

Lopez, Maria [COB]

From: David McIlvaine <davidmcilvaine8@gmail.com>
Sent: Monday, April 20, 2026 4:01 PM
To: Wagner, Donald
Cc: COB_Response
Subject: Please Deny the Use Permit on Appeal, May 5 Hearing: Foothill/Trabuco Development

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Dear Supervisor Wagner and Members of the Board,

I am writing as a constituent of the Foothill/Trabuco area to respectfully urge the Board to **deny the Use Permit** currently on appeal, or at a minimum to require a supplemental Environmental Impact Report and remand the project for full public review. The record before you does not support approval. The risks to public safety, to the environment, and to the integrity of the County's own planning standards are too significant to accept.

I want to address a narrative that I expect the Board will hear from staff and from the applicant: that the County's hands are tied and approval is required. That is not correct. Under the California Environmental Quality Act, the Board retains **full discretion to withhold approval** when a project's significant unmitigated impacts and risks outweigh its public benefits. This project clears that bar. I ask you to exercise that discretion.

1. The project threatens the welfare and safety of our community.

The project site sits inside a **Very High Fire Hazard Severity Zone**. It will constrain the evacuation routes that residents across the El Toro and Santiago Canyon corridor depend on in an emergency. No adequate cumulative evacuation analysis has been performed, despite the substantial new development already approved or underway in this corridor, including Iron Ridge, Sky Ridge, and Saddle Crest. Approving another project of this scale without a current, corridor-wide evacuation study is not a defensible position for this Board to take. The stakes are measured in lives.

2. The project violates the County's own zoning code and Specific Plan standards.

The project places **too many homes on the designated "net development area,"** in direct conflict with the County's zoning code and the Foothill/Trabuco Specific Plan development standards. This alone should have been sufficient grounds for the Planning Commission to deny the Use Permit. I respectfully ask the Board to correct that error on appeal. A Specific Plan that is not enforced is not a plan. It is a suggestion.

3. The environmental analysis is outdated, and the world has materially changed since 2002.

The last certified environmental document for this project is nearly a quarter century old. Since then, material, documented changes have occurred that CEQA requires the County to evaluate before it can lawfully rely on the prior analysis:

- **Wildfire risk has greatly increased**, particularly at the wildland-urban interface. Peer-reviewed WUI research indicates that projects of this type actively increase regional fire risk. These impacts have not been analyzed in the record before the Board.
- **Climate change impacts and greenhouse gas emissions** generated by the project were never evaluated, let alone mitigated.
- **Local mountain lions are now listed as "threatened"** under the California Endangered Species Act. CEQA requires a **mandatory finding of significance** when a project has the potential to impact a CESA-listed species. Updated information on mountain lion impacts and habitat connectivity has not been evaluated. An updated Environmental Impact Report is therefore legally necessary, not merely advisable.

4. The project's water supply is unresolved.

The project calls for a new **one-million-gallon water tank** and the full supporting infrastructure to serve it. No environmental impact study has been completed for that tank or that infrastructure. The Board cannot responsibly approve a Use Permit when the source, sufficiency, and environmental footprint of the water supply for the project remain unexamined.

5. The processing of this project has not had the public review it deserves.

The Specific Plan Review Board and Planning Commission process on this project has proceeded without the full, transparent public review the community expected and the Specific Plan contemplates. If the Board is not prepared to deny the Use Permit outright, I ask that you remand the project to the **Foothill/Trabuco Specific Plan Review Board and the Planning Commission for full public review and input**, supported by a supplemental or subsequent EIR that analyzes the issues ignored in the 2002 document and in the uncirculated addenda added since.

The Ask

I respectfully ask the Board to take one of the following actions on May 5:

1. **Deny the Use Permit** based on the Board's full discretion under CEQA, given that the project's significant unmitigated impacts and risks outweigh its public benefits.
2. **At minimum, require a supplemental or subsequent Environmental Impact Report** covering wildfire at the WUI, cumulative evacuation, climate and greenhouse gas, mountain lion impacts and connectivity under the current CESA listing, and the new one-million-gallon water tank and associated infrastructure. Remand the project to the Foothill/Trabuco Specific Plan Review Board and Planning Commission for full public review.

Thank you for your time, for your service, and for your careful consideration of this matter. I plan to attend the May 5 hearing, and I am grateful for the opportunity to be heard.

David McIlvaine - *Located in the Hidden Ridge Estates neighborhood*