SPECIAL MEETING WEST COYOTE HILLS MINUTES ENERGY AND RESOURCE MANAGEMENT COMMITTEE

July 29, 2009

<u>CALL TO ORDER:</u> Chairman McNelly called the special meeting to order at 6:30

p.m.

MEMBERS PRESENT: Committee Members Adamson, Avera, Brassett, Buck,

Lucero, McCormack, McNelly, Mitchell, Twineham

MEMBERS ABSENT: Roberts

PUBLIC PRESENT: Eighteen members of the public spoke.

STAFF PRESENT: Planning Manager Al Zelinka, Consultant Planner Joan Wolff,

Senior Planner Allen, and Clerical Support Norton

1. CALL TO ORDER

2. ROLL CALL/PLEDGE

3. ACTION ITEM - West Coyote Hills

INTRODUCTION

Consultant Planner, Joan Wolff introduced the project before the ERMC Committee for review. She presented background information and stated the most important aspect of the early history of the site is that past activities have had an effect on the conditions of the site today such as grazing, oil, sand and gravel extraction all leading to loss of native habitat.

The Development Planning began in the 1970s. The City recognized that the East and West Coyote Hills were the last remaining open spaces in Fullerton and the City Council wanted to determine the feasibility of preserving all of the land as open space. A cost benefit study concluded that the City did not have sufficient resources to preserve the land. This led to the adoption of a compromise plan in 1977. Two development agreements followed. Parts of the land have been developed. The current site plan proposal for Phase II is now under consideration.

Pacific Coast Homes, a subsidiary of the property owner (Chevron), has submitted a proposal to the City to develop 760 homes, retail, a multiple use site; trails, greenbelts; an interpretive center, vista parks on a 510 acre site, and improvements to the adjacent Robert Ward Nature Preserve. The development would also include public infrastructure. The numbers of homes are less than originally proposed allowing for more open space.

The issues that will be discussed are as follows:

Air Quality A key issue is that our Southern California air basin is a non-attainment area

because it does not meet all of the current Air Quality Standards.

Water A water analysis was prepared and concludes that there are adequate

supplies to serve this project.

Sewer The existing sewer system can accommodate anticipated project discharge.

Solid Waste The project would be subject to the same source separation requirements as

occurs city-wide.

Energy The project would be subject to Title 24 Standards in effect at the time the

Building Permits were issued.

Hydrology Runoff would be controlled by use of detention basins.

Biology There is a need to preserve the habitat. The proposed project will not

jeopardize plant and wildlife resources.

Sustainability The Sustainability Program is consistent with and goes beyond the mitigation

measures identified in the Draft Environmental Impact Report

The applicants have prepared a Sustainability Plan to show how the concepts have been incorporated into the West Coyote Hills project.

Staff is still in the process of responding to all of the EIR comments that have come in. It is hopeful that staff can post responses on the website by mid-August.

The proposal has sparked strong feelings within the community that believe the property should be left untouched as natural open space to protect the wildlife habitat, the indigenous California Coastal Sage scrub and to avoid the effects of the development such as traffic, noise, pollution, and consumption of resources.

Public hearing opened for committee questions to staff.

Committee Member Otter – are there any hard figures for percentage increase in the water supply over what the City is currently using that would be expected with this development, and how many acre feet are being lost from Laguna Lake.

Water Systems Manager Dave Schickling – he does not recall the exact number for seepage from Laguna Lake but believes it is 20-acre feet -- not enough to offset entirely. With new numbers just in for 2008-2009, the City is still under our allocation from Metropolitan Water District. The water supply analysis for the project estimates that the project will use about 810-acre feet per year based on a high per capita use.

Committee Member McCormack – how much will the new water reservoir increase the City's capacity for water?

Water Systems Manager Dave Schickling – the reservoir will range in size anywhere from 3.8 million to 5 million gallons. The reservoir would store water for fire fighting, and does not increase the water supply.

Chairman McNelly – is the water supply coming from the Colorado River, the Demer Plant, or ground water to meet the demand?

Water Systems Manager Dave Schickling – the City does blend sources in certain areas. The majority of the water will come from the Metropolitan Water District. The City has significant storage available in case of an emergency. The reservoir would not be built unless this project goes forward.

Committee Member Avera – asked what percent is considered to be the water supply cushion.

Water Systems Manager Dave Schickling – the cushion is 2.5%. The development is proposing to use California friendly plants in the open space area that would save a significant amount of water.

Committee Member Otter – have any provisions for offsetting increased water usage been considered for the community at large? For example seepage from Laguna Lake or providing facilities that would allow homeowners to reduce water consumption.

Pacific Coast Project Manager Jim Pugliese – stated the only provision that is considered within the Development Agreement is a grant for Laguna Lake restoration. Perhaps it could be used for the purposes that were suggested.

Committee Member McCormack – is there any opportunity for reclaimed water usage such as for turf areas?

Consultant Planner Joan Wolff – stated there is a 6-acre public park that would more than likely be turf but the vast majority of the open space would be native habitat.

Pacific Coast Project Manager, Jim Pugliese – stated there is no reclaimed facility planned for this site.

Committee Member Mitchell – asked about runoff water.

Consultant Planner, Joan Wolff – replied that the system of drainage/swale/detention basins/lake retention system would allow any additional runoff to be held on site and to slowly drain out into the system so that it would not overburden the existing storm drains.

Chairman McNelly – was concerned with storms and heavy rains. How will this development handle a heavy storm?

Consultant Planner, Joan Wolff – the study was done based on a 25-year storm.

Water Systems Manager, Dave Schickling – usually the drains and culverts are designed for somewhere around a 25-year occurrence. The streets have a carrying capacity and the retention basis would be designed for a 100 year storm.

Public Hearing opened

Pacific Coast Project Manager, Jim Pugliese – began by saying the West Coyote Hills EIR has 2000 pages of independent study and analysis. Sustainability has long been a core value of the West Coyote Hills plan. The 1970s plan and its use of the then green belt concept attempted to avoid piece meal development while ensuring that open space was preserved.

The Sustainability Program demonstrates how it achieves the triple-bottom line of sustainability. The sustainable elements originate from:

Smart planning principles
Coordination with U.S. Fish & Wildlife and other regulatory agencies
Studies and mitigation measures
Environmental Impact Report
Green Programs
Current and proposed updates to Title 24 (California's Energy Efficiency Code)

Environment:

- Approximately 60 percent of the land is preserved and protected
- Development areas are clustered to preserve open space
- Energy and Water use are minimized and water quality is protected

Social:

- Trails encourage physical activity
- Active parks, key vista parks, a community clubhouse and a retail village
- A variety of home choices
- A green-certified nature center

Economic:

It creates a fiscal surplus to the City including payment of all government services. Financial endowments provided to the City for ongoing costs of operating and maintaining trail system, nature center and natural open space areas.

Pacific Coast homes has held more than 100 meetings to get feedback from the public and a number of changes have been the result.

Steve McCormick with R&M Design – gave a brief presentation of the Sustainability Program Elements summarizing the highlights. The public viewed a site plan and a slide presentation of the project.

- Reduces environmental impact by encouraging development within existing community.
- The altered and disturbed site will be transformed from an abandoned oil field into a community.
- Improvements and upgrades to existing infrastructure.
- Conserves existing natural areas and restores damaged areas.
- Steep slope protection minimizes erosion, maintains natural runoff patterns, climate appropriate landscaping.
- Conserves land, maximizes open space.
- Reduces the "heat island" affect.
- Solar access and solar energy systems to reduce peak loads (builders offer solar electric systems as an option).
- Manages storm water quantities and for pollutants to be filtered and absorbed naturally.
- Reduces impacts of storm water runoff.
- Minimizes water consumption for irrigation needs.
- Reduces energy consumption.
- Reduces building heating/cooling demands
- Encourages walking and bicycling/near transportation options.
- Conserves native wildlife and habitat.
- Ensures wildlife monitoring.
- 50% construction waste will be diverted from landfill and comply with City's Recycling Program.
- Provides recreational and education opportunities.
- All buildings shall meet or exceed minimum design required by CA Title 24 Standards to be energy and water efficient.

Hearing opened for committee comments.

Committee Member Lucero – what specific steps are you taking to minimize the energy use, and are you just complying with Title 24 or exceeding the requirement? In the common buildings are you using economizer system, programmable thermostats, timers etc.?

Response – what the program anticipates is compliance with Title 24 as it evolves. With the 2008 requirements that represents a 15% reduction in energy consumption over pre-2008 requirements. Details have not been developed relative to building plans. Photovoltaic panels will be an option for homeowners.

Committee Member Buck – in what way is the nature center green?

Response – the center will be designed and constructed to be a green-certified building using the state of the art technology.

Committee Member Twineham – address how the oil fields will be cleaned up? He referred to the Hughes site where water contamination remains an issue.

Response – The materials used at Hughes are different than the materials that have impacted the oil field. Chevron is working with the Orange County Health Care Agency to develop a remedial action plan to address oil field impacts. The plan has been conditionally approved and backed up with a Human Health Risk Assessment to ensure that adequate clean-up will occur with oversight by Orange County Health Care Agency.

Committee Member Buck – looking at the site map I see a lot of open space that is in small sections surrounding the edges of the development. Much of it seems to be adjacent to the buildings. What impact will the grading process have on the habitat around these homes? Can this be called open space, it appears to be disturbed land.

Response – Pacific Coast homes owns 510 acres, 55% will be deeded to the City as open space. There are intact areas that are connected by corridors; the entire open space is available for dispersal of gnatcatchers. We have worked closely with the U.S. Fish and Wildlife. The proposed project will not jeopardize the continued existence of the gnatcatcher.

Committee Member Otter – asked what mitigating measure were taken in respect to steep slopes that would provide some assurance that in the future during a 500 year storm or an earthquake that one would not have to go in and remove some of the landforms.

Response - the Geotechnical Report addresses compaction and slope failures. There is a program in place to mitigate all of those impacts. The program will meet all seismic code requirements.

Committee Member Avera – The site is near the McColl Dump. Have you drilled inspection holes to determine the amount of contamination to the soil; how deep; and how far out it goes.

Response – Yes, we have several thousands of samples and analysis. The Orange County Health Care Agency has full authority to consult with whatever agencies they believe to be necessary including the Regional Water Quality Control Board and the Department of Toxic Substances Control.

Committee Member McCormack – are there any ground water monitoring wells as a result of those studies? Regarding the nature center and its design standards is there any talk of seeking any type of a LEED certification for the building? There is mention of a group called Center for Natural Lands Management that would operate the facility, are they non-profit, and would there be any City involvement in the ongoing operations?

Response – The regional ground water at the site is in excess of 300 feet below ground surface. In regard to the design standards for the nature center, we are not prepared to provide that information at this point in the development. The Center manages open space. No decision has been made at this time.

Committee Member Mitchell – asked about the glazing of windows and solar electric systems recommended to the prospective homeowner as an option. What is the purpose of having separate meters? How are the open spaces connected so that the coyotes move about?

Response – Yes, solar electric systems would be a discretionary purchase if the home owner is interested. Non-residential buildings (the nature center and retail space) would have a meter inside and out. With separate meters the City has an opportunity to monitor the irrigation use. The open spaces are connected through the open patches through a southern migration corridor there will also be a wildlife crossing at the collector road.

Committee Member Avera – asked who did the study of the electrical grid, and what grid would this development be on?

Response – The natural gas and electrical demand factor is based on typical demand rates available by Southern California Edison and Southern California Gas Company. When the development comes on line the grids would then be identified.

Hearing closed to Committee Questions and Comments

PUBLIC COMMENTS

Helen Higgins 1800 Smokewood

Open space is patches of green; not sustainable for wildlife.

Resource planning needed rather than unchecked growth - particularly wildlife and water.

Bernard Lipman 2208 Via Caliente

Accounting of costs to the City versus revenues generated? And if so, where would they be available?

Wendell Hanks 12702 Gainsville, La Mirada

Where is the debate/discussion of choice between Chevron project and an alternative of property as is? What about the ERMC framed discussion analyzing the alternative? You will make a change that will forever change Orange County. The community doesn't support the project. Ask Council to have committees review alternative.

Diane Bonanno Santa Fe

Concern with geological. Highest density is located on liquefaction zone. Mitigation will not be enough. City is aware of soil conditions as evidenced by conditions on Euclid. It is on the center of Puente Hills Blind Thrust Fault. What is the City's responsibility for knowingly allowing land to be developed in known hazards area? Who will pay for damage once developer is gone? Will the City provide notice of risk and if so, does this release liability?

Soil clean-up to questionable levels. Referenced venting of houses and health consequences. Water – luxury house owners will be able to pay to use more water.

Gayle Blume 2150 Cheyenne Way

In favor of preserving of 100% open space.

Water – How can Metropolitan Water District say there is sufficient water supply? – Extreme conservation efforts of some are skewing data to make it look like there is adequate supply. Conservation efforts do not seem like anything extraordinary.

Rachel Sampang 2106 Homewood Pl.

In favor of preserving 100% open space. Concerned about open ended items – no guarantees – in Sustainable Plan

Bob Hayden 2831 Park Vista Ct.

Declining population situation will allow more water to be available; also schools have enrollment restrictions so there will be less demand from existing users. Plan is well thought out and allows community to be able to enjoy acreage currently privately held and inaccessible. Believes plan to be sustainable

Karen Lang McNabb 172 Hillcrest

Concerned for last open space, there is little costal sage scrub left. The gnatcatcher is part of circle of nature. Statements about open space – have to leave them that way from Fish and Game and Nature Reserve. Open space is edge – residential plants and residential pets (cats) will conflict with the coyotes. Question how will native area be enhanced? Is there really the need for the new housing – referenced property on Imperial (Chevron project) that is not selling due to economy. Work with resources that are there to repay Chevron for the land retain open space.

Matt Leslie 716 W. Wilshire

He hopes that everyone in development will have solar panels. Have economic benefits of purchasing for development as a whole been investigated? Have government rebates been investigated? What about grey water system to reclaim water used in homes?

Recirculators--what about design of homes for passive heating and cooling? Runoff-homeowners would be allowed to plant non-natives--how will this and other elements in runoff impact downstream? Questions economic sustainability – didn't hear anything about how this is being addressed? Alternative transportation--is there more to the proposal? Can anything be required of the developer to provide non-gas vehicles within the project?

Shirley Gregg 1467 Paseo Grande

Assumption that because Chevron owns the property they can do what they want – they did work with Council regarding Whittier Hills to sell property for open space. Coastal sage scrub is going into extinction – want 100% preservation to allow future generations to be able to see it. About 90 plants and animals in the project site – native plants are not indigenous will destroy costal sage environment. Plants need to be indigenous.

Jeff Townsend 2501 Greenhill Dr.

Does not believe proposal meets criteria of adequacy established by staff's questions. Energy and water use – although conservation measures described, still using energy and water above current city use. It is still an impact to water allowance cushion; anticipate further reduction from Metropolitan Water District. Conservation will never add more water into system. You plan for a 100-year flood; why not plan for a 100-year drought. Regarding EIR – courts do not measure adequacy of EIR by # of pages but they do object when information is confusing and contradictory. Open space is not the same as habitat that support long term species diversity.

Denny Bean 1529 Yermo Pl.

Nature Center seems to be like Amerige Heights promised Community Center. Cited prior unsuccessful clean up efforts. McColl--never cleaned up, just covered up. Another property vacant off Coyote Hills--why? Amerige Heights--wells – never cleaned up. Why did they rely solely on Metropolitan Water District's statements as to adequacy of supply – Metropolitan Water District sources are being limited. Metropolitan Water District is not the only source; Orange County Water District--source is Santa Ana River. MODOC--but Fullerton doesn't go though that. How can we enjoy the country in the city if we are putting the city in the country?

Sandy Marshall 925 Valencia Mesa

Project dictates 50 feet of irrigated landscape around project – quantified miles of irrigation pipe. Environmental deterioration by detention basins. Committee members need to see comments and response to comments. Concerned with long-term water resources.

Ira McNabb 172 Hillcrest Dr.

Landscape fingers are not a gift. Concerned with water. Dave Schickling should reclass 2% usage – not a cushion but increase. Current drought condition – no one knows what will happen – use reserves, or will bill rise? Project will cause water bills for other residents to rise

Peter Saputo 2313 Conejo Ln.

He has walked property. It is not pristine, it is an oil field – cut roads and scraped pads; overgrazed; oil spills. No matter what the City decides, Chevron still has to clean it up. What happens to water when it comes off property? Headward erosion particularly in rains. Settling ponds disturbs subsurface also.

Martin Kluck 15210 Leffingwell Rd. La Mirada

Believes sustainability term being used incorrectly--use what nature provides and not export. Promises are not guarantees--is there a penalty? Energy Star/LEED--deals with construction; has nothing to do with performance. Term should be zero-energy house; but still will be new demand. Habitat conservation--moving 1,000,000 feet of dirt--lot of dirt -- impact to gnatcatcher? Minimizing turf for common areas--what about residences? Refuse -- recycling--where are the requirements? Composting? There will be another drought--on going water issues. Recycle water on site--grey water--catch rain water. Questionable wildlife corridors--how will coyotes not be affected? Consider long term impacts.

Mary McEnrue 912 Fern

Water (agree with comments as others). Interpretive Center will promote cynicism as what it depicts is not being practiced in the community.

Barbara Leon 4266 N. Flower Av.

Historical dumping on site. Regarding Hughes--where is the concern for the children at Sunny Hills High School? How have we lost sight of the little guy? Hearings are held because of big business. It is your community. Governor had the ability to tax the oil company but he won't. Fire--did anyone ever expect we would have the fires in this area; landslide. Kids today have never seen a farm; need to be careful/don't lose sight of what we are really talking about--someone else's money.

Public Hearing closed

COMMITTEE DISCUSSION

Chairman McNelly – stated that the Energy Resource Management Committee is asked to advise the Planning Commission and the City Council on whether the development plan incorporates elements to protect, conserve natural resources, and preserve environmental quality consistent with the overall size, scope and condition of the project on the site? Do the concepts in the proposal, including the Sustainability Program, meet the needs of the community? Are there other recommendations that the Committee would like to make concerning the proposal?

MOTION made by Committee Member Twineham, SECONDED by Committee Member McCormack and CARRIED by all present to review each issue separately.

Chairman McNelly –The proposal has sparked strong feelings within the community that believe the property should be left untouched as natural open space. It could be argued that in order to upgrade the project that something will have to be done to mitigate those problems.

Issue No. 1

Does the proposed development plan incorporate elements to protect and conserve natural resources and preserve environmental quality, consistent with the overall size and scope of the project and condition of the project site?

Chairman McNelly - does not support putting additional strain on what he considers the most valuable resource for sustainability and that is water. It is not justifiable to add more demand especially at this time when the water rates are going up.

Committee Member Lucero – did not see a problem with the earlier approved 490 acres existing development in West Coyote Hills area. If this project follows the requirements of the earlier approved acres and incorporates elements for natural resources he would not have a problem with the project.

Committee Member McCormack – a lot of effort is being put forth to protect habitat. Is it the most ideal way in which it could be protected? Probably not, but I am not sure the existing site provides the ideal scenario for protection either. Given this particular question he would vote yes. There were a lot of important comments regarding the demand on the City's resources with regard to water. These are valid points more generically in terms of overall growth in the City and I am not sure they are specific to this site and are not relevant to this Committee for comment. Regarding the natural habitat--a lot hinges on the pending decision of Fish and Game. If the decision does differ from the current decision the process would be reconsidered.

Committee Member Otter – to address the first question, the scope is adequate as far as addressing the elements that need to be considered. I am not convinced it is adequate in terms of meeting the needs of the community.

Committee Member Mitchell – conserve natural resources – the most important piece of land even though it is not in pristine condition is basically still a coastal sage scrub which is very valuable. I do not see how this can be maintained with this development encroaching on it. With this development the coyotes will lose half of their food source and will look to the domestic animals within the residential neighborhoods.

Committee Member Avera – there is a lot of open-endedness about the presentation. I don't think the people got the answers they wanted, in particular the figures from the Electric Company. On average, electric power is lost sometimes four, five, six times in the summer. We are now being asked to conserve water and cut by 10% minimum; this proposed project will add additional people. This project does not meet the proposed provisions for energy, natural resources and water conservation.

Committee Member Twineham – yes, the project does incorporate the elements to protect and conserve natural resources and to preserve the environmental quality consistent with the overall size and scope of the project.

Chairman McNelly – the work that was done on the Environmental Impact Report since 2003 with the DEIR review done in 2006 and the most recent 2008 additions to that is within the scope of the project and within the Environmental Impact Reports that I reviewed over the years. Whether anyone thinks this project ought to be done or not, the California Environmental Quality Act of 1970 requires that this project is done for our sake as people. Before 1970 there would not have been this level of detail in the proposal.

Committee Member Bassett – is concerned about what contamination below the ground maybe on the site and if there is any indication that there are pollutants the City would be subject to a law suit? He believes the applicant has met all of the requirements but there maybe some hidden factors.

Committee Member Buck – the developer has proposed a number of things in terms of green building, and encouraging native plants but the problem is when looking at the overall footprint of the development and the whole open space I do not see the kind of open space that seems viable for me and I am reluctant to support the project.

Committee Member Adamson – believes the developer has met the requirements. To leave the land undeveloped will not accomplish anything. If the development goes in at least there will be public open space in use again. There needs to be faith that the development will be done properly. He sees a bigger benefit to the public in the long run if the project is approved.

Chairman McNelly called for a vote on the following question: Does the proposed development plan incorporate elements to protect and conserve natural resources and preserve environmental quality, consistent with the overall size and scope of the project and condition of the project site?

6 in support – Lucero, McCormack, Twineham, Bassett, Adamson, Otter 4 in opposition – Avera, Buck, McNelly, Mitchell

Issue No. 2

Do the various concepts in the proposal meet the needs of the community?

Chairman McNelly – the wording "the needs of the community" is vague; and to that question the answer is no, it does not meet the needs of the community. The proposal has sparked strong feelings within the community that believe the property should be left untouched as natural open space. He would not support this part of the proposal.

Committee Member Twineham – does not believe the proposal meets the needs of the community.

Committee Member McCormack – he is not supportive as presented. The sustainability plan is a good faith effort; however the design standards are not robust; are optional and not mandated.

Committee Member Avera – the project does not meet the needs of the community by taking away more water.

Committee Member Otter – cannot support the second concept. There are some conditions that we could ask the Council to consider such as making some of the provisions mandatory. To have a more equitable offset with our current usage of water where the developer could include things that would serve the community at large.

Committee Member Adamson – the project meets the needs, with the exception of water conservation. Recommend with a provision to strengthen water conservation measures. Preservation of grey water and other systems that are available that could be put into the houses at a reasonable price. The proposal meets sustainability except for water.

Committee Member Lucero – supports the project.

Committee Member Mitchell – does not believe it meets the needs of the community in terms of water and electricity. Much of what is proposed is required; would like to see more offered.

Chairman McNelly called for a vote on the following question: Do the various concepts in the proposal meet the needs of the community?

1 supports – Lucero

9 opposed – Adamson, Avera, Bassett, Buck, McCormack, McNelly, Mitchell, Otter, Twineham

Issue No. 3 Other recommendations

McCormack – That the design standard options be mandatory rather than optional for water and energy efficiency; that consideration be given to using indigenous plants in lieu of native plants, and that the developer work with Planning staff to strengthen the proposal in these areas.

Committee members discussed the merits of recommending specific technologies and that this project needs to do more because things are not business as usual anymore.

Adamson – believes the Committee should not dictate design; believes in giving other recommendations on areas to strengthen but not as to specific technologies.

Twineham – reiterated that really what is being asked is that the developer employee best management practices in these areas.

MOTION made by Committee Member McCormack, SECONDED by Committee Member Adamson and CARRIED by those present to RECOMMEND that the design standard options be mandatory rather than optional for water and energy efficiency; that consideration be given to using indigenous plants in lieu of native plants, and that the developer work with Planning staff to strengthen the proposal in these areas.

Otter - that if the project is approved, the Planning Commission and City Council consider ways to make the project water neutral for the community as a whole, making the water use after the development the same as it was prior to the development of West Coyote Hills.

MOTION made by Committee Member Otter, SECONDED by Committee Member Buck and CARRIED by those present to RECOMMEND that if the project is approved, the Planning Commission and City Council consider ways to make the project water neutral for the community as a whole, making the water use after the development the same as it was prior to the development of West Coyote Hills:

McCormack would hope that if the Fish and Game determination is revised, the process is stopped to reconsider the project.

PUBLIC COMMENTS

NONE

ADJOURNMENT

Meeting adjourned at 10:20 p.m. to September 16, 2009, cancelling regular meeting of August 19, 2009.

Beverly Norton, Clerical Support