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January 17, 2020

**VIA MESSENGER**

City of Rancho Santa Margarita  
22112 El Paseo  
Rancho Santa Margarita, CA 92688  
Attn: David Blumenthal, Contract Planner

Re: Proposed Paloma Square (Dove Canyon Plaza) Project – RSM 19-010 Comments Submitted to City of Rancho Santa Margarita Concerning Documents Relating to General Plan Amendment, Zone Change, Specific Plan, Site Development Permit and Vesting Tentative Tract Map No. 16921

Dear Mr. Blumenthal:

Our firm represents the Trabuco Canyon Water District (“TCWD” or “District”) as general legal counsel. The District has requested that our Firm provide this letter to the City of Rancho Santa Margarita (“City”) concerning the residential housing project identified as the Paloma Square (Dove Canyon Plaza) proposed project – RSM 19-010, involving an application to the City for general plan amendment, zone change, specific plan, site development permit and Vesting Tentative Tract Map No. 16921 (collectively referred to herein as the “Project”). The Project is located entirely within the boundaries of TCWD.

Our firm previously provided a letter to the City, and various City officers, dated December 17, 2019, concerning the Project (“AALRR December 17, 2019 Letter”), a copy of which is attached hereto as Attachment “A” and incorporated, in its entirety, herein by this reference. Capitalized terms used herein, and not otherwise defined herein, shall have the meaning(s) set out in the AALRR December 17, 2019 Letter. As an initial issue, we note that many of the comments set out in the AALRR December 17, 2019 Letter have not been addressed to date and, as such, the AALRR December 17, 2019 Letter should be considered to be restated to the City, in its entirety, as of this date concerning the Project.

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The comments addressed herein principally concern that letter provided by the City to Lyon dated December 17, 2019, and the comments and mark up of the Specific Plan attached thereto (collectively herein referred to as the "City Letter/Comments"). However, it should be understood that the comments raised herein, and in the AALRR December 17, 2019 Letter, are not strictly confined to that correspondence and attached documents and should also be interpreted to relate to the City's review and consideration of the Project in general.

It should be noted that TCWD is providing comments through our Firm concerning the Project in two capacities:

1. Certain of the District comments are submitted as the governmental water, non-domestic water and wastewater service provider to the Project and Project Property, including, but not limited to, commentary submitted by TCWD pursuant to California Government Code Section 65352(a)(vii); and
2. The District is submitting certain of its comments in the capacity as an owner of property adjacent to the boundaries of the Project and Project Property - specifically the District's Administrative Facility, which serves as the District's headquarters located at 32003 Dove Canyon Drive in Rancho Santa Margarita (Orange County Assessor Parcel No. 804-542-27) ("TCWD Property"), including, but not limited to, comments concerning property rights, access rights, emergency services concerns and property utilization issues affecting the TCWD Property that the District believes are not adequately addressed or considered either within the Lyon Letter, the Specific Plan (as revised) and/or the City Letter/Comments.

#### Comments Related to City Letter/Comments

1. Section II. Completeness Checklist. The previous discussions by the City concerning the Project had indicated that there was a need to address boundary adjustments and access issues as between the TCWD Property and the Project Property as part of the Project. This Section now simply states "Status: TCWD Property removed from Project." As noted previously, the TCWD Property and Project Property are subject to the terms of the Reciprocal Agreement and the provisions, contractual requirements and legal effects thereof. Additionally, as previously noted in the AALRR December 17, 2019 Letter, vehicle access onto the TCWD Property and Project Property crosses over the TCWD Property. Access, parking, property use, City Municipal Code requirements and community uses are all issues that affect both the Project Property and the TCWD Property jointly. As such, vehicle access and parking issues concerning the two properties are inextricably intertwined. It is TCWD's position that the foregoing matters need to be considered by the City and that while there may not be an adjustment of boundaries involved, the legal and environmental issues concerning the foregoing functionally mean that the TCWD Property cannot be removed from the Project considerations by the City. On behalf of TCWD, it is respectfully submitted that the City needs to reconsider its position on this matter.

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In summary, it is TCWD's position that all of the foregoing issues must be taken into consideration by the City in its evaluation of the Project both from a planning and an environmental review standpoint.

2. Section II. Completeness Checklist – Item 4. TCWD again requests that all written notices provided by the City concerning the Project/Project Property should include TCWD as an adjacent property owner, concerned party and governmental service provider.

3. Section II. Completeness Checklist – Item 9(e). TCWD restates the comments submitted by it, and on its behalf, concerning parking and parking considerations as affecting the Project and Project Property and the TCWD Property as set forth in the AALRR December 17, 2019 Letter. It is TCWD's position that the City must consider access, parking, property use, City Municipal Code requirements and community uses affecting the involved properties as part of its evaluation of the Project both from a planning and an environmental review standpoint.

4. Section II. Completeness Checklist – Item 11 and Item 19. TCWD restates the comments submitted by it, and on its behalf, concerning the preparation of a Sub-Area Master Plan ("SAMP") for the Project as set forth in the AALRR December 17, 2019 Letter. TCWD notes that the District has received proposals for preparation of the SAMP for the Project and awarded a contract with a qualified engineering firm for preparation of the SAMP at the District's Regular Board meeting of January 15, 2020, with commencement of work being contingent on receipt of the required deposit from Lyon. Preparation of the SAMP and provision thereof to Lyon and the City following its preparation, review and acceptance by TCWD can be expected in the coming months. The SAMP will consider the potential availability of TCWD non-potable (recycled) water supply/services to provide irrigation water to the Project as part of its overall scope.

5. Section II. Completeness Checklist – Item 16 and Item 20 and Section III – Plan Review – Item 2. TCWD restates the comments submitted by it, and on its behalf, concerning parking, parking considerations, City Municipal Code requirements, access, community use and governmental service provision by TCWD to the Project and Project Property as set forth in the AALRR December 17, 2019 Letter. Specifically, comments relating to access of larger District service/fleet vehicles, access easement requirements, setbacks, planting of trees near District pipelines and infrastructure requirements applicable to the Project all need to be specifically considered by the City in terms of the Project site access, circulation and parking requirements.

It is respectfully requested that the comments submitted on behalf of TCWD, by way of this letter, be included in the record of proceedings prepared by the City with respect to the Project.

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TCWD reserves the right to provide additional comments concerning the Project, or its environmental impacts, as issues are presented or documentation on the Project is disclosed or provided to TCWD. This specifically includes, but is not limited to, comments submitted in connection with the Environmental Impact Report (EIR) prepared for the Project.

Should you have any questions with regard to any of the matters discussed within this letter, you may contact the District's General Manager, Mr. Fernando Paludi, at 949-858-0277 or the undersigned.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD  
& ROMO



Robert E. Anslow, Partner

REA:tlb  
Attachment

- cc: Ms. Jennifer Cervantez, City Manager, City of Rancho Santa Margarita (w/ attachment) (via overnight delivery)  
Ms. Amy Diaz, City Clerk, City of Rancho Santa Margarita (w/ attachment) (via overnight delivery)  
Ms. Cheryl Kuta, City Director of Development Services (w/ attachment) (via overnight delivery)  
Mr. Fernando Paludi, General Manager, Trabuco Canyon Water District (w/ attachment) (via overnight delivery)  
Mr. Michael Perea, Board Secretary, Trabuco Canyon Water District (w/ attachment) (via overnight delivery)

ATTACHMENT "A"

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December 17, 2019

VIA MESSENGER

City of Rancho Santa Margarita  
22112 El Paseo  
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Attn: David Blumenthal, Contract Planner

Re: Proposed Paloma Square (Dove Canyon Plaza) Project – RSM 19-010 Comments Submitted to City of Rancho Santa Margarita Concerning Documents Relating to Zone Change, General Plan Amendment, Site Development Permit and Tentative Tract Map

Dear Mr. Blumenthal:

Our firm represents the Trabuco Canyon Water District ("TCWD" or "District") as general legal counsel. The District has requested that our Firm provide this letter to the City of Rancho Santa Margarita ("City") concerning the residential housing project identified as Paloma Square (Dove Canyon Plaza) proposed project – RSM 19-010, involving an application to the City for zone change, general plan amendment, site development permit and tentative tract map (collectively referred to herein as the "Project"). The Project is located entirely within the boundaries of TCWD. Specifically, the comments contained herein are in response to the letter submitted to the City from William Lyon Homes, Inc. ("Lyon") dated November 14, 2019 ("Lyon Letter"), and the document entitled "Paloma Square Specific Plan" submitted to the City by Lyon dated November 15, 2019 ("Specific Plan"). Specific comments submitted to the City on behalf of TCWD concerning the Lyon Letter and the Specific Plan are set forth herein.

It should be noted that TCWD is providing comments through our Firm in two capacities:

1. Certain of the District comments are submitted as the governmental water, non-domestic water and wastewater service provider, including, but not limited to, commentary submitted by TCWD pursuant to California Government Code Section 65352(a)(vii); and

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2. The District is submitting certain of its comments in the capacity as an owner of property adjacent to the boundaries of the Project - specifically the District's Administrative Facility, which serves as the District's headquarters located at 32003 Dove Canyon Drive in Rancho Santa Margarita (Orange County Assessor Parcel No. 804-542-27) ("TCWD Property"), including, but not limited to, comments concerning property rights, access rights, emergency services concerns and property utilization issues affecting the TCWD Property that the District believes are not adequately addressed or considered either within the Lyon Letter or the Specific Plan.

Comments Related to Lyon Letter

1. On page 2 of the Lyon Letter (concerning Section II Complete Checklist), Lyon responded to City comments stating:

"It should be noted that existing parking area and drive aisles currently serving the TCWD facility are located on the project site, beyond TCWD's property boundary. Given the functional association of the parking spaces and drive aisles to TCWD's building, the proposed VTTM and site plan have been revised to avoid impact or the need to modify those facilities."

TCWD Comment: On behalf of TCWD, we note that the TCWD Property and the property on which the Project is located (Orange County Assessor Parcel No. 804-542-26) ("Project Property") are both subject to an existing agreement that provides for reciprocal access and parking rights that affects both the TCWD Property and the Project Property. This agreement was recorded with the Orange County Recorder's Office on June 22, 1989, as Instrument No. 89-00330684 ("Reciprocal Agreement"). TCWD's view, as further discussed within this letter, is that the current proposed use of the Project Property is not consistent with the applicable terms of the Reciprocal Agreement. TCWD's view is that the existing uses of its Administrative Facility, which serves as a public meeting space as outlined pursuant to the provisions of the Ralph M. Brown Act, (California Government Code Section 54950 *et seq.*), and additional regional governmental and community uses of the TCWD Property for (i) emergency response purposes, (ii) community meetings for various local groups, including, but not limited to, homeowners' associations, local non-profit groups, and youth sports groups, (iii) community events, (iv) a designated polling place for elections, and (v) meetings of regional public agencies. The parking requirements for TCWD, pursuant to the Reciprocal Agreement therefore, are not consistent with the proposed Project and proposed site plan. The Project, as currently drafted and proposed, would restrict access to parking located on the Project Property through a gated entry and would not be

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available to meet the parking needs of the community and existing uses of the TCWD Administrative Facility.

TCWD notes that pursuant to the City's Municipal Code ("City Code") (specifically Chapter 9.06 (addressing parking)) joint use requirements for shared parking are subject to various requirements including acceptance of, and compliance with, the requirements for a joint use/shared parking plan (see City Code Section 9.06.090(a)). To the extent that the Reciprocal Agreement may fall into the category of a joint use/shared parking arrangement that would impact the Project, TCWD believes that the City should carefully review the referenced requirements and determine whether such requirements have been, or will be, complied with as applicable to the proposed Project submittals, including the Specific Plan.

TCWD notes that pursuant to City Code Section 9.06.020(d), "[o]ff-street parking for a project should not include public or private streets as satisfaction for the provision of minimum parking requirements." The current parking situation which exists on Dove Canyon Drive, exterior to the Project but approximate to both the Project Property and the TCWD Property, frequently has very high rates of parking to meet existing demand. Overflow parking or guest parking from the Project, which can be presumed based upon the number of dwelling units included, together with the highly restricted parking access that is proposed in the Specific Plan, would seem to be inconsistent with the City's parking requirements as referenced within the Specific Plan. TCWD's position is that the City should evaluate and take into consideration current parking usages, and potential future usages, as part of any consideration of the Project.

TCWD notes that the parking arrangements and requirements applicable to the TCWD Property and the Project Property as currently utilized, pre-date the establishment of the City as an incorporated municipal entity. Inasmuch as the current Project proposal is being provided to the City as an incorporated entity, the City should take into account the existing parking requirements of the Project and neighboring properties when considering any of the Project approvals being requested.

City Code Section 9.06.090(d) requires that various land use developments (involving shared parking) must presume that a project will not result in a deficiency of parking spaces based upon peak accumulation (maximum use) of parked vehicles. (City Code Section 9.06.090(d)(1)). As noted elsewhere herein, TCWD's Property (and related community uses) generates parking requirements for various types of uses to which the District Property and the District's Administrative Facility have historically utilized and can be expected to utilize for community purposes in the future. This is in addition to the extensive parking demands that currently exist on Dove Canyon Drive (immediately outside the boundaries of the Project Property). Peak uses for parking for other local properties include, but are not limited to, parking demands related to nearby Santa

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Margarita High School must, pursuant to the City's Code requirements, be taken into account when factoring available parking requirements both from the Project Property and the TCWD Property.

We note that TCWD has not consented to, or agreed to, the proposed access and parking plans as set forth in the Specific Plan, nor has any amendment to the Reciprocal Agreement been broached with TCWD as of the date of this letter.

TCWD's position is that the City should not approve any portion of the Project, including, but not limited to, the Specific Plan, that does not take into consideration the applicable requirements of (i) the City Code, (ii) the Reciprocal Agreement and (iii) the use(s) of TCWD's Administrative Facility as a governmental facility and a community resource.

2. Section II Complete Checklist – Item 19 references the water and sewer capacity study that has been reviewed and accepted by TCWD.

TCWD Comment: Lyon has requested a proposal for the preparation of a water and sewer capacity study to TCWD (designated by TCWD as a "Sub-Area Master Plan" ("SAMP")). Please note that there has not been a water, sewer, and non-domestic water capacity study related to the Project prepared, reviewed, nor accepted by TCWD to date.

A SAMP is prepared to determine projected water demands for a planned development; calculate Capacity Charges (Capital Improvement Charges, Water Storage Fee, and Supplemental Water Capacity Fee); and determine other required improvements for obtaining water and sewer service. The SAMP process is briefly described as follows:

1. The developer will provide a deposit for the generation and review of the SAMP.
2. TCWD will contract with an engineering consultant to prepare the SAMP.
3. Developer will submit data, drawings, and information as required for completion of the SAMP.
4. TCWD will coordinate meetings to review the draft and final SAMP report with TCWD's consultant(s) and developer.
5. TCWD will submit SAMP for review at the District's Engineering and Operations Committee and for consideration for approval by the full TCWD Board of Directors. Board of Director meetings are open to the public and held on the third Wednesday of each month.



3. Section III Plan Review (Planning) – Item 2

TCWD Comment: In its response to City comment No. 2, referenced above, Lyon has indicated that the revised site plan includes an updated parking proposal that Lyon believes meets the City's code requirement. However, as referenced above, TCWD does not believe that the parking diagram, as submitted within the Specific Plan, meets the requirements of the Reciprocal Agreement in terms of providing adequate access and parking for public members and visitors to the District's Administrative Facility for the purposes listed.

Comments Concerning Proposed Specific Plan

TCWD Comment No. 1. Section 1.4 of the Specific Plan references the uses of property adjacent to the Project, but does not include any mention of the TCWD Property, which is immediately adjacent to the Project Property. This reference is inconsistent with the reference in Section 3.1.1, which does list TCWD as an adjacent property owner and user.

TCWD Comment No. 2. Section 4.2 of the Specific Plan references a "Fire Master Plan." On behalf of TCWD we note that this referenced Fire Master Plan has not been provided to TCWD for review and comment to date. Additionally, we note that the TCWD Property is integral to the District's emergency response plan (including, but not limited to, fire emergencies). The TCWD Administrative Facility may be used as a regional emergency response center in the event of a significant disaster or emergency. On behalf of TCWD we question whether this use of the TCWD Administrative Facility building and property has been considered as part of the Fire Master Plan or the Specific Plan.

TCWD uses its Administrative Facility as its primary staging area in the event of a natural disaster, i.e. fires, floods, high wind events, earthquakes, etc. The District's overall objectives in using the Administrative Facility as a primary staging area include (1) coordinating the pooling of personnel, equipment, and materials as, and when necessary, (2) coordinating outside utility services via the Countywide Emergency Operations Center (EOC), and (3) advising on utility matters and recommend local measures related to water, wastewater, and non-domestic water services to both employees and District customers. The District requests the opportunity to review and comment on the proposed "Fire Master Plan" to determine and/or identify proposed response measures which may be in conflict with the District's existing Emergency Preparedness Plan and response measures.

TCWD Comment No. 3. On page 6 of the Specific Plan, the TCWD Property is designated as a "Community Facility." On behalf of TCWD we note that this reference is not repeated elsewhere within the Specific Plan and TCWD is uncertain what this

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designation as a "Community Facility" may mean in terms of the proposed Project and the requested City approvals. TCWD is of the view that the TCWD Administrative Facility does function as a community resource and public meeting space as outlined pursuant to the provisions of the Ralph M. Brown Act, (California Government Code Section 54950 *et seq.*), and use of the TCWD Property for (i) emergency response purposes, (ii) community meetings for various local groups, including, but not limited to; homeowners' associations, local non-profit groups, and youth sports groups, (iii) community events, (iv) a designated polling place for elections, and (v) meetings of regional public agencies. The parking requirements for TCWD, pursuant to the Reciprocal Agreement therefore, are not consistent with the proposed Project and proposed site plan. The Project, as currently drafted and proposed, would restrict access to parking located on the Project Property through a gated entry and would not be available to meet the parking needs of the community and existing uses of the TCWD Administrative Facility.

TCWD Comment No. 4. Section 2 references a requirement for the Specific Plan area to include "ensure that the existing surrounding neighborhood character is maintained" and "provide adequate public infrastructure improvements required to support the land use envisioned under the Specific Plan."

On behalf of TCWD we again bring to the attention of the City the use of TCWD's Administrative Facility as a community access resource, emergency preparedness primary staging location, election services facility and other similar uses. TCWD's Comment No. 1 to the Lyon Letter is incorporated into this comment by this reference.

It is TCWD's position that the lack of provision of adequate parking associated with the Project is not sufficient to support the "land use envisioned under the Specific Plan."

TCWD Comment No. 5. Specific Plan Section 4.5.2 -- Access and Entries

The Specific Plan discusses the access driveway as remaining in the same location that it is currently found at, but that access to the residential neighborhood would be gated and all internal neighborhood streets would be private.

On behalf of TCWD we note that the current access driveway exists half on the TCWD Property (entry from Dove Canyon Drive) and the other half on the Project Property (exit to Dove Canyon Drive). In the event that the developers of the Project were to disregard the requirements of TCWD and the needs of the community, relative to access and parking as set out in the Reciprocal Agreement and as established over long-term use, TCWD may be forced to reevaluate utilization of the TCWD Property for use of access to the Project. As such, access to the Project across the TCWD Property should not be necessarily assumed by the developer and/or the City without confirmation by the developer and TCWD.

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The reference to access to the residential neighborhood being gated and all internal neighborhood streets being private, indicates that visitors and other members of the public seeking to use the District's Administrative Facility for its multiple functions would be denied access into the parking on the Project Property. Thus, severely restricting the public parking available for use of the TCWD Property.

TCWD Comment No. 6. Section 4.5.4 – Offstreet Parking

TCWD incorporates by reference at this point TCWD's Comment No. 1 to the Lyon Letter regarding the parking concerns and situation, including, but not limited to, off-street parking conditions, that currently exist in and around the Project Property and the TCWD Property. TCWD raises the question of whether the City has considered the necessity for a parking/access/traffic flow analysis that would result from the requested City developmental approvals for the Project in its current configuration.

The Specific Plan discusses off-street parking for guest parking in shared parking spaces. District staff conducted an informal parking survey of the proposed dedicated off-street parking area over a three-day period at various times, and observed the following:

- December 10, 2019 @ 12:45 p.m. - 68 cars parked on Dove Canyon Drive, occupying most of the parking from Plano Trabuco to Dove Canyon Plaza Drive.
- December 11, 2019 @ 9:15 a.m. - 63 cars parked on Dove Canyon Drive, occupying most of the parking from Plano Trabuco to Dove Canyon Plaza Drive.
- December 12, 2019 @ 1:30 p.m. - 72 cars parked on Dove Canyon Drive, occupying most of the parking from Plano Trabuco to Dove Canyon Plaza Drive.

Currently, there are additional constraints on the proposed Off-Street Parking area, which includes (1) no parking from Thursday 10:00 PM to Friday 6:00 AM to allow for public street sweeping which is contracted by the City, and (2) two-hour parking limitations on certain portions of the street. It is TCWD's position that the proposed off-street parking associated with the Project does not meet the projections of the Specific Plan in light of applicable City Code requirements and provisions.

TCWD Comment No. 7. Infrastructure Plan -

It is currently TCWD's expectation that the water and wastewater backbone facilities to be located within the Project boundaries will be owned and operated by TCWD following Project completion. As such, TCWD has the following operational concerns as to water and wastewater facilities based upon the limited information set out in the Specific Plan:

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- (i) All Design and Construction methods and practices shall follow and be consistent with the latest version of TCWD's Design Criteria and Standard Drawings for Water and Sewer Facilities.....
- (ii) Developer shall provide a minimum street width of 20' to cover TCWD's access to provide maintenance to the Project, including the proposed Project entry way.
- (iii) Domestic Water, Sewer, and Non-Domestic Water Pipelines shall have minimum 10' of separation between pipelines.
- (iv) Consistent with the TCWD's Standards, in all private streets all utilities shall have a minimum of a 20' easement.
- (v) Developer shall demonstrate the ability for TCWD to access sewer manholes with its necessary equipment and vehicles including considerations for vehicle turning radius calculations within the Project.

In review of the plans and diagrams submitted as part of the Specific Plan, TCWD has noted that there is a concern relative to the separations between pipelines and the width of the access easement necessary for TCWD equipment and vehicles to be able to access all TCWD pipelines and infrastructure (water, wastewater and reclaimed water, as applicable) in light of the above-referenced requirements. TCWD also notes that it appears that in some of the access easement footprints large scale trees are intended to be planted. TCWD notes that large scale trees cannot be planted over water or sewer lines or placed within water district easements in such a manner that would either pose a risk to TCWD infrastructure or pose obstacles to TCWD equipment and vehicle access.

There are references within Section 7 to certain infrastructure facilities being owned by the City, as opposed to TCWD (see Section 7.1). All principal water, wastewater and reclaimed water pipelines and supporting infrastructure within the boundaries of TCWD are the property of, and operated by, TCWD and not by the City.

TCWD notes, pursuant to Section 7.1.2 of the Specific Plan that the Project will be subject to the State of California Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance and the requirements for water use set forth therein. This will be discussed within the SAMP as discussed above.

With regard to the discussion in Section 7.2 (Sewer System Improvements), various assumptions are made relative to wastewater system and service provided to the Project. The provision of wastewater collection, transportation, treatment and disposal will be

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reviewed in the SAMP and development plans will be required to be submitted to the TCWD, as opposed to the City.

TCWD Comment No. 8. Implementation Plan –

TCWD notes that the Project diagram included on page 42 of the Specific Plan (Figure 21 – Backbone Electric Facilities) is not consistent with the diagram of the proposed Project as set forth elsewhere within the Specific Plan. Figure 21 presumes a different number of residential units and a different property configuration than set forth elsewhere in the Specific Plan.

It is respectfully requested that the comments submitted on behalf of TCWD, by way of this letter, be included in the record of proceedings prepared by the City with respect to the Project.

TCWD reserves the right to provide additional comments concerning the Project, or its environmental impacts, as issues are presented or documentation on the Project is disclosed. This specifically includes, but is not limited to, the Environmental Impact Report (EIR) prepared for the Project.

Should you have any questions with regard to any of the matters discussed within this letter, you may contact the District's General Manager, Mr. Fernando Paludi, at 949-858-0277 or the undersigned.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD  
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Robert E. Anslow, Partner

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cc: Ms. Jennifer Cervantez, City Manager, City of Rancho Santa Margarita (via overnight delivery)  
Ms. Amy Diaz, City Clerk, City of Rancho Santa Margarita (via overnight delivery)  
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