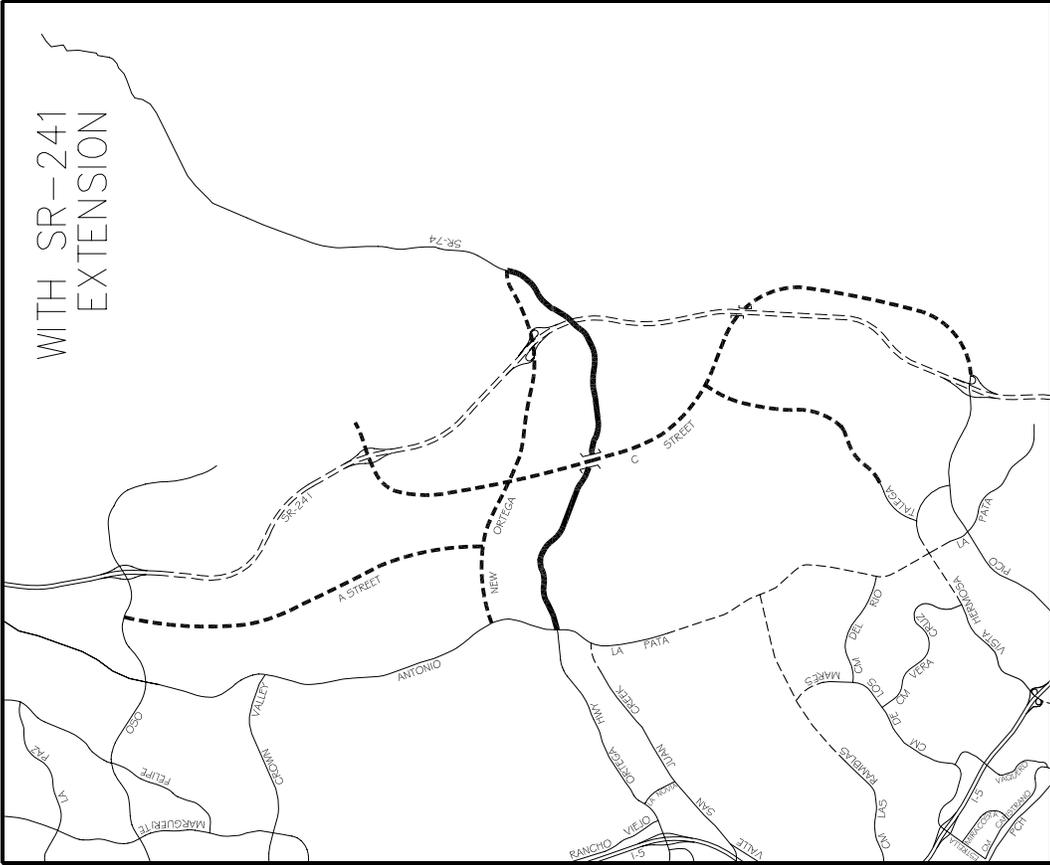
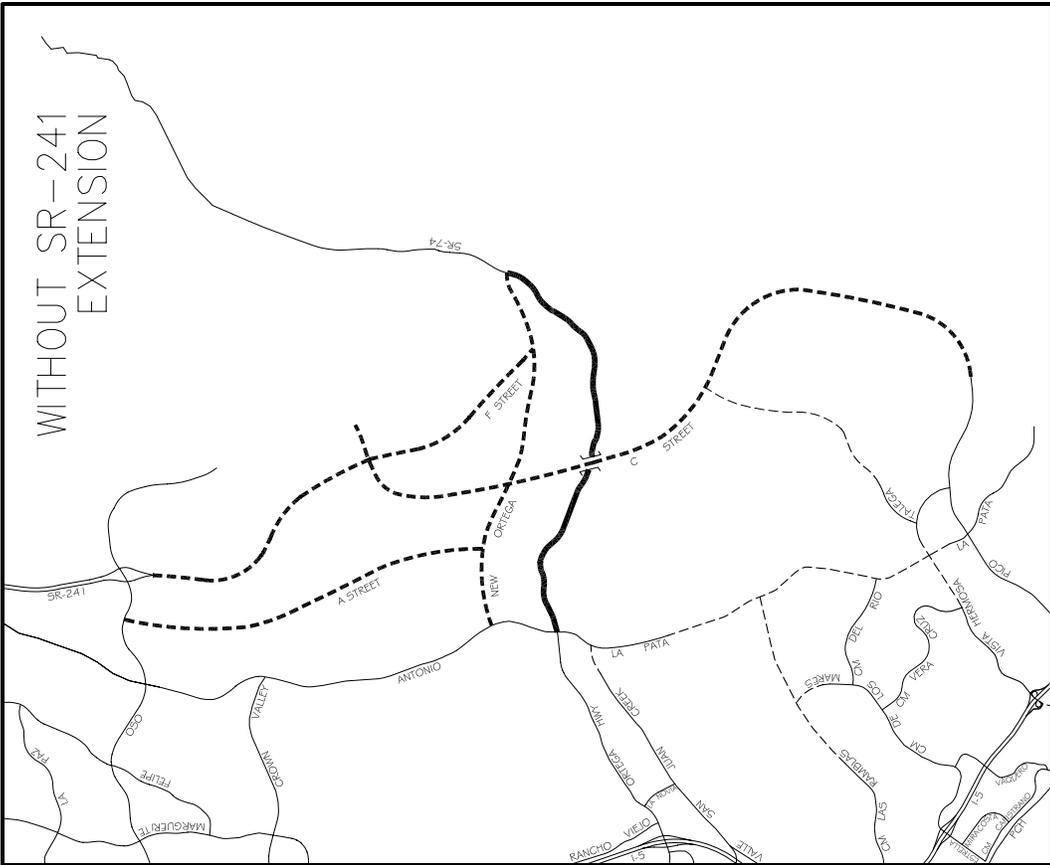
The intersections of Avenida La Pata at Avenida Vista Hermosa, Avenida Talega at Avenida Vista Hermosa, and Camino Vera Cruz at Avenida Vista Hermosa.

The freeway ramps of I-5 southbound ramp at Avenida Pico and I-5 northbound ramp at Avenida Pico.

The roadway segments of northbound I-5 north of Avenida Vista Hermosa and southbound I-5 north of Avenida Vista Hermosa; northbound I-5 north of Avenida Pico and southbound I-5 north of Avenida Pico; and northbound I-5 south of Avenida Pico and northbound I-5 south of Avenida Pico.

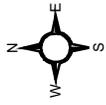
### **Mitigation Measures**

The circulation impacts listed above are proposed to be mitigated by the South County Roadway Improvement Program (SCRIP), which will establish a framework for implementing transportation improvements throughout an "area of benefit" in south Orange County, and a development agreement (Ranch Plan Development Agreement) between Orange County and Rancho Mission Viejo (RMV) that will describe RMV's further commitment to the SCRIP over and above its fair share obligations pursuant to the conditions of approval.



# Project Buildout Roadway System

## The Ranch Plan



# Exhibit 4.6-6



## **Recommendation**

San Clemente's circulation review team composed of the persons listed above should request appropriate traffic studies from RMV that will confirm findings and conclusions contained in the Ranch Plan EIR. For example, The Ranch Plan calls for the construction of 6,000 senior dwelling units. The EIR concluded that a senior unit would generate .33 trips per unit during peak evening hours. A non-senior dwelling unit generates a significantly higher trip generation number. Performing traffic studies that rely on this lower trip generation number will discount the project's impact on the city's circulation system, especially when one considers that the senior dwelling units comprise 43 percent of the Ranch Plan's total housing units. Another circulation feature of the Ranch Plan that should be confirmed with additional traffic analysis is the traffic counts generated by the 1,220,000 square feet of business park slated for Planning Area 8.

Once the city confirms the project's impact on San Clemente's circulation system, a detailed list of circulation-related mitigation measures should be compiled, including the improvement, its cost and the estimated time when it should be installed, who will be responsible for construction and what the development "trigger" point for construction will be. This set of mitigation measures should be included in the County's Development Agreement with RMV.

## **AIR QUALITY**

The evaluation of air quality impacts posed by the The Ranch Plan on San Clemente was based on the following general effects that are deemed significant under CEQA.

- Result in a violation of any state or national ambient air quality standard or contribute substantially to an existing or projected air quality violation. The significance thresholds recommended by the SCAQMD in its CEQA Air Quality Handbook, as revised in November 1993 and approved by the SCAQMD's Board of Directors, are the basis for determining significance of an impact for this project.
- Result in an increase in carbon monoxide concentrations where: (1) an increase in CO concentrations is sufficient to cause an accident of the most stringent state or national CO standard (20 parts per million for 1-hour concentrations and nine parts per million for 8-hour concentrations); or (2) in an area that already exceeds national or state CO standards, the project increase exceeds 1 part per million (ppm) for a 1-hour average or 0.45 ppm for an 8-hour average. In addition, the SCAQMD CEQA Air Quality Handbook lists additional indicators of potential air quality impacts (Secondary Effects).
- Conflict with or obstruct implementation of the applicable air quality plan.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including release in emissions which exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Expose a substantial number of people to objectionable odors. An objectionable odor is defined in the SCAQMD CEQA Air Quality Handbook as 1 over 10 dilution to thresholds (D/T).

## **Comments**

The proposed project would create project-related source emissions that would exceed SCAQMD thresholds for CO, ROC, and NO<sub>x</sub>, which cumulatively exacerbate the existing adverse ambient condition within the South Coast Air Basin. Grading for and construction of the proposed project would also result in significant quantities of fugitive dust and other pollutant emissions. A variety of mitigation measures are proposed to be implemented to reduce these impacts. However, even after the implementation of these measures, short- and long-term emissions would remain significant and unavoidable.

## **Recommendation**

The recommendation outlined in the Traffic section of this report will assist in the mitigation of long-term air quality impacts caused by the Ranch Plan. Any improvements to San Clemente's circulation system that reduces congestion and delays will mitigate the project's impact on air quality.

The development of mixed-use development, live-work units and additional land uses that provide jobs in the San Clemente area, like the business park proposed for Planning Area 8, could mitigate the jobs/housing imbalance that causes much of the commuter traffic emanating from San Clemente.

## **LAND USE**

The evaluation of land use impacts posed by the The Ranch Plan on San Clemente was based on the following general effects that are deemed significant under CEQA.

- Physically divide an established community.
- Conflict with land use plans, policies, or regulations.
- Conflict with Habitat Conservation Plans or other type of approved biological habitat management plan.

## **Comments**

While the Ranch Plan does not physically divide the community of San Clemente, it does undermine the community's goal of maintaining the fringe of the community in open space - San Onofre State Beach and the O'Neill Conservancy on the east, and Prima Deshecha Regional Park on the north. By maintaining these open space features around San Clemente, the community has been able to effectively plan, manage and design its future, both physically and fiscally.

The development on San Clemente's borders represented by Planning Areas 5, 6, 7 and 8 of the Ranch Plan will undermine the city's growth management principals contained in its general plan. These planning areas, when built out, will generate 5,430 dwelling units, 300,000 square feet of neighborhood commercial development and 1,220,000 square feet of business park. Because these four planning areas generally abut San Clemente, the environmental effects caused by this development will be directly felt by San Clemente residents, including traffic, traffic-related noise, aesthetics, air emissions, loss of open space and reduced response times of public safety services (paramedics, sheriff, and fire).

Based on the above concerns, it is the position of San Clemente (expressed as staff comments to the EIR) that The Ranch Plan EIR has not effectively discussed the project's impact on the goals, objectives and policies detailed in San Clemente's General Plan.

In addition to circumventing an evaluation of the project's consistency with San Clemente's General Plan, the City also finds that the project is inconsistent with the Public Services and Facilities Element of the Orange County General Plan and SCAG's Regional Comprehensive Plan and Guide, Growth Management Chapter. In the case of both documents, the EIR has not adequately detailed how the project's impact on public services will be reduced to an insignificant level.

## **Alternatives**

The EIR's Alternative B-5 would provide 7,170 acres of development and 15,645 acres of open space. Uses would consist of 14,000 dwelling units and 406 acres of nonresidential development. There would be no new development within the San

Mateo Creek watershed (Planning Areas 6, 7, 8, and 9). In addition to eliminating the impacts on San Clemente, the impacts on adjoining resources such as the O'Neill Conservancy, the Prima Deshecha Regional Park, Camp Pendleton, and the Gabino and Cristianitos watersheds, will also be eliminated.

The Ranch Plan's Alternative A-2, which has been deemed a "No Action" alternative - no General Plan amendment or zone change, will provide for 3,265 dwelling units, allowed by right under the existing general plan and zoning districts. A modification of this Alternative, however, could be to distribute this development into areas that would be logical extensions of existing cities within the region, like Mission Viejo, San Juan Capistrano, San Clemente and Rancho Santa Margarita. Properly designed, these nodes of residential development could avoid many of the environmental impacts detailed in the Ranch Plan EIR. Further, these nodes of development could also be annexed into adjacent cities thereby insuring long-term service levels and effective governance.

### **Recommendation**

At the least, the City should require the County of Orange to amend the Development Agreement to include language indicating that RMV will be responsible for mitigating any impacts caused by The Ranch Plan that affect San Clemente, including but not limited to circulation improvements, dilution of city services, and impacts on existing public facilities within San Clemente, including school facilities, parks and beaches, and libraries.

The City may wish to lobby for a particular alternative to the proposed project. Alternative B-5 reduces many of the impacts on San Clemente outlined in this report.

## **AESTHETICS AND VISUAL RESOURCES**

The evaluation of the impacts posed by The Ranch Plan on visual resources within San Clemente was based on the following general effects that are deemed significant under CEQA.

- Adversely affect a scenic vista
- Damage scenic resources
- Degrade existing visual character
- Create a new source of light or glare

### **Comments**

San Clemente's General Plan contains a Scenic Corridor Element that frames the community's objectives in regards to maintaining and preserving scenic corridors and key entry points. Major scenic corridors that will be impacted by The Ranch Plan include Avenida Vista Hermosa, Avenida Pico and Avenida Talega. This Element delineates numerous policies pertaining to the design, installation and maintenance of improvements that will affect scenic highways and entry points into the community.

San Clemente's Environmental Resources Element lists aesthetic objectives that promote the preservation of visual resources that include coastal bluffs, ridge lines, canyons and ocean views. Design principles that implement these objectives range from grading techniques to vegetation selection and from slope maintenance to retaining wall design.

Development improvements common to all the planning areas in the Ranch Plan will be land that will undergo cut and fill and grading in preparation for the construction of buildings, roadways, and infrastructure, and the installation of landscaping, hardscape and open space improvements. San Clemente will be visually impacted by the aforementioned improvements that are associated with Planning Areas 5, 6, 7 and 8. Fortunately, the O'Neill Conservancy and the future Prima Deshecha Regional Park screen these planning areas from the view of San Clemente residents.

The areas in San Clemente where the above-described improvements will be visible include various sites in the planned community of Talega and from the Avenida Vista Hermosa and Avenida Pico roadways. Some residents will adapt to these visual changes because they represent only a minor segment of their view shed, while other residents will always look upon the view as "blight" on the landscape thereby representing a significant aesthetic impact. According to The Ranch Plan EIR, ridge lines in Planning Areas 5, 7 and 8 will be modified or disturbed.

## **Recommendation**

At the least, the City should require the County of Orange to amend the Development Agreement to include language indicating that RMV will be responsible for utilizing San Clemente's development standards that pertain to the preservation of aesthetic resources using grading techniques, vegetation selection, slope maintenance and retaining wall design.

## **PUBLIC SERVICES - FIRE AND POLICE PROTECTION**

The evaluation of the impacts posed by The Ranch Plan on public resources, fire and police protection, within San Clemente was based on the following general effects that are deemed significant under CEQA.

- Results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities.
- Would substantially reduce acceptable service ratios, or other adopted performance objectives, or substantially increase response time of the Orange County Fire Authority.
- Creates a substantial amount of emergencies that cannot be adequately serviced by either available OCFA personnel or equipment or through provisions provided by the project.
- Water pressure for fire protection flow is less than required.
- Fire access does not meet adopted standards.
- Need new or physically altered governmental facilities where the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives identified for law enforcement services.
- Create a substantial increase in the demand for police service, both routine and emergency calls, that cannot be adequately serviced by either available Orange County Sheriff's Department personnel or equipment or through provisions provided by the project.

Development of the Ranch Plan site would introduce people and structures into currently undeveloped areas. The construction of 14,000 dwelling units and over 5.0 million square feet of nonresidential uses would exceed the capacity of existing fire and police stations. The project would result in a population increase of 32,823 persons. Due to expected increases in the number of responses and the likelihood of simultaneous and greater alarm incidents from a large, newly populated area, implementation of the Ranch Plan would place significant service burdens on the OCFA and OCSD.

### Fire Protection

The Ranch Plan will necessitate the construction of several new fire stations, as well as the hiring and training of additional firefighters. Preliminary analysis by OCFA shows the need for approximately four new fire stations with five and a half companies (i.e., four engines and one truck and a paramedic van). A final determination of fire station needs and locations would be made at a future date when more information is available regarding project design, development phasing, and internal circulation and access. OCFA recommends that fire stations be located within Planning Areas 3, 6, and 8, with two new stations in Planning Area 3. Additionally, proposed Station 56 would move from its currently planned location at Ortega Highway and Antonio Parkway to an area

## FIRE SERVICE COMPARISON

<b>CITY</b>	<b>POPULATION</b>	<b># OF FIRE STATIONS</b>
<b>San Juan Capistrano</b>	<b>35,214</b>	<b>1</b>
<b>Mission Viejo</b>	<b>97,752</b>	<b>3</b>
<b>Dana Point</b>	<b>35,110</b>	<b>2</b>
<b>Laguna Niguel</b>	<b>61,891</b>	<b>3</b>
<b>San Clemente</b>	<b>62,000</b>	<b>3</b>
<b>Rancho Mission Viejo</b>	<b>35,000</b>	<b>4</b>

The spread out development pattern of RMV will result in either one of two scenarios;

- (1) RMV residents will have extraordinary public safety costs which will make future annexation or incorporation discussion problematic,
- (2) The project fire station plan will not be economically feasible which will place a “mutual aid” burden upon neighboring cities.

near New Ortega Highway and Antonio Parkway adjacent to the southern portion of Planning Area 1.

### **Mitigation Measures**

The following mitigation measures have been recommended to be implemented to ensure that fire protection services and facilities will be adequate to serve the proposed land development area.

1. Prior to approval of the first Subarea Plan, except for Planning Area 1, the developer shall enter into a Secured Fire Protection Agreement with OCFA for the provision of necessary facilities, apparatus, and fire and rescue supplies and equipment for the Ranch Plan. This comprehensive plan will address fire and emergency medical service delivery within the project site, and will specify the timeframes and trigger points for initiation of services within the project by geographic area. The Secured Fire Protection Agreement shall ensure that OCFA fire protection and emergency medical performance objectives can be achieved for the Ranch Plan area. The applicant will ensure that development is phased in a manner that allows the maximum use of existing fire protection resources before new resources are required to be established.
2. As part of the Area Plan and tentative tract map process, the developer shall coordinate with OCFA on street design to ensure arterial highways and local streets meet OCFA requirements, provide adequate turn around locations and widths, and signal preemption is installed in all new traffic signals within the Ranch Plan area. For gated communities, emergency opening devices shall be installed.
3. Prior to issuance of building permits for the low-density development in the portion of Planning Area 2 north of the Chiquita Water Reclamation Plant and the eastern portion of Planning Area 7 and the development in Planning Area 9 the applicant shall provide verification that the units are equipped with residential sprinkler systems unless alternative methods of fire protection have been incorporated through the Secured Fire Protection Agreement.

### **Comments**

The project's impact on fire protection has been proposed to be mitigated by the measures outlined above. However, the proposed mitigation is extremely expensive. Funding for operations is not addressed (\$2M/year per station). Future annexations will be problematic given these extremely high public service costs.

### **Recommendation**

The agreement between the OCFA and RMV should be reviewed by the City of San Clemente to insure that the service level presently enjoyed by San Clemente is not hampered by additional calls for fire protection and emergency response services by the Ranch Plan.

## Police Protection

The development of the Ranch Plan will result in a population increase of approximately 32,000 persons. This would result in additional demands on OCSD services. In determining adequate law enforcement for the proposed project, OCSD takes several factors into consideration, including response time, Preventative Patrol time, workload, and officer-to-population ratio. It is the goal to keep Priority 1 response times for life-threatening or emergency calls to five minutes or less, and Priority 2 calls to 12 minutes or less. A determinate of adequate police services is the officer-to-population ratio. OCSD uses a ratio of 0.9 sworn deputies to 1,000 people. However, because there are other factors which are used to determine staffing needs, this ratio cannot be used by itself to determine the number of additional officers and professional staff members that would be needed as a result of development of the Ranch Plan. Proposed business and neighborhood commercial development and recreational uses would also affect OCSD's ability to adequately serve the community. No planning generation factors are used by OCSD to determine the effects of nonresidential development. However, as discussed above, OCSD considers several factors as indicators of adequate service levels. These include total calls for service, average response time, and officer discretion. Implementation of the project is expected to result in an increase in calls for service for nonresidential development. The increased demand for law enforcement services may necessitate the provision of new facilities and additional staff to accommodate the increased demand.

## **Mitigation Measures**

OCSD has identified a need for an additional substation facility within the Ranch Plan area. The substation would be constructed within the development area; therefore, there would be no physical impacts beyond those addressed as part of the development project. Prior to approval of the first tentative tract map the Orange County Sheriff's Department and the project applicant shall enter into an agreement specifying the level of service and supporting facilities needed to adequately serve the project area, and the amount of funding to be provided by the project applicant. The agreement will specify the timeframes and trigger points for initiation of services within the project by geographic area.

## **Comments**

The mitigation of the project's impact on police protection has been adequately mitigated by the measure outlined above.

## **Recommendation**

The agreement between the Sheriff's Department and RMV should be reviewed by the City of San Clemente to insure that the service level presently enjoyed by San Clemente is not hampered by additional calls for police services by the Ranch Plan.

## **DOMESTIC WATER AND WASTEWATER TREATMENT AND DISPOSAL**

The evaluation of domestic water and wastewater treatment/disposal impacts posed by the Ranch Plan on San Clemente was based on the following general effects that are deemed significant under CEQA.

- Water supplies are not sufficient to meet the demand of the project.
- The project would require the construction of new water facilities or the expansion of existing facilities beyond what is proposed by the project, which could cause significant environmental effects.
- An existing provider cannot serve the project development.
- Sewage flows from the project would exceed the planned capacity of the wastewater treatment facilities.
- Sewage generated by the project would exceed the capacity of the trunk sewer system.
- The construction of new wastewater treatment facilities or the expansion of existing facilities is required

### Domestic Water

Santa Margarita Water District (SMWD) provides potable and non potable (i.e., recycled) water and sewer service to approximately 132,500 residents in 97 square miles of southeastern Orange County, including the project site. SMWD is a member agency of the Municipal Water District of Orange County (MWDOC) which, in turn, is a member agency of the Metropolitan Water District of Southern California (MWD). By virtue of these relationships, SMWD is entitled to call upon and receive water from available MWD sources. The majority, approximately 84 percent, of SMWD's current water supply is obtained from MWDOC and MWD. Generally, MWD imports water from the Colorado River via the Colorado River Aqueduct and from northern California via the California Aqueduct (also known as the State Water Project [SWP]).

The remainder of SMWD's water supply, approximately 16 percent, is a combination of recycled water, locally-produced groundwater, approved water transfers (both domestic and recycled), and surface flow diversions. Recycled water plays a key role in SMWD's current and future plans for water supply preparedness and provision. SMWD owns and operates a recycled water system with two fully-completed components (i.e., the Oso Creek Water Reclamation Plant and the Los Alisos Water Reclamation Plant) and one component that is partially complete/operational and is undergoing expansion (i.e., the Chiquita Water Reclamation Plant).

To ensure the reliability of water supply distribution for its customers, SMWD maintains interconnections with other adjacent local water suppliers (including Moulton Niguel Water District, IRWD, Trabuco Canyon Water District, El Toro Water District, and the cities of San Juan Capistrano and San Clemente for the provision of water supply delivery during periods of emergency and/or system failure.

The projected supply of water, both domestic and non-domestic, that would be available to SMWD is expected to exceed the anticipated demand from the Ranch Plan. The addition of supplemental supplies from CCWD and SCWC would augment the supplies available to SMWD to satisfy project-related demands under all conditions. Additionally, proposed water facilities would be constructed to accommodate the storage and transport of the water supply.

### **Mitigation Measure**

No mitigation measures have been identified for the project related to water supply.

### **Comments**

The Ranch Plan EIR has concluded that the project will not create any significant impacts related to water supply; however, reliable water supply in California is tenuous at best. Drought, water rights, water quality and distribution are all issues that can adversely impact the project's ability to provide a reliable source of water for 14,000 dwelling units, five million square feet of nonresidential development and untold landscaping.

### **Recommendation**

Any relationship, connection, agreement, or understanding between San Clemente and SMWD as it relates to water should be reviewed in detail. The City must protect its water supply from outside development pressures, including the build out of the Ranch Plan.

### **Wastewater Treatment and Disposal**

The Ranch Plan is located within SMWD Improvement Districts 4C, 4E, 5 and 6 (the "Ranch Plan IDs"). In anticipation of the proposed project, SMWD contracted with Tetra Tech, Inc. to prepare a Plan of Works. The Plan of Works addresses wastewater treatment and conveyance issues as they relate to current and planned capacities within SMWD's service area. Using wastewater generation and peaking factors established by SMWD, the Plan of Works estimates the amount of wastewater likely to be generated in the Ranch Plan IDs as a result of project implementation.

SMWD owns and operates the CWRP, where a majority of the District's wastewater is conveyed for primary and secondary treatment. The current treatment capacity of the CWRP is approximately 9.0 million gallons per day (MGD) for secondary treatment and 5 MGD for tertiary treatment. SMWD also owns wastewater treatment capacity in the Oso Creek Water Reclamation Plant (approximately 3.0 MGD of secondary treatment), the Moulton Niguel Water District 3A Plant (approximately 2.25 MGD of secondary treatment), the South Orange County Wastewater Authority Jay B. Latham Regional Treatment Plant (approximately 2.25 MGD of secondary treatment) and the Irvine Ranch Water District Los Alisos Plant (approximately 0.7 MGD of secondary treatment).

Wastewater flows from the Ranch Plan IDs will be conveyed to the CWRP for treatment. The land uses proposed for the Ranch Plan are anticipated to generate an ultimate average dry-weather wastewater flow of 5.20 MGD. Existing wastewater flows from Talega (Improvement District No. 7) are currently conveyed to the Ortega Lift Station and subsequently pumped to CWRP via existing 10-inch and 16-inch force mains. As currently proposed, flows from Planning Area 5, as well as flows from Planning Areas 6, 7, and 8, would be conveyed to the Ortega Lift Station.

The Plan of Works identifies two alternatives to accommodate the anticipated flows from Planning Area 5 in combination with the flows from Planning Areas 6, 7, and 8. The first alternative has been judged the most feasible. It would continue to pump the Talega flow through existing force mains and construct two new force mains (10-inch each) to convey the anticipated flows from Planning Areas 5, 6, 7, and 8 (combined peak flow of 2,720 gpm) to a new 21-inch sewer line in Central Gobernadora. The flow would then be routed to the Gobernadora Lift Station and then on to the CWRP for treatment.

### **Mitigation Measures**

No mitigation measures have been identified for the project related to wastewater treatment and disposal.

### **Comments**

According to the Ranch Plan EIR, the project will not create any significant impacts related to wastewater treatment and disposal.

### **Recommendation**

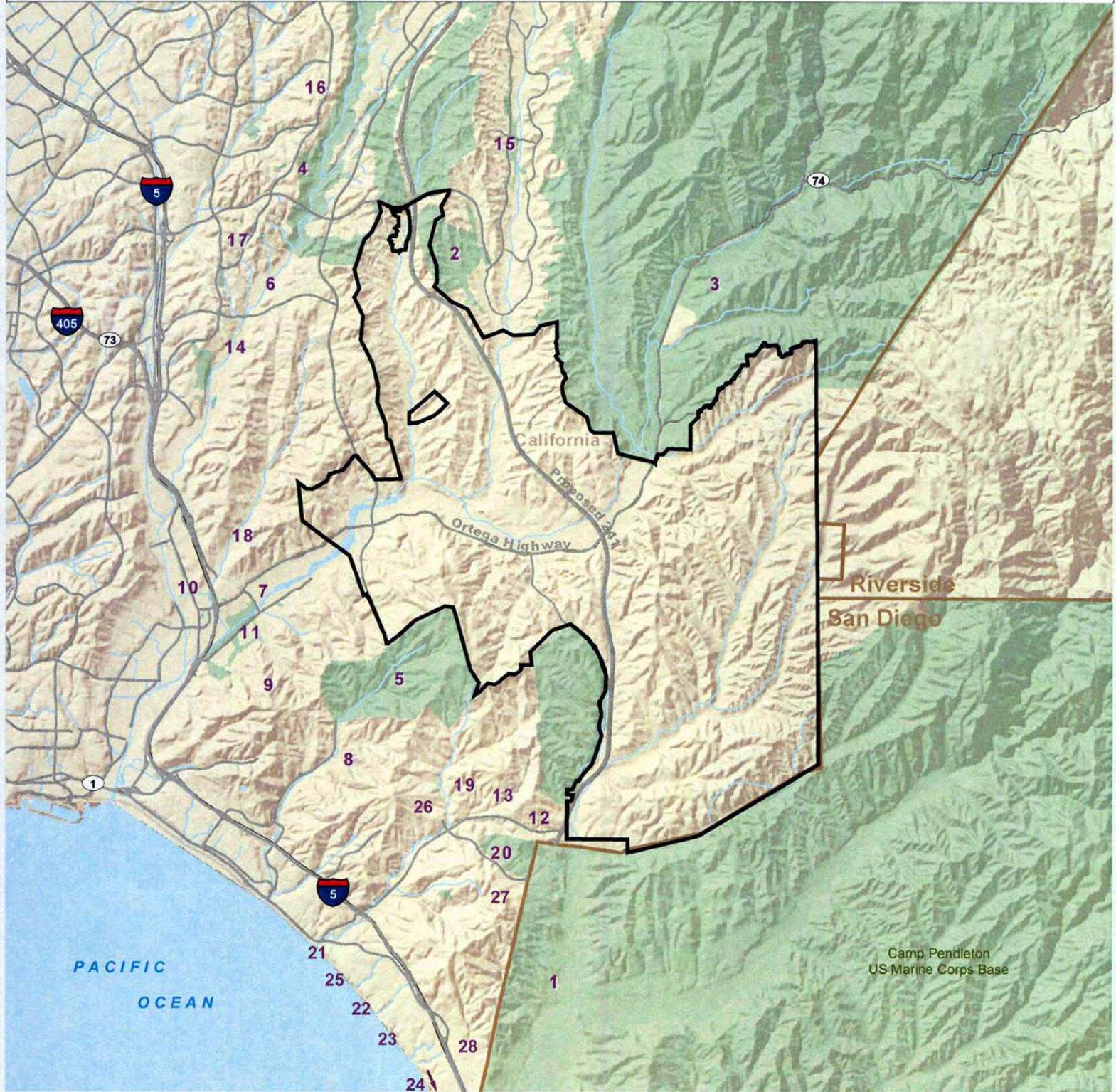
San Clemente's Engineering Department may want to review the project's plans that pertain to the Ortega Lift Station and how that might affect existing infrastructure within Talega and development within the city limits.

1. San Onofre State Beach
2. General Thomas F. Riley Wilderness Park
3. Ronald W. Caspers Wilderness Park
4. O'Neill Regional Park
5. Proposed Prima Deshecha Regional Park
6. Ladera Ranch County Sports Park
7. C. Russell Cook Park

8. Forster Ranch Community Park
9. Acu Canyon Park
10. Descanso Park
11. Four Oaks Park
12. Talega Park 1
13. Talega Park 2
14. Arroyo Trabuco Golf Course

15. Coto de Caza
16. Tijeras Creek Golf Club
17. Mission Viejo Golf Course
18. Marbella Golf Course and country Club
19. Talega Golf Club
20. Pacific Golf Club and Country Club
21. North Beach

22. Pier Bowl
23. T-Street Beach
24. Trestles Surf Beach
25. Coastal Trail
26. La Pata/Vista Hermosa Aquatic Center and Sports Park
27. Steed Park and Skate Park
28. Municipal Golf Course

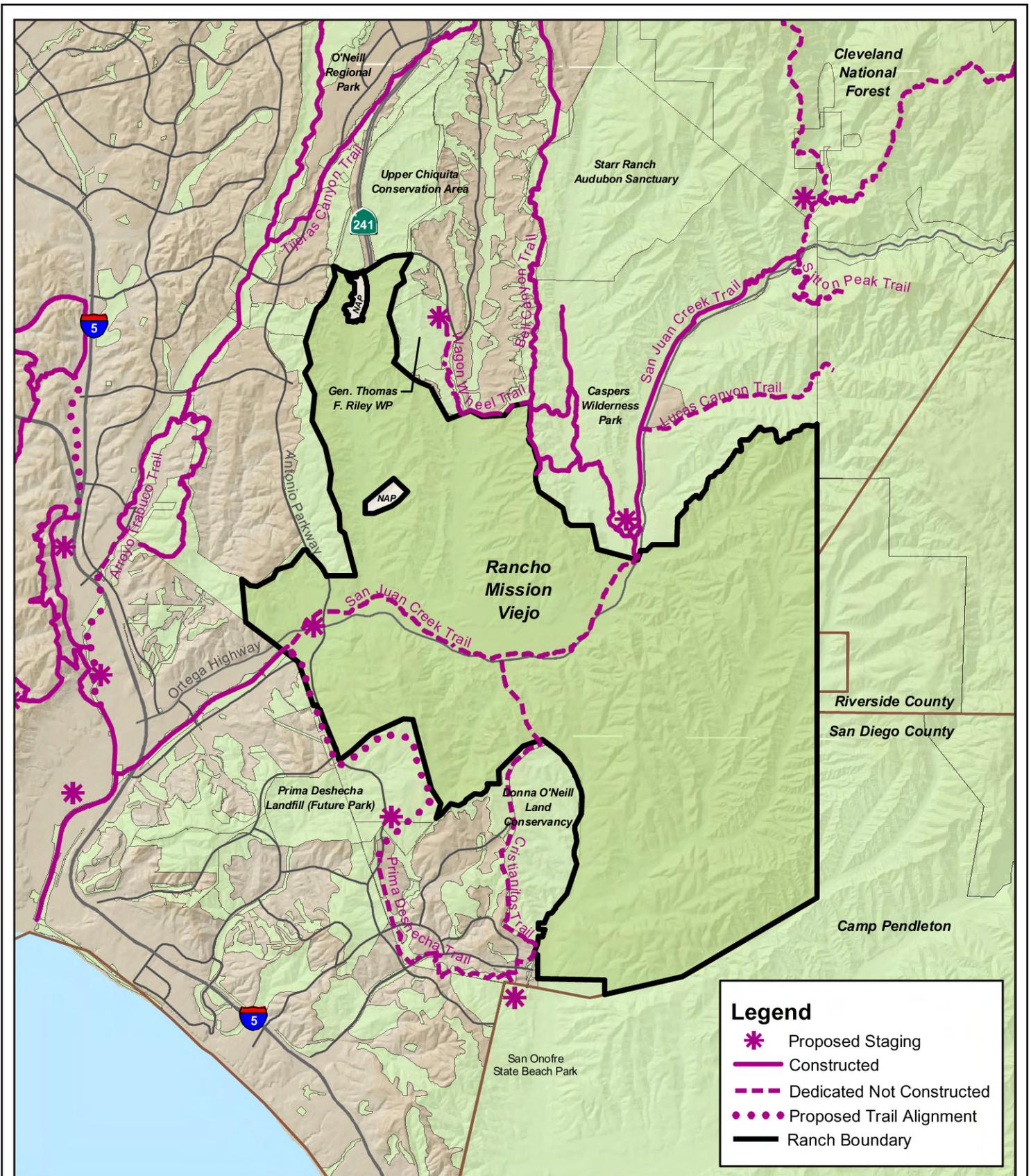


Location of Recreation Facilities

Exhibit 4.12-1

The Ranch Plan





# Riding and Hiking Trails

# Exhibit 4.12-2

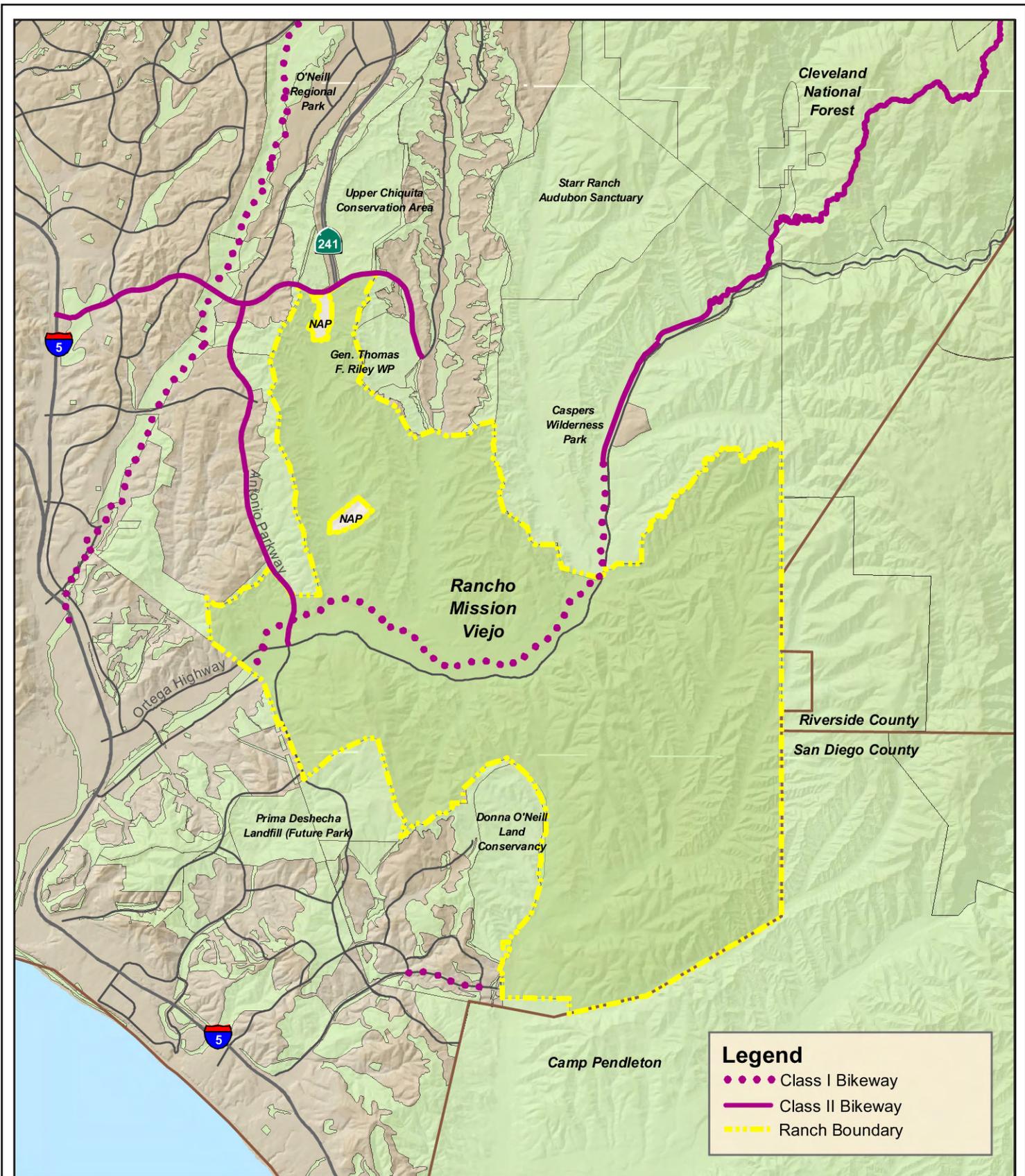
The Ranch Plan

1" = 9,000'



Source: County of Orange General Plan

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**Bikeways**

**Exhibit 4.12-3**

*The Ranch Plan*

1" = 9,000'



Source: County of Orange General Plan

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## **RECREATION RESOURCES**

The evaluation of the impacts posed by The Ranch Plan on recreation resources within San Clemente was based on the following general effects that are deemed significant under CEQA.

- Increase the use of existing neighborhood and regional parks, resulting in physical deterioration
- Result in substantial adverse physical effects from construction of new or altered recreation facilities.

### **Mitigation Measures**

No mitigation measures have been identified for the project related to recreation resources.

### **Comments**

The Ranch Plan EIR concluded that the project will not have a significant impact on San Clemente's recreation resources. To the contrary, the Consultant believes that residential development in Planning Areas 5, 6, 7 and 8 will adversely impact recreation resources in San Clemente. A review of Exhibits 4.12-1, 4.12-2 and 4.12-3, illustrates that bike paths, trails and recreation facilities are in close proximity to these Planning Areas. The added pressure on recreation facilities caused by the introduction of an additional 5,430 residential dwelling units adjacent to San Clemente's city limits will be significant. These recreation facilities will include parks, beaches, playground equipment, swimming pools, play fields, bike paths, coastal trails, and gymnasiums.

Because these four Planning Areas will be closer to some of the aforementioned recreation resources than some residential districts in San Clemente, these future, non-city residents may overtax these resources and yet would not be fiscally responsible for their construction, maintenance, or renovation. For example, the City is proposing a major 35-acre recreational complex near the intersection of Avenida La Pata and Vista Hermosa. It will include an aquatic center, playing fields, gymnasium and community center. Planning Areas 5, 6, 7 and 8 will be closer to this major recreational complex than the majority of residential neighborhoods in San Clemente. Given that this type of facility will not be built in the Ranch Plan, residents living in these Planning Areas will most likely utilize this complex.

### **Recommendation**

The Development Agreement between RMV and the County of Orange should contain a mitigation fee for recreation facilities within San Clemente that will be adversely impacted by the project.

## **GROWTH-INDUCING IMPACTS**

Growth inducement can be defined as the relationship between the proposed project and growth within the surrounding area. Typically, growth-inducing impacts result from the provision of urban services and extension of infrastructure (including roadways, sewerage, or water service) into an undeveloped area. Growth-inducing impacts can also result from substantial population increase. If the new population imposes new burdens on existing community service facilities, such as increasing the demand for service and utilities infrastructure and creating the need to expand or extend services, these are deemed growth-inducing impacts.

A project can remove infrastructure constraints, provide access, or eliminate other constraints on development, and thereby encourage growth that has already been approved and anticipated through the General Plan process. A project can also remove infrastructure constraints, provide new access, or otherwise encourage growth which is not assumed as planned growth in the General Plan. This could include areas which are currently designated for open space, agricultural uses, or other similar non-urban land uses. In such cases, the removal of infrastructure constraints or provision of access can trigger consideration of a change in land use designation to allow development at a higher level of intensity than originally anticipated.

### **Comments**

Housing and economic growth in San Clemente is directed by the city's general plan and its infrastructure system. Overall, the potential for growth inducing impacts in San Clemente is greatest on vacant or underutilized land. Most of San Clemente has been built out excluding portions of the Talega PC and the recently approved Marblehead Coastal PC. The development of the Ranch could affect San Clemente's rate or intensity of growth. The Ranch could skim from the San Clemente market home buyers, new businesses, and quasi-public user's thereby stifling growth in each sector (residential, commercial, office, etc.) depending upon what is developed and when it is developed in RMV. Conversely, the development of the Ranch could serve as a national market force making the South Orange County region more attractive for residential, commercial and industrial growth, which would benefit San Clemente.

### **Recommendation**

For San Clemente to benefit from the development of the Ranch Plan, goals, policies and action programs contained in the General Plan should focus on strengthening the city's position as the center in the South Orange County region for regional shopping, convention business, recreational activities and business park development. This will enhance San Clemente's fiscal condition and will subsequently relegate the Ranch to a "bedroom" community. For example, the Marblehead Coastal commercial development should benefit from the Ranch residential development if directly competing uses are not allowed by zoning for the Ranch project.

## **GOVERNANCE**

### **Comments**

Since 1979, the County's policy has been that new planned communities must be self-supporting with no subsidy by the County in terms of revenue or services. In addition, it is the County's adopted policy that public services to urban or urbanizing area are best provided by cities. Therefore, it is the County's policy that the Project will be incorporated and/or annexed to a City. At this time, however, The Ranch Plan is not within the Sphere of Influence of a city. The County of Orange would be the governing body for the Ranch Plan area in the interim period prior to any incorporation as a city or annexations into the existing adjacent cities.

A governance concept will be developed for consideration by the County that would involve the establishment of special districts under the control of the County to better plan for and insure how municipal services would be administered to the Ranch Plan area as the project develops and matures. The formation of special districts would allow contracting for service agreements to be tied directly with identified funding sources to insulate the balance of the County General Fund from expenses incurred within the Ranch Plan area. Services that may be included are fire and sheriff services, park and recreation services, drainage maintenance, roadway maintenance, and habitat restoration and maintenance.

While the County has indicated that they intend to shield their general fund from expenses incurred by The Ranch Plan, they can not provide the same assurances for expenses incurred by San Clemente relating to fire protection, roadway maintenance, public services and resources. In other words, there is no mechanism in place that would allow San Clemente to collect revenue to offset its expenses caused by the Ranch Plan.

### **Mitigation Measure**

San Clemente could seek a development impact fee sharing agreement wherein the impacts on the city's services, infrastructure, and public resources caused by Planning Areas 5, 6, 7 and 8 of the Ranch could be offset by these fees. The specifics of this fee sharing agreement could be outlined in the development agreement.

### **Alternative**

The City of San Clemente could petition LAFCO to increase the size of its Sphere of Influence to include Planning Areas 5, 6, 7 and 8. Eventually, these areas could be annexed into the City, however, residents in these areas could "fight" the prospect of annexation thereby stalling the city's efforts.

## **Recommendation**

Collection of developer impact fees to offset the project's impact on the City should be pursued. This should be designed as a mitigation fee so as to carry more weight with the county and the courts, should that test surface.

## **POLITICAL IMPLICATIONS**

### **Comments**

The county's approval of The Ranch Plan could have political implications for San Clemente and other cities in the region. As the population in the county increases, this "voting block" could elect a Supervisor that may not be sympathetic to the needs of San Clemente, or they could vote for a particular measure, tax or project that would be inconsistent with the wishes of the majority of persons living in San Clemente. As an example, county residents in The Ranch could ban with other county residents and, potentially other cities, to promote a Toll Road alignment that is not consistent with the position of a majority of San Clemente residents.

### **Recommendation**

The City of San Clemente could petition LAFCO to increase the size of its Sphere of Influence to include Planning Areas 5, 6, 7 and 8. Further, that the county would state as a condition of the development agreement that the residents of The Ranch could not "protest" annexation if the development is within the Sphere of Influence of an adjoining city like San Clemente.

## **CITY MANAGEMENT IMPLICATIONS**

### **Comments**

The development of Planning Areas 5, 6, 7 and 8, containing 5,430 dwelling units, 300,000 square feet of neighborhood commercial uses and 1,220,000 square feet of business park, adjacent to but outside the city limits of San Clemente could become a managerial “headache” over time.

The nonresidential development will “compete” with these same types of existing uses in San Clemente for patrons, clients and leasers. The marketability of certain properties in San Clemente could be adversely impacted as a result of similar, new development on its fringe.

The construction of 5,430 dwelling units on San Clemente’s fringe could burden city services, infrastructure and public resources. Yet, these residents will not be required to share in the fiscal burden of paying for the maintenance and management of these city features. Management will be required to fashion a strategy whereby these features are maintained and managed while receiving continued usage pressure from the outside.

### **Recommendation**

The City of San Clemente could petition LAFCO to increase the size of its Sphere of Influence to include Planning Areas 5, 6, 7 and 8. Further, that the county would state as a condition of the development agreement that the residents of The Ranch could not “protest” annexation if the development is within the city’s Sphere of Influence. In the long term, this strategy would allow the City to better manage its services, infrastructure and public resources.

## **MONETARY IMPACTS**

### Fiscal

#### **Comments**

The Ranch Plan could represent a “two-edge sword” for San Clemente. On the one hand, many of residents of the Ranch could frequent retail establishments in San Clemente thereby enhancing the city’s sales tax revenue. Conversely, residents of San Clemente could frequent retail establishments in The Ranch thereby creating a “leakage” of sales tax dollars. Given the size, diversity and reputation of San Clemente’s commercial districts, it is unlikely that San Clemente will experience any leakage as a result of The Ranch Plan.

The additional benefit of increased sales tax revenue could easily be offset by increased demands on city services, infrastructure and public resources, thereby resulting in an overall “push” from a fiscal perspective.

#### **Recommendation**

The City should review the development agreement between RMV and Orange County to determine if there is an opportunity for securing a mitigation fee for resources in San Clemente that will be adversely impacted by the Ranch project.

### Economic

#### **Comments**

The local economy is composed of two different types of businesses: (1) the local-serving businesses, drawing most of their customers from the community, and (2) export businesses (basic industries) that sell most of their goods and services outside the region and bring new wealth into the region.

The Ranch will stimulate the local economy in the short-term by providing employment and wages in the building trades and related sectors, like lumber and wood products, utilities, and real estate and financial institutions. Also, the Ranch will potentially stimulate the export business sector by developing a business park that will eventually contain over one million square feet of buildings. This development feature, contained in Planning Area 8, could lead to a higher and more stable standard of living (prosperity) for persons living in San Clemente. Job growth, higher wages, industrial diversity are areas of the economy that could benefit from this business park.

San Clemente's jobs/housing balance could also benefit from the proposed business park. In 2000, it was estimated that San Clemente has a jobs-to-housing ratio of .72. An ideal ratio figure is 1.5 according to the State of California, Housing and Community Development. An improvement in this ratio will significantly reduce commute times (San Clemente workers averaged 27 minutes in 2000), improve air quality and reduce congestion on regional roadways.

### **Recommendation**

The development of Planning Area 8 will benefit San Clemente if it is properly served with roadways, infrastructure and services. The City may want to facilitate the development of this planning area by reviewing its 5-year capital improvement program to insure that the above listed features are in place.

## **ALTERNATIVES TO THE PROJECT**

### No Project

#### **Comments**

The Ranch Plan EIR delineated two “no project” alternatives. Alternative A-1 assumed that the existing conditions on the RMV property would remain unchanged - agriculture, livestock grazing, resource extraction, and lease activities. No additional residential or other urban uses would be developed.

Alternative A-2 assumed that the project area would be developed based on existing county general agricultural zoning, one dwelling unit per four acres. Development would consist of large-lot residential development, as well as agricultural uses, and sand/gravel mining and resource extraction. This Alternative would provide for approximately 3,265 dwelling units throughout the Ranch Plan area. This alternative would provide for open space along the ridges and slopes deemed unsuitable for development.

#### **Recommendation**

Either of these alternatives would have less of an impact on the San Clemente environs than the proposed Ranch Plan, however, it is very unlikely that the Orange County Board of Supervisors will opt for either of these alternatives.

### Environmentally Superior Alternative

#### **Comments**

The CEQA Guidelines require that an EIR identify an Environmentally Superior Alternative. Other than the “no project” alternatives, the EIR concluded that none of the build alternative were clearly environmentally superior. The alternatives with a greater amount of growth were better able to meet the County and regional housing goals while those alternatives with smaller development footprints had less of an impact on the natural habitat.

#### **Recommendation**

The “environmentally superior” alternative of the build alternatives is Alternative B-5. This Alternative provides for 7,170 acres of development and 15,645 acres of open space. Uses would consist of 14,000 dwelling units (6,000 senior units) and 406 acres of nonresidential development. There would be no new development within the San Mateo Creek watershed (Planning Areas 6, 7, 8, and 9). The size and configuration of Planning Area 4 would also be modified to allow a greater amount of development in that area. The B-5 Alternative insulates San Clemente from many of the impacts detailed in the Ranch Plan EIR.

## **RESPONSE OPTIONS**

There are various options to responding to the Ranch Plan, ranging from a personal meeting with the Board member that represents the San Clemente area to providing testimony before Board of Supervisors to legal actions (challenging the adequacy of the EIR). These are all political decisions that are best discussed and resolved by meetings between staff, including legal counsel, and the San Clemente City Council. Legal action will delay the project for one or more years but it will be costly.



# City of San Clemente Planning Division

George R. Buell, City Planner

Phone: (949) 361-6185 Fax: (949) 366-4750

BuellG@San-Clemente.org

August 5, 2004

Mr. Tim Neely  
COUNTY OF ORANGE  
Planning and Development Services Dept.  
Environmental Planning Services Division  
300 North Flower Street  
Santa Ana, CA 92702-4048

Re: Review comments on the Draft EIR for The Ranch Plan, State Clearinghouse  
Number 2003021141.

Dear Mr. Neely,

The City of San Clemente appreciates the opportunity to review the above referenced document and offers the following comments. Due to the City of San Clemente's location adjacent to the Rancho Mission Viejo (RMV) property, the Ranch Plan project has the potential to significantly impact San Clemente residents, businesses, and natural environment. The comments contained herein reflect the City's concerns as they relate to the proposed project.

## **Section 1 Executive Summary**

- In Table 1.7-1, Summary of Significant Impacts and Mitigation Program, please modify the table with lines between each impact discussion so that the reader could determine which mitigation measures are associated with each impact. As currently written, potential impacts are combined thus preventing the reader from determining which mitigation measures are associated with which impact.
- Section 15123(b)(1) of the CEQA Guidelines requires that the EIR Summary identify "[e]ach significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect." As stated on Page 1-9 of the DEIR, all mitigation measures are "only briefly summarized" in Table 1.7-1. Please modify the DEIR to contain a full listing of the mitigation measures to

assist the reader and fully comply with Section 15123(b)(1) of the CEQA Guidelines.

## Section 2 Introduction

- The South County Outreach and Review Effort (SCORE) process should have been described as part of Section 2.2.3, “Public Participation as Part of the Coordinated Process.” While it is mentioned as part of Project History (Section 3.3) in the Project Description, this section needs to have a brief summary of comments and a general listing of task force participants to ascertain whether representatives or citizens from the adjacent impacted cities such as San Clemente were included as part of any of those groups. It is an important part of the public record to track what comments were made and how they were addressed in the development of the project’s design. While the Orange County SCORE Program Phase One Report (October 2002) provides an overview of the task force’s findings, the EIR should have provided a summary of these findings as part of the introduction. This would have provided a framework to inform the reader as to how public comments made during the SCORE process were addressed.

## Section 3 Project Description

- The project description fails to adequately describe what the 6,000 Senior Housing Units could entail. Would they be restricted to attached apartment units or could they include single-family units as well? What restrictions would be put in place to ensure that the proposed Senior Units are developed as Senior Units as the Ranch Plan is implemented. The EIR analysis assumes significantly reduced trip generation rates for the Senior Housing Units. Associated air quality and noise impacts are also assumed to be reduced. The City of San Clemente is concerned that the assumptions for the Senior Housing Units are not realistic, and therefore, the EIR Analysis does not adequately address potential impacts. The trip generation rates used for the Senior Housing Units are intended for attached senior apartment units. However, the EIR Analysis assumes the same trip generation rate of 3.5 trips per day per unit for single-family and apartment senior housing. Therefore, associated traffic, air quality, and noise impacts would likely be much greater than what is assumed in the Draft EIR. Therefore, the EIR Analysis should be revised or restrictions should be placed on the Senior Housing Units to limit the senior housing to attached apartment units.
- Please note that if the Ranch Plan is modified to reflect an adopted alignment for the SR-241 extension, subsequent environmental review in accordance with Section 15162 of the CEQA Guidelines would be required.
- The description of “Senior Housing” contained on Page 3-22 should be expanded to include what types of units would be allowed and what types of restrictions

would be placed on the project to ensure that the 6,000 units would remain Senior Units. As described above, significant reductions in associated traffic, air quality, and noise impacts were assumed in the EIR Analysis for the Senior Housing Units. The EIR needs to provide a basis to support the use of these assumptions for the duration of the occupancy of the unit.

- The project description fails to adequately describe the whole project as it relates to the Development Agreement (DA). The project description, as currently written, fails to inform the public or the decision-makers of the terms of the development agreement which will bind the County of Orange and the applicant. Without a description of the terms and conditions of the DA, there is no way to determine if the Draft EIR adequately analyzes the potential impacts of the project. Per CEQA Guidelines Section 15003 (h), "The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect." The DA is likely to include various infrastructure improvements which may not be analyzed in the Draft EIR. Without a complete description of the requirements contained in the DA, the Draft EIR cannot adequately assess the associated environmental impacts.
- The City has received and understands that the current DA is still in draft form. As the DA is revised, it may involve impacts with the City of San Clemente. Therefore, we respectfully request that any and all revisions to the DA be provided to the City. Please submit this to my attention at:

George Buell, AICP  
City of San Clemente  
Community Development Department  
910 Calle Negocio  
San Clemente, CA 92673

E-mail copies may be sent to [buellg@san-clemente.org](mailto:buellg@san-clemente.org).

- Please be advised that, if any future DA revisions result in new, significant environmental impacts, those impacts must be addressed in a separate environmental document, pursuant to CEQA Guidelines Section 15162. Please provide any and all new or amended environmental document(s) to the address provided immediately above.
- As stated on Page 3-29 of the DEIR, a total of over 48 million cubic yards of grading would be required to develop 1,400 units on 1,092 acres within Planning Area 8. This represents approximately 44,000 cubic yards of grading per developable acre. This is a considerable amount of grading. Considering that this area is visible by San Clemente residents within the Talega community, the

potential aesthetic impacts are of great concern. The DEIR should address possible grading alternatives, including landform grading, contour grading, etc., which would allow the proposed grading volumes and associated aesthetic impacts to be reduced.

- Section 3.4.9, “Governance” of the DEIR states that “it is the County’s policy that Project will be incorporated and/or annexed to a city.” However, the DEIR does not contain any discussion or analysis relating to future annexations. With respect to the City of San Clemente, the DEIR should provide analysis of annexation of Planning Areas 5, 6, 7, and 8 to the City of San Clemente, which would be the logical City for annexation. In addition, Section 5, “Alternatives to the Proposed Project” should analyze an annexation alternative which analyzes the potential environmental effects associated with annexation of the various Planning Areas to the adjacent municipalities.
- All maps need to show the corporate boundaries of the adjacent cities including the City of San Clemente.

#### **4.1 Land Use and Related Planning Programs**

- The development on San Clemente’s borders represented by Planning Areas 5, 6, 7 and 8 of the Ranch Plan will undermine the city’s growth management principals contained in its general plan. These planning areas, when built out, will generate 5,430 dwelling units, 300,000 square feet of neighborhood commercial development and 1,220,000 square feet of business park. Because these four planning areas generally abut San Clemente, San Clemente residents will directly feel the environmental impacts caused by this development. These impacts include traffic, traffic-related noise, aesthetics, air emissions, loss of open space and reduced response times of public safety services (paramedics, sheriff, and fire).
- Based on the above concerns, it is the position of San Clemente that The Ranch Plan EIR has not effectively discussed the project’s impact on the goals, objectives and policies in San Clemente’s General Plan.
- In addition to circumventing an evaluation of the project’s consistency with San Clemente’s General Plan, the City also finds that the project is inconsistent with the Public Services and Facilities Element of the Orange County General Plan and SCAG’s Regional Comprehensive Plan and Guide, Growth Management Chapter. In the case of both documents, the EIR has not adequately detailed how the project’s impact on public services will be reduced to an insignificant level.
- As described above, it is the County’s policy that Project will be incorporated and/or annexed to a city. However, the DEIR does contain any discussion or analysis relating to future annexations nor does the alternatives analysis look at various annexation alternatives. With respect to the City of San Clemente, the

DEIR should provide analysis of annexation of Planning Areas 6, 7, and 8 to the City of San Clemente, which would be the logical City for annexation. In addition, Section 5, “Alternatives to the Proposed Project” should analyze an annexation alternative which analyzes the potential environmental effects associated with annexation of the various Planning Areas to the adjacent municipalities.

### **4.3 Population and Housing**

- The impact analysis contained on Page 4.3-11 under “Consistency with Adopted Regional and Local Population Projections” does not provide enough information to support the conclusion that there would not be a significant impact. As currently written, the EIR fails to adequately relate the proposed project to the OCP-2000M Growth Projections. In addition, the EIR fails to describe cumulative development within the RSAs and CAAs affected by the project. In order to support the conclusion that the project is consistent with the Regional Growth Projects, the EIR needs to include a Table which compares growth associated with the proposed project and other cumulative projects with the OCP-2000M Growth Projections.
- Page 4.3-4, under Study Area there is a typographical error: “CAA 700” should be “CAA 70.”
- Page 4.3-5, under Housing, last sentence: The DEIR states that the OCP-2000M provides for 20,468 units within the Ranch Plan Boundary. The EIR needs to support the conclusion that the proposed project is consistent with OCP-2000M, even though the units proposed are significantly lower than OCP-2000M Projections. The EIR also needs to describe potential growth inducing impacts on adjacent communities due to the reduction in units from OCP-2000M.
- Page 4.3-8, under Employment, last sentence: the CDR states that there were 87,892 employed persons within the project study area in 2000. It should state 88,223 persons, as identified in Table 4.3-5.
- Page 4.3-11, under Impacts, first paragraph: “Population projects” should read “Population Projections.”
- Page 4.3-11, under Impacts: Although the shortfall of the development compared to the OCP-2000M projections had been addressed through the evaluation of consistency with the regional planning programs, analysis should be added here about the effects of reduced growth in CAA 59 and CAA 60 and the impacts on the surrounding areas such as CAA 68, CAA 69 and CAA 58.

#### 4.4 Geology and Soils

- There are inconsistencies in landslide information contained in the EIR: Table 4.4-3 shows three landslides in PA 8 (p. 4.4-10). Page 4.4-14 states that there have been four landslides mapped in PA 8, which vary in size from one to approximately six acres.
- The EIR states that the potential for debris flows is moderate to high in PA 2-4 and 6-9 (p. 4.4-11). Cut slopes that expose sandstone or landslide debris, or where the Mission Viejo fault may be exposed, would require stabilization or buttressing to prevent erosion or raveling of slope faces (p.4.4-15). However, there is no discussion in the EIR about whether potential landslides from the site as a result of grading or site development could impact existing homes within the City of San Clemente, including the Talega Community.
- As described in the EIR, grading activities would expose soils to erosion. “Areas of moderate to high erosion potential would be subject to potentially significant erosion.” “Erodibility can be mitigated during grading using conventional grading techniques such as slope stabilization and construction of drainage devices” (p. 4.4-16). Of particular concern to San Clemente is that there is no discussion in the document about whether erosion or debris flows from the site as a result of grading or site development would impact drainages adjacent to or within the City of San Clemente. San Juan Creek drains through the Dana Point, and would not impact San Clemente. However, San Mateo Creek drains through an area commonly considered to be within San Clemente. Therefore, impacts to San Mateo Creek would be a source of concern to the City of San Clemente.
- Although a “Baseline Geomorphic and Hydrologic Conditions” report and a “Geotechnical Studies to Support Ranch Plan EIR” report have been completed, an in-depth geotechnical report for the site has not been completed. Mitigation Measure 4.4-1 calls for the submission of a geotechnical report to the Deputy Director, Planning and Development Services for approval prior to the approval of the first tentative tract map in each Planning Area, and lists the issues that should be addressed in the geotechnical report. Prior to the implementation of this mitigation measure, it is not possible to determine the exact nature of potential geotechnical impacts to the City of San Clemente. In addition, the EIR Analysis fails to include mitigation measures to reduce potential geotechnical impacts to a level of insignificance and relies only on preparation of future studies. This represents impermissible deferral of mitigation under *Sundstrom v. County of Mendocino*.

#### 4.5 Water Resources

- Development on high infiltrating soils or coarse sand soils should be avoided to preserve infiltration of groundwater and to preserve beach replenishment processes that deliver these sediments downstream. Additional details should be

provided to demonstrate that no significant impacts to San Clemente beaches would result, and that adequate mitigation measures have been incorporated into the proposed project.

- The timing of peak flows and releases from the various flood control detention mitigation basins should be studied from a regional perspective to ensure the timing of the peaks do not coincide to cause flooding downstream.
- The greatest impact concerns for the proposed Rancho Mission Viejo project for water quality include the potential increase of pollutants associated with residential and commercial development such as nutrients, oil and greases, hydrocarbons, bacteria, heavy metals and sediment from the impervious surfaces. Four Planning Area areas located within the vicinity of the San Mateo Creek Watershed that have the potential to adversely impact the City of San Clemente.
- The EIR states some of the proposed facilities may require standing (i.e. ponding) water for greater than 48 hours. Vector control issues may arise from facilities that incorporate design features that will hold standing water for several days at a time.

#### **4.6 Transportation and Circulation**

- The cumulative analysis (2025 scenarios) with project represents a substantial internal trip capture (41 percent of peak hour). To ensure that the overall project and cumulative impact conclusions, including this internal capture rate, represent a worst-case condition, one of two conditions is necessary:
  - a) prepare a traffic impact analysis of residential uses only (14,000 units) to demonstrate that without nonresidential uses traffic impacts will be no worse than full project impacts, or
  - b) develop a condition of approval that requires proportionate phasing of residential and nonresidential uses.

Traffic studies required with each phase of development will not address this issue unless new mitigation measures are permitted above and beyond those identified in the EIR.

In addition, thorough justification and substantiation of the application of this relatively high internal capture rate is required. This justification should include examples of similar projects where such an internal capture rate has been achieved and can be documented.

- Develop a condition of approval that provides insurance that senior (age-restricted) citizen trip generation (0.33 trips/unit p.m. peak hour) will be achieved and maintained. The basis for these lower rates in the ITE Trip Generation Manual contains a caution due to the very small sample size. In addition, there is

- not sufficient description of the product type in the traffic study to substantiate this low generation rate applied to 6,000 dwelling units. It is also questionable that with the probable high price of these units, the low generation rate will not be applicable. In short, more substantiation, with studies of similar California projects and controls, should be provided to accept these low rates. If not, conditions of approval allowing for the reduction in the number of units is necessary if studies of initial phases of age-restricted units demonstrate higher rates.
- Table 2-6 suggests that the study area will add 37,846 dwelling units over the next 25 years. Therefore, the Ranch Plan is only 37 percent of the remaining growth. The remaining non-Ranch Plan growth of 23,846 units is significant when you look at cumulative project needs and they also dilute fair-share contributions of the Ranch Plan. Ladera represents 30 percent of the remaining growth in this table, but much of it has already occurred. In short, of the total cumulative growth, the unincorporated area represents 64 percent of the growth. This growth projection comes from OCP data and has little relationship to real projects in each City. The reality of forming the proposed SCRIPTS program on this assumption seems weak. It is necessary to verify that all new growth shown in Figure 2-5 is from undeveloped property and is not the result of applying general plan level densities to existing developed areas (or employment factors).
  - Also, at the year 2010, all circulation systems in San Clemente will conform to General Plan specified level of service standards. In addition, the City will be 99% buildout. Even though the General Plan allows for additional intensity, in many cases the intensity will not occur and internally generated traffic will be de minimus. For example, one area where assumed General Plan buildout will probably not occur is the 70 acres of the high school site that is currently zoned commercial. The 70 acres of commercial development would translate into approximately 70,000 trips, which will not occur because the high school site will not be converted to a regional commercial center.
  - If the SCRIP Program is intended to be used as mitigation for the Ranch Plan, it must be fully defined as a part of the EIR. Further, SCRIP's must be implemented prior to any development including grading. This should be a Condition of Approval for any development agreements and County approvals and should be part of the mitigation plan contained in the EIR.
  - On page 5-11 there is a formula for Project Share. In the denominator, total future traffic is reduced by "traffic from existing land uses." What is the source of this "traffic from existing land uses" data? Please provide one sample calculation, say for intersection No. 56 (Pico @ I-5 southbound ramps). The intent of the question is to verify that this "traffic from existing land uses" is reflective of the actual traffic counts taken in 2003.

- On page 5-11 in the discussion of “Traffic Shares” it is noted that “volumes are calculated using ADT volumes...” Since the requirement for each of these improvements is based on peak hour demand it is inconsistent and an improper nexus application to use ADT volumes to calculate project share.
- In the same discussion, the note regarding existing traffic being assigned to a new facility warrants discussion. Please provide a sample calculation for La Pata between Ortega and Vista Hermosa.
- Provide your proposed language that outlines the interim traffic study requirements (by development phase) and the triggering of mitigation measures.
- The long-range transportation improvement program described in Chapter 5 of the traffic report includes the assumption of the La Pata Avenue extension to mitigate several deficiencies (page 5 1). However, Table 5-3, Traffic Shares, indicates that the Ranch Plan has a 21 percent responsibility for the La Pata Extension. To take full credit for the La Pata Extension in mitigating several deficiencies, it would be necessary to fully commit (i.e., 100 percent) to its implementation.
- The County has distributed a draft South County Roadway Improvement Program (SCRIP) dated July 14, 2004, intended to address several issues related to the implementation of the mitigation program. The most significant objective, “To ensure that circulation improvements are implemented in a timely manner so that level of service goals/policies of the affected jurisdictions are maintained . . . .” is crucial to acceptance of program. Since the EIR does not identify direct or cumulative project impacts utilizing County established and adopted impact thresholds for adversely impacted locations, it is paramount that the SCRIP program provide equivalent protection.
- Several I-5 interchange improvements are recommended as mitigation measures for the RMV project. An analysis to verify whether any of those improvements might be subject to and in conflict with the Caltrans/TCA non-compete cooperative agreement should be provided.
- Planning Area 8, on the Ranch Plan, envisions a significant business park of over 1,200,000 square feet. With the assumption of the Far East alignments for the FTC-South the PA 8 traffic will have direct access to I-5 around the City of San Clemente. In the scenario that there is no FTC-South extension, this traffic will directly impact Avenida Pico all the way to I-5. It is requested that an alternative analysis and plan be provided that connects PA 8 to I-5 via a connection to Cristianitos Rd.
- Another alternative to reduce impacts to Avenida Pico is an extension of La Pata to Cristianitos. It is requested that this alternative circulation extension also be analyzed (assuming no FTC-South) to determine the potential benefits in reducing traffic impacts to other arterial highways.

- A complete traffic impact analysis of Alternative B-9 is requested. The traffic analysis data for other alternatives does not address the unique characteristics and potential impacts of this alternative.
- Table 5-3 Traffic Shares – 2025 Cumulative With Project – provides an illustration of potential Ranch Plan contributions to specific mitigation measures. These shares are subject to substantial change based on the SCRIP program being developed by the County. For example, the future traffic volumes may be significantly reduced based on input from local jurisdictions and therefore Ranch Plan shares would be increased. These traffic shares cannot be accepted as binding at this time.
- The deficiency at the I-5 interchange with Pico (northbound on-ramp) (Table 4-5) does not appear to be addressed in the improvement program. It appears that a two-lane on-ramp is necessary.
- The City will require conceptual engineering plans for all mitigation measures under their jurisdiction to verify that they are feasible and consistent with established engineering standards. This supporting information is necessary prior to approval of a Final EIR.

#### **4.7 Air Quality**

- Page 4.7-4, above California Attainment Status and Page 4.7-5, last paragraph: Please note that California has proposed to classify the SCAQMD as a non-attainment area for PM2.5. The EPA is expected approve the area designations by December 15, 2004.
- Impact 4.7-4: Impacts from the mitigation measure SC 4.15-8 states that the proposed Project will add wastewater facilities to the region. These facilities were listed in Table 4.15-13, Proposed Wastewater Facilities, and were not assessed for odor impacts. Impacts from a proposed wastewater facility, or expansion of a facility, has the potential to expose a substantial number of people to objectionable odors in the surrounding communities. The EIR fails to adequately assess potential odor impacts related to the Proposed Wastewater Facilities on existing homes located in proximity to the proposed project.
- Residents located in the planned area above the Prima Deshecha Landfill (Planning area 5 and residential uses within area 6) should be advised of their vulnerability to landfill gas (LFG) migration- containing methane, carbon dioxide, and air toxics. Mitigation measures should be incorporated to limit exposure to residents within these planning areas.
- As stated on Page 4.7-20, long-term operational emissions for CO, VOC, NOx, and PM10 were identified as a significant unavoidable adverse impact. Section

15126.4 of the CEQA Guidelines requires that an EIR “describe feasible measures which could minimize significant adverse impacts.” According to Page 4.7-20 of the DEIR, “[n]o additional feasible mitigation is available to reduce regional operational impacts to a less than significant level.” While it may be true that impacts could not be reduced to a less than significant level, under CEQA, the EIR must identify mitigation measures to minimize significant effects. As currently written, the EIR fails to provide any mitigation for long-term operational impacts. Potential mitigation measures could include incorporation of energy-efficient appliances, automated controls for air conditioners and lighting, and use of solar energy for future homes. In addition, future tentative maps should incorporate design features to promote alternative forms of transportation including pedestrian connections between residential areas and public facilities, bus turnouts, and park and ride facilities.

#### 4.8 Noise

- Page 4.8-3, under Noise Standards: The EIR incorrectly states “The Noise Ordinance is part of the County of **County** Municipal Code.” It should say County of **Orange**.
- Impact 4.8-4: Site 1 is located adjacent to the Donna O’Neill Conservancy identified in Exhibit 4.8-3. Although not residential, this land use is also considered a sensitive land use and impacts should be assessed with respect to this area.
- Impact 4.8-2 and Impact 4.8-3: Roadway segments along Avenue Pico and other roads adjacent to the project site currently exceed the County of Orange’s Noise Ordinance standards of 65 dBA or would exceed the County’s standard after Project implementation. As sensitive receptors are located along this roadway segment, an increase of 3.0 dBA should be considered significant at the property line. However, the roadway segments fall within the boundaries of the City of San Clemente and are thus subject to the City’s noise ordinance within that area.
- Noise impacts due to traffic increases along Avenue Pico, Avenida La Pata and Ave Talega are within the City of San Clemente Boundary and should be assessed with respect to the City of San Clemente local noise ordinance standards. The daytime exterior noise standard within the City of San Clemente is 55 dBA CNEL (8.48.020 Definitions). Therefore, 7.8 dBA CNEL increases above existing conditions along Avenida Talega would be considered significant impacts. Likewise, up to 6.5 dBA increases above existing conditions along Avenida Pico would also be considered significant impacts.
- The analysis should depict areas along these roadway segments that have a sound barrier. Please describe to what attenuation these sound barriers can achieve so that noise impacts can be assessed to the sensitive receptors. Please include the

future plus project noise level at the sensitive receptor with the reduction due to the existing noise barrier.

- In planning area 8, a Bridge is proposed on Cristianitos Road to Avenue Talega. The height of the proposed bridge may negate the attenuation effects of the sound barrier on residents within San Clemente off Avenida Pico. The height of the sound barrier may need to be adjusted based on the line of site to the bridge in order to mitigate noise effects.

#### **4.10 Aesthetics and Visual Resources**

- San Clemente's General Plan contains a Scenic Corridor Element that frames the community's objectives with regard to maintaining and preserving scenic corridors and key entry points. Major scenic corridors will be impacted by The Ranch Plan and include Avenida Vista Hermosa, Avenida Pico and Avenida Talega.
- The Scenic Corridor Element also delineates numerous policies pertaining to the design, installation and maintenance of improvements that will affect scenic highways and entry points into the City of San Clemente. Supporting this Element's objective of preserving the scenic attributes of the community's roadways is San Clemente's Environmental Resources Element, Aesthetic Resources section. The primary aesthetic objective of this Element is to preserve visual resources that include coastal bluffs, ridgelines, canyons and ocean views. Design principles that apply to development that will affect these resources are described in this document, ranging from grading techniques to vegetation selection and from slope maintenance to retaining wall design. The Ranch Plan should be required to comply with the City of San Clemente design standards for all Planning Areas which could be annexed to the City of San Clemente.
- Development improvements common to all the planning areas in the Ranch Plan include cut and fill and grading activities in preparation for the construction of buildings, roadways, and infrastructure, and the installation of landscaping, hardscape and open space improvements. San Clemente will be visually impacted by the aforementioned improvements that are associated with Planning Areas 5, 6, 7 and 8. The O'Neill Conservancy and the future Prima Deshecha Regional Park partially screen these planning areas from the view of San Clemente residents. However, there are areas in San Clemente where the above-described improvements will be visible. These areas include various sites in the planned community of Talega and areas along the Avenida Vista Hermosa and Avenida Pico roadways. The EIR concludes that some San Clemente residents will adapt to these visual changes because they represent only a minor segment of their viewshed, while other residents will always look upon the view as a "blight" on the landscape, thereby representing a significant aesthetic impact. The City of San Clemente considers this a significant impact thus requiring mitigation.

- The views from San Clemente that are deemed significant in The Ranch Plan EIR, Views 18, 19a, 19b, 20, and 22a, should also be discussed from a nighttime lighting perspective.
- The EIR indicates that ridgelines in Planning Areas 5, 7 and 8 will be modified or disturbed. The EIR should include an analysis of these ridgeline modifications for consistency with San Clemente's ridgeline protection ordinance.
- Overall, we find that the Ranch Plan EIR does not adequately describe how the Ranch Plan project aims to maintain consistency with the City of San Clemente's General Plan. None of the mitigation measures directly address visual impacts to the City of San Clemente and the City is of the opinion that the EIR does not go far enough in providing mitigation measures that lessen visual impacts to the City of San Clemente.

#### **4.12 Recreation**

- The residential development of Planning Areas 5, 6, 7 and 8 will adversely impact recreation resources in San Clemente. The added pressure on recreation facilities caused by the introduction of an additional 5,430 residential dwelling units in close proximity to existing San Clemente neighborhoods will be significant. These recreation facilities will include parks, beaches, playground equipment, gymnasiums, etc. This potential impact is not adequately discussed in the EIR.

#### **4.14 Hazards and Hazardous Materials**

- Operations at the Northrop/TRW site (PA 8) involve the use of highly toxic, flammable and oxidizing chemicals. The site tests clean, but these hazardous materials would have to be transported offsite at close of operations. Mitigation Measure 4.14-2 (page 4.14-21) requires the development of a comprehensive closure plan "to assess, monitor, and mitigate any residual threats to human health or the environment which may remain as a result of site operations and closure." Because toxic, flammable and oxidizing chemicals may be transported on roadways through the City of San Clemente, the City should receive a copy of the draft Comprehensive Closure Plan. The City reserves the right to comment on and approve or disapprove its contents.

#### **4.15 Public Services and Facilities**

- Fire Service Mitigation Measure PFD 4.14-3. The location of the OCFA substation should be assessed prior to placement in order to ensure adequate response time to each planning area within the development. This analysis should be included as part of the mitigation measure.

- How and who pays for fire services, should be discussed. There should be consistency between this discussion and discussions concerning governance and annexation.
- Although the proposed Project water demand will not exceed the SMWD water supply projections, due to the high magnitude of water consumption for non-domestic residential use and golf course irrigation (5.9 MGD), mitigation measures should incorporate the Urban Water Management Plan policies for landscape conservation including use of recycled and/or reclaimed water and alternatives to sprinkler irrigation, such as drip irrigation systems.
- School Section 4.15.6: The EIR acknowledges that enrollment in the San Clemente High School bordering Planning Areas 7 and 8 currently exceed capacity. The Ranch Plan assumes the need for 5 elementary, one middle school and a possible high school site as deemed necessary by Capistrano Unified School District (PDF 4.15-8). School facility impact mitigation is the payment of developer fees which is discussed in the EIR. Please note that due to the currently overcrowded condition, San Clemente High School would not be available to serve future project students.

## **Section 5 Alternatives to the Proposed Project**

- The EIR should consider an Annexation Alternative which annexes Planning Areas 5, 6, 7 and 8 to the City of San Clemente. This alternative would be consistent with the “County’s policy that the Project will be incorporated and/or annexed to a city.” Section 5, “Alternatives to the Proposed Project” should analyze the potential environmental effects associated with annexation of these Planning Areas to San Clemente. The City of San Clemente is concerned that development of Planning Areas 5, 6, 7, and 8 will place significant demands on public services and facilities provided by the City of San Clemente.
- The EIR should also discuss an annexation alternative which annexes only Planning Area 8 to the City of San Clemente.

## **Section 7 Cumulative Impacts**

- In general, cumulative development including the development of the Ranch Plan will significantly increase the population of the area and will have significant impacts on San Clemente recreational facilities and beaches. Completion of the proposed Ranch Plan circulation system will provide direct connections between the proposed project and San Clemente. The DEIR fails to provide any analysis regarding potential impacts to San Clemente recreational facilities and public beaches due to cumulative population increases.

- Section 7.4.3, “Population and Housing” fails to provide any analysis of the potential cumulative population and housing impacts. The EIR compares the proposed project with the Regional Growth Projections for RSA 43, but nowhere does it compare cumulative growth, including the proposed project and other cumulative projects, with the Regional Growth Projections. As a result, the DEIR does not substantiate its finding that the project is consistent with the Regional Growth Projections.
- Exhibit 7.3-7 does not accurately show the cumulative projects within the City of Irvine. I-2 should be identified as Spectrum 8. I-3 should be identified as Northern Sphere and should include the area north of Trabuco Road between Jeffrey Road and the ETC (SR-133) and the area north of Irvine Boulevard east of the ETC.

Thank you for the opportunity to review and comment on the Draft EIR for the The Ranch Plan. Please let us know if you would like to arrange a meeting so that we may discuss our concerns in more detail.

Sincerely,  
CITY OF SAN CLEMENTE

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George R. Buell, AICP  
City Planner

cc: Mayor and City Council  
George Scarborough, City Manger  
James Holloway, Community Development Director  
David Lund, Director of Economic Development and Public Works  
William Cameron, City Engineer