

RESOLUTION
RESOLUTION OF THE BOARD OF DIRECTORS OF THE BRISA DEL MAR
HOMEOWNERS ASSOCIATION IN OPPOSITION TO TOLL ROAD ROUTES THROUGH
RANCHO SAN CLEMENTE

WHEREAS, Open Space land areas being considered for Toll Road routes through San Clemente run over land areas owned by Rancho San Clemente Community Association (RSCCA), the master association for Brisa del Mar Homeowners Association (BDM); and

WHEREAS, BDM property owners are stakeholders held responsible for liabilities, land maintenance, safety issues, environmental issues, Orange County Fire Authority (OCFA) fire zone areas, slope stabilization and renovation, preservation of flora and fauna, vandalism, and other costs associated with development on RSCAA and BDM properties; and

WHEREAS, costs, expenses, and liabilities for the aforementioned elements associated with Toll Road route development on RSCCA and BDM property will impose significant cost increases and unfair burdens on RSCCA and BDM property owners; and

WHEREAS, the Transportation Corridor Agency (TCA) or any other private or public agency or governmental body has not provided any mitigation to the RSCCA and BDM for the deleterious impact of the Toll Road; and

WHEREAS, Toll Road decisions have and continue to be made excluding RSCCA and BDM landowners from participating in what is described as an all-inclusive process to "discuss and analyze" the decision making process by the Transportation Corridor Agency (TCA); and

WHEREAS, the majority of Rancho San Clemente's Master Association Common Area properties are zoned as "Open Space, Private" (771.4 acres of natural land and 77 acres of re-contoured natural land including hills, canyons, and slopes surrounding thousands of residences); and

WHEREAS, Resolution No. 16-57 was adopted by a unanimous vote of the San Clemente City Council on September 6, 2016, opposing 241 Toll Road routes through San Clemente; and

WHEREAS, RSCSP Chapter 2, Master Plan, Sections 2-8 mandate "All of the area designated "Open Space, Private" constitute a "Significant Biological Resources" and a "Visual Resources-Ridgeline Protection Zone. No development ... shall be permitted within these overlay zones" (RSCSP, 2-8); and

WHEREAS, City Code Chapter 17.88, Section 17.88.030 mandates the following: "**Open Space** means land that will remain essentially undeveloped ... and provide for the preservation of environmental and aesthetic resources including topographical features, the protection of life and property from environmental hazards ... "and

WHEREAS, the Centennial General Plan, Land Use Element mandates development that " ... protects Open Space and natural resource areas that offer solitude and respite"; and

WHEREAS, the San Clemente Centennial General Plan holds a high priority on the preservation of Open Space, 25 per cent of non-residential open space land areas; and

WHEREAS, the Centennial General Plan " ... focuses on quality of life. It reflects the needs and values of a mostly built-out community, with increased emphasis on quality of life, innovative transportation strategies and environmental stewardship. It seeks to preserve what's working in the current General Plan" p. 3 Agenda Item 7 B, Oct 1 2013;" and

WHEREAS, the Toll Road would destroy a significant portion of preserved Open Space areas including the natural habitat of protected flora and fauna, natural topography and historical elements; and

WHEREAS, the Toll Road route through RSC would destroy a significant number of recreational, bike, and hiking trail pathways throughout Rancho San Clemente Open Space Areas; and

WHEREAS, the Toll Road route through RSC will interfere with the established circulation pattern and landscape design of the streets, pedestrian paths, and bike path system, that maximize the feeling of open space, encourage use, and discourage high speed traffic; and

WHEREAS, protected historic, rural and ridgeline scenic view corridors identified in the Master Plan and Rancho San Clemente Specific Plan would be eliminated; and

WHEREAS, California Civil Code Section 65450-65457 mandates implementation of the General Plan by means of Specific Plans for circumscribed geographic areas; and

WHEREAS, the City Code provides that the Rancho San Clemente Specific Plan (RSCSP) mandates systemic implementation of the General Plan for RSC geographical areas covered by the General Plan; and

WHEREAS, Toll Road routes through RSC violate RSCSP Chapter 3, Design Guidelines, Section 301, which are mandates consistent with the City's General Plan Goals, Urban Design Program, and Master Landscape Plan for Scenic Corridors; and

WHEREAS, Toll Road routes through RSC violate RSCSP, Design Guidelines, Section 302, Grading Design Guidelines, and will negatively alter natural landforms, destabilize slopes, destroy ridgelines, impair the preservation of views, and alter natural topography and drainage patterns and threaten slope stability; and

WHEREAS, Toll Road routes through RSC violate RSCSP Chapter 3, Design Guidelines, Section 303, and will destroy established Pedestrian and Open Space, Linkages, Natural Features, and destroy existing Massing and Scale Design Elements that have established visual balance and harmony with the surrounding prominent natural features; and

WHEREAS, Toll Road routes through RSC violate RSCSP Chapter 3, Design Guidelines, Sections 304, Landscape Elements and 305, Scenic Corridors, and will destroy existing building mass, streetscapes, elevations and plan treatments that were designed to maximize the natural visual elements as well as RSCCA AND BDM' s established fuel modification zones in accordance with the Orange County Fire Authority; and

WHEREAS, Toll Road routes through RSC are in direct violation of the RSCSP, Chapter 4, Phasing and Implementation, Sections 402, 403, and 406, and will significantly and negatively impact the Segunda Deschecha Drainage and Critianitos-San Mateo Creek drainage course; and

WHEREAS, Toll Road routes through RSC violates RSCSP, Chapter 5, Development Standards, Sections 503, 504, 505, 506, and will significantly and negatively impact established developments that preserve visual and quality of life standards; and

WHEREAS, Toll Road routes through RSC are in violation of RSCSP, Chapter 6, Development Review, Section 601, and have\ not provided any California Environmental Quality Act Environmental (CEQA) review; and

WHEREAS, RSCSP Geologic Map, (Irvine Soils Engineering, Inc.) ascertains that over 50% of RSCSP properties are classified as "Landslide Areas," devoid of bedrock, including Open Space hill and canyon areas along Avenida Pico; and

WHEREAS, lawsuits have been filed against CalTrans, freeway contractor, Flatiron, and the City of San Clemente, by residents for damages to home(s) due to negative impacts of land destabilization related to pile driving 100 yards from homes, slope deconstruction, soil excavation, and land alterations associated with the construction of additional lane(s) for the I-5 Freeway widening project; and

WHEREAS, the La Pata extension route through RSC as of August 2016 provides significant traffic relief in south Orange County; and

WHEREAS, the I-5 widening project, scheduled for completion in 2018, provides traffic relief in South Orange County; and

WHEREAS, the city of San Clemente ' s letter to the Transportation Corridor Agencies (TCA) dated April 4, 2017, signed by Mayor Kathy Ward, opposes " any toll road alignments that cut through the City of San Clemente, because there are project alternatives that will provide regional mobility benefits with few adverse impacts;" and

WHEREAS, the City Code mandates a city-wide vote with 2/3rd super majority voter approval to change the Land Use from Open Space to private Toll Road use; and

WHEREAS, the Cal Trans I-5 Freeway widening project is designed to accommodate existing and future traffic volume generated along the I-5 Freeway; and will not accommodate added inflow of Toll Road traffic; and

WHEREAS, a Toll Road route running through RSC and connecting to the I-5 Freeway will defeat the purpose of the Cal Trans freeway widening project, and will choke freeway traffic along the I-5 in San Clemente; and

WHEREAS, construction of a Toll Road route through RSC will replace indigenous watershed with a non-permeable surface and impose a permanent carbon footprint, the effects of which will be compounded by massing of non-permeable structures (vehicles) releasing greenhouse gas emissions into the atmosphere 24 hours/ day 365 days/year, imposing a significant and permanent adverse impact resulting in climate change; and

WHEREAS, construction of a Toll Road route through RSC will permanently increase the "urban heat index" and raise temperatures in the Very Severe High Fire Hazard Zones as determined by the California Department of Forestry, and significantly increase the risk of fire; and

WHEREAS, the increased temperatures and heat index will distress the natural ecosystem of indigenous watershed in non-irrigated Open Space surrounding the Toll Road; and

WHEREAS, the proposed Toll Road routes along with the existing I-5 will divide the city into quadrants creating negative physical geographic features throughout San Clemente; and

NOW, THEREFORE BE IT RESOLVED THAT the Board of Directors of Brisa del Mar Homeowners Association are unequivocally opposed to any Toll Road routes running through Rancho San Clemente.

Subh S., PRESIDENT