

Orange Heights Scoping Meeting

I. Background: Initial Study's environmental determinations:

- The City determined that a Supplemental EIR (not a Subsequent EIR) is the appropriate level of review.
- The Initial Study identifies the following topics as requiring additional analysis in the forthcoming SEIR: Aesthetics, Air Quality, Biological Resources, Cultural Resources, GHG Emissions, Hazards (wildland fire and emergency evacuation), Hydrology/Water Quality, Land Use, Noise, Public Services (fire), Recreation, Transportation, Tribal Cultural Resources, Utilities, Wildfire, and Mandatory Findings of Significance.
- The Initial Study finds no further analysis required for: Agriculture & Forestry Resources, Energy, Geology & Soils (except paleontological resources), Mineral Resources, Population & Housing, and certain Hazards/Public Services thresholds not related to wildfire.

II. Purpose of Scoping Meeting

- The purpose of scoping is for the lead agency (City) and developer (TIC) to receive input from the public and responsible agencies on the analysis that should be included in the SEIR.
- Save Orange Hills is not required to submit scoping comments in order to later challenge project approval, but scoping is a good opportunity to demonstrate community concern and request a thorough analysis.
- The following talking points are intended to help SOH/members of the public convey their concerns to the City and TIC at the scoping meeting. Each person can pick and choose the issues that matter to them; no one needs to convey all of the talking points.

III. Talking Points for Scoping Comments:

A. The City should prepare a subsequent EIR, not a supplemental EIR.

The Initial Study concludes that a supplemental EIR is the appropriate form of additional environmental review. But under CEQA Guidelines § 15163(a)(2), a supplemental EIR is only appropriate when “only minor additions or changes” are needed.

Here, the changes are anything but minor. Since the 2005 SEIR/EIR was certified over 20 years ago:

- Multiple species have received new legal protections under CESA and FESA, including Crotch's bumble bee, western burrowing owl, tricolored blackbird, Southern California mountain lion, and western spadefoot. These species were never analyzed in the 2005 SEIR or 2016 Addendum.

- The CEQA Guidelines have been revised to include entirely new categories of analysis that the 2005 EIR and 2016 never analyzed—including greenhouse gas emissions, tribal cultural resources, and transportation.
- The entire project site is now in a Very High Fire Hazard Severity Zone, whereas only a portion was so designated in 2016. The entire project site burned in the 2017 Canyon Fire 2. California has experienced 17 of its 20 largest wildfires since the 2005 SEIR was prepared.
- 20 years of development in the surrounding area have further fragmented and destroyed habitat for listed and sensitive species.

A subsequent EIR requires the full range of analysis mandated by CEQA for a new EIR. Given the magnitude of changes since 2005, the public and decision-makers are entitled to a complete, comprehensive analysis and a subsequent EIR is necessary.

B. The SEIR must adequately analyze impacts to newly-listed protected species and updated surveys should be conducted.

Since the 2005 SEIR/EIR, the following species with known or potential presence on the Project site have received heightened legal protections:

- Crotch’s bumble bee – CESA candidate (2022)
- Western burrowing owl – CESA candidate (2024)
- Tricolored blackbird – CESA threatened (2019)
- Southern California mountain lion - CESA candidate (2020)
- Western spadefoot – proposed FESA threatened (2023)

Many other sensitive species have been observed on or near the site, including least Bell's vireo, coastal California gnatcatcher, yellow-breasted chat, white-tailed kite, northern harrier, grasshopper sparrow, loggerhead shrike, western meadowlark, bobcat, spotted skunk, Blainville’s horned lizard, Belding’s orange-throated whiptail, American badger, gray fox, and mule deer. None of the new species protections were considered in the 2005 environmental study. Accordingly, the SEIR must analyze impacts to these species.

The 2005 SEIR also relied on inadequate baseline surveys, which were conducted during drought conditions. The 2016 Addendum performed some updated surveys but made no mention of Crotch’s bumble bee, burrowing owl, tricolored blackbird, or western spadefoot. CEQA requires accurate, current baseline information. The SEIR must include comprehensive, up-to-date surveys for all listed, candidate, and sensitive species.

The Project site also includes a wildlife corridor. Project development would fragment this corridor, impeding movement of mountain lion and other species. The SEIR should fully analyze wildlife corridor impacts, particularly now that mountain lion is a CESA candidate.

The SEIR should also address cumulative impacts from the surrounding development. Orange County’s population has grown by nearly 7% since 2005, resulting in additional habitat conversion in the area surrounding the Project site.

C. The SEIR must analyze harms to Tribal Cultural Resources and engage in formal consultation with the Gabrieleño/Tongva Tribe.

The Gabrieleño/Tongva San Gabriel Band of Mission Indians has identified the Project site as culturally sensitive. The Tribe has told the City that:

- The site contains known archaeological resources, including village sites.
- The open space is part of a larger cultural landscape that has significance to the Tribe going back thousands of years.
- The Tribe believes consultation with the City has not been done properly or in good faith.
- The Tribe has asked for a Traditional Cultural Property study and a new environmental review.

In 2014 AB 52 was enacted to require formal government-to-government consultation with tribes regarding impacts to sites, places, landscapes, and objects with cultural value to California Native American Tribes. No AB 52 consultation was previously conducted. A traditional cultural property study and formal consultation with the Tribe should be required as part of the SEIR process.

D. The SEIR must analyze greenhouse gas emissions and climate change.

The 2005 environmental study did not analyze greenhouse gas emissions at all; the requirement to do so wasn't added to the CEQA Guidelines until later. The 2016 Addendum included a quantitative GHG analysis but did so in the context of an Addendum, without full public review.

GHG analysis is now mandatory under CEQA, and California has adopted increasingly aggressive GHG reduction targets since 2005. This project would put over 1,000 single-family homes in a car-dependent location at the edge of the city, far from transit, jobs, and services. Every household will generate significant carbon emissions from daily driving, home energy use, and other sources.

The SEIR should evaluate the project's consistency with these targets. It should also provide a thorough analysis of the project's climate impacts.

E. The SEIR must adequately analyze a significantly increased wildfire risk.

The entire Project site is now within a Very High Fire Hazard Severity Zone. When the project was last studied, only part of the site had that designation. In 2017, the Canyon Fire 2 burned the entire site and over 9,000 surrounding acres. California has experienced 17 of its 20 largest wildfires since the 2005 study was done.

This project would place over 3,200 new residents in a fire-prone area at the wildland-urban interface, with limited evacuation routes. Santiago Canyon Road and Jamboree Road would be the main ways out. Building over 1,000 homes in a Very High Fire Hazard Severity Zone puts families in danger. The environmental review must seriously evaluate whether this is a safe place to put a neighborhood.

F. An updated traffic analysis is needed.

California changed the way transportation impacts are measured. Since 2020, the law requires analysis of Vehicle Miles Traveled (VMT)—essentially, how much driving a project will generate—rather than the old Level of Service (LOS) metric that just measured intersection congestion.

This project is in a location with no public transit, far from employment centers, and accessible mainly by car. It will generate significant VMT. On top of that, the project includes widening Santiago Canyon Road and Jamboree Road from 4 to 6 lanes, which research shows can actually induce more driving. The Caltrans guidelines make clear that a project like this does not get a free pass on VMT. It must be fully analyzed.

G. The initial study’s “no further analysis” determinations are questionable.

The Initial Study concludes that several topic areas require no further analysis in the SEIR, including Energy, Geology and Soils, Agriculture, Mineral Resources, and Population/Housing. Several of these determinations are questionable.

For example, the Initial Study concludes that energy impacts are less than significant based on compliance with Title 24 and CalGreen standards. However, the SEIR should analyze the Project’s total energy demand in the context of California’s renewable energy transition and evaluate whether the Project is consistent with the state’s clean energy goals.

H. The City should consider a no development/open space alternative.

The SEIR should include a No Development/Open Space Conservation alternative that evaluates what happens if the Project site is conserved rather than developed.

We recognize that the Irvine Company has already donated over 6,600 acres as permanent open space. But the remaining Project site is a critical wildlife corridor, the home to multiple listed species, and a culturally significant site to the Gabrieleno/Tongva. Conserving the site—rather than developing it—would reduce wildfire risk and eliminate all project-generated VMT and greenhouse gas emissions. Save Orange Hills is interested in working with The Irvine Company to find funding for a conservation purchase. The SEIR should seriously evaluate keeping the land as open space.