Attachment 4

COUNTY OF ORANGE "ORANGE IS THE NEW GREEN" ZONING CODE UPDATE

Public Comments on the First, Second, and Third Drafts of the Zoning Code Update

http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green



Date	Name	Topic
5/18/2018	Rene Brace	Churches, cultural institutions, and commercial entertainment
		Community Assembly Facilities, Cultural Institutions, Commercial
6/26/2019	Foothill Communities Association	Entertainment, Commercial Nursery
8/13/2018	April Allegro	Proposed Building Regulations
8/19/2018	Janet Bieler	Short-Term Rentals
9/3/2018	Marcia Poulin	Short-Term Rentals
9/4/2018	Linda Kitada	Short-Term Rentals
9/5/2018	Beth Pelfrey	Short-Term Rentals
9/7/2018	Ken Jumper	Short-Term Rentals
9/10/2018	Edward Karcher	Short-Term Rentals
9/12/2018	HomeAway	Short-Term Rentals
3/9/2018	OC DPRC	Tree Preservation
3/15/2018	BIA/OC	Tree Preservation
3/19/2018	FHBP	Tree Preservation
5/15/2018	Gillian Martin	Tree Preservation
5/16/2018	Jo-Ann Coller	Tree Preservation
	Bill Wallace	Tree Preservation
5/16/2018	Ron Vanderhoff	Tree Preservation
5/16/2018	Gillian Martin	
	Steve Kaye	Tree Preservation
5/18/2018		Tree Preservation
5/21/2018	CZ Masters Association Board of Directors	Tree Preservation
5/21/2018	Gillian Martin	Tree Preservation
5/24/2018	Gloria Sefton	Tree Preservation
5/24/2018	Gillian Martin	Tree Preservation
6/9/2018	Penny Elia	Tree Preservation
6/11/2018	Richard Roy	Tree Preservation
6/11/2018	Laer Pearce	Tree Preservation
	Scott Breeden	Tree Preservation
6/13/2018	California Native Plant Society	Tree Preservation
6/14/2018	Laer Pearce	Tree Preservation
6/14/2018	Scott Breeden	Tree Preservation
	BIA/OC	Tree Preservation
6/16/2018	FHBP	Tree Preservation
6/21/2018	LARMAC	Tree Preservation
6/25/2018	CZ Masters Association Board of Directors	Tree Preservation
6/25/2018	Ryan White	Tree Preservation
6/25/2018	Manju Pai	Tree Preservation
6/25/2018	Saddleback Canyons Conservancy	Tree Preservation
6/25/2018	Kris Weber	Tree Preservation
6/25/2018	Stephen Edwards	Tree Preservation
6/25/2018	Deborah Cottle	Tree Preservation
6/25/2018	Sharad Patel	Tree Preservation
6/25/2018	Chad Brown	Tree Preservation
6/25/2018	William Miller	Tree Preservation
6/25/2018	Jay Rutter	Tree Preservation
6/25/2018	Foothill Communities Association	Tree Preservation
6/26/2018	Bryant Brislin	Tree Preservation
6/26/2018	Rural Canyons Conservation Fund	Tree Preservation
6/26/2018	Evan Miles	Tree Preservation
6/26/2018	Orange Coast River Park Conservancy	Tree Preservation
6/27/2018	Lena Hayashi	Tree Preservation
8/21/2018	Gilad Ganish	Tree Preservation
9/7/2018	CZ Masters Association Board of Directors	Tree Preservation
9/11/2018	Saddleback Canyon Conservancy	Tree Preservation
9/11/2018	BIA/OC	Tree Preservation
	Saddleback Canyons Conservancy and FHPB	Tree Preservation
10/1//2018	Saudieback Callyons Conservancy alla FMPB	
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October 18, 2018 - Attached are all public comments received regarding the "Orange is the New Green" Zoning Code Update that have been submitted to OC Development Services.

Section 1 includes comments related to the Zoning Code Update, excluding the Tree Preservation Ordinance.

Section 2 includes comments related to the Tree Preservation Ordinance.

Section 1 - Public Comments related to Zoning Code Update, excluding Tree Preservation Ordinance

Maldonado, Ruby Monday, May 21, 2018 5:36 PM
'Richard Nelson'; Vuong, Richard; Chang, Joanna; Giang, Steven RE: Zoning Code

Rene,

Here are the answers to your questions:

- 1. Why do Cultural Institutions and Facilities not require a Use Permit? The Zoning Code currently requires a site development permit for "public libraries, museums, and public/private utility buildings and structures." The proposed Zoning Code does not propose a change to this regulation.
- 2. Are churches included in the Community Assembly category? In Article 2, Subarticle 7, sec. 7-9-116.1 and sec. 7-9-117, churches (religious assembly facilities) are included in the "Community assembly" use.
- 3. Why are Large-Scale and Small-Scale Commercial Entertainment and Recreation facilities/activities allowed in single-family districts. This commercial use seems in conflict with a single-family district. The Zoning Code currently allows "commercial outdoor recreation" in the A1 "General Agricultural" district and in OS "Open Space" district. The proposed Zoning Code update does not propose any changes to this permitted use and does not propose to allow it in any other district. Please see Article 2, Subarticle 7, sec. 7-9-116.1 for uses in the category of "commercial entertainment and recreation." This list of uses includes those currently in the Zoning Code such as "country clubs, golf courses, commercial stables, etc."

Please confirm that I will receive all notices regarding the Orange is the New Green Zoning Code Amendment including changes to the drafts. Your email address appears on the Zoning Code Update distribution list. Please check the webpage for all updated versions of the draft Zoning Code Update.

Please let me know if you need anything else. Thank you for your interest.

Ruby Maldonado

Contract Senior Planner County of Orange/Planning 300 North Flower Street P.O. Box 4048 Santa Ana, CA 92702 714.667.8855 ruby.maldonado@ocpw.ocgov.com

From:

Sent: Friday, May 18, 2018 12:25 PM To: Maldonado, Ruby Cc: 'Richard Nelson' Subject: Zoning Code Thank you for appearing before NTAC on Wednesday. Additionally thank you for responding to my comment about senior facilities allowed in single family districts - I have received the updated land use table for single-family districts.

I have further questions about following:

- 1. Why do Cultural Institutions and Facilities not require a Use Permit?
- 2. Are churches included in the Community Assembly category?
- 3. Why are Large-Scale and Small-Scale Commercial Entertainment and Recreation facilities/activities allowed in single-family districts. This commercial use seems in conflict with a single-family district.

Please confirm that I will receive all notices regarding the Orange is the New Green Zoning Code Amendment including changes to the drafts.

Thank you again,

Rene Brace

From:	Richard Nelson
Sent:	Tuesday, June 26, 2018 3:27 PM
То:	Zoning Code Team
Cc:	'Irene Brace'
Subject:	Comments on Orange is the New Green
Attachments:	Orange is the New Green update.docx; Orange is the New Green-Update.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Please see the attachments. It would be very helpful if you would reply that you have received the attachments.

Richard Nelson Foothill Communities Association

Richard Nelson President, Micromachines President, Foothill Communities Association Vice President, Tustin Community Foundation President, The Legacy Foundation President, FCA Charitable Corporation Chairman, Citizens Oversight Committee for Measure S (\$130M bond issue) Board Member, Tustin Chamber of Commerce



FOOTHILL COMMUNITIES ASSOCIATION

Serving the Entire Unincorporated North Tustin Area Post Office Box 261 • Tustin, California 92781

June 25, 2018 OC Development Services/Planning Via email: <u>OCZoningCode@ocpw.ocgov.com</u>

Re: Comments on the proposed Zoning Code update

Foothill Communities Assoication (FCA) has the following comments and concerns regarding the proposed Zoning Code update, "Orange is the New Green." In an attempt to simplify the Zoning Code, use classifications have become overly broad and introduce uses that are not compatible with residential base districts. Additionally, uses not now permitted in base districts in North Tustin are proposed to be allowed with a use permit. When a use is allowed with a use permit, property owners and developers will often consider themselves entitled to that use even though the use may be blatantly incompatible with the surrounding residential use. FCA is concerned with the base districts in North Tustin—primarily E4, R1, RHE, and AR. FCA has the following specific concerns:

- 1. **Community Assembly Facility:** Currently the Zoning Code allows "Churches, temples and other places of worship" and "Country clubs, golf courses, riding clubs, swimming clubs, and tennis clubs" with a Use Permit. Proposed uses within this classification include community centers, banquet center, civic auditoriums, union halls, and meeting halls for clubs and other membership organizations. These uses would not be compatible with the surrounding residential areas in North Tustin.
- 2. Cultural Institutions and Facilities: Presently public libraries and museums are allowed with a site development permit. The proposal will add "performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences ... aquariums; art galleries; and zoos." The added uses do not appear compatible with residential use and only require a site development permit.
- 3. **Commercial Entertainment and Recreation:** None of the proposed uses whether largescale or small-scale are appropriate in North Tustin residential areas and are not presently allowed. **Large-scale**. Large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with more than 5,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys;

archery or indoor shooting ranges; riding stables; etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons. **Small-scale.** Small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

4. **Commercial Nursery and Garden Center:** Currently the AR district allows wholesale nurseries with a site development permit. Permanent facilities for sale of agricultural products grown on the site requires a use permit. The proposed update allows for retail nurseries with only a site development permit: Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

The proposed Tree Preservation Ordinance will place a burden on many North Tustin residents. Many parcels exceed 20,000 square feet, obviously those zoned E4 20,000. The FCA Board voted unanimously to recommend that this ordinance only apply to parcels larger than 1 acre and undergoing new development.

Thank you for your consideration of our comments.

Sincerely,

Richard Nelson, President Foothill Communities Association

CC: Irene Brace, Chair Land Use Committee

From:	April Allegro
Sent:	Monday, August 13, 2018 8:47 AM
То:	Chang, Joanna
Subject:	RE: LIST OF NEW PROPOSED BUILDING REGULATIONS FOR COUNTY AREAS
Follow Up Flag:	Follow up
Flag Status:	Completed

ADDITIONAL RECOMMENDATION TO PLANNING COMMISSION FOR CONSIDERATION: 3. EVERY HOME THROUGHOUT CALIFORNIA SHOULD HAVE AN <u>AUTOMATIC GAS SHUT-OFF</u> <u>DEVICE</u> INSTALLED ONTO THE MAIN GAS LINE AT METER OF HOME.

With the concern over fire and earthquakes in California, every home should have this safety feature, which is a nominal fee to purchase and install. Since this is so important and can save lives and additional destruction, this may be considered to be subsidized throughout the state.

If the County takes this on and makes this an issue that is known to the public, the rest of the state may follow suit. Any plumber can install this device and it should be a fairly simple request by the County to put forth. Thank you for your comprehensive consideration of this recommendation. April Allegro

Orange, CA

From: April Allegro Sent: Monday, August 06, 2018 10:11 AM To: 'Joanna.Chang@ocpw.ocgov.com' Subject: RE: LIST OF NEW PROPOSED BUILDING REGULATIONS FOR COUNTY AREAS

Hello Joanna:

As per our telephone conversation, here are my suggestions to the working list that is being complied for evaluation at the present time:

1. Re-evaluate the once upheld "300 Foot Rule" to notify property owners within a 300 foot distance from a requested new building site or remodel.

This seems <u>elementary as far as transparency</u> and fairness to existing property owners in any area to be made aware of any proposed changes and possible objections.

2. Any and all building codes/regulations that affect two residences can be over-ruled if the two neighbors amicably agree and it is <u>written and signed into mutual agreement</u> that they are acceptable to modifying an existing regulation that would normally affect their properties. If both are willing and find the modification beneficial and appropriate to the situation, the regulation should be waived in that case.

It should be noted that all situations are unique and a one size fits all approach is not democratic or considerate of one's property rights and the enjoyment of that property in the best way that fits the particular circumstance. A realm of consideration of each situation should be allowed the versatility that would be requested by two property owners in their best interests regarding their own property rights and neighborly agreement as long as it is in writing.

Thank you for adding these two recommendations to your working list. April Allegro

From:	Chang, Joanna
Sent:	Monday, August 20, 2018 4:10 PM
То:	'Janet Bieler'
Cc:	'Ryan Saba'
Subject:	RE: "Orange is the New Green" Zoning Code Update
Attachments:	Sec7_9_136.11Special_outdoor_gatheringspdf

Regulations related to special outdoor gatherings are currently referenced in the County's Zoning Code under Section 7-9-136-11 (see attached). Short-term lodging is not referenced in our existing Zoning Code; however, proposed language is available in Section 7-9-93 under Article 2, Subarticle 5 (Standards for Specific Uses and Activities) at the following website: <u>http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green</u>

Per your request, please use the following link to access the North Tustin Specific Plan: http://www.ocpublicworks.com/ds/community_plans

Thank you.

Joanna Chang, Land Use Manager OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From: Janet Bieler Sent: Sunday, August 19, 2018 9:16 PM To: Chang, Joanna Cc: Ryan Saba Subject: Fwd: "Orange is the New Green" Zoning Code Update

From: Janet Bieler Subject: Re: "Orange is the New Green" Zoning Code Update Date: August 19, 2018 at 9:04:53 PM PDT To: "Chang, Joanna" <<u>Joanna.Chang@ocpw.ocgov.com</u>> Cc: Lamese Malley Jadallah

Joanna is there anything in the zoning codes that allows large events on a residential property, or limit of large events, especially thru Airb&b If so can you send me a copy of that. If not please let me know as well. Also can you send me the codes for North tustin, Santa Ana Many thanks in advance for your trouble Janet Bieler

On Jul 10, 2018, at 10:54 AM, Chang, Joanna <<u>Joanna.Chang@ocpw.ocgov.com</u>> wrote:

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Hi Janet,

The draft of the "Orange is the New Green" Zoning Code Update is available at the following link: <u>http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green</u>

Proposed language on short-term rentals can be located in Section 7-9-93 under Article 2, Subarticle 5 (Standards for Specific Uses and Activities).

The first round of public outreach and comments started on April 26, 2018 and ended on June 26, 2018. Another 30-day public comment period will be available in the Fall of 2018 prior to submittal of the final draft of the Zoning Code Update to the Planning Commission and Board of Supervisors. In the meantime, public comments will be accepted throughout this process.

Feel free to let me know if there are any other questions. Thank you.

Joanna Chang, Land Use Manager OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815 Ms Chang,

I have lived in my home over 50 years. I have great neighbors. We are all opposed to short term rentals in our neighborhood. They bring problems and sometimes crime into good neighborhoods. Most of all they erode the sense of community that we have worked to build. Please vote against allowing them in our neighborhood ! Marcia Poulin

Sent from my iPad

Hi Joanna

Sent from my iPad

I live in the West Island area and am against these rentals. We already have one at the end of our street and do not want another one in the neighborhood.

Just wanted to let you know and hope this doesn't go through.

Thank you,

Linda Kitada

From: Sent: To: Subject: Beth Pelfrey Wednesday, September 05, 2018 8:10 PM Zoning Code Team STR

Hi there,

I live in the Sherwood Forest unincorporated neighborhood. I have heard a rumor that very recently a home in which the last owner died by his own hand was sold as a STR. I am against STR's for the following reasons:

It was obvious in Anaheim that neighborhoods became receptacles for al manner of trash, including but not limited to needles, condoms and drink bottles and cans. Not acceptable.

Increased traffic and noise on an otherwise quiet street. Not acceptable.

The unfair competition to the local motel business very close to here. They are paying taxes, keeping codes and OSHA rules and do not deserve to be undercut.

If this becomes a reality, I will be observant and a frequent reporter of mis-deeds and actions.

If there are properly licensed establishments, I feel the owner needs to LIVE ON THE PREMISES at the very least, provide enough parking so that the street is not compromised and behave as if their children are walking to school every single day!

I am not in favor of this enterprise at all and do not want to have them cause problems in my neighborhood under any circumstances. People need to use the licensed and regulated hotels and motels available. This is a quiet neighborhood and I want it to stay that way.

Multi-generational families on one property are not the same thing: that is a factor of culture and income. Usually when family members can afford to, they moves out. STR's are a scourge.

Beth Pelfrey



Begin forwarded message:

From: Ken Jumper Subject: Opposition to STRs in Anaheim city/unincorporated areas Date: September 7, 2018 at 4:36:15 AM PDT To: OCZoningCode@ocpw.ocgov.com

We are strongly opposed to any STRs in any area of Anaheim. We live in a neighborhood that has been plagued with this problem for several years. Some STRs have been resold as family housing but there are several that are still operating. From the STR behind our property, we can hear children screaming in the spa and adults celebrating birthdays at 8:00AM and 12:00PM. Vacationers do not respect neighborhood standards of behavior.

We have been putting thousands of dollars into maintaining and upgrading our house and yard for over 40 years. Now the presence of STRs has devalued our property if and when we want to sell.

STRs are just poorly regulated businesses that do not belong in family neighborhoods.

Sincerely,

Mary and Kennith Jumper

Chang, Joanna

From:	edward karcher Frank (1997)
Sent:	Monday, September 10, 2018 2:56 PM
To:	Chang, Joanna
Subject:	Re: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018
Follow Up Flag:	Follow up
Flag Status:	Completed

Hello Thank you for the information. It was helpful. Just wanted to say that I think short term rentals have a place in the county. My neighbor has one and it is one of the better looking homes. My neighborhood can use all the help it can get to improve. I have not seen any wild parties or any other negative problems there. Most people are families on vacation. Spending dollars here in Orange County. Thank you Ed Karcher

On Fri, 9/7/18, Chang, Joanna <<u>Joanna.Chang@ocpw.ocgov.com</u>> wrote:

Subject: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

To: Date: Friday, September 7, 2018, 3:26 PM

Hi Ed,

The final Planning Commission

Community Workshop regarding the OC Zoning Code Update will be held on September 12, 2018 at 1:30 p.m. The Planning Commission Agenda, Staff Report, and Attachments can be found at this link:

https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ocpublicworks.com%2Fds%2Fplanning%2Fhe aring%2Fpln_comm%2Fpcmeeting&data=02%7C01%7CJoanna.Chang%40ocpw.ocgov.com%7C50469c7934ea4b67 379f08d617684245%7Ce4449a56cd3d40baae3225a63deaab3b%7C0%7C0%7C636722133885679056&sdata=1DA mAZcdFPRFzwc3K2u72fXmFu8QEwVIzzITBfCJE%2BE%3D&reserved=0

(Please see Attachment 10 for Short-Term Rentals – 2nd Draft).

Here is the link to the OC Zoning Code Update webpage:

https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ocpublicworks.com%2Fds%2Fplanning%2Fpr ojects%2Fall_districts_projects%2Forange_is_the_new_green&data=02%7C01%7CJoanna.Chang%40ocpw.ocgov.c

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Please reply to this email with any comments on short-term rentals. Feel free to let me know if there are any questions.

Thank you for your interest.

Joanna Chang, Land Use Manager OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815

From:	Walter Gonzales	
To:	Chang, Joanna; Maldonado, Ruby	
Cc:	Walter Gonzales	
Subject:	Orange County Planning Commission, September 12 Meeting, Item #2 - Short-Term Rentals	
Date:	Wednesday, September 12, 2018 8:47:00 AM	
Attachments:	image001.png	
	County of Orange Planning Comisison Letter.09 12 2018 FINAL.pdf	
Importance:	High	

September 11, 2018

The Honorable Trung "Joe" Ha Chairman Planning Commission, County of Orange 333 W. Santa Ana Blvd. Santa Ana, CA 92701

RE: Item #2, September 12, 2018 Planning Commission Agenda

Dear Chairman Ha:

On behalf of HomeAway and its affiliated companies, members of the Expedia Group, I appreciate the opportunity to provide the following comments relative to item #2 on today's Planning Commission agenda, specific to Article 2, Subarticle 5, Section 7-9-93, dealing with Short-Term Rentals.

We greatly appreciate the recent revision to this section of the proposed Zoning Code Update, enabling residents of single-family residential communities within the County unincorporated areas to use their principal residence for short-term rentals, provided they obtain a permit for such use.

HomeAway's model is whole home rentals, meaning that our owners may not list for rent individual rooms within a larger home. We also make it a priority to work with local jurisdictions to provide information that not only addresses a community's unique characteristics, but also improves the quality of the guest experience.

We would appreciate the Planning Commission's consideration of a revision to the proposed language within this Section to allow a maximum of one non-principal/primary place of residence to also be eligible for short-term rentals. This policy, which requires inspections and permitting, has been employed with great success in many jurisdictions and we strongly believe that with the appropriate permitting and compliance tools in place, it can work with similar effectiveness in Orange County.

Again, your consideration of this request and the larger Zoning Code Update is greatly appreciated. Please feel free to contact me directly with any questions. I can be reached at 512.505.1615 and by email at <u>wgonzales@homeaway.com</u>. Thank you for your time and attention to this matter.

Sincerely,

Walter R. Gonzales

Government Affairs Manager, Southwest Region HomeAway 1011 West Fifth Street, Suite 300 Austin, Texas 78703 Direct: 512.505.1615 wgonzales@homeaway.com



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Section 2 - Public comments related only to the Tree Preservation Ordinance

Orange County Development Processing Review Committee Subcommittee Comments on February 2018 Draft Proposed Tree Preservation Ordinance March 9, 2018

OC Public Works distributed a draft of the Proposed Tree Preservation Ordinance on February 9, 2018. On February 28, 2018 a meeting was held between Richard Vuong, Joanna Chang and Heather Clayton of the County team, with Adam Wood from BIA/OC and Jay Bullock (2nd District) of Rancho Mission Viejo represented the DPRC and land owners, builders and developers that might be impacted by this proposed ordinance.

Background: It was explained that a group of tree preservationists have approached Supervisor Spitzer with a draft, County-wide tree preservation ordinance. The Supervisor passed it along to OCPW and asked that a draft tree preservation ordinance be brought to the Board. On February 28th staff presented a draft outline laying out a range of options, including in each aspect of the draft the preservationists' approach as the most stringent option, and staff proposed approaches that arc back toward something perhaps more reasonable.

Proposal: In a nutshell, the ordinance would aim to either avoid tree removal, or require mitigation (replace on site, off-site, or payment of a mitigation fee). But there are a huge range of aspects of this proposal that still need to ironed out:

- Which areas are exempt?
 - Which communities are exempt? For instance, RMV is exempt due to our Development Agreement, not to mention the thousands of large trees we're preserving in place and/or the hundreds we're transplanting.
 - What size parcels are exempt? (7,200 SF lots and 20,000 SF lots are mentioned as options in this draft)
- Which trees must be preserved?
 - Sizes (ranges from the preservationists' suggested 5" diameter, up to staff's highest option of 12" diameter)
 - Species (ranges from oaks only to the preservationists' suggestion that all 32 species native to Orange County be preserved)

DPRC Comments and Concerns:

Private Property Rights:

- Generally not in favor of additional regulations which infringe upon the rights of property owners, or "take" private property for public purposes. (Carl Taylor)
- Concerned about additional regulations on private property. (Jim Holas)
- If trees are preserved this could create a setback restriction that could infringe on private property. (Jim Holas)
- If vacant land is already entitled for residential uses and this ordinance were to disallow a use allowed by zoning, or require a mitigation fee that makes development infeasible, the County may be setting themselves up for legal claims of the taking of property without compensation. (Jay Bullock)

Effected Areas:

- If the impetus for this effort is in the foothill area of the unincorporated County of Orange territory (within Supervisorial District 3), perhaps this ordinance should focus solely on tree preservation in that vicinity? (Jay Bullock)
- Does the Foothill Trabuco Specific Plan already include tree preservation requirements? (Jay Bullock)
- The primary focus should be agricultural and open space areas (Jay Bullock)

- Preclude Non-Residential Uses: Does not seem appropriate to impose this ordinance on commercial or industrial zoning districts. (Jay Bullock)
- Incentivize:
 - Focus more on an incentive program to allow a density bonus or other benefits to a developer who preserves or plants large trees. (Jay Bullock)
 - I like the idea of an incentive program that would allow a density bonus, additional floor area ratio, increased lot coverage, grading variance or other benefit for preservation of large trees (to be defined). (Dave Bartlett)
- Possible Unintended Consequences:
 - Could expand beyond tree preservation. There has always been a conflict with habitat preservation and fuel modification. (Jim Holas)
 - Tree preservation could evolve into habitat preservation. Due to the nature of Oak trees and other protected species, the habitat under and around the tree can influence the grown and mortality. Preservationist could view a situation like this as preservation of a zone far beyond what is being presented. It would be far better to allow for protected species to grow under their existing environment or one adapted for the tree. This would apply to Jay's recommendation to the bonus option or maybe a mitigation endowment program. (Jim Holas)
 - There are numerous examples of problems associated with large trees in residential neighborhoods, including neighbors quarreling over trees dropping branches, leaves and fruit on adjoining properties; or neighbors' trees blocking view amenities, etc. (Jay Bullock)
 - OCFA should review due to the potential increased fire hazard of mature trees adjacent to structures. (Joe Lambert)



March 15, 2018

Mr. Colby Cataldi Deputy Director Orange County Public Works 300 N. Flower St. Santa Ana, CA 92703

Re: Tree Preservation Ordinance

Dear Mr. Cataldi:

On behalf of our membership, I write to express our opposition to the Tree Preservation Ordinance alternatives under consideration.

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people in the home building industry.

It is understood that several alternatives are currently under consideration. Protecting natural resources is an important priority and Orange County has seen the OC Parks Department manage 60,000 acres of parkland, open space and shoreline enjoyed by millions of residents and visitors each year. This accomplishment is laudable and demonstrates Orange County's leadership on the issue.

The underpinnings of this ordinance, however, fails to maintain the careful balance Orange County has achieved between property rights and preservation. Despite the many alternatives, in all instances, each variation shares a common flaw that makes support unattainable. Each approach directly burdens individual property rights, devalues land, restricts freedoms and places incalculable costs on development. It may also conflict with the goal of appropriate fuel modification in certain areas.

Perhaps the most compelling grounds for opposition is that no inventory of trees exists, making the scope of all proposals opaque. Staff has done an excellent job of outlining parcels impacted, but without an inventory of trees, there is no way to calculate scope, real world costs, or any actual impact each variation might have.

In effect, approval of any version offered is paramount to asking land owners and the development community to write a "blank-check" that will grind opportunities to a halt. At a time when we are faced with a housing crisis caused by a critical lack of supply, now is not the time to add further burdens to land with housing opportunity.

Respectfully,

Steven C. LaMotte Chapter Executive Officer

PRESIDENT MIKE GARTLAN KB HOME

VICE PRESIDENT RICK WOOD TRI POINTE HOMES

TREASURER/ SECRETARY SUNTI KUMJIM MBK HOMES

IMMEDIATE PAST PRESIDENT PHIL BODEM MERITAGE HOMES

TRADE CONTRACTOR V.P. ALAN BOUDREAU BOUDREAU PIPELINE CORPORATION

ASSOCIATE VICE PRESIDENT MARK HIMMELSTEIN NEWMEYER & DILLION, LLP

MEMBER-AT-LARGE PETER VANEK FOREMOST COMPANIES

MEMBER-AT-LARGE SEAN MATSLER MANATT, PHELPS & PHILLIPS, LLP

> EXECUTIVE OFFICER STEVE LA MOTTE

24 Executive Park, Suite 100 Irvine, California 92614 949.553.9500 | biaoc.com

From:	Gloria Sefton
Sent:	Monday, March 19, 2018 8:46 AM
То:	Chang, Joanna
Cc:	Michael Wellborn; Vuong, Richard; Heather Clayton; Maldonado, Ruby; Cataldi, Colby
Subject:	Re: County of Orange: Proposed Tree Preservation Ordinance
Attachments:	Comments on County Proposed Tree Ordinance 2018-Mar-17.docx; ATT00001.htm

Good morning, Joanna -

Attached are our comments on the slides you provided at the meeting on March 5th. We consulted with the OC Chapter of the California Native Plant Society on some of the items.

Please let us know of any questions, and please keep us informed of next steps. Thanks again.

Gloria

Gloria Sefton Vice President, FHBP

Category	Comments
Impacted Areas	All but Planned Communities under Development Agreements should be covered by the new ordinance. To the extent a specific plan contains more stringent protections, the ordinance should not supersede the relevant specific plan. So, it should be made clear that the ordinance will not supersede <i>more stringent</i> regulations contained, for example, in specific plans.
Exempt Trees and Exempt in Special Circumstances	The only exemptions should be for OC Parks, licensed nurseries (and landscape contractors to the extent they maintain large specimen trees). Fuel Mod and Maintenance plans are not adopted by ordinance, so should be integrated into the ordinance.
	"Special Circumstances" should not apply for "non-emergencies." Trees maintained by public utilities should be addressed in the ordinance.
Protected Tree Species	We support Option 4: protecting all 32 native tree species. Non-native "heritage" (big/old/historically significant) should also be addressed in the ordinance.
	Option 1 is unclear as there are many oak species. Does "Oaks only" mean only coast live oak (<i>Quercus agrifolia</i>)? 13 <i>Quercus</i> taxa (7 spp. + 5 naturally occurring hybrids) are natively found in Orange County. In addition, there are several <i>Quercus</i> spp. native to elsewhere in the California Floristic Province, as well as several spp. native to elsewhere in the world, that are grown & planted horticulturally in Southern California, that may be growing in the unincorporated but developed areas. Also, some non-native oak species are semi-invasive, e.g. European pin oaks.
	Options 2 and 3 would be a compromise to Option 4, but should also include big leaf maple, white alder, black cottonwood, and Arizona ash.
Diameter at Breast Height	We agree with DBH measure 4.5 feet above soil surface at natural grade.
(DBH)	Note that some of the spp. & hybrids generally grow as large shrubs (multi- trunks, branches & foliage to the ground). Ordinance needs to address these also.
	For multi-trunk trees diameters, the standard is to measure all the trunks, and then add the total diameter of the largest trunk to one-half the diameter of each additional trunk.
Parcel Zoning and Inventory	We prefer Option 1 - "No limitations" on parcel compliance.
	[It would be helpful if the Parcel Inventory could be shown in relation to the Zoning Map. Where are the unincorporated parcels larger than 7200 s.f.? Larger than 20,000 s.f.? Agricultural parcels?]
Valuation for Mitigation Fund	The mitigation options are reasonable, & in the order of desirability.
	We prefer specific landowner action (i.e., replacement) over a mitigation fund in responding to tree mitigation issues, while avoiding tree removal as a first priority.
	The cost of the tree is only a portion of the out-of-pocket cost of tree replacement. For any tree larger than a 24" box a crane is necessary to unload, move, and plant the tree. The craning fees can vary considerably based upon the site, number of trees, ability to approach the planting site, and physical barriers (houses, walls, other trees, etc.). For simple craning within a few feet of the unload truck a reasonable cost is about 50% of the cost of the tree. The other cost is the planting labor. This will also vary according to the site and quantity of trees, but 50-70% of the tree cost is also a good benchmark.
Replacement Ratio	Replacement ratio is usually minimum 5 replacements to each oak

	removed.
	Could replanting/restoration projects at OC Parks be eligible for Mitigation Funds?
Mitigation Fund (Eligible Activities)	
Post-Installation	All items are reasonable. Suggest possible partnership with non-profits involved in conservation (e.g., Tree People and CCC).
	Re Penalty Fee - a percentage of the fees collected should be designated to code enforcement education (regarding the tree ordinance) and operations/equipment.
Tree Protection Zone for Existing Trees	Tree roots are known to extend well beyond the dripline, often growing toward a water source. 5 ft. beyond the dripline is a minimum.
Tree Protection Zone for Replacement Trees	Tree roots are known to extend well beyond the dripline, often growing toward a water source. 5 ft. beyond the dripline is a minimum.
	For coast live oak, 30 ft. trunk-to-trunk is minimal; that allows a 15-ft. radius for each canopy in 50 years or so.
	Instead of "apart from each other," better to require "30 feet on center from each other." Otherwise it could be interpreted as from the edge of one tree tree canopy to the edge of the next.

From: Sent: To: Subject: Attachments: Gillian Martin Tuesday, May 15, 2018 3:47 PM Chang, Joanna Comments on Protected Tree Ordinance Tree Ordinance comments Gillian Martin.pdf; ATT00001.htm

Joanna,

Thank you for accepting my call today to answer my questions.

Kindly see the attached file for my comments. Thank you.

To: Joanna Chang, Land Use Manager, OC Public Works Date: 15 May 2018 From: Gillian Martin, Director Cavity Conservation Initiative; Co-leader of Tree Care for Birds and other Wildlife project

I want to applaud OC Public Works for considering a Tree Protection Ordinance for our county. As our urban forest faces increasing threats of tree pests and pathogens resulting in significant loss to our tree canopy, this is a responsible and timely action for the county to consider. Thank you!

I have reviewed the entire draft and have limited my comments to topics about which I feel sufficiently knowledgeable. Among them is the topic of management of Protected Trees when they start to die or are dead. I realize this may be a concerning, even contentious topic, and may typically be out of the usual scope of a Protected Tree ordinance. Some accommodation on this issue can be achieved without risk to people or property, and it would raise our county to a laudable level of environmental stewardship, making it a model for others.

In addition to my following comments, I wonder if there is allowance for this ordinance to be evaluated periodically to ensure it is updated for omissions, modified for changing conditions, to add needed clarification etc.? If not, I respectfully suggest that this is considered.

Section 7-9-69.1. -Purpose

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Please consider adding the italicized text to preserve the habitat value of trees as they die:

The purpose of the following provision is to ensure that protected trees are preserved and remain healthy, and during their decline and death are considered for retention and management for the length of their standing life when safe and ecologically beneficial to do so.

Explanation of above:

There appears to be no language or discretion allowed for the safe retention of dying/dead trees under any circumstances. The benefits of allowing for discretion can be argued since:

- Protected Trees when dying and dead are still by definition trees, and remain valuable natural resources in all successional stages.
- The ordinance recognizes and supports the habitat value of Protected Trees. With some exceptions, as in cases of sudden and severe natural disturbance such as fire and flood, cases of certain pest infestations and pathogens, trees typically *decline slowly*. When a large, mature old tree is in severe decline or completely dead, it's *habitat value not only continues, but the tree serves a wider range of birds and other organisms*, so omitting trees from protection at this stage can be considered a significant ecosystem loss.

- Depending on the species, it may take a tree hundreds of years to begin to provide this 'second life' ecosystem function. A dead tree cannot be purchased or replaced, nor can a live tree supplant its ecological functions.
- By natural design, a tree's death fulfills its ultimate ecosystem function, that of nutrient recycling. When removed and hauled away, the surrounding ecosystem is biologically poorer for it.
- The International Society of Arboriculture has recognized the habitat value of dead wood in standing trees (this includes dead limbs and tree tops). It has expressed this by adding guidelines to include managing trees for wildlife as an acceptable pruning objective when safety to people or property is not compromised.
- There are several management options accepted by the industry to safely retain 'good candidate' trees, including leaving a 6-10 ft stump with no limbs. When located on the fringes of property or in low use areas, this may be a defensible option in the urban landscape since risk is virtually removed.
- It's important therefore that the "Tree Manual" includes a requirement that Arborists use the International Society of Arboriculture's *updated* pruning and tree risk assessment standards.

For this reason, I recommend enhancing the following with the italicized text:

(a) Recognize Protected Trees as ecological resources providing habitat and food for wildlife *thereby supporting the stability and biological richness of ecosystems.*

(b) Recognize Protected Trees.....(please include) water sequestration in this section.

Section 7-9-69.2. -Scope

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(a) Recommend considering other tree species as suggested and defended by Ron Vanderhoff of the OC Native plant Society. In light of the fact that the Polyphagous Shot-hole Borers, the Gold-spotted Borer, Sudden Oak Death and other pathogens are continuing to kill many native trees, it is increasingly important that other native trees be considered for the list of Protected Trees.

(b) "These provisions shall apply to all Protected Trees....following:"

Recommend protecting habitat with the following addition:

These provisions shall be considered for all Protected Trees which, when in failing health and in non-emergency conditions, can be safely managed and monitored through their decline, rather than removed, to preserve their continued habitat value. Such determinations would be made subsequent to an evaluation and recommendations made by an arborist certified in tree-risk assessment who provides a Level Two risk inspection (as defined by the International Society of Arboriculture) and in conjunction with a wildlife biologist.

(d) "These provisions <u>do not</u> apply to:"

(1) I am wondering why Protected Trees owned and operated and/or maintained by the County of Orange and Orange County Flood Control District are exempt from the ordinance? What about ownership in these cases makes protection of such trees less important or discretionary?

(5) be further clarified to read:

Cases of non-emergency caused by a Protected Tree being in a hazardous or dangerous condition due to natural causes as verified after a Level Two risk inspection by an arborist certified in tree-risk assessment in which it is determined that no management options other than complete removal could reasonably and tolerably reduce risk of failure and provide sufficient habitat value to warrant retention.

(6) Protected Trees with an infestation, pathogen or disease, after an Arborist or Academic Arboriculture Expert has inspected it, is verified to be beyond recovery and expected to die, to pose intolerable risk to people and/or property and is recommended for removal to reduce risk and/or spread of pest and/or pathogen.

Clarification: Trees, even those with some pathogens, disease, pests etc., may continue to and provide benefit for years. By itself, the mere presence of the former is not a reason to remove them.

Section 7-9-69.3. – Definitions

Recommend further stipulations for clarity (see italicized text)

(o) "Removal" shall mean the uprooting, cutting or severing of the main trunk, or major branches, or major tree roots of a Protected Tree or any act which causes, or may be reasonably expected to cause a tree to die, including improper fertilization, improper irrigation, nailing, stapling or affixing items to a tree, or carving on a tree.

Explanation

Cutting major roots and even the seemingly minor holes made by staples, nails and knives etc. can provide entrance sites to pests, pathogens and disease.

Poor pruning cuts and the removal of large limbs particularly, may also reduce the fitness of trees, so the preservation of tree health needs to be in the hands of certified arborists. Which leads me to a question re the following item:

(q) "Replacement Tree Monitoring Period."

Comment: Some young trees need to be pruned to ensure such things as structural desirability which is better done when trees are immature and can recover from the injury inflicted by pruning cuts. Apart from "monitoring," does the ordinance allow for management of young trees by an Arborist?

(t) Recommend that "Tree Manual" include the updated Pruning Standard Practices of the International Society of Arboriculture and that only certified arborists be permitted to manage Protect Trees.

(x) "Tree Preservation Management Plan".....

Recommend getting GPS on all Protected Trees and consider a data base of all trees to include assessment of condition and recommendations for management. Is there any allowance for updating/monitoring the management plan for Protected Trees? For example, trees, like people, grow old and recommendations for their care may be different because their immunity, resources and resilience are typically reduced. The overriding point is that it is important that once trees are designed for protection, it is equally important that continued care be provided by a certified arborist

Thank you so much for your consideration of these comments.

Gillian Martin Program Director Cavity Conservation Initiative

www.cavityconservation.com Facebook page http://treecareforbirds.com Facebook Page

From: Sent: To: Cc: Subject: Jo-Ann Coller Wednesday, May 16, 2018 12:27 PM Chang, Joanna Gillian Martin Protected Tree Ordinance

Ms Chang

Regarding your consideration to adopt a protected tree ordinance for Orange County:

Please consider including a protection for a select few dead and dying trees that have been trimmed to be safe from harming the public. These trees are natural habitats for a variety of cavity nesting birds and animals. These trees also provide nutrients for the soil that help live trees flourish.

Thank you for your consideration,

Jo-Ann Coller, Treasurer of the Southern California Bluebird Club

From: Sent: To: Cc: Subject: Bill Wallace Wednesday, May 16, 2018 9:34 AM Chang, Joanna Gillian Martin Protected Tree Ordinance

Now more than ever, Orange County needs a Protected Tree ordinance. We are losing many trees, especially our large native trees, to non-native pests and pathogens. In addition, development continues to encroach on natural open spaces thereby reducing their size, fragmenting habitat and reducing habitat value. The removal of many of our oaks, sycamores, walnuts and willows (among other native trees) in the course of development represents an unnecessary and unacceptable loss of our natural resources. Among these resources are standing dead trees which provide habitat to nesting birds and other wildlife. These trees provide an ecological service that a live tree cannot. In the drafting of this ordinance I strongly urge the county to allow for the safe retention of at least some of our native trees when they die. Thank you for recognizing the urgent need for this ordinance.

The Orange County Parks has adopted the Tree Care Initiative promoted by our Bluebird Club and has initiated a policy to retain as many dead and dying trees in our Parks as feasible. They are working closely with West Coast Arborists, Inc to train their crews in proper techniques to safely prune trees in order to minimize disruption to nesting birds and other animals. I encourage you to fofollow their lead and adopt this ordinance on a County wide basis.

Sincerely,

Bill Wallace, President Southern California Bluebird Club

From: Sent: To: Subject: Ron Vanderhoff Wednesday, May 16, 2018 7:29 AM Zoning Code Team Comments on Draft Tree Preservation Ordinance

Greetings,

I would like to register the following comments regarding the Draft Tree Preservation Ordinance.

Section 7-9-69.1(e)

I don't understand the statement "Assure the continuance of quality development." as a purpose for this ordinance. This is not a development issue, pro or con. I suggesting that this phrase be stricken from the Ordinance.

Section 7-9-69.2(d)(1)

Why would county owned or maintained Protected Trees be excluded?

Section 7-9-69.2(d)(6)

Almost any tree will have some degree of "infestation, pathogen or disease". This language should be expanded to indicate "... is likely to soon cause the tree to fail, is a threat to vector such pathogen or disease to other native trees or is a danger to the public or wildlands.

Section 7-9-69.2

This ordinance only addresses four groups of native Orange County trees, Oaks, Walnuts, Sycamores and Tecate Cypress. Admittedly, these are among our highest profile and most iconic native trees, but this list is not inclusive enough.

Our native trees include (I am defining "tree" rather exclusively, meaning with a typical upright habit, a single stem or multiple trunk and generally bearing lateral branches well above ground level. Based on this definition and the work of many botanist within the county, several other native shrubs/trees are <u>not</u> currently included in this list):

Acer macrophyllum Bigleaf maple Alnus rhombifolia White alder Arbutus menziesii Madrono Arctostaphylos glauca *Big berry manzanita* **Fraxinus dipetala** *Two petaled ash* Fraxinus velutina Arizona ash **Pinus** attenuata Knobcone pine **Pinus coulteri** *Coulter pine* **Populus fremontii** Fremont cottonwood **Populus trichocarpa** Black cottonwood Pseudotsuga macrocarpa Bigcone spruce Salix gooddingii Gooding's or black willow Salix laevigata Polished or red willow Salix lasiandra Pacific willow Salix lasiolepis Arroyo willow Umbellularia californica *California bay*

I believe each of the trees above provide the benefits as outlined in Section 7-9-69.1 - Purpose, and should be included in this Ordinance.

Section 7-9-69.2(1)

Seven native oak (Quercus) species are known to occur within Orange County. Additionally, at least six native oak (Quercus) hydrids are known to occur in Orange County (Roberts, 2007). Each of these species should be specifically called out by name in the Ordinance and/or the Tree Manual (which has not been completed).

A "Tree Manual" is mentioned throughout the Ordinance. Where can this Tree Manual be accessed? Or has it been written yet? The ordinance requires compliance with various standards as set forth in this Manual, but where is it? This manual is an key component of this ordinance. If this manual has not yet been created and reviewed are we not approving a Ordinance with unknown standards?

Section 7-9-69.3(m)

The definition of "native" is vague and should be clarified to address planted native trees and trees that may now be native (naturally occurring) at a site, but were not present prior to European contact. This latter point will be increasingly important with current climate change considerations. Plants are migrating. On the earlier point, a planted tree in a restoration, revegetation or Andrew other site should be defined as of Native origin. Separately from the specific comments above, as a condition of the Tree Preservation Permit, the accurate GPS location of any protected tree should be registered if the tree is recommended for removal or encrouchment. Additionally, the accurate GPS location of any and all approved replacement trees shall be registered as a condition of the Tree Preservation Management Plan.

Additionally, I have concerns about:

- Replacement trees being 24" boxed plants. Oaks especially are notoriously problematic when transplanted as large specimens.
- Nothing in the Ordinance requires replacement trees to be of local origin. Standard restoration BMP's almost always require local genetics when outplanting into a natural area, in order to avoid genetic pollution of the native genotype. A local origin requirement should be included in the Ordinance for any and all replacement trees.

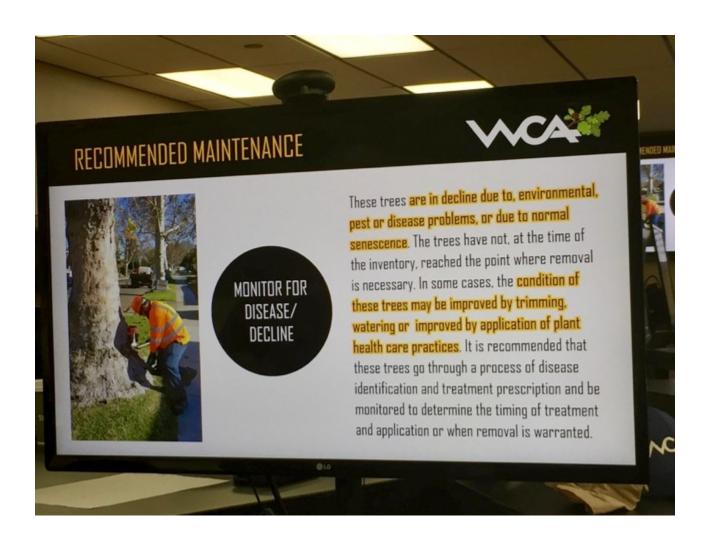
Very happy to see this important document become a part of our Orange County planning. We are the only highly populated SoCal county without such an ordinance.

Ron Vanderhoff Native Plant Botany, Rare Plants, Invasive Plants OC CA Native Plant Society, Cal-IPC, PlantRight, others

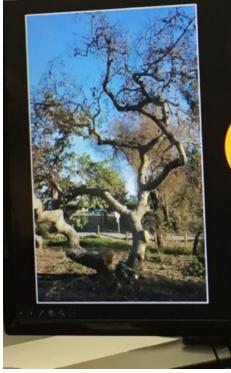
From: Sent: To: Subject: Gillian Martin Thursday, May 17, 2018 12:26 PM Chang, Joanna Protected Tree Ordinance

Joanna,

I have already submitted comments to the draft, but yesterday while attending a workshop for arborists and municipal staff, I photographed two slides from the training that supports my suggestion that a) trees that do not pose an immediate risk but have health problems be considered for management rather than removal, and b) that some dead trees be considered for retention when safe to do so.







Diseased or Declining

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Trees that are diseased or declining to a point beyond any management strategy to recover them. It is recommended that these be removed to reduce the potential spread of problems and also for public safety concerns where targets are in proximity. These can also be considered for preservation to create suitable wildlife habitat where conditions for public safety are not a concern.

Cł.

Gillian Martin Program Director Cavity Conservation Initiative

www.cavityconservation.com Facebook page http://treecareforbirds.com Facebook Page

From:Steve Kaye | 714-528-1300Sent:Friday, May 18, 2018 10:43 AMTo:Chang, JoannaSubject:Orange County Needs a Protected Tree ordinance.

Hello Joanna,

Orange County needs a Protected Tree ordinance.

Here's why.

Large, native trees add character to a community. They enhance the beauty of parks, streets, and public areas. Some old trees even serve as landmarks.

In addition, communities that include trees provide a more healthy environment for their citizens. Studies have shown that people who spend time outside are happier and healthier.

Trees are also essential for the environment. They support nesting birds and other wildlife, which also enhances the quality of life in a community.

So I urge the county to approve a Protected Tree Ordinance that allows for the safe retention of our native trees.

Thank you for your support,

Steve Kaye

https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.stevekaye.com%2F&data=02%7C01%7CJoan na.Chang%40ocpw.ocgov.com%7Cfc91c9f2f8264632c53e08d5bce6c2a7%7Ce4449a56cd3d40baae3225a63deaab3b%7C 0%7C1%7C636622621653913791&sdata=qQPfJOgsW3aFtQA6l%2BIDPFkdH50L19K89HVw2BSSXZc%3D&reserved=0

From: Sent: To: Subject: Vinnie Dorse Monday, May 21, 2018 4:49 PM Chang, Joanna Tree Preservation Ordinance, Section 7-9-69

Dear Joanna,

Thank you for your phone call this afternoon. As the current Tree Preservation Ordinance specifies that Specific Plan areas are excluded, I had not thought much about making a comment on a matter that affects other County areas and not the CZ Master Association that is under the jurisdiction of the Coto de Caza Specific Plan.

As we discussed the CZ Master Association upholds the Specific Plan to the best of their ability. For example the Executive Summary of the Plan specifically states the *Purpose and Intent, Setting,* and *Plan Proposal,* all of which refer to the biologically sensitive environment, open spaces, riparian areas, unique significant natural features and the protection or enhancement of such. The Specific Plan under *Project Description* – Natural Resources/Biology refers to the live Oak woodlands as a significant feature.

In the CZ Master CC&R's Article 7.17 states as follows: *No indigenous oak tree located on any portion of the properties shall be removed, cut down, trimmed, or in any way damaged, destroyed or modified without the prior written approval of the Architectural Committee*. To further the preservation of native trees, the native oaks were tagged and are reviewed annually by a certified arborist with recommendations provided to assist with the health of the tree when needed, an operating budget line item to maintain the native Oak groves on a weekly basis, and reserve funding in place for the replacement of specimen trees such as the Oaks that may die of natural causes.

While CZ Master is encouraged that the preservation of indigenous trees is being undertaken by the County for those areas that may not understand the value and significance of the native trees indigenous to the Orange County locale, the CZ Master Association has for 35 years made the preservation of the Association's native trees a priority and will continue to do so as a desire to preserve the natural bucolic beauty of the community that many residents love and moved here to enjoy.

Thank you for the opportunity to provide a comment for your consideration. Regards,

Vincentia Dorse, CCAM, PCAM General Manager, CZ Master Association

The CZ Master office located at 30021 Tomas, Suite 160, RSM is open Monday thru Friday 9am to 5pm

From: Sent: To: Subject: Attachments: Gillian Martin Monday, May 21, 2018 11:25 AM Chang, Joanna Tree protection requirements in other jurisdictions Mitigation Caltrain.pdf; ATT00001.htm

Joanna,

I am attaching a spreadsheet on tree protection requirements that have been established by jurisdiction in the Bay Area. It's often good to see what others have agreed upon.

Thank you.



Attachment 1

Tree Protection Requirements by Jurisdiction

DRAFT Tree Inventory and Canopy Assessment Peninsula Corridor Electrification Project February 2014



Attachment 1: Tree Protection Requirements by Jurisdiction.

Jurisdiction	Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
San Francisco (Public Works Code: Article 16)	Significant tree = 12" DBH and larger; taller than 20' or a canopy wider than 15'. Heritage tree = designated by City.	Yes; issued by Director	Not stated	Not stated in code, but guidance states that replacement tree is required for each tree removed.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
Brisbane (Municipal Code Chapter 12.12)	Protected = bay, coast live oak, buckeyes and all street trees 12" and larger at 24" height.	Yes if 10" and larger at 24" height.	Yes if pruning more than 50% of canopy of a tree 10" and larger at 24" height.	Not stated in code, but tree removal permit states replacement is usually one or more trees.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
South SF (Municipal Code Chapter 12.30)	Protected = 15.3" DBH and larger at 54" height.	Yes for Protected tree	Not stated	Not stated	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
San Bruno (Municipal Code Chapter 8.25)	Heritage tree = any native tree 6" DBH and larger (Bay, buckeye, oak, redwood, Monterey pine). Other species 10" DBH and larger.	Yes	Yes, when removing more than 1/4 of crown or 1/4 of roots.	Two 24"-box trees or one 36"- box for each heritage tree removed.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 1:1 (36" box) for heritage tree 1:1 (15-gal.) for non-protected tree
San Mateo Co. (Ordinance Code Division 8, Part 3, Section 12)	Significant tree = 12" DBH and larger.	Yes for Significant tree	Permit need for significant native species when a cut 19" and larger is needed	Determined by design committee.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree

DRAFT Tree Inventory and Canopy Assessment, PCEP HortScience Inc. February 2014

Jurisdiction	Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
Millbrae (Municipal Code Chapter 8.60)	Trees on private property not protected. City street trees of any size and species are protected.	No, street trees only	No, street trees only	No, street trees only	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
Burlingame (Municipal Code Chapter 11.06)	Protected = 15.3" DBH and larger	Yes	Yes when removing more than 1/3 of the crown.	Not stated	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
San Mateo (Municipal Code Chapter 13.52)	Heritage tree = any native species 10" or larger measured at 48" height or any other species 16" and larger at 48" height.	Yes for Heritage tree	Yes for Heritage	Heritage tree ordinance specifies one 24"-box size for heritage tree removal. There are other tree replacement requirements that apply only to planning applications.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 1:1 (24"-box) for protected tree 1:1 (15-gal.) for non-protected tree
Belmont (Municipal Code Chapter 25)	Protected tree = any tree 10" DBH and larger.	Yes for Protected tree	Yes for excess pruning on Protected trees.	Determined by City, up to 3:1 of 15-gal. size or payment of an "in lieu" fee.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 3:1 for protected tree 1:1 for non-protected tree
San Carlos (Municipal Code Chapter 18.18.070)	Protected tree = 11.5" or larger at 48" height (except Bailey's, green, and blackwood acacia; tree of heaven; fruit trees; Monterey pine; eucalyptus planted after 1925). Bay; buckeye; coast live, valley, blue and interior live oak; and madrone are protected at 9.5" (add together multi- trunk diameters) at 48" height.	Yes for Protected tree	Yes when removing more than ¼ of Protected tree's crown.	Minimum size 24"-inch box specimen tree of a species, size and location as determined by Community Development Director.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 1:1 (24"-box) for protected tree 1:1 (15-gal.) for non-protected tree

DRAFT Tree Inventory and Canopy Assessment, PCEP HortScience Inc. February 2014

Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
Protected tree = 12" and larger at the largest point between 6" to 36" height. Heritage tree = designated by city	Yes	Yes, must meet industry standard	Not stated	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for not protected tree
Heritage = Live, blue, valley oaks 15.3 inches and greater at 48" above grade.	Yes	Yes for excessive pruning on Heritage tree.	Not stated in ordinance but Tree Removal Procedures indicate replacement with three 15-gal., or two 24"- box, or one 15-gal and one 36"-box may be required.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 3:1 for protected tree 1:1 for non-protected tree
Heritage tree = native Quercus sp. 10" DBH and larger or other species 15" DBH and larger.	Yes	Yes when removing more than 1/4 of crown.	2:1 replacement for commercial projects from selected species list using min. 15-gal.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
Protected = <i>Quercus</i> 11.5" DBH and larger; Redwood 18" DBH and larger. Tree = 4" DBH and larger	Yes	No permit, but pruning more than 25% of crown is prohibited	On-site replacement based on tree canopy tree ratio. Ratios range from 2 to 6 box trees depending on canopy size using 24"- to 48"-box trees. Off-site replacement based on tree value.	Inside ROW: 1:1 for all trees Outside ROW: Protected tree based on canopy size: 4'-9': 2:1 (24"-box) 10'-27': 3:1 (24"-box) 28'-40': 4:1 (24"-box) 40'-56': 6:1 (24"-box) >56': 6:1 (24"-box (2), 36"-box (2)) 1:1 for non-protected tree
	 Protected tree = 12" and larger at the largest point between 6" to 36" height. Heritage tree = designated by city Heritage = Live, blue, valley oaks 15.3 inches and greater at 48" above grade. Heritage tree = native Quercus sp. 10" DBH and larger or other species 15" DBH and larger. Protected = Quercus 11.5" DBH and larger; Redwood 18" DBH and larger. Tree = 4" DBH and 	Protected tree = 12" and larger at the largest point between 6" to 36" height. Heritage tree = designated by cityYesHeritage = Live, blue, valley oaks 15.3 inches and greater at 48" above grade.YesHeritage tree = native Quercus species 15" DBH and larger.YesProtected = Quercus 11.5" DBH and larger; Redwood 18" DBH and larger. Tree = 4" DBH andYes	permit needed?permit needed?Protected tree = 12" and larger at the largest point between 6" to 36" height. Heritage tree = designated by cityYesYes, must meet industry standardHeritage = Live, blue, valley oaks 15.3 inches and greater at 48" above grade.YesYes for excessive pruning on Heritage tree.Heritage tree = native Quercus sp. 10" DBH and larger or other species 15" DBH and larger.YesYes when removing more than 1/4 of crown.Protected = Quercus 11.5" DBH and larger. Tree = 4" DBH and largerYesNo permit, but pruning more than 25% of crown is	permit needed?permit needed?Protected tree = 12" and larger at the largest point between 6" to 36" height. Heritage tree = designated by cityYesYes, must meet industry standardNot statedHeritage = Live, blue, valley oaks 15.3 inches and greater at 48" above grade.YesYes for excessive pruning on Heritage tree.Not stated in ordinance but Tree Removal Procedures indicate replacement with three 15-gal., or two 24"- box, or one 15-gal and one 36"-box may be required.Heritage tree = native Quercus sp. 10" DBH and larger or other species 15" DBH and larger.YesYesNot stated in ordinance but Tree Removal Procedures indicate replacement with three 15-gal., or two 24"- box, or one 15-gal and one 36"-box may be required.Protected = Quercus 11.5" DBH and larger.YesNo permit, but pruning more than 1/4 of crown.On-site replacement based on tree canopy tree ratio. Ratios range from 2 to 6 box trees depending on canopy size using 24"- to 48"-box trees. Off-site replacement based on tree

Jurisdiction	Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
Mountain View (Municipal Code Chapter 32.25)	Heritage tree = any Quercus, sequoia or Cedrus 4" DBH and larger and any species 15" DBH and larger including multi-trunked trees w/ major branches below 54" with >15" trunk measured just below first major trunk fork.	Yes	Yes	General conditions for tree removal permits state that mitigation is to be determined by the city arborist and planning based on number, species, size and location. Minimum replacement noted as one 24"- box tree.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
Sunnyvale (Municipal Code Chapter 19.94)	Protected = 12" DBH and larger (for multi-stem, one trunk measuring 12" DBH or all diameters total 36" DBH and larger). Tree = 4" DBH and larger.	Yes for Protected tree	Yes	Replacement for Protected trees 1:1 (24"-box)	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 1:1 (24- box) for protected tree 1:1 (15-gal.) for non-protected tree
Santa Clara (General Land Use Policy 5.3.1)	Protected = any designated city tree; any heritage tree; trees 12" @ 24". Tree = single or multi- trunk 4" @ 54"	Yes for Protected tree	Yes only for street trees.	Mitigation determined by City Arborist	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
San Jose (Municipal Code Chapter 13.32)	Tree = any plant exceeding 6" diameter at 24" height Multi-trunk = sum of all stems (used for mitigation purposes) Ordinance size = 18" diameter or larger at 24" height Heritage tree – designated by city council	Yes for Ordinance Size tree	Yes for Ordinance Size	Final mitigation determined by the city arborist and planning, but usually based on size & species.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree

Jurisdiction	Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
Santa Clara Co. (Ordinance Code Section C16)	Protected tree 12" DBH and larger including multi-stemmed trees with diameters totaling 24" and larger	Yes for Protected tree	Not stated	Replace with like and kind removed determined by planning department. General guidance in the Tree Preservation Brochure recommends ratios depending on tree size of three to five 15-gal trees or two to four 24"-box trees.	Inside ROW: 1:1 for all trees <u>Outside ROW:</u> Replacement based on tree size (DBH): <12" DBH: 1:1 12"-18": 3:1 18"-24": 4:1 >24": 5:1

From:	Gloria Sefton
Sent:	Thursday, May 24, 2018 10:37 AM
То:	Cataldi, Colby
Cc:	Chang, Joanna; Vuong, Richard; Mike Wellborn; Maldonado, Ruby
Subject:	Re: County of Orange - Draft Zoning Code Update - Tree Preservation Ordinance
Attachments:	SaddleCrest_General Plan & SP Amendments FINAL 2012-Sep-12.pdf; ATT00001.htm

Hi Colby -

Just wanted to follow up from yesterday's PC workshop. I think my comments about the ordinance needing to apply to the specific plans (at least the canyon plans) were not fully appreciated by the commissioners. I was trying to stress that it's just as important to include the FTSP as the Sil-Mod Plan. The reason is that the Saddle Crest amendments to the FTSP weakened the oak tree protections (otherwise Rutter Development could not have removed the 150+ oaks). The Saddle Crest amendments were the impetus for the Save the Specific Plans Coalition meeting with Supervisor Spitzer in 2015, and that prompted the concept of a tree ordinance, an idea he said he supported. So the FTSP area needs the ordinance to apply, and, as I said today, where the FTSP has stricter provisions than the ordinance, the FTSP should govern. Either that, or the FTSP should be amended by companion ordinance to have equal footing with the tree ordinance's protections.

Can we find time to discuss this further before the next PC workshop?

Thanks.

Gloria

County of Orange General Plan Amendments:

1. Transportation Element (Appendix IV-1, Growth Management Plan, Transportation Implementation Manual, Section IV, Santiago Canyon Road "G"):

"SANTIAGO CANYON ROAD The majority of the road miles within the United States consist of two lane roadways. As a result, a great deal of work has been done throughout the country regarding the capacity of two lane roads. The most current information and practice are reflected in the 1997 'Highway Capacity Manual'. For Growth Management Element traffic analyses of Santiago Canyon Road, the traffic level of service policy shall be implemented by evaluating peak hour volumes in relation to the physical capacity of the roadway, using the Volume-to-Capacity methodology. A lane volume of 1,360 vehicles per hour, represents Level of Service "C". These lane capacity guidelines shall be used to ensure that the Level of Service "C" capacity of 1,360 vehicles per hour revisions) for rural two lane highways shall be used, based upon peak hour volumes. The directional splits shall be as measured during the peak hours. All other adjustment factors shall be as described in the manual.

2. Growth Management Element (Policies, Transitional Areas for Rural Communities):

"New development within the Silverado-Modjeska Specific Plan and the Foothill-Trabuco Specific Plan planning areas shall be rural in character and shall comply with the policies of these that plans in order to maintain a buffer between urban development and the Cleveland National Forest.

Land use Element (Major Land Use Policy #6, New Development Compatibility):

"To require new development to be compatible with adjacent areas."

The purpose of the New Development Compatibility Policy is to ensure that new development is compatible with adjacent areas and that it provides either a land use buffer or transition to reduce the effects of one land use on the other.

Sensitive treatment is required where one urban use transitions to another and where an urban use is introduced into an essentially undeveloped area.

New development within the Foothill-Trabuco Specific Plan planning area shall be designed to maintain a buffer between urban development and the Cleveland National Forest, to be compatible with the area, and to reflect the goals and objectives of that Plan.

3. Introduction, <u>Interpretation and Implementation of the General Plan and Specific</u> <u>Plans</u> (new section to be placed after the existing section entitled "Format of the General Plan"):

The Board of Supervisors ("Board") as the legislative body of the County of Orange, has adopted the General Plan and supporting Specific Plans. As such, the Board retains authority to interpret the General Plan and supporting Specific Plans and all of their constituent provisions, including their goals, objectives, policies and implementation measures, such as programs, regulations, standards and guidelines. The provisions of the General Plan and each Specific Plan are to be interpreted in a manner that harmonizes their goals, objectives, policies and implementation measures in light of the purposes of those plans.

It is recognized that in determining plan consistency, no action is likely to be entirely consistent with each and every goal and objective contained in the General Plan or a Specific Plan and that the Board may give greater weight to some goals and objectives over other goals and objectives in determining whether an action is in overall harmony with the General Plan and any applicable Specific Plan in light of the plan's purpose.

In its decisionmaking, the Board shall also consider the environmental consequences associated with a proposed action in applying provisions of the General Plan or a Specific Plan and whether the action will protect resources in a manner it determines best advances that plan's goals relating to environmental resources.

Foothill/Trabuco Specific Plan (F/TSP) Amendments:

AMENDMENTS TO THE F/TSP TO PROMOTE SUPERIOR BIOLOGICAL OUTCOMES

1. Section I.A., Introduction, Authorization and Purpose

"In August 1988, the Orange County Board of Supervisors directed the Environmental Management Agency (EMA) to convert the then-existing, policy-level Foothill/Trabuco Feature Plan into a regulatory, zoning-level Specific Plan. The purpose of the Specific Plan effort was to set forth goals, policies, land use district regulations, development guidelines, and implementation programs in order to preserve the area's rural character and to guide future development in the Foothill/Trabuco area.

Since the adoption of the Foothill/Trabuco Specific Plan, advances in scientific and technical information relating to oak tree mitigation/restoration, fire management, preservation of biological resources, hydrology and hydromodification, as well as changes in state laws, have led to the development of environmentally superior methods to protect resources and reduce potential environmental impacts associated with the implementation of projects within the Foothill/Trabuco Specific Plan area. Additionally, since the adoption of the Foothill/Trabuco Specific Plan, the County has undergone certain changes, including the elimination of the potential for the development of several large parcels anticipated by buildout in the Foothill/Trabuco Specific Plan area, as well as other changes.

2. Section I.C.2.a.2) Introduction, Goals and Objectives, Specific Plan Objectives, Area-wide Objectives, Resource Preservation. Add a new objective f)

f) Provide for alternative approaches relating to grading in order to reduce impacts to biological resources, increase on-site open space, and/or further the Plan's goal of providing a buffer between urban development and the Cleveland National Forest, while ensuring that significant landforms (defined as major ridgelines and major rock outcroppings) are preserved as provided in the Resources Overlay Component.

- 3. Section II.C.3.3, Specific Plan Components, Resources Overlay Component, Oak Woodlands, Tree Management/Preservation Plan
 - a. Any oak tree removed which is greater than five (5) inches in diameter at 4.5 feet above the existing grade shall be transplanted. If any oak tree over 5 inches in diameter is <u>either</u> in poor health <u>orand</u> would not survive transplantation, as certified by an arborist, said tree shall be replaced <u>either</u> according to the replacement scale indicated below<u>or</u> as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. If any oak tree dies within five years of the initial transplantation, it shall also be replaced according to the replacement scale indicated below<u>or</u> as <u>provided</u> and <u>Preservation</u> Plan designed to provide more extensive and effective mitigation. If any oak tree dies within five years of the initial transplantation, it shall also be replaced according to the replacement scale indicated below<u>or</u> as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation." In the event that a proposal includes an alternative oak tree replacement mitigation, the Approving Authority shall make the following additional finding prior to approval of the Tree Management and Preservation Plan:
 - 1) <u>The oak tree replacement mitigation proposed in the Tree</u> <u>Management and Preservation Plan is more extensive and effective</u> <u>than if oak trees were to be replaced at a 15-gallon minimum size and</u> <u>by using the "Tree Replacement Scale" indicated below.</u>
- 4. Section III.D.8.8, Land Use Regulations, Land Use District Regulations, Upper Aliso Residential (UAR) District Regulations, Site Development Standards. Add new subsection n.

n. Alternative Site Development Standards

1) Alternatives to the Site Development Standards in section 8.8(a) (building site area) and section 8.8 (h) (grading standards) may be approved for an Area Plan if the Area Plan would result in greater overall protection of environmental resources than would be provided through compliance with those standards. Such alternatives may be approved if it is determined that the Area Plan or other plan for development implements the Foothill/Trabuco Specific Plan's goals relating to protection of biological resources, preservation of open space, provision of a buffer between development and the Cleveland National Forest, and protection of significant land form features in a manner that would provide greater overall environmental protection than would compliance with the Site Development Standards in sections 8.8(a) and 8.8(h). Approval of such alternative standards shall not be subject to the provisions of section III G 2.0 d.

2) To the extent that alternative site development standards relating to building site area and grading are approved for an Area Plan as provided in subsection (1), above, those alternative site development standards shall serve as the development and design guidelines for the development in place of the Development and Design Guidelines in section IV C that would otherwise apply.

3) In the event that a proposal utilizes the Alternative Site Development Standards within this Section, the Approving Authority shall make the following additional finding prior to approval of the Area Plan:

a) <u>The alternative site development standards result in greater overall protection of</u> <u>environmental resources than would be the case if the proposal fully complied</u> <u>with the Site Development Standards in sections 8.8(a) and 8.8(h).</u>

AMENDMENT TO THE F/TSP TO PROVIDE CLARIFYING LANGUAGE

5. Section III.D.8.8.i., Land Use Regulations, Upper Aliso Residential (UAR), Site Development Standards

"Each individual project proposal (excluding building sites of one (1) acre or less which were existing at the time of Specific Plan adoption) shall preserve a minimum of sixtysix (66) percent of the site in permanent, natural open space which shall be offered for dedication in fee or within preservation easements to the County of Orange or its designee...No grading, structures (including stables and corrals), walls (except for river rock walls not to exceed three feet), fences (except open fencing) or commercial agricultural activities shall be permitted in the natural open space area. Fuel modification shall be permitted within said open space areas if required by the Fire Chief in conjunction with an approved Fuel Modification Plan; however, the development should be designed so that fuel modification impacts to open space areas are minimized. This provision does not prohibit grading during site development within areas that will remain as open space after development is completed.

Amendments to F/TSP Consistency Checklist and Other Conforming Changes to Reflect Plan Amendments:

The following conforming changes to the introductory provisions of the F/TSP and the consistency checklist are proposed to reflect the proposed plan amendments:

1. Section I.E., Relationship to General Plan, Transition Areas for Rural Communities

"New development within the Silverado/Modjeska Specific Plan and Foothill/Trabuco Feature (Specific) Plan planning areas shall be rural in character and shall comply with the policies of these that plans in order to maintain a buffer between urban development and the Cleveland National Forest.

New development within the Foothill/Trabuco Specific Plan planning area shall be designed to maintain a buffer between urban development and the Cleveland National Forest, to be compatible with adjacent areas, and to reflect the goals of that Plan.

It is recognized that additional plans may be established which provide a transition area between urban development and major open space areas."

2. Section II.F.1.a, Specific Plan Components, Phasing Component, Circulation Phasing, Growth Management Plan

"All applicants of projects proposals which are not exempt from the GMP requirements shall be required to prepare a traffic report, in accordance with the requirements of the GMP Transportation Implementation Manual, <u>as amended</u>, to demonstrate compliance with the GMP Traffic Level of Service Policy."

3. Section III.E.1.c.3, Land Use Regulations, Landscaping and Fuel Modification Regulations, Landscaping Regulations, Tree Management/Preservation, Tree Transplantation/Replacement

"All oak trees trees exceeding five inches in diameter at 4.5 feet above the existing grade removed in accordance with an approved Tree Management/Preservation Plan shall be transplanted. If any oak trees over 5 inches in diameter are <u>either</u> in poor

health and or would not survive transplantation, as certified by an arborist, said tree shall be replaced <u>either</u> with minimum 15-gallon trees according to the replacement scale below or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. The replacement scale indicated is the minimum number of replacement trees required (other than as specified in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation); however, additional replacement trees may be required on a case-by-case basis."

4. Appendix A: Foothill/Trabuco Specific Plan Project Consistency Checklist, IV, Grading. Add new subsection 8

8. For projects located within the Upper Aliso Residential District, alternatives to Site Development Standards relating to building site area and grading apply based on a determination of greater overall protection of environmental resources as provided in section III 8.8 n.

5. Appendix A: Foothill Trabuco Specific Plan Project Consistency Checklist, IV, Grading

B. "Each individual project proposal within the Upper Aliso Residential and Trabuco Canyon Residential Districts (excluding building sites of one (1) acre or less which were existing at the time of Specific Plan adoption) shall preserve a minimum of sixty-six (66) percent of the site in permanent, natural open space which shall be offered for dedication in fee or within preservation easements to the County of Orange or its designee...No grading, structures (including stables and corrals), walls (except for river rock walls not to exceed three feet), fences (except open fencing) or commercial agricultural activities shall be permitted in the natural open space area, except as provided by applicable District regulations. Fuel modification shall be permitted within said open space areas if required by the Fire Chief in conjunction with an approved Fuel Modification Plan; however, the development should be designed so that fuel modification impacts to the open space areas are minimized."

- 6. Appendix A: Foothill/Trabuco Specific Plan Project Consistency Checklist V, Resources Overlay Component, B., Oak Woodlands, 2, Tree Management/ Preservation Plan
 - a. Any oak tree removed which is greater than five (5) inches in diameter at 4.5 feet above the existing grade shall be transplanted. If any oak tree over 5 inches in diameter is <u>either</u> in poor health <u>or and</u> would not survive transplantation, as certified by an arborist, said tree shall be replaced <u>either</u> according to the Tree Replacement Scale in the Resources Overlay Component <u>or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation</u>. If any oak tree dies within five years of the initial transplantation, it shall also be replaced according to the Tree Management and Preservation Plan designed Tree Management and Preservation Plan designed to the Tree Replacement Scale <u>or as provided in an approved Tree Management Scale or as provided in an approved Tree Management and Preservation Plan designed to the Tree Replacement Scale <u>or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation."</u></u>
- 7. Appendix A: Foothill/Trabuco Specific Plan Project Consistency Checklist, VI, Landscaping and Fuel Modification

C. Any oak tree exceeding five (5) inches in diameter at 4.5 feet above the existing arade removed in accordance with an approved Tree Management/Preservation Plan shall be transplanted. If any oak tree over 5 inches in diameter is either in poor health or and would not survive transplantation, as certified by an arborist, said tree shall be replaced either with minimum 15 gallon trees according to the Tree Replacement Scale included in the Landscaping Regulations or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation."

From: Sent: To: Subject: Gillian Martin Thursday, May 24, 2018 1:27 PM Chang, Joanna The Chairman's concern re impact of tree protection ordinance on individual homeowners

Hi Joanna,

I have pondered one of the Chairman's questions yesterday regarding how homeowners can be expected to know if the tree in their backyard is protected. He wondered if FHBP volunteers might help to educate homeowners.

I consulted with a member of our Tree Care for Birds and other Wildlife Project who is an arborist and works for Hortscience in Pleasanton, CA. They are a consulting company and assist agencies with the writing of such ordinances, among other things. He told me that rather than burden homeowners with the task of identification, it is easier to inform tree care companies (that remove trees) of the ordinance. This places the responsibility on them to know when a permit is required to remove a tree. In such cases, they would then inform the homeowner that a permit was needed. Naturally, this would not prevent a homeowner from intentionally or unintentionally removing a protected tree without the help of a contractor, but the likelihood of them removing a mature tree on their own is low. This idea seems less burdensome to homeowners and more practical in terms of implementation.

On the topic of growing/replanting oaks. I sense there are different opinions about the best way to grow one or the best stage at which a young oak can safely be planted and be expected to thrive. Mr. Gilpin told me that there are common myths about this. If you have an interest in hearing his opinion I could probe that question more with him, or put you in touch with him.

Thank you again for your tremendous effort on this project.

Gillian Martin Program Director Cavity Conservation Initiative

www.cavityconservation.com Facebook page http://treecareforbirds.com Facebook Page

From: Sent: To: Subject: Attachments: Penny Elia Saturday, June 09, 2018 11:16 AM Chang, Joanna Tree Ordinance - letter attached Tree Ordinance.pdf

Thank you for the opportunity. Would you please confirm receipt.

Best -

Penny Elia

OC Development Services/Planning Attn: Joanna Chang P.O. Box 4048 Santa Ana, CA 92702 OCZoningCode@ocpw.ocgov.com

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update; Support with Revisions

Dear Ms. Chang,

As a long-time environmental advocate and Sierra Club member, as well as a dedicated tree hugger, I am writing to offer my support for the Tree Preservation Ordinance proposed in the revision of the Zoning Code.

I support the County adopting the ordinance because no countywide protection currently exists for native trees. Additionally, trees provide habitat, cooling effects, carbon sequestration, aesthetic benefits, property value enhancement, and a link to Orange County's heritage. And with the ongoing threat of drought and pests, they need our help now more than ever!

Below are some suggested revisions that I, along with many others, believe would improve the proposed ordinance (presented in the order they appear in the draft ordinance):

- The ordinance should allow for the expansion of the categories of Protected Trees to include additional native species. This could be accomplished by including a provision for review of the Protected Tree categories every three years. The categories of Protected Trees should be expanded to include non-native heritage trees, i.e., trees of significance that have value because of size, age, location, historic association, and/or ecological importance. 7-9-69.2(a)
- The ordinance should apply as broadly as possible. For example, the ordinance should <u>not</u> exclude areas zoned Specific Plan or Planned Community. Rather, language should be inserted to address that if a conflict exists between a Specific Plan or Planned Community, the most stringent regulation for tree protection will apply. This will help to avoid inconsistent regulations across the County. 7-9-69.2(b)
- All parcel sizes should be subject to the ordinance. 7-9-69.2(b)(1)
- Trees maintained by the County of Orange and Orange County Flood Control District should be subject to the ordinance except in special circumstances, which the County should enumerate. 7-9-69.2(d)(1)
- Since it is likely most trees in the protected category will have some degree of "infestation, pathogen or disease," the language of this section should be revised such that the ordinance will apply to those trees unless the infestation, pathogen or disease is likely to soon cause the tree to fail or if the tree is a vector threat to other native trees. 7-9-69.2(d)(6)
- Public utilities should be subject to the provisions of the ordinance in non-emergency situations. 7-9-69.2(d)(7)
- The arborist selected to make determinations should be County-certified or otherwise neutral, and should have an additional Tree Risk Assessment Qualification. 7-9-69.3(b)
- The definition of "Replacement Tree" should include that the tree be of local origin to avoid genetic pollution of the native genotype. 7-9-69.3(p)
- On-site preservation should be the highest priority. This could be followed by off-site preservation where the site is too small to sustain replacement trees. The option for "in-lieu fees" should be a last resort and the fees should be high enough to dissuade use of the in-lieu fee option, with non-feasibility adequately demonstrated. 7-9-69.4(b)(4) and 7-9-69.4(c)
- 24-inch box trees may not be the best choice for success. Smaller specimens should be considered and science should drive the decision. 7-9-69.4(c)(1)

Regarding enforcement of the Tree Preservation Ordinance, the County could educate tree care companies on the ordinance's provisions so that they will know if a permit is required for tree removal. In addition, the Tree Preservation Fund established by the ordinance should allocate resources to education and enforcement.

I am very pleased that the County has made such excellent progress toward implementing the Tree Preservation Ordinance as part of its sustainable policies in the Zoning Code update. I strongly encourage the County to adopt the ordinance with broad application. I believe that the foregoing additions and clarifications will help make the ordinance more effective in protecting trees and more consistent in its application countywide.

Thank you for your consideration.

Sincerely,

Renny Ester

Penny Elia Tree Hugger and Chair, Sierra Club Save Hobo Aliso Task Force

From: Sent: To: Subject: Richard Roy Monday, June 11, 2018 2:47 PM Chang, Joanna Zoning Code Update

Hello Joanna,

A few comments relative to the 'First Draft For Public Review-Revisions', dated 5/16/18. In particular, Section 7-9-69. Tree Preservation Ordinance:

-Section 7-9-69.3.(p).As I am sure you are aware, Southern California is now host to the Polyphagus Shot Hole Borer (Euwallacea sp.)+Fusarium Dieback. Unfortunately, many of our native tree species are ready hosts to the PSHB. Most notably, California Sycamore, Coast Live Oak, Freemont Cottonwood and most other local Quercus species.Some County areas have been so heavily infested that Arborists are not recommending like native Genus and species replacement. You may wish to consider language to the effect of 'exclusively native species unless recommended other wise by the reviewing Arborist'.

- Whereas I support the objectives of the proposed ordinance, Section 7-9-69.1, the Replacement Tree Monitering Period w/ it's associated Covenant is most problematic. The recorded Covenant for the ten and five year periods following title and annual inspection process seems very difficult to manage, budget accurately and administrate. I do not know the existing model that you are patterning the proposed ordinance after, however, I question the sustainable viability of the requirements. It seems the objective value of the ordinance is significantly achieved by the identification process, permitting , replacement criteria requirements and installation certification. Individual homeowners aside, I am just not aware of landscapes, once installed, that are not valued and maintained to a sustainable level. I strongly recommend that you reconsider the proposed Post Installation and corresponding Covenant .

Thank you and best wishes w/ the Zoning Code Update.

Richard K. Roy Vice President Landscape Architecture Urban Planning & Design 550 Newport Center Drive | Newport Beach, California | 92660 Phone 949.720.2430 | Fax 949.720.2120 | Cell Phone 949.690.8196 RRoy@irvinecompany.com



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From:	Canning, Kevin
Sent:	Tuesday, June 12, 2018 6:31 AM
То:	Alonso, Laree; Bob Kallenbaugh; Cataldi, Colby; 'Diane Ontko'; Erikson, Bellinda; Gilad Ganish; Gilliam, Sharon; Kurnow, Brian; Laer Pearce; Lucy Dunn; Mike Ameel; Richard Roy; Vuong, Richard
Cc: Subject:	Vuong, Richard; Chang, Joanna; Erikson, Bellinda FW: Tree Protection Ordinance comment for CPAC review

Committee members,

Please see the summary below regarding your discussion of the proposed tree protection ordinance at the June 6th meeting. Please return any comments to me.

Kevin Canning | Contract Planner | OC Development Services | Planning 300 N. Flower Street, 1st Floor | Santa Ana, California 92702-4048 | 714.667.8847 | <u>kevin.canning@ocpw.ocgov.com</u>

From: Laer Pearce [mailto:laer@laer.com]
Sent: Monday, June 11, 2018 12:36 PM
To: Canning, Kevin
Subject: Tree Protection Ordinance comment for CPAC review

Kevin,

In accord with the provisions of the Brown Act, please circulate the language below to the members of the Coto de Caza Planning Advisory Committee for their review before I send it to the County. Please request that they respond to you and forward to me their comments.

Ms. Chang:

Thank you for your presentation of the County's draft tree preservation ordinance at the June 6 meeting of the Coto de Caza Planning Advisory Committee. As Secretary of the Committee, I wish to document our vote regarding the tree ordinance.

A motion was made and seconded to oppose the ordinance as drafted because it should not apply to areas under a Specific Plan. As you know from the May 28, 2018 correspondence from Vinnie Dorse of the CZ Master Association's management company, Coto de Caza's CC&Rs include provisions to protect our native trees.

The motion failed to carry on a tied 3-3 vote. Those voting against the measure who expressed an opinion regarding their vote stated the need for the Committee to better understand the ordinance's provisions before taking a position. The County therefore should not interpret their vote against the motion as a vote endorsing the ordinance as currently drafted.

Best wishes,



From:	Scott Breeden
Sent:	Tuesday, June 12, 2018 12:22 PM
То:	Zoning Code Team
Cc:	Chang, Joanna; Maldonado, Ruby; Vuong, Richard
Subject:	Proposed Tree Ordinance

Dear Planning Commissioners and OC Public Works,

At the May 23 Planning Commission public workshop, there was some concern that the proposed tree preservation ordinance would be too much of a burden on homeowners.

As a homeowner, I would not want too much of a burden, either. But after thinking it over, I don't think this will be a major problem.

Homeowners in cities would not be affected, and I think that would be OK since, as at least one commissioner noted, there did not seem to be many of the targeted trees in his district anyway.

Since the focus of the ordinance is trees found mainly in the unincorporated areas of the county, an ordinance that covers the unincorporated areas makes sense. I would be affected, but I think the number of homeowners like me is manageable.

The county ordinance should guarantee a minimum level of protection. Specific plans and planned community regulations could be more restrictive if desired, but not less so.

-Scott Breeden



California Native Plant Society Orange County Chapter

June 13, 2018

The California Native Plant Society is a statewide 501(c)(3) nonprofit organization, headquartered in Sacramento. It has about 10,000 members in 34 Chapters statewide. Membership is open to all.

cnps.org

CNPS is dedicated to celebrating California's native plant heritage and preserving it for future generations.

The Orange County Chapter of CNPS focuses that dedication on the native plants and natural vegetation of Orange County and adjacent Southern California.

occnps.org

P.O. Box 54891 Irvine CA 92619-4891 Joanna Chang, Land Use Manager OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703

RE: Tree Preservation Ordinance

Dear Ms. Chang:

The Orange County Chapter of the California Native Plant Society has always had a strong interest in Orange County's native trees. We are among the groups who have been working with Friends of Harbors, Beaches and Parks to help draft a sample ordinance to protect the native trees that grow in the County's unincorporated lands. We concur with the Friends' suggested revisions on the County's draft Tree Preservation Ordinance.

OCCNPS suggests some additional revisions on the draft Ordinance:

Section 7-9-69.2:

Categories (1) and (2) are confusingly written:

- In Category (1), "Native Oak" seems to mostly refer to Coast Live Oak *(Quercus agrifolia)*, with a few other unspecified native oak species/hybrids tacked on.
- Category (2) lists three shrubby native oak species, first by their common names and then by their botanical names. A non-botanist might not know that the common and botanical names denote three, not six, different types of plants.

The following revision would better describe OC's 13 or so native oak species and hybrids:

- Category (1): Tree-form native oaks having a minimum DBH of 8 inches for single-trunk individuals and 12 inches total for multi-trunk individuals. Tree-form native oak species commonly found in OC are:
 - Coast Live Oak (Quercus agrifolia var. agrifolia
 - Canyon or gold-cup oak (Q. chrysolepis)
 - Engelmann oak (Q. engelmannii)

- Category (2): Shrub-form native oaks having a minimum DBH of 6 inches for single-trunk individuals and 10 inches total for multi-trunk individuals. Shrub-form native oak species commonly found in OC are:
 - California Scrub Oak (Q. berberidifolia)
 - Nuttall's Scrub Oak (Q. dumosa)
 - Interior Live Oak (Q. wislizenii var. frutescens)

NOTE: A number of small populations of other oak species that are uncommon in OC, and of hybrids of both common and uncommon species, are scattered throughout the county's still-natural lands. These species and hybrids are included in *Table 1*, a complete list of OC's native trees, attached.

- Category (3): Southern California Black Walnut *(Juglans californica var. californica)* with a minimum DBH of 8 inches for a single-trunk tree and 12 inches for multi-trunk trees.
- Category (4): "California or Western Sycamore *(Platanus racemosa)* with a minimum DBH of 8 inches for single-trunk individuals and 12 inches total for multi-trunk individuals."
- Category (5): Tecate Cypress (Hesperocyparis forbesii) is protected regardless of size.

Suggested additional categories for Protected trees:

- Protected status should be given to an otherwise-eligible tree that is declining or dead, in recognition that it still has an important, long-term, ecological role as shelter and food for a wide range of organisms. Such a tree should be removed ONLY if it poses a threat to human life.
- If a Protected tree is damaged by storm, flood or wildfire, that tree should retain its status and not be removed UNLESS it poses a threat to human life. The tree would still be very much alive, even if no longer meeting the criteria for Protected status. Most non-coniferous trees will crown- or root-sprout after damage and eventually regrow to their original stature, providing food and shelter for myriad organisms throughout regrowth.

On the Tree Manual:

- A "Tree Manual" is mentioned throughout the Ordinance. The Ordinance requires compliance with various standards as set forth in the Manual. But, the Ordinance mentions that the Manual has yet to be created. If the Manual has not yet been created and reviewed, we are being asked to comment on an Ordinance with unknown standards.
- *Table 1,* attached, or an equivalent should be part of the Tree Manual. Though many of the 34 species and hybrids are present in OC only in small, scattered populations in wildland areas, some have been planted horticulturally and any of them could be so planted. If so, they could be susceptible to business-as-usual maintenance practices in ignorance of the Protected status they may have.

Suggestions for the Tree Preservation Management Plan:

• A mapped inventory, including accurate GPS location, of OC's native trees should be done, and be available online. At a minimum, it should include the accurate GPS location of all

Protected trees on unincorporated parcels that are susceptible to development, and/or to business-as-usual maintenance practices.

- If it is necessary to remove a Protected tree, for any reason or purpose:
 - OCCNPS does NOT recommend the digging and transplanting of established trees, of any size or any species. Experience has shown that native-grown trees subjected to such treatment rarely live long enough to justify the effort and expense.
 - To retain the native genotype of a tree that is to be replaced, some foresight and longterm preparation is required to produce a nursery-grown replacement. Propagules (acorns, other seeds, cuttings) must be collected, then grown to size at a nursery specializing in native-plant propagation. Growing to 1-gallon size may take at least a year, plants larger than 1-gallon may take several years. Allow for loss/shrinkage in the stock of propagated plants.

On the selection of suitable sites into which replacement trees may be planted, if they cannot be replanted on the original parcel: OC's parks and reserve lands (OC Parks units, OC State Parks, lands managed by Irvine Ranch Conservancy, city parks) would seem to be the "incorporated or unincorporated" sites most available to host replacement trees. Such hosting should be coordinated with the host site's own plans for restoration and management.

Thank you for the opportunity to comment on the Tree Preservation Ordinance.

Celia Kutcher Conservation Chair



"Tree" is defined as: typically having an upright habit, with single or multiple trunks and generally bearing lateral branches well above ground level. This list is based on the work of many botanists within the county. A number of these species have been planted as ornamentals, outside of their typical native habitats.

References: Roberts, F.M., The Oaks of the Southern Californian Floristic Province, 1995

———, The Vascular Plants of Orange County, California, an Annotated Checklist, 2008 Calflora: Information on California plants for education, research and conservation. [web application]. 2018. Berkeley, California

CRPR: California Rare Plant Ranks:.cnps.org/rare-plants/cnps-rare-plant-ranks

sciname	comname	CRPR?	grows natively on county or unincorporated private land?	habit & size
Acer macrophyllum	big-leaf maple		in OC: mostly w/in Nat'l Forest boundary	medium to large deciduous tree, grows in rocky soils on north-facing slopes & in canyon bottoms where there's cool shaded dampish soils
Aesculus californica	California buckeye		in OC: a few, in Back Bay & in Chino Hills	deciduous large shrub or small tree, in oak woodland & willow scrub
Alnus rhombifolia	white alder		yes	medium to large deciduous river-bottom tree, grows with roots in damp soil, generally on lower flood terraces & along streamcourses
Arbutus menziesii	madroño		one location in OC, w/in Nat'l Forest boundary	in OC, a large shrub, on steep N-facing slope
Arctostaphylos glauca	big-berry manzanita		in OC: mostly w/in Nat'l Forest boundary	evergreen tree-like shrub, infrequent in mid- to upper elevations of Santa Ana Mts.
Fraxinus dipetala	California ash		in OC: mostly w/in Nat'l Forest boundary	deciduous large shrub or small tree; moist north- facing slopes & along canyon bottoms, mid- to upper elevations
Fraxinus velutina	Arizona ash		in OC: mostly w/in Nat'l Forest boundary	deciduous tall tree; grows along watercourses
Hesperocyparis forbesii	Tecate cypress	1B.1	in OC: on Sierra Pk, mostly w/in the Tecate Cypress Reserve	evergreen small tree, uncommon but forming dense stands of slender saplings after fires
Juglans californica	Southern California black walnut	4.2	in OC: Chino Hills & foothills of Santa Ana Mts.	medium deciduous tree; walnut woodland, open oak woodland, scattered in grassland



TABLE 1: OC NATIVE TREE SPP. 6/18 version

sciname	comname	CRPR?	grows natively on county or unincorporated private land?	habit & size
Juniperus californica	California juniper		in OC: uncommon, in the southern foothills	evergreen large arborescent coniferous shrub, usually multi-trunked
Pinus attenuata	knob-cone or scrub pine		in OC: on serpentine soils on N- facing ridges from Pleasants Pk to Sierra Pk	evergreen coniferous tree, somewhat shrubby in its OC native sites
Pinus coulteri	Coulter or big-cone pine		in OC: mostly above 2400 ft. elevation; common in Southern California mts	large evergreen coniferous tree, erect to 75 ft., with spreading crown when mature
Platanus racemosa	California sycamore		yes	deciduous, very large tree; floodplains, washes & canyon bottoms
Populus balsamifera ssp. trichocarpa	black cottonwood		yes	medium to large deciduous river-bottom tree that likes damp soil, generally in floodplains & along streamcourses; fast-growing & relatively short- lived; resprouts readily from roots, trunks & branches after disturbance.
Populus fremontii	Fremont cottonwood		yes	medium to large deciduous river-bottom tree that likes damp soil, generally in floodplains & along streamcourses; fast-growing & relatively short- lived; resprouts readily from roots, trunks & branches after disturbance.
Pseudotsuga macrocarpa	big-cone spruce		in OC: canyons & north-facing slopes above 3000 ft. elevation	large evergreen tree, erect to 120 ft., wide- spreading open crown
Quercus Xacutidens	Torrey's hybrid oak		in OC: known from a few sites in San Juan Canyon & San Joaquin Hills	evergreen shrub or small tree
Quercus agrifolia var. agrifolia	coast live oak		yes	large tall spreading evergreen tree, slow- growing except in youth & in optimum conditions, long-lived; naturally grows on mostly gentle slopes above arroyos, on upper riparian terraces, & similar sites w/ deep soil that retains some moisture year-round



sciname	comname	CRPR?	grows natively on county or unincorporated private land?	habit & size
Quercus berberidifolia	California scrub oak		yes	evergreen medium to large shrub, forms a root burl, from which it will quickly resprout after fire or other loss of top growth; the burl is potentially long-lived
Quercus chrysolepis	canyon or gold-cup oak		in OC: mid- to upper elevations, w/in Nat'l Forest	evergreen tree or large shrub, in moist canyons & slopes
Quercus cornelius-mulleri	Muller oak, desert scrub oak		in OC: known from 3 sites in San Juan Canyon	large dense evergreen shrub to small tree
Quercus dumosa	Nuttall's scrub oak	1B.1	in OC: remnant population in San Joaquin Hills, w/in 1/3 mile of coast; maybe all are in Coastal Zone?	evergreen dense medium to large shrub
Quercus engelmannii	Engelmann oak	4.2	in OC: mostly in southern foothills, a few in San Joaquin Hills	large tall evergreen tree, slow-growing except in youth & when in ideal conditions, long-lived; naturally grows on mostly gentle slopes above arroyos, on upper riparian terraces, & similar sites w/ deep soil that retains some moisture year-round
Quercus Xgrandidentata	no common name		in OC: known from 3 sites on & around Sierra Peak	evergreen shrub or small tree of mid- to high elevations
Quercus kelloggii	California black oak		in OC: a few individuals known from upper Silverado Canyon & upper Trabuco Canyon	large tall deciduous tree
Quercus lobata	valley oak		in OC: known from 2 sites in Moro Canyon	deciduous large tree of deep alluvial soils; widely distributed in California, especially in the Great Valley
Quercus Xmacdonaldii	Macdonald's oak		in OC: known only from a site in Moro Canyon	semi deciduous small tree, hybrid of Q. lobata & Q. berberidifolia



sciname	comname	CRPR?	grows natively on county or unincorporated private land?	habit & size
Quercus Xmorehus	oracle oak		in OC: a few individuals known from upper Silverado Canyon & upper Trabuco Canyon	evergreen large shrub to tree
Quercus wislizenii	interior live oak		In OC: mostly along Main Divide Road, upper elevations of Santa Ana Mts.	evergreen large shrub or small tree
Salix gooddingii	black willow		yes	deciduous tree, fast-growing, short-lived, readily resprouts in response to flooding or other disturbance, likes its roots in water
Salix laevigata	red willow		yes, but uncommon in OC	deciduous shrubby tree, fast-growing, short- lived, readily resprouts in response to flooding or other disturbance, likes its roots in water
Salix lasiolepis	arroyo willow		yes	deciduous shrub, largish & +/- treelike only when old, fast-growing, short-lived, readily resprouts in response to flooding or other disturbance, likes its roots in water
Salix lucida ssp. lasiandra	Pacific or yellow willow		yes, but uncommon in OC	deciduous shrub, largish & +/- treelike only when old, fast-growing, short-lived, readily resprouts in response to flooding or other disturbance, likes its roots in water
Umbellularia californica	California bay laurel		in OC: mostly w/in Nat'l Forest boundary; uncommon	evergreen large shrub or small multi-trunk tree, moist canyons & shady slopes



June 13, 2018

Submitted via email to: <u>OCZoningCode@ocpw.ocgov.com</u>

OC Development Services/Planning Attn: Joanna Chang P.O. Box 4048 Santa Ana, CA 92702

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update; Support with Revisions

Dear Ms. Chang,

On behalf of interested conservation and community groups, we are writing to offer our support for the Tree Preservation Ordinance proposed in the revision of the Zoning Code.

We support the County's adoption of the ordinance because no countywide protection currently exists for native trees. Trees provide habitat, cooling effects, carbon sequestration, aesthetic benefits, property value enhancement, and a link to Orange County's heritage. And with the ongoing threat of drought and pests, they need our help more than ever!

Below are some suggested revisions that we believe would improve the proposed ordinance (presented in the order they appear in the draft ordinance):

- The ordinance should allow for the expansion of the categories of Protected Trees to include additional native species. This could be accomplished by including a provision for review of the Protected Tree categories every three years. The categories of Protected Trees should be expanded to include non-native heritage trees, i.e., trees of significance that have value because of size, age, location, historic association, and/or ecological importance. 7-9-69.2(a)
- The ordinance should apply as broadly as possible. For example, the ordinance should <u>not</u> exclude areas zoned Specific Plan or Planned Community. Rather, language should be inserted to address that if a conflict exists between a Specific Plan or Planned Community, the most stringent regulation for tree protection will apply. This helps to avoid inconsistent regulations across the County. 7-9-69.2(b)
- All parcel sizes should be subject to the ordinance. 7-9-69.2(b)(1)
- Trees maintained by the County of Orange and Orange County Flood Control District should be subject to the ordinance except in special circumstances, which the County should enumerate. 7-9-69.2(d)(1)
- Since it is likely most trees in the protected category will have some degree of "infestation, pathogen or disease," the language of this section should be revised such that the ordinance applies to those trees unless the infestation, pathogen or disease is likely to soon cause the tree to fail or if the tree is a vector threat to other native trees. 7-9-69.2(d)(6)
- Public utilities should be subject to the provisions of the ordinance in non-emergency situations. 7-9-69.2(d)(7)
- The arborist selected to make determinations should be County-certified or otherwise neutral, and should have an additional Tree Risk Assessment Qualification. 7-9-69.3(b)
- The definition of "Replacement Tree" should include that the tree be of local origin to avoid genetic pollution of the native genotype. 7-9-69.3(p)
- On-site preservation should be the highest priority. This could be followed by off-site preservation where the site is too small to sustain replacement trees. The option for "in-lieu fees" should be a last resort and the fees should be high enough to dissuade use of the in-lieu fee option, with non-feasibility adequately demonstrated. 7-9-69.4(b)(4) and 7-9-69.4(c)
- 24-inch box trees may not be the best choice for success. Smaller specimens should be considered and science should drive the decision. 7-9-69.4(c)(1)

Regarding enforcement of the Tree Preservation Ordinance, the County could educate tree care companies on the ordinance's provisions so that they will know if a permit is required for tree removal. In addition, the Tree Preservation Fund established by the ordinance should allocate resources to education and enforcement.

We are very pleased that the County has made such excellent progress toward implementing the Tree Preservation Ordinance as part of its sustainable policies in the Zoning Code update. We strongly encourage the County to adopt the ordinance with broad application. We believe that the

foregoing additions and clarifications will help make the ordinance more effective in protecting trees and more consistent in its application countywide.

Thank you for your consideration of our comments.

Sincerely,

California Audubon California Native Plant Society – Orange County Chapter Canyon Land Conservation Fund Cavity Conservation Initiative Endangered Habitats League Friends of Coyote Hills Friends of Harbors, Beaches and Parks Hills For Everyone Inter-Canyon League Naturalist For You Orange Coast River Park Rural Canyons Conservation Fund Saddleback Canyons Conservancy Sea and Sage Audubon Silverado-Modjeska Recreation and Parks District Trabuco Canyon Women's Club Wild Heritage Planners

From: Sent: To: Subject: Attachments: Laer Pearce Thursday, June 14, 2018 3:12 PM Chang, Joanna Comment letter, tree protection ordinance County Tree Ordinance comment letter.pdf

Ms. Chang,

The attached letter includes a summary of the action by the Coto Advisory Planning Committee regarding the draft tree protection ordinance and, separately, my own personal comments.

Thank you,



President



Laer Pearce

23 Blackhawk, Coto de Caza, California 92679 Land: 949/216-9883 • Mobile: 949/683-3360

June 14, 2018

Ms. Joanna Chang Orange County Public Works Joanna.chang@ocpw.ocgov.com

RE: Tree Preservation Ordinance

Ms. Chang:

Thank you for your presentation of the County's draft tree preservation ordinance at the June 6 meeting of the Coto de Caza Planning Advisory Committee. As Secretary of the Committee, I wish to document our vote regarding the tree ordinance.

A motion was made and seconded to oppose the ordinance as drafted because it should not apply to areas under a Specific Plan. As you know from the May 28, 2018 correspondence from Vinnie Dorse of the CZ Master Association's management company, Coto de Caza's CC&Rs include provisions to protect our native trees.

The motion failed to carry on a tied 3-3 vote. Those voting against the measure who expressed an opinion regarding their vote stated the need for the Committee to better understand the ordinance's provisions before taking a position. The County therefore should not interpret their vote against the motion as a vote endorsing the ordinance as currently drafted.

From this point forward, I am speaking as a private citizen and the views expressed do not represent those of the Coto de Caza Advisory Planning Commission. I wish to make three points.

1. No policy provisions for expanding natural open space

To my knowledge, the County Supervisors have never adopted a policy statement that endorses the return of developed land towards a pre-development state. County staff should therefore be extremely careful in drafting the tree protection ordinance to ensure that it focuses on protection only and does not include any provisions that would further the diminishment of developed land and expansion of native land.

By requiring the planting of multiple trees to replace one removed tree, and by requiring a specific amount of square feet for each of the new trees, the ordinance as drafted will have the result, if not the intent, of expanding wooded areas and diminishing established non-wooded areas on many lots within specific plans. The imposition of exacting regulatory requirements and substantial fines as the basis for the County's approach to tree protection furthers the establishment, de facto, of a County policy favoring the expansion of native land at the expense of developed land.

More/

County of Orange Tree Protection Ordinance Comments Page 2

Since this is not an established County policy, the tree protection ordinance as written is problematic.

2. Ordinance should not apply to Coto de Caza or other similar Specific Plan areas

The Coto de Caza Specific Plan and CC&Rs are designed to protect the community's existing woodlands and native trees while also protecting the "look and feel" of the community, as defined in the Specific Plan. This is the appropriate approach, because we are a developed community and as such, the goal of our Specific Plan is to protect both the developed and natural components of Coto. One only needs to walk through the community's many woodland areas to see that these protections have been effective, and that no outside intervention by the County is needed or appropriate.

Given CEQA's requirements covering the protection of native habitat, it is unlikely any Specific Plan in Orange County that includes native woodlands or other natural habitats would lack protections similar to those we have in Coto's Specific Plan, so applying the ordinance to any of these areas is unnecessary, duplicative and punitive.

If County staff believes a particular Specific Plan does not include sufficient protections and therefore should be subject to the County's tree protection ordinance, the determination should require a public review process specific to that Specific Plan, and be subject to discretionary review by the County Planning Commission and Board of Supervisors.

3. Ordinance should not apply to NCCP and HCP areas

The County also should not apply the tree protection ordinance to lands included in Natural Community Conservation Plans and Habitat Conservation Plans. These plans incorporate protections of native plant species, including trees, with rigorous protocols to ensure the ongoing health of these habitats.

I am not sure if the ordinance as currently drafted would apply to lands within NCCPs and HCPs, but if it does, the provisions should be removed because the County could add nothing but another layer of unnecessary bureaucracy to these plans.

Conclusion

With these revisions, the County would be left with a tree protection ordinance that covers areas that do not have adequate protections in place. This is appropriate, and I recommend that the County limit the application of the ordinance in this manner.

I make these comments as someone who appreciates Orange County's native habitats more than most of the County's residents. I have lived in the Santa Ana Mountain foothills for 30 years, including 27 years in Coto de Caza. As an avid hiker, I have hiked thousands of miles along the excellent trails in Coto, the Cleveland National Forest and the County's wilderness

More/

County of Orange Tree Protection Ordinance Comments Page 3

parks. This open space, most of which still looks much as it did before European settlement, is a resource worthy of protection.

However, "protection" doesn't mean adopting the ordinance in its current draft and having it apply to areas like Coto do Caza, where it would be unnecessary, duplicative and punitive, and would be costly to property owners and detrimental to property values.

Sincerely,

Laer Pearce

From:	Scott Breeden
Sent:	Thursday, June 14, 2018 1:14 PM
То:	Zoning Code Team; Chang, Joanna; Maldonado, Ruby; Vuong, Richard
Subject:	Re: Proposed Tree Ordinance

Thank you all for coming out to the Inter-Canyon League meeting in Silverado this week to present information about the zoning code update and to answer questions.

One thing that I noticed later is that the current code contains a section that begins as follows:

Sec. 7 - 9 - 154.1 Duty to enforce. (a) Director: It shall be the duty of the Director, or his designated agent(s), to enforce the provisions of the Zoning Code ...

The corresponding section in the draft update is slightly different:

Sec. 7 - 9 - 130 Enforcement. (a) Director: The Director, or his designated agent(s), may enforce the provisions of the Zoning Code ...

Does this mean that the Director would no longer have to enforce provisions of the code if he/she didn't feel like it?

Changing "may" to "shall" would make this paragraph consistent with the two that follow, which were not changed: the Health Officer and Sheriff "shall" still enforce the code.

-Scott Breeden

From: Sent: To: Cc: Subject: Attachments: Adam Wood Friday, June 22, 2018 3:49 PM Zoning Code Team Chang, Joanna BIA/OC Comment Letter BIAOC Tree Ordinance Letter June.pdf

Please see the attached comment letter on the proposed Tree Preservation Ordinance.

Thank you.

-Adam

Adam S. Wood Director of Government Affairs Building Industry Association | Orange County Chapter (BIA/OC) 24 Executive Park, Ste 100 Irvine, CA 92614





June 15, 2018

Mr. Colby Cataldi Deputy Director Orange County Public Works 300 N. Flower St. Santa Ana, CA 92703

Re: Tree Preservation Ordinance

Dear Mr. Cataldi:

On behalf of our membership, I write to express our opposition to the Tree Preservation Ordinance alternatives under consideration.

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people in the home building industry.

It is understood that several alternatives are currently under consideration. Protecting natural resources is an important priority and Orange County has seen the OC Parks Department manage 60,000 acres of parkland, open space and shoreline enjoyed by millions of residents and visitors each year. This accomplishment is laudable and demonstrates Orange County's leadership on the issue.

The underpinnings of this ordinance, however, fails to maintain the careful balance Orange County has achieved between property rights and preservation. Despite the many alternatives, in all instances, each variation shares a common flaw that makes support unattainable. Each approach directly burdens individual property rights, devalues land, restricts freedoms and places incalculable costs on development. It may also conflict with the goal of appropriate fuel modification in certain areas.

Perhaps the most compelling grounds for opposition is that no inventory of trees exists, making the scope of all proposals opaque. Staff has done an excellent job of outlining parcels impacted, but without an inventory of trees, there is no way to calculate scope, real world costs, or any actual impact each variation might have.

In effect, approval of any version offered is paramount to asking land owners and the development community to write a "blank-check" that will grind opportunities to a halt. At a time when we are faced with a housing crisis caused by a critical lack of supply, now is not the time to add further burdens to land with housing opportunity.

Respectfully,

Steven C. LaMotte Chapter Executive Officer

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MEMBER-AT-LARGE SEAN MATSLER MANATT, PHELPS & PHILLIPS, LLP

> EXECUTIVE OFFICER STEVE LA MOTTE

24 Executive Park, Suite 100 Irvine, California 92614 949.553.9500 | biaoc.com

From:	Cataldi, Colby
Sent:	Monday, June 18, 2018 8:15 AM
То:	'Gloria Sefton'; Chang, Joanna; Maldonado, Ruby
Cc:	Spitzer, Todd [HOA]; Mike Wellborn; Vuong, Richard; Walsh, Nicole [COCO]
Subject:	RE: Tree Preservation Ordinance

Thank you for your email Gloria. We will continue the overall process for the ZC update and can suggest edits in line with the Commissioners request. In the case of the Tree Ordinance section, we can come back with suggestions for a Third District specific language and see how it goes. Thanks.

Colby Cataldi, Deputy Director OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8860

-----Original Message-----From: Gloria Sefton [mailto:gloriasefton@gmail.com] Sent: Saturday, June 16, 2018 10:59 AM To: Cataldi, Colby <<u>Colby.Cataldi@ocpw.ocgov.com</u>>; Chang, Joanna <<u>Joanna.Chang@ocpw.ocgov.com</u>>; Maldonado, Ruby <<u>Ruby.Maldonado@ocpw.ocgov.com</u>>; Chang, Joanna <<u>Joanna.Chang@ocpw.ocgov.com</u>>; Maldonado, Cc: Spitzer, Todd [HOA] <<u>todd.spitzer@hoa.ocgov.com</u>>; Mike Wellborn <<u>wellborn.michael@gmail.com</u>> Subject: Tree Preservation Ordinance

Dear Colby, Joanna, and Ruby -

It was disappointing that the tree preservation ordinance got such resistance from some commissioners at this week's workshop - to the point that it may even be stricken from the zoning code update. A lot of the concern was around implementation and enforcement in some commissioners' districts. Whether that is a real problem is debatable. Besides the 3rd district, the others are largely either incorporated or governed by development agreements in planned communities where the ordinance would not apply. It would certainly be unfortunate after all the time and money spent if the ordinance doesn't make it through to the Board of Supervisors (especially since it had its genesis from a meeting with Supervisor Spitzer).

Third District Commissioner Rice was more supportive. That's good, because the canyon areas are in the 3rd district and that's where so many native trees are located. So the question is: will limiting the ordinance scope to ONLY the Sil-Mod and FTSP areas (and perhaps N. Tustin and OPA) and only for larger properties satisfy the reluctant commissioners' concerns? Basically, take it out of jurisdictions where there is resistance and make it apply where there is support.

We're very keen to get this back on track. Having the ordinance apply only in the canyon areas would achieve a tremendous part of our common goal. We'd like to hear your thoughts.

Regards,

Mike Wellborn, President, FHBP Gloria Sefton, Vice President, FHBP

From:	Novak, Margaret <mnovak@mbakerintl.com></mnovak@mbakerintl.com>
Sent:	Thursday, June 21, 2018 3:42 PM
To:	Chang, Joanna
Cc:	Ken Gibson; Joe
Subject:	RE: EXTERNAL: [Irccboard] County of Orange - Draft Zoning Code Update
Attachments:	LARMAC_County Tree Preservation Ordinance (Comment Letter).pdf
Importance:	High

Hi Joanna,

On behalf of the Ladera Ranch Maintenance Corporation (LARMAC) Board of Directors, attached is our comment letter regarding the proposed <u>Tree Preservation Ordinance</u> as part of the County's Zoning Code Update. We will be mailing a hard copy as well, but wanted to be sure this reached before the June 26 deadline.

Please confirm receipt and advise of any questions. Thanks!

Margaret Novak LARMAC Board of Directors

From: Irccboard@googlegroups.com [mailto:Irccboard@googlegroups.com] On Behalf Of Chang, Joanna
Sent: Thursday, June 21, 2018 1:03 PM
To: Chang, Joanna <<u>Joanna.Chang@ocpw.ocgov.com</u>>
Subject: EXTERNAL: [Irccboard] County of Orange - Draft Zoning Code Update

All Interested Parties,

The public review and comment period for the County's "Orange is the New Green" Zoning Code Update is open and ends on **June 26, 2018**. You are encouraged to attend an upcoming workshop and submit comments on the proposed draft. We will be discussing the proposed Tree Preservation Ordinance at our next Planning Commission Workshop on June 27, 2018. Additional details are available on the following link: http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green.

Joanna Chang, Land Use Manager

OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



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lrccboard+unsubscribe@googlegroups.com.

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To view this discussion on the web visit

https://groups.google.com/d/msgid/Irccboard/f097c036b03b425886ce341b6e8d387f%40SPHGOEXMBX1201.PFRDNET. com.

For more options, visit <u>https://groups.google.com/d/optout</u>.



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June 21, 2018

[Sent Via Email to: Joanna.Chang@ocpw.ocgov.com]

Joanna Chang, Land Use Manager Jeffery Hamilton County of Orange Vice President **OC Public Works | Development Services** 300 N. Flower Street Kristin Vellandi Santa Ana, CA 92703

Subject: County's "Orange is the New Green" Zoning Code Update **Proposed Tree Preservation Ordinance**

Dear Ms. Chang & Orange County Planning Commission Members:

Thank you for the opportunity to provide feedback during the public comment and review period for the County of Orange's proposed Zoning Code Update.

On behalf of the Ladera Ranch community, the Ladera Ranch Maintenance Corporation (LARMAC) Board of Directors does not support the County's proposed Tree Preservation Ordinance. We respectfully request the Orange County Planning Commission to reconsider the ultimate intent of such an ordinance countywide, particularly when weighed against the unintended consequences of administering/ enforcing the program and potential costs to property owners. Our county is already amidst a "housing affordability crisis" and the addition of regulations such as this, while well-intentioned, may add unnecessary financial burden. For the reasons summarized below, we believe the proposed ordinance does not provide any additional tree preservation benefits to communities such as Ladera Ranch.

As one of Orange County's premier master planned communities, Ladera Ranch is home to nearly 30,000 residents who are part of a master Homeowners Association: LARMAC. Our association manages the maintenance and operations of nearly 8,000 homes in this unincorporated area of the County, providing services that are not within the purview of the County of Orange.

When Ladera Ranch launched nearly 20 years ago, it was conceived as a place of tree-lined streets, charming homes, shared amenities, and an abundance of events that foster a sense of community. Two decades later, we are proud to have become the highly-desirable lifestyle community imagined – one that now boasts approximately 50,000 trees on 4,000 acres (nearly twice the number of trees in New York's Central Park, by comparison). Our community has developed in accordance with the carefully crafted Ladera Ranch Specific Plan adopted by the County in 1995 and amended in 2003.

Given our community's emphasis on aesthetics, the LARMAC Covenants, Conditions, and Restrictions (CCR's) and accompanying Aesthetic Standards include regulations about the protection/maintenance of trees. Furthermore, all residents are provided with LARMAC's Tree Care and Maintenance instructions when buying in Ladera Ranch. The LARMAC Board of Directors takes our obligation to protect all our community assets - inclusive of trees - seriously, and looks forward the County's continued support in allowing us to apply the governing documents that already exist for our great community.

Please feel free to contact our General Manager, Ken Gibson, at 949/218-5537 with any questions.

Respectfully,

Board of Directors Ladera Ranch Maintenance Corporation



Avendale Village Club Daisy Street Ladera Ranch, CA 92694 Tel: (949) 218-0900 Fax: (949) 218-0901

From:	Vinnie Dorse <vdorse@keystonepacific.com></vdorse@keystonepacific.com>
Sent:	Monday, June 25, 2018 11:32 AM
To:	Chang, Joanna
Subject:	CZ Master Board - LETTER RE TREE PRESERVATION ORDINANCE
Attachments:	scans@keystonepacific.com_20180625_105736.pdf

Hi Joanna,

The CZ Master Board directed me to send you the attached letter prior to the end of the comment period that reiterates the remarks provided to previously in May. The Board expresses their sentiment that the Tree Preservation Ordinance is not needed within in the CZ Master community that follows the Specific Plan to preserve the native trees and native Oak Groves that provide the rural bucolic character of the Coto community.

Please call or email me if you have any questions regarding the letter.

Regards,

Vincentia Dorse, CCAM, PCAM General Manager, CZ Master Association 30021 Tomas, Suite 160 Rancho Santa Margarita, CA 92688 949-777-1161: FAX 949-858-0205

https://na01.safelinks.protection.outlook.com/?url=www.czmaster.org&data=02%7C01%7Cjoanna.chang%40ocpw.ocgo v.com%7C98cc55a48427454382f108d5dac9e5c1%7Ce4449a56cd3d40baae3225a63deaab3b%7C0%7C1%7C6366554834 32721401&sdata=Sb4WEa1n0TEF509dJ19XGkmGdB5Hz3i%2F50YfkwxZwF4%3D&reserved=0 vdorse@keystonepacific.com The C7 Master office lageted at 20021 Tames Suite 160, DSM is even Mendauthry Eriday 0 am to 5 pm

The CZ Master office located at 30021 Tomas, Suite 160, RSM is open Monday thru Friday 9am to 5pm

June 21, 2018



OC Public Works/Development Services Att: Joanna Chang, Land Use Manager 300 N. Flower Street Santa Ana, Ca 92703 www.czmaster.org Professionally Managed by: Keystone Pacific Property Management, LLC 30021 Tomas, Suite 160 Rancho Santa Margarita, CA 92688 (949) 777-1161 • Fax: (949) 858-0205

RE: CZ Master Association Board of Directors Proposed Tree Preservation Ordinance

Dear Ms. Chang,

The CZ Master Board of Directors has reviewed the comments provided to you on May 21, 2018 by General Manager, Vincentia Dorse, regarding the proposed Tree Preservation Ordinance. The Board reiterates that the CZ Master Association is diligent in adhering to the Purpose and Intent of the Coto Specific Plan and in providing continuous care of the community's native trees such as the Coastal Live Oak and the California Sycamore. The Board supports the comments below provided to you by Ms. Dorse.

As we discussed the CZ Master Association upholds the Specific Plan to the best of their ability. For example the Executive Summary of the Plan specifically states the Purpose and Intent, Setting, and Plan Proposal, all of which refer to the biologically sensitive environment, open spaces, riparian areas, unique significant natural features and the protection or enhancement of such. The Specific Plan under Project Description – Natural Resources/Biology refers to the live Oak woodlands as a significant feature.

In the CZ Master CC&R's Article 7.17 states as follows: No indigenous oak tree located on any portion of the properties shall be removed, cut down, trimmed, or in any way damaged, destroyed or modified without the prior written approval of the Architectural Committee. To further the preservation of native trees, the native oaks were tagged and are reviewed annually by a certified arborist with recommendations provided to assist with the health of the tree when needed, an operating budget line item to maintain the native Oak groves on a weekly basis, and reserve funding in place for the replacement of specimen trees such as the Oaks that may die of natural causes.

While CZ Master is encouraged that the preservation of indigenous trees is being undertaken by the County for those areas that may not understand the value and significance of the native trees indigenous to the Orange County locale, the CZ Master Association has for 35 years made the preservation of the Association's native trees a priority and will continue to do so as a desire to preserve the natural bucolic beauty of the community that many residents love and moved here to enjoy.

The Board would like to add that the Association has a budgeted operating expense of just over \$207,000 annually to ensure the Association's approximately 20,000 trees remain healthy and well cared for. An additional \$35,500 is budgeted to preserve the native Oak Groves within the Association with these natural areas providing habitats for wildlife. The Board respectfully advises after reviewing the Tree Preservation Ordinance that the Association has been and will continue to fulfill the Specific Plan provisions that mirror those in the ordinance under Purpose and Scope. The CZ Master Association will maintain the community's native trees and natural areas as it has done for the past thirty-five years.

Should you have any questions or require additional information regarding the above, please contact Vincentia Dorse at 949-838-3205 or <u>vdorse@keystonepacific.com</u>. Thank you.

Very truly yours, CZ Master Association Board of Directors,

Xochitl Yocham, Robert Curran, Philp Mitchell, Eric Munk, and Jennifer Schneider CZ Master Association

From: Sent: To: Subject: Ryan White Monday, June 25, 2018 1:57 PM Zoning Code Team Tree Preservation Ordinance

Dear Commissioners,

My name is Ryan White and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Sincerely,

RYAN WHITE Senior Associate / Senior Designer

DAHLIN GROUP ARCHITECTURE | PLANNING 18818 Teller Avenue, Suite 260 Irvine, California 92612 USA

PASSION FOR PLACE

From:
Sent:
To:
Subject:

Manju Pai Monday, June 25, 2018 2:03 PM Zoning Code Team OPPOSE the unquantifiable Tree Ordinance

Dear Commissioners,

My name is Manju Pai and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

×

From:Gloria SeftonSent:Monday, June 25, 2018 2:10 PMTo:Zoning Code TeamCc:Rich GomezSubject:Tree Preservation Ordinance - Support with RevisionsAttachments:2018-Jun-25 SCC comments on Tree Preservation Ordinance.pdf; Tree Ordinance Sign
On Letter - FINAL 2018-Jun-13.pdf

Attn: Joanna Chang

Dear Joanna -

Please see the attached comment letter from the Saddleback Canyons Conservancy. This letter supplements our previous comments, including the sign-on letter also attached.

Thank you for your consideration.

Gloria Sefton Attorney at Law Co-founder, Saddleback Canyons Conservancy

Saddleback Canyons Conservancy

P.O. BOX 1022 TRABUCO CANYON, CALIFORNIA 92678



- Preserving Our Canyons -

June 25, 2018

OC Development Services/Planning Attn: Joanna Chang P.O. Box 4048 Santa Ana, CA 92702 OCZoningCode@ocpw.ocgov.com

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update; **Support with Revisions**

Dear Ms. Chang,

The Saddleback Canyons Conservancy is a non-profit citizens' group dedicated to protecting and enhancing the environment and quality of life in the Foothill-Trabuco Specific Plan ("FTSP") and Silverado-Modjeska Specific Plan ("SMSP") areas. Our efforts include environmental advocacy and active involvement in land-use decisions for projects in these unique and biologically rich rural canyon areas.

We are writing to offer our support for the Tree Preservation Ordinance proposed in the Orange is the New Green sustainability update of the Zoning Code. These comments are in addition to those contained in the group letter dated June 13, 2018, attached for convenience.

1. The FTSP and SMSP Both Need the Ordinance and the Ordinance Should Apply Evenly.

The FTSP and SMSP areas are where many of the tree resources exist. While some protections exist via these specific plans, the FTSP's oak protections were significantly weakened by the 2015 amendments initiated by the Saddle Crest development. In the wake of these amendments, the Save the Specific Plans Coalition (of which Saddleback Canyons Conservancy is a member) met nearly three years ago with Supervisor Spitzer and County planning staff to discuss possible remedies. A tree ordinance was suggested and, from that initial meeting, we have progressed to the point where we are now. It is therefore ironic that the ordinance as currently proposed *does not apply* to the FTSP area, but would apply to the SMSP area because it is conventionally zone. We urge that the ordinance apply to the FTSP area, as well as the SMSP area. The tree resources in these areas are virtually the same, so there is no reason to create an arbitrary distinction that will create inconsistencies in this natural resource-rich part of the County. Section 7-9-69.2(b) should be modified to include the FTSP area, and clarifying language should be added to address any conflicts between the ordinance and the FTSP such that the more stringent provision applies.

2. <u>The Tree Preservation Ordinance Could Be a Pilot Policy That Applies Only in the Rural</u> <u>Canyon Areas.</u>

We have heard the concerns of some commissioners about implementation and enforcement of the Tree Preservation Ordinance. Rather than debate whether these concerns are well founded, the County may want to consider reducing the scope of the ordinance's application to only the 3rd District foothill and canyon areas (including the FTSP and SMSP areas), and implement it as a "pilot" policy. The tree resources are most abundant in the 3rd District, so it makes sense to have it apply here – at least initially.

We applaud the County for the progress it has made on the Tree Preservation Ordinance. We believe it is entirely appropriate to incorporate the ordinance in the County's "Orange is the New Green" Zoning Code update, which is focused on sustainability, and we strongly encourage the County to adopt the ordinance.

Thank you for your consideration.

Sincerely,

/ss/

Rich Gomez and Gloria Sefton Co-founders

From: Sent: To: Subject: Kris Weber Monday, June 25, 2018 2:34 PM Zoning Code Team OPPOSE Tree Ordinance

Dear Commissioners,

My name is Kris Weber and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Thank you for your consideration.

Kris Weber

From: Sent: To: Subject: Stephen Edwards Monday, June 25, 2018 2:39 PM Zoning Code Team Tree Ordinance

Dear Commissioners,

My name is Stephen Edwards and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Stephen J. Edwards **Province Group, LLC / Newport Equities, LLC**



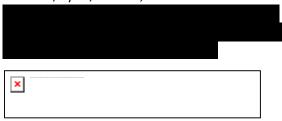
Save a Tree - Think before you print. Sustainably. Province Group, LLC 📢

From: Sent: To: Subject: Deborah Cottle Monday, June 25, 2018 2:40 PM Zoning Code Team Tree

Dear Commissioners,

My name is Deborah M. Cottle and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Deborah M. Cottle | Senior Paralegal Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP



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From: Sent: To: Subject: Sharad Patel Monday, June 25, 2018 2:44 PM Zoning Code Team Tree Preservation Ordinance

Dear Commissioners,

My name is Sharad Patel and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Thank you,

Sharad T. Patel, S.E. Patel Burica & Associates, Inc. structuralengineering



From: Sent: To: Subject: Chad Brown Monday, June 25, 2018 2:57 PM Zoning Code Team Oppose Tree Preservation Ordinance

Dear Commissioners,

My name is Chad Brown. I was a former Senior Planner with the County of Orange and since have been working in the development community. The extraneous costs associated with development regulations together with CEQA review costs severely affect housing costs. CEQA generally already provides protections to significant trees and habitat without blanket preservation across an area the size of OC.

I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Regards,

Chad Brown Vice President of Planning & Development



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From: Sent:	William Miller Monday, June 25, 2018 3:14 PM	
То:	Zoning Code Team;	'Walter James & Lea Ann Miller';
Subject:	Tree Preservation Ordinance	

Dear Commissioners,

I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Sincerely,

William L. Miller

From: Sent: To: Subject: Jay Rutter Monday, June 25, 2018 3:36 PM Zoning Code Team Tree Preservation Ordinance

Dear Commissioners,

My name is Jay Rutter and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Please feel free to contact me if you have any questions.

Sincerely,

Jay Rutter

FOOTHILL COMMUNITIES ASSOCIATION

Serving the Entire Unincorporated North Tustin Area Post Office Box 261 • Tustin, California 92781

June 25, 2018 OC Development Services/Planning Via email: <u>OCZoningCode@ocpw.ocgov.com</u>

Re: Comments on the proposed Zoning Code update

Foothill Communities Assoication (FCA) has the following comments and concerns regarding the proposed Zoning Code update, "Orange is the New Green." In an attempt to simplify the Zoning Code, use classifications have become overly broad and introduce uses that are not compatible with residential base districts. Additionally, uses not now permitted in base districts in North Tustin are proposed to be allowed with a use permit. When a use is allowed with a use permit, property owners and developers will often consider themselves entitled to that use even though the use may be blatantly incompatible with the surrounding residential use. FCA is concerned with the base districts in North Tustin—primarily E4, R1, RHE, and AR. FCA has the following specific concerns:

- 1. **Community Assembly Facility:** Currently the Zoning Code allows "Churches, temples and other places of worship" and "Country clubs, golf courses, riding clubs, swimming clubs, and tennis clubs" with a Use Permit. Proposed uses within this classification include community centers, banquet center, civic auditoriums, union halls, and meeting halls for clubs and other membership organizations. These uses would not be compatible with the surrounding residential areas in North Tustin.
- 2. **Cultural Institutions and Facilities:** Presently public libraries and museums are allowed with a site development permit. The proposal will add "performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences ... aquariums; art galleries; and zoos." The added uses do not appear compatible with residential use and only require a site development permit.
- 3. **Commercial Entertainment and Recreation:** None of the proposed uses whether largescale or small-scale are appropriate in North Tustin residential areas and are not presently allowed. **Large-scale**. Large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with more than 5,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys;

archery or indoor shooting ranges; riding stables; etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons. **Small-scale.** Small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

4. **Commercial Nursery and Garden Center:** Currently the AR district allows wholesale nurseries with a site development permit. Permanent facilities for sale of agricultural products grown on the site requires a use permit. The proposed update allows for retail nurseries with only a site development permit: Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

The proposed Tree Preservation Ordinance will place a burden on many North Tustin residents. Many parcels exceed 20,000 square feet, obviously those zoned E4 20,000. The FCA Board voted unanimously to recommend that this ordinance only apply to parcels larger than 1 acre and undergoing new development.

Thank you for your consideration of our comments.

Sincerely,

Richard Nelson, President Foothill Communities Association <u>rnelson@FCAhome.org</u>

CC: Irene Brace, Chair Land Use Committee ibrace@pacbell.net

From: Sent: To: Subject: Bryant Brislin Tuesday, June 26, 2018 10:31 AM Zoning Code Team OPPOSE the Unquantifiable Tree Ordinance

Dear Commissioners,

My name is Bryant Brislin and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Thank you,

Bryant Brislin BRE No. 01877964

THE HOFFMAN COMPANY



From:Ray ChandosSent:Tuesday, June 26, 2018 10:56 AMTo:Zoning Code TeamSubject:Draft Tree Preservation Ordinance, Corrected Comment LetterAttachments:TreePreservationOrdinanceComment_6_26_2018.doc

Dear Ms. Chang,

Please disregard our earlier email attachment, which may not have been completely transmitted, and replace it with the current attachment.

Thank you.

Ray Chandos Secretary/Treasurer Rural Canyons Conservation Fund

Rural Canyons Conservation Fund

P.O. Box 556, Trabuco Canyon, CA 92678-0556 RuralCanyons.org



OC Development Services/Planning Attn: Joanna Chang P.O. Box 4048 Santa Ana, CA 92702 Via Email Attachment to: <u>OCZoningCode@ocpw.ocgov.com</u>

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update

Dear Ms. Chang:

The Rural Canyons Conservation Fund, founded in 1983, advocates for the preservation of Orange County's unique inland rural canyon areas through a program of public education and participation in land use decisions affecting the area's unique and scenic natural resources.

We are writing in general support of the Tree Preservation Ordinance proposed in the Orange is the New Green sustainability update of the Zoning Code. The below comments are in addition to those contained in the group letter we signed dated June 13, 2018.

1. Additional Review of "Tree Manual" Needed

Many of the crucial details implementing the proposed ordinance have been deferred to an as-yet unpublished Tree Manual. An additional review period should be provided after the Tree Manual has been published.

2. Tree Preservation Should be Given Higher Priority

While entitled a Tree *Preservation* Ordinance, the actual text is devoted almost entirely to the removal of trees, nor does the ordinance provide any significant incentive to preserve rather than remove trees. Since the decision to preserve or remove is often dictated by economics, the ordinance should contain strong economic incentives to choose the former option.

3. Present Value Should be Analyzed and Prioritized

When existing trees are removed, their present value to humans and wildlife is immediately and abruptly lost and cannot be restored for many years, if ever. The ordinance should assess and quantize to the extent possible the loss of present value, in terms of carbon sequestration, wildlife habitat, scenic beauty, watershed protection, and other resources, when trees are removed. The community, the region, and in fact the planet cannot wait 20 or 30 years, gambling on the successful restoration of these critical resources. Therefore, the mitigation prescribed should attempt to restore that present value as quickly as possible. Joanna Chang June 26, 2018

4. The Ordinance Should Apply to the Foothill Trabuco Specific Plan Area

Meaningful tree protections were deleted from this specific plan when it was amended to accommodate the Rutter Saddle Creek housing tract. The ordinance should apply in this area and restore the former tree protections.

5. This Important Ordinance Should Pass to the Board of Supervisors for Full Consideration

We recommend that the County Board of Supervisors, as the final approving authority, receive the full ordinance for its review and consideration, regardless of the Planning Commission's recommendation.

Thank you for your consideration.

Sincerely,

Ray Chandos

Ray Chandos Secretary/Treasurer

From: Sent: To: Evan Miles Tuesday, June 26, 2018 11:35 AM Zoning Code Team

Dear Commissioners,

My name is Evan Miles and I oppose the Tree Preservation Ordinance because it exacerbates what is already an existing state and County Housing CRISIS.

This places new arbitrary regulatory burdens on the development of housing. Without knowing how many trees this applies to and the actual cost it will impose it is possible it will halt the creation of housing in the very locations that are still open and available for development. This costs our community dearly and mortgages the future of our young men and women who are now entering the workforce and seek simple decent places to live.

Please do not impose a bureaucratic mandate on those trying to build desperately housing for Orange County's future. I feel like I hear our elected officials on one side stating how emphatically they support housing, but then behind closed doors authoring laws that benefit the few, such as this tree ordinance which clearly promotes an anti-housing agenda for our community. Please help by opposing this ordinance.

Sincerely,

Evan Miles

From: Sent:	Bob Wilson Tuesday, June 26, 2018 2:27 PM
To:	Zoning Code Team; Chang, Joanna
Cc:	Steel, Michelle [HOA];
Subject:	Comments Regarding the Tree Preservation Ordinance Proposed in the Draft County of
	Orange Zoning Code Update
Attachments:	OCRP Comments re OC Zoning Code Update - Tree Ordinance 6-22-18.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged
Categories:	Red Category

Ms. Chang:

Please find comments from the Orange Coast River Park Conservancy (OCRP) regarding the Tree Preservation Ordinance proposed in the Draft County of Orange Zoning Code Update in the attached communication.

Bob Wilson

Board of Directors Member | Current President





Orange Coast River Park PO Box 12932 Newport Beach, CA 92658-5079 http://ocriverpark.org/

President Robert Wilson

Vice President Kristen Petros

Treasurer Bo Glover

Secretary Nancy Gardner

Assistant Secretary Jean Watt

Past President Dennis Baker

Board Members

Dean Abernathy Michelle Clemente Lizz Flowers Phillip Greer Everette Phillips Robert Staples

Advisory Board Members

Betsy Flynn Lena Hayashi Rory Paster G. Edmund Sieibel

Dedicated to uniting communities around the creation of a greater Orange Coast River Park.

June 22, 2018

OC Development Services/Planning Attn: Joanna Chang P.O. Box 4048 Santa Ana, CA 92702 OCZoningCode@ocpw.ocgov.com

RE: Tree Preservation Ordinance - Section 7-9-69 in Zoning Code Update

Dear Ms. Chang,

On behalf of the Orange Coast River Park Conservancy (OCRP) and in support of other interested environmental groups coordinating with the Friends of Harbors, Beaches and Parks (FHBP), we are writing to offer our support for the Tree Preservation Ordinance proposed in the revision of the Zoning Code.

We support the County adopting carbon sequestration, aesthetic benefits, property value enhancement, and a link to Orange County's heritage. With the ongoing threat of drought and pests, protections offered by the ordinance are more important than ever. We believe the suggested revisions below developed by FHBP and other collaborators would improve the proposed ordinance:

• The ordinance should allow for the expansion of the categories of Protected Trees to include additional native species. This could be accomplished by including a provision for review of the Protected Tree categories every three years. The categories of Protected Trees should be expanded to include non-native heritage trees, i.e., trees of significance that have value because of size, age, location, historic association, and/or ecological importance. 7-9-69.2(a)

the ordinance because no countywide protection currently exists for native trees. Additionally, trees provide habitat, cooling effects,

• The ordinance should apply as broadly as possible. For example, the ordinance should <u>not</u> exclude areas zoned Specific Plan or Planned Community. Rather, language should be inserted to address that if a conflict exists between a Specific Plan or Planned Community, the most stringent regulation for tree protection will apply. This will help to avoid inconsistent regulations across the County. 7-9-69.2(b)

• All parcel sizes should be subject to the ordinance. 7-9-69.2(b)(1)

• Trees maintained by the County of Orange and Orange County Flood Control District should be subject to the ordinance except in special circumstances, which the County should enumerate. 7-9-69.2(d)(1)

• Since it is likely most trees in the protected category will have some degree of "infestation, pathogen or disease," the language of this section should be revised such that the ordinance will apply to those trees unless the infestation, pathogen or disease is likely to soon cause the tree to fail or if the tree is a vector threat to other native trees. 7-9-69.2(d)(6)



Support for the Tree Preservation Ordinance Ms. Joanna Chang Page 2 June 22, 2018

• Public utilities should be subject to the provisions of the ordinance in non-emergency situations. 7-9-69.2(d)(7)

• The arborist selected to make determinations should be County-certified or otherwise neutral, and should have an additional Tree Risk Assessment Qualification. 7-9-69.3(b)

• The definition of "Replacement Tree" should include that the tree be of local origin to avoid genetic pollution of the native genotype. 7-9-69.3(p)

• On-site preservation should be the highest priority. This could be followed by off-site preservation where the site is too small to sustain replacement trees. The option for "in- lieu fees" should be a last resort and the fees should be high enough to dissuade use of the in-lieu fee option, with non-feasibility adequately demonstrated. 7-9-69.4(b)(4) and 7-9-69.4(c)

• 24-inch box trees may not be the best choice for success. Smaller specimens should be considered and science should drive the decision. 7-9-69.4(c)(1)

Regarding enforcement of the Tree Preservation Ordinance, the County could educate tree care companies on the ordinance's provisions so that they will know if a permit is required for tree removal. In addition, the Tree Preservation Fund established by the ordinance should allocate resources to education and enforcement.

We are very pleased that the County is considering the implementing of the Tree Preservation Ordinance as part of its sustainable policies in the Zoning Code update. We strongly encourage the County to adopt the ordinance with broad application. We believe that the foregoing additions and clarifications developed by FHBP will help make the ordinance more effective in protecting trees and more consistent in its application countywide.

Thank you for your consideration.

Respectfully,

73 J-4. l

Bob Wilson Current Board President Orange Coast River Park, Inc.

Cc: (via email only) Orange Coast River Park Conservancy Board members Hon. Michelle Steele Supervisor, 2nd District Melanie Schlotterbeck, FHBP

From:	Lena Hayashi
Sent:	Wednesday, June 27, 2018 7:53 AM
То:	Bob Wilson
Cc:	Zoning Code Team; Chang, Joanna; Steel, Michelle [HOA]; Melanie Schlotterbeck
Subject:	Re: Comments Regarding the Tree Preservation Ordinance Proposed in the Draft County of Orange Zoning Code Update

Great letter and so glad we are supporting this! Thanks Bob. Lena

Lena Yee Hayashi

On Tue, Jun 26, 2018 at 2:26 PM, Bob Wilson <<u>macoubrie@aim.com</u>> wrote:

Ms. Chang:

Please find comments from the Orange Coast River Park Conservancy (OCRP) regarding the Tree Preservation Ordinance proposed in the Draft County of Orange Zoning Code Update in the attached communication.

Bob Wilson

Board of Directors Member | Current President

Email: president@ocriverpark.org

http://ocriverpark.org

fin 2 2 @OCRiverPark

From:	Gilad Ganish
To:	Maldonado, Ruby
Cc:	<u>Chang, Joanna; Giang, Steven</u>
Subject:	RE: OC Zoning Code Update - Upcoming Community Workshop
Date:	Tuesday, August 21, 2018 3:23:59 PM

Great, we don't need the tree tax.

Thanks!

Gilad

From: Maldonado, Ruby [mailto:Ruby.Maldonado@ocpw.ocgov.com]
Sent: Tuesday, August 21, 2018 3:03 PM
To: Gilad Ganish
Cc: Chang, Joanna; Giang, Steven
Subject: RE: OC Zoning Code Update - Upcoming Community Workshop

The second draft of the proposed Tree Preservation Ordinance will also exclude Specific Plan areas such as Coto de Caza.

Ruby Maldonado

Contract Senior Planner County of Orange/Planning 300 North Flower Street P.O. Box 4048 Santa Ana, CA 92702 714.667.8855 ruby.maldonado@ocpw.ocgoy.com

From: Gilad Ganish Sent: Tuesday, August 21, 2018 2:30 PM To: Maldonado, Ruby <<u>Ruby.Maldonado@ocpw.ocgov.com</u>> Subject: RE: OC Zoning Code Update - Upcoming Community Workshop

Is it still planned to keep the tree ordinance out of Coto?

Gilad

From: Maldonado, Ruby [mailto:Ruby.Maldonado@ocpw.ocgov.com] Sent: Tuesday, August 21, 2018 2:19 PM To: Maldonado, Ruby Subject: OC Zoning Code Update - Upcoming Community Workshop All Interested Parties,

The final Planning Commission Community Workshop regarding the OC Zoning Code Update will be held on September 12, 2018 at 1:30 p.m. The agenda for this workshop will include the following:

- Review of proposed revisions to Zoning Code text
- Comments received during Public Review and Comment Period (April June, 2018)
- Proposed regulations for Section 7-9-93, Short Term Rentals
- Proposed regulations for Section 7-9-102, Fruit and Vegetable Gardening
- Proposed regulations for Section 7-9-69, Tree Preservation Ordinance

The Planning Commission meets on the first floor of the County of Orange Hall of Administration located at 333 W. Santa Ana Blvd., Santa Ana (corner of Broadway and Santa Ana Blvd.)

Later this year the Planning Commission will hold one or more public hearings to consider the Final Draft of the proposed Zoning Code Update. The Final Draft will then be submitted for consideration by the Board of Supervisors.

Here is the link to the OC Zoning Code Update webpage: <u>http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green</u>

Please let me know if you have any questions. Please excuse duplicate emails.

Thank you for your interest.

Ruby Maldonado

Contract Senior Planner County of Orange/Planning 300 North Flower Street P.O. Box 4048 Santa Ana, CA 92702 714.667.8855 ruby.maldonado@ocpw.ocgov.com 2nd draft of Tree Preservation Ordinance includes provisions that shall apply to Protected Trees within Silverado-Modjeska Specific-Plan area. Property Owner is responsible for compliance with the ordinance. Based on the last Planning Commission workshop, the commissioners directed staff to narrow the area of applicability to just the canyon areas (i.e. Silverado-Modjeska Canyon and Foothill Trabuco Canyon).

Joanna Chang, Land Use Manager

OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From: Vinnie Dorse [mailto:vdorse@keystonepacific.com] Sent: Friday, September 07, 2018 4:28 PM To: Chang, Joanna Subject: Follow UP Question

Hi Joanna,

Sorry for the 2nd email. Maybe I missed the intent of the Tree Preservation Ordinance. Is it applicable in the development of previously undeveloped areas only? Such as a new tract/subdivision of homes? In that case the obligation to adhere to the ordinance would fall to the developer/builder/owner of the site, right?

Thank you and have a lovely weekend. Regards,

Vincentia Dorse, CCAM, PCAM General Manager, CZ Master Association

RSM is open Monday thru Friday 9am to 5pm

From:	Chang, Joanna
To:	<u>"Vinnie Dorse"</u>
Subject:	RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018
Date:	Monday, September 10, 2018 4:26:52 PM

We are planning to go out for another round of public comments after this Wednesday's PC workshop. The Final Draft will be submitted for consideration by the Planning Commission and Board of Supervisors.

Joanna Chang, Land Use Manager

OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From: Vinnie Dorse Sent: Monday, September 10, 2018 4:23 PM To: Chang, Joanna Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

Hi Joanna,

And that was what I hoped you would tell me. Therefore the Tree Ordinance has been narrowed to apply to only the one Specific Plan area, Silverado-Modjeska.

Do you see this as the final draft or do you anticipate there will be more until it is finalized and adopted? It sounds like I'm hoping you have a crystal ball, but your opinion will probably be pretty accurate.

Thank you,

Vincentia Dorse, CCAM, PCAM General Manager, CZ Master Association

RSM is open Monday thru Friday 9am to 5pm

From: Chang, Joanna [mailto:Joanna.Chang@ocpw.ocgov.com]
Sent: Monday, September 10, 2018 4:09 PM
To: Vinnie Dorse <vdorse@keystonepacific.com>
Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

The 2nd draft indicates that provisions shall apply to Protected Trees located within the Silverado-Modjeska Specific-Plan area. Hence, this 2nd draft of the Tree Preservation Ordinance will not apply to the Coto de Caza Specific-Plan area. Section 7-9-69.2(d) lists exemptions from those Protected Trees in the Silverado-Modjeska Specific Plan area. Feel free to let me know if there are any other questions.

Thank you.

Joanna Chang, Land Use Manager OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From: Vinnie Dorse Sent: Friday, September 07, 2018 3:53 PM To: Chang, Joanna Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

Hi Joanna,

Under the Section –Scope. Item (b)., I noticed that the change there appears to have eliminated the language referring to 'excluding areas within zoned Specific Plans', and added language that reads the Tree Preservation Ordinance provisions 'shall apply to all Protected Trees located within the Silverado-Modjeska Specific Plan area'. However, under item (d). it states where the provisions <u>do not apply</u> and the Coto de Caza Specific Plan area is not listed as one of those areas.

It is a lot to try and digest, and maybe I am missing something. Can you please advise if the Tree Preservation Ordinance is to apply to Coto or if it is not? As stated previously, the Coto de Caza Specific Plan does provide for the preservation of trees as well as the Association governing documents provides for such.

Thank you for any clarification you can provide. I can be reached at 949-838-3205 to discuss if needed.

Regards,



From: Chang, Joanna [mailto:Joanna.Chang@ocpw.ocgov.com]

Sent: Thursday, September 6, 2018 6:01 PM

To: Vinnie Dorse <<u>vdorse@keystonepacific.com</u>>

Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

Please see attachment. Feel free to let me know if there are any questions. Thank you.

Joanna Chang, Land Use Manager

OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From: Vinnie Dorse Sent: Thursday, September 06, 2018 5:59 PM To: Chang, Joanna Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

Hi Joanna,

Thank you for providing the workshop information. I was not able to open the proposed Tree Preservation attachment 11. Would you be able to please send a copy of it to me?

Regards,

Vincentia Dorse, CCAM, PCAM General Manager, CZ Master Association

, RSM is open Monday thru Friday 9am to 5pm

From: Chang, Joanna [mailto:Joanna.Chang@ocpw.ocgov.com]
Sent: Thursday, September 6, 2018 5:34 PM
To: Chang, Joanna <<u>Joanna.Chang@ocpw.ocgov.com</u>>
Subject: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

All Interested Parties,

The final Planning Commission Community Workshop regarding the OC Zoning Code Update will be held on September 12, 2018 at 1:30 p.m. The Planning Commission Agenda, Staff Report, and Attachments can be found at this link:

http://www.ocpublicworks.com/ds/planning/hearing/pln_comm/pcmeeting

(Please see Attachment 11 for the Proposed Tree Preservation Ordinance -2^{nd} Draft).

The Planning Commission meets on the first floor of the County of Orange Hall of Administration located at 333 W. Santa Ana Blvd., Santa Ana (corner of Broadway and Santa Ana Blvd.) The Planning Commission will hold one or more public hearings to consider the Final Draft of the proposed Zoning Code Update later this year. The Final Draft will then be submitted for consideration by the Board of Supervisors.

Here is the link to the OC Zoning Code Update webpage:

http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green

Let me know if there are any questions. Please excuse any duplicate emails.

Thank you for your interest.

Joanna Chang, Land Use Manager

OC Public Works | Development Services 300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From:	Gloria Sefton
To:	Chang, Joanna; Cataldi, Colby; Maldonado, Ruby
Cc:	Rich Gomez; Mike Wellborn
Subject:	Fwd: Orange County Tree Preservation Ordinance
Date:	Tuesday, September 11, 2018 10:30:45 AM

Dear Joanna, Colby, and Ruby -

I'm sending you a courtesy copy of my note below. I appreciate the progress being made by all of you on the tree ordinance. I'm hoping we get it the application of it right.

Thanks again.

Gloria

Begin forwarded message:

From: Gloria Sefton <<u>gloriasefton@gmail.com</u>> Subject: Re: Orange County Tree Preservation Ordinance Date: September 11, 2018 at 10:21:17 AM PDT To: Kevin Rice <<u>kricelaw@yahoo.com</u>> Cc: Joe Ha <<u>joeha@ampcocontracting.com</u>>

Dear Commissioner Rice -

Hope you are doing well.

I see that the tree ordinance has been amended such that it will now apply <u>only</u> to the Sil-Mod Specific Plan area instead of being a county-wide ordinance. I think this is reasonable change, but it falls short in that the ordinance should also apply in the Foothill-Trabuco Specific Plan area.

As I mentioned in previous emails and in testimony, the FTSP's tree protections were watered down with the 2015 amendments to the FTSP with the Saddle Crest development. The tree ordinance was seen as a way to recapture the old protections. I can't think of a logical reason why the two canyon specific plan areas would have different tree protections. I think there is lingering misconception around the fact that FTSP already has tree protections, but it's important to remember that the tree preservation ordinance addresses other species of native trees beyond oaks, something that the FTSP does not do, and has a different enforcement plan. In any case, the way the ordinance is now drafted, if the FTSP goes further in oak tree protection, it would govern. (The revised language states: "If conflict exists, the most stringent regulation for tree protection shall apply.")

I am planning to attend the workshop tomorrow. If you are available before the meeting, could we meet briefly to discuss this?

Thanks.

Gloria

Gloria Sefton Attorney at Law Co-founder, Saddleback Canyons Conservancy (949) 422-3413

On Jun 29, 2018, at 3:12 PM, Kevin Rice <<u>kricelaw@yahoo.com</u>> wrote:

Dear Ms. Sefton:

I would be happy to speak to you about this.

I believe that any ordinance approved by the commission will specifically apply to the canyon areas and I would guess that anything approved by the Board of Supervisors would do likewise. I understand that there are differing ways this could occur and this issue is one of your concerns.

For the next two and a half weeks I am in preparation for and then in trial in LACO. After that I will be out of town for about a week. My soonest availability would probably be on July 25 before the planning commission meeting. We might be able to meet in the hearing room before the meeting.

Please let me know if this might work.

KR

cc: Chairman Ha

Kevin Rice & Associates Attorneys at Law 2501 E. Chapman Avenue, Suite 155 Fullerton, CA 92831

(714) 738-1416

fax (714) 738-5250

http://www.orangecountyprobate.com

All attorney client communications and their attachments are privileged by law. If you received this message by mistake, please delete it immediately. No tax advice is given in emails, only questions and issues are discussed. Any forwarded email to a third party does not constitute a general waiver of attorney-client privilege.

On Friday, June 29, 2018, 1:48:31 PM PDT, Gloria Sefton <<u>gloriasefton@gmail.com</u>> wrote:

Dear Commissioner Rice -

I testified at the Planning Commission workshop on Wednesday regarding the tree ordinance. Toward the end of the workshop, you correctly stated that, as currently written, the ordinance does not apply to the Foothill-Trabuco Specific Plan area. As proposed, the ordinance would not apply in *any* specific plan area. Silverado-Modjeska has a specific plan, but it is being treated differently because it's "conventionally zoned" and therefore would be covered by the ordinance. This creates inconsistency in tree protections for the canyon areas.

There are many nuances regarding the canyon specific plans and their respective tree protections. Would you be open to meeting with me to discuss this? I hope to hear from you.

Sincerely,

Gloria Sefton Attorney at Law Co-founder, Saddleback Canyons Conservancy Vice President, Friends of Harbors, Beaches and Parks (949) 422-3413

From:	Adam Wood <awood@biaoc.com></awood@biaoc.com>
Sent:	Tuesday, September 11, 2018 1:34 PM
То:	Zoning Code Team; Chang, Joanna
Subject:	BIA/OC Comment Letter - Tree Ordinance
Attachments:	Tree Preservation Comment Letter.pdf

Please see the attached, updated letter from BIA/OC on the Tree Preservation Ordinance. If possible, we would like this included for tomorrow's meeting.

Thank you.

-Adam

Adam S. Wood Director of Government Affairs Building Industry Association | Orange County Chapter (BIA/OC) 24 Executive Park, Ste 100 Irvine, CA 92614 (949) 553-9500 ext. 860 (949) 777-3860 Direct AWood@biaoc.com



September 12, 2018

Mr. Colby Cataldi Deputy Director Orange County Public Works 300 N. Flower St. Santa Ana, CA 92703

Re: Tree Preservation Ordinance

Dear Mr. Cataldi:

On behalf of our membership, I write to express our continued opposition to the Tree Preservation Ordinance, as amended.

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people in the home building industry.

Over the course of the last several months, BIA/OC has provided comments on Tree Preservation Ordinance drafts, outlining our concerns in detail. Each version has jeopardized the careful balance Orange County has achieved between property rights and preservation. Despite the many alternatives, in all instances, each variation shares a common flaw that makes support unattainable. Each approach directly burdens individual property rights, devalues land, restricts freedoms and places incalculable costs on development.

The proposed language for this hearing is no different. Furthermore, the impingements on property rights are actually increased due to amendments that reduced DBHs, increased number of included species, a 15-1 replacement ratio which is three times greater than prior versions and the removal of any in-lieu options.

All of this comes on top of the fact that there is no inventory of trees, making the scope of this proposals opaque. As previously mentioned, staff has done an excellent job of outlining parcels impacted, but without an inventory of trees, there is no way to calculate scope, real world costs, or any actual impact this Ordinance could have.

While the scope of the Ordinance has been limited to the Silverado-Modjeska Specific Plan, the policy itself remains deeply troubling. In effect, approval of this language is paramount to asking land owners within the Plan to write a "blank-check" that could grind many opportunities to a halt. At a time when we are faced with a housing crisis caused by a critical lack of supply, now is not the time to add further burdens to land with housing opportunity.

Respectfully,

Steven C. LaMotte Chapter Executive Officer

PRESIDENT MIKE GARTLAN KB HOME

VICE PRESIDENT RICK WOOD TRI POINTE HOMES

TREASURER/ SECRETARY SUNTI KUMJIM MBK HOMES

IMMEDIATE PAST PRESIDENT PHIL BODEM MERITAGE HOMES

TRADE CONTRACTOR V.P. ALAN BOUDREAU BOUDREAU PIPELINE CORPORATION

ASSOCIATE VICE PRESIDENT MARK HIMMELSTEIN NEWMEYER & DILLION, LLP

MEMBER-AT-LARGE PETER VANEK FOREMOST COMPANIES

MEMBER-AT-LARGE SEAN MATSLER MANATT, PHELPS & PHILLIPS, LLP

> EXECUTIVE OFFICER STEVE LA MOTTE

24 Executive Park, Suite 100 Irvine, California 92614 949.553.9500 | biaoc.com

Rural Canyons Conservation Fund







Saddleback Canyons Conservancy

Members of the Orange County Planning Commission c/o OC Development Services/Planning Attn: Joanna Chang P.O. Box 4048 Santa Ana, CA 92702 Via Email Attachment to: <u>OCZoningCode@ocpw.ocgov.com</u>

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update

Dear Commissioners:

We have, from its inception, supported the Orange County Tree Preservation Ordinance, and advocated for it to apply within the Foothill Trabuco Specific Plan (FTSP) area where many, if not most, of the trees proposed for protection exist. We were very disappointed, therefore, to read in the planning staff's September 12 report to the Planning Commission that the current draft ordinance would apply only within the Silverado-Modjeska Specific Plan area. We were further disappointed and surprised to hear Deputy County Counsel Nicole Walsh say that the Orange County Zoning Code (Zoning Code), which would contain the Tree Preservation Ordinance, cannot be applied within the FTSP area because the FTSP was enacted by ordinance and thus categorically pre-empts all provisions of the Zoning Code there. The purpose of this letter is to dispute the latter contention.

We assert that the Zoning Code does apply to the FTSP area, by its own explicit terms, and in fact has been applied within the FTSP area.

First, the Zoning Code states that it applies to all unincorporated land within the County, with exceptions only as delineated within the Zoning Code itself.

Property to Which Applicable: The Zoning Code shall apply to all unincorporated land within the County of Orange, except as otherwise provided by this section. (Zoning Code Section 7-9-20 (a).)

Nowhere within the Zoning Code does it exempt the FTSP area.

Second, the Zoning Code explicitly sets forth how its provisions are to be harmonized with any other provision of law in the event of overlap, duplication or conflict.

Duplicated Regulation: Whenever any provision of the Zoning Code and any other provision of law, whether set forth in this Code or in any other law or ordinance, impose overlapping or contradictory requirements, or certain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the Zoning Code. (Zoning Code Section 7-9-20 (b).)

Third, certain provisions of the Zoning Code explicitly apply within the FTSP. For example, the Arroyo Trabuco area within the FTSP is zoned "Floodplain Zone 2" (FP-2) on the Orange County Zoning Code map, as provided for by Section 7-9-113.2:

This district may be combined with any other district. In any district where the district symbol is followed by parenthetically enclosed "(FP-1)," "(FP-2)," or "(FP-3)," the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district and the FP suffix shall constitute the combining district. In the event of conflicting provisions between the base district and the combining district, the requirements of the FP-1, FP-2 or FP-3 shall take precedence. (Zoning Code Section 7-9-113.2.)

Similarly, the Zoning Code provides for wireless communication facilities, explicitly overriding any conflicting County ordinance or regulation:

Sec. 7-9-146.13. - Performance and development standards for wireless communications facilities.

•••

(p) *Conflicting Ordinances*. In the event that any County ordinance or regulation, in whole or in part, conflicts with any provisions in this section, the provisions of this section shall control. (Zoning Code Section 7-9-146.13 (p).)

We note further that the FTSP explicitly incorporates provisions of the Zoning Code. For example:

This document, in conjunction with the Orange County Zoning Code and other applicable ordinances, represents the Specific Plan for the Foothill/Trabuco area. It has been prepared in accordance with California Government Code (Sections 65250, et seq.). Unless otherwise provided for within this document, all future development in the Specific Plan Area must be found consistent with the Specific Plan Components, the Land Use District Regulations and the Development and Design Guidelines. (FTSP I.A.)

Building setbacks. Per Zoning Code Section 7-9-128 and 7-9-13, except as follows: (FTSP III.D.8.8 b.)

In conclusion, both the Zoning Code and the FTSP currently govern land use within the FTSP area in a harmonious, complementary, and clearly defined manner. As indicated above, other ordinances (e.g., wireless communication facilities) apply in specific plan areas (including the FTSP area), so we see no valid reason why the provisions of the Tree Preservation Ordinance, within the Zoning Code, should not be extended to the FTSP area. We urge that the scope of the Tree Preservation Ordinance be revised to include the FTSP area in addition to the Silverado-Modjeska area so that tree protections will be consistent within the canyon specific plan areas.

Sincerely,

Ray Chandos

Ray Chandos Secretary/Treasurer Rural Canyons Conservation Fund

Alvin Seften

Gloria Sefton /s/ Rich Gomez Co-founders Saddleback Canyons Conservancy

Wieme Well

Michael Wellborn President Friends of Harbors, Beaches and Parks

From:Gloria SeftonSent:Wednesday, October 17, 2018 11:40 AMTo:Chang, JoannaCc:Ray Chandos; Rich Gomez; Mike WellbornSubject:Zoning Code Update - Draft Tree Preservation OrdinanceAttachments:LetterReZoningCode_FTSP 2018-Oct-17.pdf

Dear Joanna -

The attached letter is submitted for County staff's consideration as the next iteration of the Tree Preservation Ordinance is prepared. Please distribute to the members of the Planning Commission before the next "Orange is the New Green" workshop or hearing.

Thank you.

Regards,

Gloria

Gloria Sefton Attorney at Law

Date	Name	Торіс
11/17/2018	Gillian Martin	Tree Preservation
	Joel Robinson	Tree Preservation
11/23/2018		Tree Preservation
11/28/2018	Patricia DeLaunay	Tree Preservation
11/28/2018	Ashley Sullivan	Tree Preservation
11/29/2018	Hills for Everyone	Tree Preservation
11/29/2018	Trabuco Canyon's Women's Club	Tree Preservation
11/29/2018	Lisa Enochs	Tree Preservation
11/29/2018	Adam Smith	Tree Preservation
11/29/2018	Francesa Duff	Tree Preservation
11/29/2018	Saddleback Canyons Conservancy	Tree Preservation
11/30/2018	BIA/OC	Tree Preservation
11/30/2018	Sea and Sage Audubon Society	Tree Preservation
10/31/2018	Rose D'Esposito	Short-Term Rentals
10/31/2018	Sheila Harvey	Short-Term Rentals
10/31/2018	Joe Wang	Short-Term Rentals
11/1/2018	Noelle Minto	Short-Term Rentals
11/1/2018	Lamese Jadallah	Short-Term Rentals
11/1/2018	May and Ray Santos	Short-Term Rentals
11/27/2018	Mike Robbins	Short-Term Rentals
	Charlotte Seidnematollah	Short-Term Rentals
11/29/2018	Kathryn Daley	Short-Term Rentals
11/29/2018	Barbara and Richard Inskeep	Short-Term Rentals
11/29/2018	John Lowe	Short-Term Rentals
11/29/2018	Karen Lawson	Short-Term Rentals
11/29/2018		Short-Term Rentals
11/29/2018		Short-Term Rentals
	Brad Moshenko	Short-Term Rentals
11/29/2018		Short-Term Rentals
11/29/2018		Short-Term Rentals
	Scott Breeden	Short-Term Rentals
11/30/2018		Short-Term Rentals
11/30/2018		Short-Term Rentals
11/30/2018		Short-Term Rentals
	Steve Llebaria	Short-Term Rentals
	Diane Christian	Short-Term Rentals
	Diane Christian	Short-Term Rentals
	Bruce Budovec	Short-Term Rentals
11/30/2018	Michael Iwai	Short-Term Rentals
		Community Assembly, Cultural Institutions
		and Facilities, Commercial Entertainment
		and Recreation, Commercial Nursery and
11/29/2018	Foothill Communities Association	Garden Center
		ļ





December 3, 2019 - Attached are all public comments received regarding the "Orange is the New Green" Zoning Code Update that have been submitted to OC Development Services.

Section 1 includes comments related to the Tree Preservation Ordinance. Section 2 includes comments related to Short-Term Rentals. Section 3 includes comments related to miscellaneous/multiple topics. Section 1 - Public Comments related to Tree Preservation Ordinance

From: Sent: To: Subject:

Follow Up Flag: Flag Status: Gillian Martin Saturday, November 17, 2018 9:15 AM Zoning Code Team Tree Preservation Ordinance

Follow up Flagged

Dear Commissioners,

The Cavity Conservation Initiative supports adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Moreover, Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It's important that we take prudent measures to protect Orange County's natural resources, and this ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

We cannot assume that developers, planners and property owners understand or are concerned about the range of values that a tree brings to a project or to the community. We count on you to take seriously what science, the arboriculture industry and urban foresters report about the importance of mature, native trees. The growing impact of climate change makes this more imperative than ever. A new, young tree cannot readily replace what fifty to hundreds of years created. While we are supportive of the ordinance, we urge that ordinance apply in the entire canyon area where tree resources abound. This means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in *italics*):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area *and the Foothill/Trabuco Specific Plan area* of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in *italics*):

In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill/Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply.

Thank you for considering these comments.

Gillian Martin <u>Tree Care for Birds and other Wildlife Project</u> <u>Cavity Conservation Initiative</u> 949-412-0588

From:	Joel Robinson
Sent:	Monday, November 19, 2018 9:11 AM
То:	Zoning Code Team; Chang, Joanna
Subject:	Comments for Proposed Zoning Code Update (including Tree Preservation Ordinance)
Importance:	High

Comments for Proposed Zoning Code Update (including Tree Preservation Ordinance)

November 19, 2018

I support the adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our generous native trees provide countless services that are worth millions of dollars annually for the benefit of Orange County taxpayers, so it is our fiscal responsibility to secure their preservation as a means for continued economic growth. This is an exciting opportunity to replicate what other successful counties have already accomplished in order to guarantee that our natural heritage generates wealth far into the future.

The ultimate success of the Tree Preservation Ordinance is dependent upon the inclusion of mature native trees throughout the entire county, including all unincorporated areas. If county officials have difficulty including the entire county, the minimum boundaries for success must include the Foothill/Trabuco Specific Plan (FTSP) area and the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in italics):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in italics):

In case of a conflict between the provisions of the Silverado- Modjeska Specific Plan or the Foothill/Trabuco Specific Plan and the Zoning Code, the most stringent provisions shall apply.

Thank you for the consideration of my comments.

Please confirm via email that you have received my comments and included them in the official public record.

Joel Robinson



From:	Scott Sink
Sent:	Friday, November 23, 2018 9:56 AM
To:	Zoning Code Team
Subject:	preservation of mature oak trees
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hello. I live in Trabuco Canyon. I moved here because I enjoy the natural beauty and proximity to the Santa Ana Mountains. I was pleased to hear about a recent ordinance to protect oak trees. However, I'm not clear on how it works. I have also heard that the ordinance will only be enforced in Silverado and Modjeska, but not south of there in my area.

There are a couple mature oaks on my property, and my realtor told me that I'm not allowed to cut them down. However, I have seen some of my neighbors cut down oaks on their properties. Is that permitted? Any clarification would be helpful. Thank you.

From:	Patricia DeLaunay
Sent:	Wednesday, November 28, 2018 8:26 PM
To:	Zoning Code Team
Subject:	Comment re: Orange is the New Green/Zoning Code update
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hello,

I'm a resident of Trabuco Canyon and would like to submit a comment re: Zoning Code update.

I support the adoption of the Tree Preservation Ordinance as part of the Zoning Code update. I am deeply concerned for the conservation and protection of our native trees.

Please kindly enter my comment of support for The Tree Preservation Ordinance into the records.

Thank you, Patricia

--Kind regards,

Patricia DeLaunay

From: Sent: To: Subject:	Wednesday, November 28, 2018 8:58 PM Zoning Code Team I Support The Tree Preservation Ordinance being adopted into the Zoning Code
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hello!

I'm a resident of Rancho Santa Margarita and I Support The Tree Preservation Ordinance being adopted into the Zoning Code. Do you also enjoy such things as fresh air and breathing? Please help save our trees.

Kind regards,

Ashley Sullivan

From:	Melanie Schlotterbeck	
Sent:	Thursday, November 29, 2018 8:49 AM	
То:	Zoning Code Team	
Cc:	Claire Schlotterbeck	
Subject:	Comments on Tree Preservation Ordinance	
Attachments:	Hills For Everyone Comments on Tree Preservation Ordinance 112918.pdf	

Greetings,

Hills For Everyone submits the attached comments on the proposed Tree Preservation Ordinance. Please confirm receipt.

Sincerely,

Melanie



Founders of Chino Hills State Park

Melanie Schlotterbeck, CMP Technical Consultant (714) 779-7561 Melanie@Schlotterbeck.net www.HillsForEveryone.org

P.O. Box 9835 · Brea, CA 92822

Follow us: online | Facebook | Twitter | Instagram

November 29, 2018

Submitted via email to: <u>OCZoningCode@ocpw.ocgov.com</u>

OC Development Services/Planning Attn: Joanna Chang 300 North Flower Street P.O. Box 4018 Santa Ana, CA 92702

RE: Tree Preservation Ordinance

Dear Ms. Chang:

Hills For Everyone is a non-profit organization working to protect the 31 mile long Puente-Chino Hills Wildlife Corridor in perpetuity. We have been engaged in numerous projects before the Orange County Planning Commission and wish to convey our support for the adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update.

Our trees have already endured massive impacts from the prolonged drought, wildfires, and bug infestations. Orange County—and its canyons especially—would be a very different landscape without our native trees. This ordinance has been carefully crafted to protect native trees in the region where they are most abundant. Further, this policy is a step in the right direction considering Orange County is the last county in the Southern California Association of Governments (SCAG) region to consider/adopt this type of policy. It's important that we take prudent measures to protect Orange County's natural resources for the future.

It is surprising to us that the only area covered by this Ordinance is the Silverado-Modjeska Specific Plan. We believe the Foothill/Trabuco Specific Plan (FTSP) area should also be included in the Ordinance language since they are all part of the same foothill ecosystem and county unincorporated lands. We fully support the applicability of the Ordinance to both the Sil-Mod and FTSP regions. To this end, we request the Commission amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in *italics*):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area *and the Foothill/Trabuco Specific Plan area* of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in *italics*):

In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill/Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply.

Thank you for considering these comments.

Sincerely,

Claire Schlotterbeek

Claire Schlotterbeck Executive Director Hills For Everyone

From:
Sent:
To:
Subject:

RB Thursday, November 29, 2018 1:59 PM Zoning Code Team IMPORTANT: Tree Preservation Ordinance feedback

IMPORTANT: Tree Preservation Ordinance feedback

To Whom It May Concern:

It has been brought to our attention that the Tree Preservation Ordinance that is currently under review at the county level does NOT pertain to our own canyon area in Trabuco, nor will it be included in any of the areas covered by our Foothill/Trabuco Specific Plan.

While we support this ordinance, it is extremely vital that ALL rural canyon areas of the Orange County foothills be included. It is disingenuous to apply this type of ordinance to one small area when our county is in this prime position to protect one of its most important natural resources from further devastation.

Many of our longtime Trabuco Canyon residents, as well as the rangers at O'Neill Regional Park located in our canyon, have seen a tremendous die-off of our native trees in the past few years---unlike anything they have witnessed in the past. It is now time to wisely preserve what we have left.

Consider how important your actions today can be for the present and future of Orange County, and what a huge difference YOU can make by listening to its people, as well as the science behind this ordinance. Please, please include the Foothill/Trabuco Specific Plan under its protection.

We are counting on you.

Respectfully,

The Trabuco Canyon Women's Club, est. 1936 in Trabuco Canyon, CA Representing 72 family households

Submitted 11/29/2018 by Rena Bates-Smith, TCWC officer (per signed petition)

From: Sent: To: Subject:

Thursday, November 29, 2018 1:51 PM Zoning Code Team Tree Ordinance

I support adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Moreover, Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It's important that we take prudent measures to protect Orange County's natural resources, and this ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

While we are supportive of the ordinance, we urge that ordinance apply in the entire canyon area where tree resources abound. This means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in *italics*):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in *italics*):

In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill/Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply.

Thank you for considering these comments. Lisa Enochs Modjeska Canyon

From: Sent: To: Subject:

Thursday, November 29, 2018 2:20 PM Zoning Code Team 2nd Draft of Proposed Zoning Code Update (including Tree Preservation Ordinance)

We support adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Moreover, Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It's important that we take prudent measures to protect Orange County's natural resources, and this ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

While we are supportive of the ordinance, we urge that ordinance apply in the entire canyon area where tree resources abound. This means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in *italics*):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area *and the Foothill/Trabuco Specific Plan area* of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in *italics*):

In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill/Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply.

Thank you for considering these comments

Adam Smith Trabuco Canyon, CA

From: Sent: To: Subject: Francesca Duff Thursday, November 29, 2018 3:51 PM Zoning Code Team Tree ordinance

Gentlemen,

I support adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Moreover, Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It's important that we take prudent measures to protect Orange County's natural resources, and this ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

I believe that this ordinance should apply <u>in the entire canyon area</u> where tree resources abound. <u>This</u> means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the <u>Silverado-Modjeska Specific Plan area</u>. So please amend the ordinance to include both the silverware-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area.

Thank you.

Francesca Duff

Modjeska Canyon

From:	Gloria Sefton
Sent:	Thursday, November 29, 2018 5:03 PM
То:	Zoning Code Team
Cc:	Rich Gomez; Ray Chandos; Mike Wellborn
Subject:	Tree Preservation Ordinance
Attachments:	Tree Ordinance Support Letter 2018-Nov-29 with attachment.pdf

Dear Joanna -

Please see the attached comment letter from the Saddleback Canyons Conservancy and please confirm receipt.

Thank you.

Gloria

Gloria Sefton Attorney at Law Co-founder, Saddleback Canyons Conservancy

Saddleback Canyons Conservancy

P.O. BOX 1022 TRABUCO CANYON, CALIFORNIA 92678



November 29, 2018

VIA EMAILTO OCZoningCode@ocpw.ocgov.com

OC Development Services/Planning Attn: Joanna Chang 300 North Flower Street P.O. Box 4048, Santa Ana, CA 92702

RE: Comments on Updated Zoning Code "Tree Preservation Ordinance"

Dear Joanna,

The Saddleback Canyons Conservancy, based in Trabuco Canyon, is a non-profit citizens' group dedicated to protecting and enhancing the environment and quality of life in the Foothill-Trabuco Specific Plan ("<u>FTSP</u>") and Silverado-Modjeska Specific Plan ("<u>SMSP</u>") areas. Our efforts include environmental advocacy and active involvement in land-use decisions for projects in these unique and biologically rich rural canyon areas.

Consistent with our mission, we are writing to again express our support for adoption of the Tree Preservation Ordinance as part of Orange County's Zoning Code update. Tree preservation fits squarely with the stated intention of the Zoning Code update "to achieve a new standard of sustainability" and closes a critical gap in Orange County's protection of its natural resources. As we've previously stated, Orange County is the last county in the six-county Southern California Association of Governments (SCAG) region to adopt a tree preservation ordinance. It should do so. The workshops have resulted in a tailored ordinance that addresses the input of interested parties.

However, it would be a significant shortcoming and contrary to the original goal of protecting native trees in the canyons if the ordinance did not apply in the <u>entire canyon area</u>, i.e., in the FTSP area as well as the SMSP area. The propriety of extending the tree ordinance to the FTSP area is detailed in a previous letter, which we co-signed with Friends of Harbors, Beaches and Parks and Rural Canyons Conservation Fund (attached).

Accordingly, we request that the first sentence of the Tree Preservation Ordinance (7.9.69) be amended as follows (added text in *italics*):

"This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area *and the Foothill-Trabuco Specific Plan area* of the County of Orange." and section 7.9.69.2(b) be amended as follows (added text in *italics*):

"In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill-Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply."

Thank you for your efforts and for considering our comments. Please forward this letter for consideration by the Planning Commission.

Sincerely,

Gloria Deffm

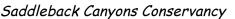
Gloria Sefton Co-founder

Cc: Rich Gomez

Rural Canyons Conservation Fund









Members of the Orange County Planning Commission c/o OC Development Services/Planning Attn: Joanna Chang P.O. Box 4048 Santa Ana, CA 92702 Via Email Attachment to: <u>OCZoningCode@ocpw.ocgov.com</u>

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update

Dear Commissioners:

We have, from its inception, supported the Orange County Tree Preservation Ordinance, and advocated for it to apply within the Foothill Trabuco Specific Plan (FTSP) area where many, if not most, of the trees proposed for protection exist. We were very disappointed, therefore, to read in the planning staff's September 12 report to the Planning Commission that the current draft ordinance would apply only within the Silverado-Modjeska Specific Plan area. We were further disappointed and surprised to hear Deputy County Counsel Nicole Walsh say that the Orange County Zoning Code (Zoning Code), which would contain the Tree Preservation Ordinance, cannot be applied within the FTSP area because the FTSP was enacted by ordinance and thus categorically pre-empts all provisions of the Zoning Code there. The purpose of this letter is to dispute the latter contention.

We assert that the Zoning Code does apply to the FTSP area, by its own explicit terms, and in fact has been applied within the FTSP area.

First, the Zoning Code states that it applies to all unincorporated land within the County, with exceptions only as delineated within the Zoning Code itself.

Property to Which Applicable: The Zoning Code shall apply to all unincorporated land within the County of Orange, except as otherwise provided by this section. (Zoning Code Section 7-9-20 (a).)

Nowhere within the Zoning Code does it exempt the FTSP area.

Second, the Zoning Code explicitly sets forth how its provisions are to be harmonized with any other provision of law in the event of overlap, duplication or conflict.

Duplicated Regulation: Whenever any provision of the Zoning Code and any other provision of law, whether set forth in this Code or in any other law or ordinance, impose overlapping or contradictory requirements, or certain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the Zoning Code. (Zoning Code Section 7-9-20 (b).)

Third, certain provisions of the Zoning Code explicitly apply within the FTSP. For example, the Arroyo Trabuco area within the FTSP is zoned "Floodplain Zone 2" (FP-2) on the Orange County Zoning Code map, as provided for by Section 7-9-113.2:

This district may be combined with any other district. In any district where the district symbol is followed by parenthetically enclosed "(FP-1)," "(FP-2)," or "(FP-3)," the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district and the FP suffix shall constitute the combining district. In the event of conflicting provisions between the base district and the combining district, the requirements of the FP-1, FP-2 or FP-3 shall take precedence. (Zoning Code Section 7-9-113.2.)

Similarly, the Zoning Code provides for wireless communication facilities, explicitly overriding any conflicting County ordinance or regulation:

Sec. 7-9-146.13. - Performance and development standards for wireless communications facilities.

•••

(p) *Conflicting Ordinances*. In the event that any County ordinance or regulation, in whole or in part, conflicts with any provisions in this section, the provisions of this section shall control. (Zoning Code Section 7-9-146.13 (p).)

We note further that the FTSP explicitly incorporates provisions of the Zoning Code. For example:

This document, in conjunction with the Orange County Zoning Code and other applicable ordinances, represents the Specific Plan for the Foothill/Trabuco area. It has been prepared in accordance with California Government Code (Sections 65250, et seq.). Unless otherwise provided for within this document, all future development in the Specific Plan Area must be found consistent with the Specific Plan Components, the Land Use District Regulations and the Development and Design Guidelines. (FTSP I.A.)

Building setbacks. Per Zoning Code Section 7-9-128 and 7-9-13, except as follows: (FTSP III.D.8.8 b.)

In conclusion, both the Zoning Code and the FTSP currently govern land use within the FTSP area in a harmonious, complementary, and clearly defined manner. As indicated above, other ordinances (e.g., wireless communication facilities) apply in specific plan areas (including the FTSP area), so we see no valid reason why the provisions of the Tree Preservation Ordinance, within the Zoning Code, should not be extended to the FTSP area. We urge that the scope of the Tree Preservation Ordinance be revised to include the FTSP area in addition to the Silverado-Modjeska area so that tree protections will be consistent within the canyon specific plan areas.

Sincerely,

Ray Chandos

Ray Chandos Secretary/Treasurer Rural Canyons Conservation Fund

Alvin Seften

Gloria Sefton /s/ Rich Gomez Co-founders Saddleback Canyons Conservancy

Wiemel Wells

Michael Wellborn President Friends of Harbors, Beaches and Parks

From:	Adam Wood <awood@biaoc.com></awood@biaoc.com>
Sent:	Friday, November 30, 2018 11:34 AM
То:	Chang, Joanna; Maldonado, Ruby
Subject:	BIA/OC Comment Letter - Tree Preservation Ordinance
Attachments:	BIAOC November Tree Preservation Comment Letter.pdf

Hi Ruby and Joanna,

Attached is the comment letter from BIA/OC regarding the current iteration of the Tree Preservation Ordinance. I'll send a copy to Terry Cox as well.

Thanks and looking forward to the next steps on Orange to Green.

-Adam

Adam S. Wood Director of Government Affairs Building Industry Association | Orange County Chapter (BIA/OC) 24 Executive Park, Ste 100 Irvine, CA 92614 (949) 553-9500 ext. 860 (949) 777-3860 Direct AWood@biaoc.com



November 29, 2018

Mr. Colby Cataldi Deputy Director Orange County Public Works 300 N. Flower St. Santa Ana, CA 92703

Re: Tree Preservation Ordinance

Dear Mr. Cataldi:

On behalf of our membership, I write to express our continued opposition to the Tree Preservation Ordinance.

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people in the home building industry.

Over the course of the last several months, BIA/OC has provided comments on Tree Preservation Ordinance drafts, outlining our concerns in detail. Each version has jeopardized the careful balance Orange County has achieved between property rights and preservation. Despite the many alternatives, in all instances, each variation shares a common flaw that makes support unattainable. Each approach directly burdens individual property rights, devalues land, restricts freedoms and places incalculable costs on development.

The proposed language for this hearing is no different. Under consideration is the largest and most expansive list of trees and shrub ever considered and that stands to hopelessly complicate any site assessment without the aid of expert arborists. This will add costs and slow site reviews in an incalculable fashion.

The proposed language is also burdensome in that it requires a 15-1 replacement requirement for some trees while others fall on a continuum of 5-12 trees per single removal. Whether it is 15, 5, 8 or 12 per single tree, significant complications will arise from these requirements, not to mention cost and project delays. This is further exacerbated by minimum size requirements on any replacement tree that will undoubtedly result in significant disputes before final approvals are granted.

The proposed language also creates a new governmental hurdle in that it will establish a Tree Preservation Permit application. First an expert will need to be hired to identify tree species, then a property owner will have to explain why "removal and/or encroachment into the Tree Protection Zone is necessary."

Further, a property owner must explain to the government why "removal and/or encroachment into the Tree Protection Zone is more desirable than alternative project designs." Finally, the language proposed requires that protected trees, "shall be shielded from damage during construction by a protective fence a minimum of four (4) feet in height" and shall be "installed prior to the commencement of any development on the site and shall remain in place throughout the construction period." PRESIDENT MIKE GARTLAN KB HOME

VICE PRESIDENT RICK WOOD TRI POINTE HOMES

TREASURER/ SECRETARY SUNTI KUMJIM MBK HOMES

IMMEDIATE PAST PRESIDENT PHIL BODEM TRI POINTE HOMES

TRADE CONTRACTOR V.P. ALAN BOUDREAU BOUDREAU PIPELINE CORPORATION

ASSOCIATE VICE PRESIDENT MARK HIMMELSTEIN NEWMEYER & DILLION, LLP

MEMBER-AT-LARGE PETER VANEK FOREMOST COMPANIES

MEMBER-AT-LARGE SEAN MATSLER COX CASTLE & NICHOLSON, LLP

> EXECUTIVE OFFICER STEVE LA MOTTE

24 Executive Park, Suite 100 Irvine, California 92614 949.553.9500 | biaoc.com Such requirements dramatically undermine property rights and create significant litigation exposure for anyone doing work on their property.

It is also important to keep in mind that these requirements adhere to a region where no inventory of trees exist. The requirements of this section could make all future development economically infeasible. There is no way to determine the cost and scope of impact this language will have on property owners now and into the future. As mentioned in previous comments on this proposal, staff has done an excellent job of outlining the number of parcels impacted, but without an inventory of trees on those parcels, there is no way to calculate scope, real world costs, or any actual impact this Ordinance could have.

While the scope of the Ordinance has been limited to the Silverado-Modjeska Specific Plan, and we appreciate the incentive-based options in Section 7-9-69.4(c)(6), the policy itself remains deeply troubling. In effect, approval of this language is paramount to asking land owners within the Plan to write a "blank-check" that could grind many opportunities to a halt. At a time when we are faced with a housing crisis caused by a critical lack of supply, now is not the time to add further burdens to land with housing opportunity.

Respectfully,

Steven C. LaMotte Chapter Executive Officer

From:	Susan Sheakley
Sent:	Friday, November 30, 2018 3:14 PM
То:	Chang, Joanna
Cc:	Scott Thomas
Subject:	Second Draft of the proposed Zoning Code Update (which includes the Tree Preservation Ordinance)
Attachments:	SASAS_11_30_2018_Zoning_Code_update.pdf; ATT00001.txt

Dear Ms. Joanna Change: please accept this comment letter on the Second Draft of the Proposed Zoning Code Update (which includes the Tree Preservation Ordinance) on behalf of Sea and Sage Audubon Society, an Orange County Chapter of the National Audubon Society representing nearly 3500 members in Orange County.



P.O. BOX 5447, IRVINE, CA 92616-5447

(949) 261-7963

November 30, 2018

Ms. Joanna Chang, Land Use Manager OC Public Works/Development Services, 300 N. Flower St. Santa Ana, CA 92703

Subject: Second Draft of the Proposed Zoning Code Update (which includes the Tree Preservation Ordinance)

Dear Ms. Chang:

I submit these comments on behalf of nearly 3500 members of Sea and Sage Audubon Society, an Orange County Chapter of the National Audubon Society.

We support adoption of the Tree Preservation Ordinance as part of the OC Zoning Code Update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It is important that we take prudent measures to protect Orange County's natural resources. The Tree Ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

We urge that the ordinance apply in the entire canyon area where tree resources abound. This means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation to read as follows (added text in *italics*):

"This section shall apply to all Protected Trees on parcels that are equal to or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area of the County of Orange".

And amend 7.9.69.2(b) as follows (added text in *italics*):

"In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill/Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply." Thank you for considering these comments.

Please provide Sea and Sage Audubon with future information about the Zoning Code Update at susansheakley@cox.net.

Respectfully,

Susan Steaklag

Susan Sheakley Conservation Committee Chair Sea and Sage Audubon Society www.seaandsageaudubon.org

Section 2 - Public comments related only to the Short-Term Rentals Ordinance

From: Sent: To: Subject:	Wednesday, October 31, 2018 3:21 PM Zoning Code Team Air B&B on Calle Roja in North Tustin (off Browning)
Follow Up Flag:	Follow up
Flag Status:	Flagged

This is a nightmare having thus hotel like thing in our backyard......l drove up there last Sat. night, there were 2 men wobbling down the street so drunk they barely could stand up.....l wouldn't want this next door to me We're a family neighborhood......it isn't zoned for hotels so let's get rid of the VRBO, Air B & B in our neighborhood.

Rose D'Esposito

From: Sent: To: Subject: Follow Up Flag: Flag Status:	Sheila Harvey Wednesday, October 31, 2018 8:19 PM Zoning Code Team Neighborhood disturbance via short term rental Follow up Flagged
me	Sheila Harvey
Email Address	
Address	
City	Santa Ana
State	CA
Zip Code	92705
Phone Number	714-609-1043
Fax Number	Field not completed.
Best time to reach you:	Any time via mobile
Necessary addresses and inquiry details:	Throughout the summer the owners of the property located at 1951 Calle Roja, Santa Ana, MR and Mrs.Brad Lockhart have been hosting large gatherings advertised on Air B&B, VRBO and homeaway in our residential community. It has created a severe neighborhood annoyance because of parking, noise and unruly participants, often numbering over 100. We as neighbors have contacted Air B&B and the Lockharts through an attorney but the events continue. The Lockharts are in fact taking reservations for 2019 for their property. We understand that per County Ordinance owners are allowed no more than 4 large gatherings per calendar year. The Lockharts have 3-4 per month. We are requesting that County contact the Lockharts regarding this and demand that they cease and desist from offering their property as a wedding and reception venue. In fact, local wedding planners are suggesting this location to their clients. This is operating a business in a residential community, creating a neighborhood disturbance and endangering the safety of the neighbors.

From:	Joe Wang
Sent:	Wednesday, October 31, 2018 10:27 PM
То:	Zoning Code Team
Subject:	Complaint about Air BnB / Short-term rentals on 1951 Calle Roja, Santa Ana
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hello,

My family currently live on the weak of the since enjoyed living here until we begin to notice frequent parties hosted on 1951 Calle Roja (Street directly across from my home). At first we thought, it was just the owner who enjoys hosting friends and family. Later we realized that property was listed on Air BnB and on other "short-term" rental website like Home Away and VRBO.

I personally have emailed the owners of the property (Mr. and Ms. Lockharts) and try to understand their intended purpose to list the property on such website. They told me there will be frequent weddings hosted on their property but they'll make sure the weddings will not affect the neighborhood. This communication was done earlier during this summer and turned out they lied.

I've counted on average they've hosted at least 2 weddings per months during summer and increased in frequency until this month. At least seven or more (I lost count) weddings and large gathering/parties hosted on their property during the weekends. Most events involve more than 50 or so guests. One event reached around 100 or so guests. I've complained to the owners that people had left the party drunk after the event and left beer bottles and cigarette butts on my front lawn.

I have repeatedly communicated with the Lockharts and towards the end they simply ignored me. Other neighbors who're also affected by this unfortunate events have gathered together and have engaged with a law firm to handle the complaints formally with Air BnB and directly with the Lockharts. Thankfully AirB&B came to its senses and delisted their listing but I've heard from other neighbors that their home is still listed on other short-term rental websites and maybe they have engaged in other events planners to allow them to host events on their property for a fee.

It is extremely distressing to learn the owner of 1951 Calle Roja is allowed to conduct business like this in a residential area week in and week out. I wonder if they have the proper permit to turn their residential home into a commercial venue for hosting large parties like weddings and parties. In addition, if an event such as fire or some accident where the adjacent properties can be impacted as well. These are questions I have imposed to the owner and they've yet responded to those concerns properly.

If we exercise some common sense we all can agree there is a reason why certain areas are considered as "residential area" while others are considered as "commercial area". If they rent their property as rentals for people to live in normally I believe most of us will not have a problem with that. However, the owner of 1951 Calle Roja has taken this a bit too far. Hosting weddings, parties, and events involving live music, parking requirements, and alcohol should be done elsewhere.

Some of us living near 1951 Calle Roja have decided to bring this issue to you and ask something to be done about this. I simply ask that this type of usage of property in this area be formally stopped before something stupid happens at one of those future events hosted on that property because of ignorance and greed by the Lockharts.

Joe Wang

From:	Noelle Minto
Sent:	Thursday, November 01, 2018 11:28 AM
To:	Zoning Code Team
Subject:	COMPLAINT - 1951 Calle Roja Santa Ana CA
Follow Up Flag:	Follow up
Flag Status:	Flagged

There is a neighbor behind my home in North Tustin (off Browning and La Colina) which is extremely loud and disruptive, leaving trash and loitering parties roaming the residential neighborhood. I believe the owner is operating a party business out of this house which is otherwise vacant during the week. It is ridiculously loud and causing major problems with safety and trash. Please be proactive and investigate them for zoning violations forthwith. Further information can be found with the Sheriff's department as there have been numerous and frequent complaints over the last 6 months. Thank you,

Noelle R. Minto Attorney at Law



www.mintocounselors.com

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From:	Lamese Malley Jadallah
Sent:	Thursday, November 01, 2018 9:57 AM
То:	Zoning Code Team
Subject:	Short term rentals complaint
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hello,

My name is Lamese Jadallah, I am a resident of **Sector** I am currently living next door to a short term rental at 1951 Calle Roja, Santa Ana. Ca. 92705. This property has been a short term rental for about year now. There are at least 10-20 + occupants daily, they have had roughly 15 weddings to date with approximately 100-200+ guests at a time. This seems to be a business the property owners, Brad and Lisa Lockhart's are running. This house is in the back of a cul de sac and is a huge nuisance. 1)The Parking, has taken over our homes. I've been blocked by the cars along both sides of my home. they double park In the cul de sac and there is no way a ambulance or fire department would get through. Especially on weekends! 2)The Noise, at all hours...parties, fights, music, microphones, motorcycles, trucks, cars etc. 3) The Strangers, there is a new group of people every 3-4 days. People walk around our street, just imagine like a hotel. Sometimes even on my property people are standing there. We are constantly looking over our shoulders in fear of who's in this house? What kind of people are they? What if they do something to me and my family. There Is no sense of feeling safe in my own home or street. What can the city do for the residences surrounding this this property?

Thank you, Lamese Jadallah

Sent from my iPhone

From: Sent: To:	May Santos Thursday, November 01, 2018 3:36 PM Zoning Code Team; Casillas, Christopher; Leila.Holzen@ocpr.ocgov.com; Rosas, Marysol
Subject: Follow Up Flag:	1951 Calle Roja, Santa Ana Follow up
Flag Status:	Flagged

Throughout the summer the owners of the property located at 1951 Calle Roja, Santa Ana, Mr. and Mrs. Brad Lockhart have been hosting large gathering advertised on AIR B&B, VRBO and homeaway in our residential community. It has created a severe neighborhood annoyance because of parking, noise and unruly participants, often over 100. We as neighbors have contacted Air B&B and the Lockharts through an attorney but the events continue. The Lockharts are in fact taking reservations for 2019 for their property. We understand that per County Ordinance owners are allowed no more than 4 large gatherings per calendar year. The Lockharts have 3-4 PER MONTH. We are requesting that the County contact the Lockharts regarding this and demand that they cease and desist from offering their property for such large events. They are mainly advertising their property as a wedding and reception venue. In fact, local wedding planners are suggesting this location to their clients. This is operating a business in a residential community, creating a neighborhood disturbance and endangering the safety of the neighbors.

Requesting your prompt attention and action to resolve this matter.

Thank you. May and Ray Santos

From:	
Sent:	
To:	

Subject:

May Santos Thursday, November 01, 2018 3:57 PM Zoning Code Team; Casillas, Christopher; Rosas, Marysol; Leila.Holzen@ocpw.ocgov.com Fw: 1951 Calle Roja, Santa Ana

----- Forwarded Message -----From: May Santos To: OCZoningCode@ocpw.ocgov.com ; Christopher.Casillas@ocpw.ocgov.com ; Leila.Holzen@ocpr.ocgov.com ; Marysol.Rosas@ocpw.ocgov.com Sent: Friday, November 2, 2018, 6:36:01 AM GMT+8 Subject: 1951 Calle Roja, Santa Ana

Throughout the summer the owners of the property located at 1951 Calle Roja, Santa Ana, Mr. and Mrs. Brad Lockhart have been hosting large gathering advertised on AIR B&B, VRBO and homeaway in our residential community. It has created a severe neighborhood annoyance because of parking, noise and unruly participants, often over 100. We as neighbors have contacted Air B&B and the Lockharts through an attorney but the events continue. The Lockharts are in fact taking reservations for 2019 for their property. We understand that per County Ordinance owners are allowed no more than 4 large gatherings per calendar year. The Lockharts have 3-4 PER MONTH. We are requesting that the County contact the Lockharts regarding this and demand that they cease and desist from offering their property for such large events. They are mainly advertising their property as a wedding and reception venue. In fact, local wedding planners are suggesting this location to their clients. This is operating a business in a residential community, creating a neighborhood disturbance and endangering the safety of the neighbors.

Requesting your prompt attention and action to resolve this matter.

Thank you. May and Ray Santos

From:

Sent:

To: Subject:

mike robbins Tuesday, November 27, 2018 7:50 PM Zoning Code Team STRs Follow Up Flag: Follow up Flag Status: Flagged

STRs are crazy Hotels in residential areas were not permitted dating back to Roman days.

They ruin the infrastructure of the neighborhood - neighbors not strangers.

My neighbor was sick and the whole neighborhood was there for him. He had some problems falling down and his wife could not pick him up even with the live in helper. So all the neighbors were on call to help if they needed it.

Each house represents a family that includes some children statistically and they go to school. No family, no kids, less teachers needed.

All the STRs that are near my house have had parties in the last few years where the police were called - all the STRs as there are around 10 within 20 houses in every direction. Some neighbors have had altercations with the party goers. No house within my 60 house track has ever had the police called for a party EXCEPT the STRs. Neighbors care, conventioneers and vacationers do not.

I read a review online where the people loved that they could put 11 kids in one room.

Finally the TOT taxes go to the city or county and every hotel suffers when 35 people stay in a house instead.

Thanks Mike Robbins

From:	Charlotte Seidnematollah
Sent:	Wednesday, November 28, 2018 9:58 PM
To:	Chang, Joanna
Subject:	STR
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hi Joanna: This e-mail is regarding the STR Section of Zoning codes most recent suggested changes by the Planning Commission. After reading could you please forward it for me to the STR comments website and also send a copy to the Planning Commission. I would appreciate it. Thank you so very much.

Myself and others attended the September meeting in which zoning changes for the OC Unincorporated areas were discussed and we all spoke regarding the, at the time, latest revision of suggested changes regarding the Short Term Rentals. My group has a vested interest in this subject of STRs because we have personally experienced huge grief by being forced to live next to numerous of these. These experiences have totally destroyed the quality of our lives. We know from personal experience what living next door, behind or in front of an STR does to your life.

Those of us who have experienced living next to an STR do not feel they should be allowed in our residential neighborhoods. We have Sober Living Homes, Halfway Houses, Nursing Care Homes, Section 8 Homes and Short Term Rentals. These new group homes are changing our neighborhoods.

The particular problem about an STR is that once they are allowed to start they spread like wildfire. You will have more and more until there are too many everywhere. This happened in Anaheim where I live and has happened to many other cities. Anaheim allowed them. Then they grew overnight and then the neighbors started complaining. This is and will happen in the unincorporated areas just the same as it is doing everywhere. When they become too many neighbors start to go to the leaders and complain. But sadly it is too late. Now the STRs ban together and sue if a city or county tries to stop them like in Anaheim. Now it is too late. They don't go away. It is happening everywhere. Like a plague.

I live in Anaheim but a huge ten bedroom STR opened up behind my home on Greenwich Lane off Broadway Street near Brookhurst St. in the county Unincorporated Island area three and a half years ago. They installed a new pool and jacuzzi right up against my wall and the neighbor's wall. Every three to five days to a week large groups of strangers ascend on this house and go straight to the pool in the back yard and start screaming and yelling. As soon as one group leaves another comes and the cycle of constant noise never ends. I have been complaining for three years to the county about the nuisance but no one does nothing. My life has been a living Hell since then. A long battle with county officials not caring.

Then I found out about a July 13th meeting for zoning changes were being discussed by OC Planning Dept. The initial recommendation by Planning staff stated: STRs will NOT be allowed in single family residential neighborhoods because it causes an adverse effect on the neighborhood. That was presented to the Planning Commissioners. They however, it seems, like them so they instructed the staff to go back to the drawing table and find a way to allow them. So the next revision from staff suggested a Home Sharing plan for strs but only if the house was the primary residence of owner. But again the Planning Commissioners were not happy. They wanted NO restrictions. July allow them unfettered into the unincorporated areas.

So it was apparent. The Commissioners chose to ignore Staffs original and second recommendations and they also chose to ignore the pleas of homeowners who spoke and pleaded that these STRs not be allowed in the residential neighborhoods. Staffs recommendations were based on factual experiences in other cities and what was happening. Residents comments were based on real life experiences. All ignored. WHY???

Because as stated in the July meeting. One commissioner owns two STRs as he stated. One stated he used them and they beautify the neighborhood. One stated he feels they should be allowed and regular code enforcement can take care of it same as a regular long term rental. He stated he sees no difference. Code enforcement never has done anything about the chronic nuisance one behind me.

What I did not hear.....Not one commissioner had any interest in what the residents felt. Do they want them or not. No one seems to care about that. I can personally assure you the residents don't want them in these neighborhoods to take over. I asked the commissioners at a different meeting in September...."Don't you think you should be asking the residents how they feel?". It seems it is too big of a task to ask how the residents feel.

The people who want these are people who own STRs, the Real Estate world and the investors they sell houses to. And of course the people who use STRs for vacation, etc. There is big money being made in the Realty World when selling houses to investors who then turn the houses into a Short Term Rental. Some of these are on the Planning Commission. So to those of us who are aware we feel there is a great wrong being done.

Myself and others have gone door to door and spoken to a lot of people living in the unincorporated area and we have learned two things: First...people have no clue about what is going on in regards to zoning changes. No clue that the county is changing zoning codes to allow STRs. Second ...approximately 98% of the people we have spoken with do not want an STR next to them in their neighborhoods. People do not buy a house and make it their home, fix it up, live their lives in it, raise families, pay a mortgage for years to then wake up one day with their street now having mini motels everywhere. Now on a daily basis they see a whole lot of strangers coming and going.

Since the STR behind me opened up three and a half years ago two more opened up across from it and two to three more are in the process on the same street. This will happen everywhere if allowed. The residents don't want this. They are concerned their neighborhood is becoming a motel alley of STRs. Only those who are profiting monetarily want them. And the residents are paying the price. Those of us who have voiced our opinions are greatly saddened at the total lack of concern for neighborhoods and it's residents. The county has not cared to stop the nuisance behind me. How are they going to stop a lot of nuisance houses. It would seem so far, the Planning Commissioners want them and other opinions don't matter. You can say all you want the STRs are no different than a long term rental. That is just absolutely NOT TRUE. The difference is in one word. CONSTANT. STRs are a constant SOURCE of nuisance because it is not a long term resident who can be reported once or twice for nuisance and conforms. The STRs have to be reported CONSTANTLY because the residents are constantly changing. And to those who think not most STRs are good and not a nuisance and can be controlled. Even if an STR is not being loud no one wants houses all over their street that is a revolving door for strangers every day. No one wants a bunch of motels on their street. We don't feel safe. And for those who believe STRs raise the value of our property.....Let me ask you if I decide I can't take it anymore living next to this monster and I decide to put my house up for sale what do you think will happen when I have to disclose what is behind me? No one is going to buy my house unless I give it away. So it does not raise MY property value. And if I don't disclose what is behind me I can get my butt sued after selling it when the new owner finds out what is behind them. Such a shame that the residents don't matter. So far comments like mine and others have fallen on deaf ears. And this one will probably be the same. ButI have to try. Our Neighborhoods are at stake.

It is so easy for you to allow STRs in our neighborhoods because you don't live next to them. Maybe there should be a rule you can only open an STR if it is next to where you live. We are the ones who suffer while you tell yourself they can be regulated. They can be controlled you say. By who I ask? Nobody believes us when we tell you they are a nuisance. The county does nothing to enforce it's nuisance laws. The county always complains it has no money or not enough man power to enforce anything. And the STR owners have no clue what goes on at their houses because they do not live next door to see anything. And no one wishes to believe us.

When the very people who are suggesting and making the rules are heavily invested in the Real Estate world and Investor world and Property Management world and the STR world and have all the power to get what they want set up then something is definitely Not Right!!!!!!

THE RESIDENTS NEED TO MATTER MOST!!!!!!! DO NOT DO THIS. DO NOT DESTROY THE LIVES OF RESIDENTS. DO NOT TURN RESIDENTIAL NEIGHBORHOODS INTO MOTEL DISTRICTS. DO NOT DESTROY THE RESIDENTIAL NEIGHBORHOODS. . LEARN A LESSON FROM OTHER CITIES WHO HAVE TRIED TO REGULATE THEM.

Charlotte Seidnematollah An STR Victim



From: Sent: To: Subject: Kathryn Daley Thursday, November 29, 2018 10:15 AM Zoning Code Team STRs

Please STOP STRS in Anaheim. We live on a quiet cul-de-sac and we'd like to keep it that way. We have friends who are dealing with an STR next door to them. The extra traffic is unbelievable-there have been large noisy parties, even weddings! And the fact that there are strangers in and out of your neighborhood on a constant basis makes you feel a bit nervous and afraid, especially for the children living nearby. Think about how you would feel to have your neighbors changing on a regular basis!

We live in a residential area, not a business area. STRs are definitely a business!!!

Kathryn and Frank Daley

Sent from my iPhone

From: Sent: To: Subject: Barbara Inskeep Thursday, November 29, 2018 12:25 PM Zoning Code Team STR'S

I live at **a second second second second**. I have paid good money to live in a residential neighborhood and do not want outsiders renting out STR houses. That is what hotels are for. It has impacted the enrollment in our schools. It has impacted the townhomes because they are being taken over by STR'S. The party's and traffic it brings to the once quiet neighborhoods. I pay my taxes and we should have a voice as a homeowner NOT wanting STR'S.

Richard & Barbara Inskeep

Sent from my iPhone

From: Sent: To: Subject: John Lowe Thursday, November 29, 2018 12:26 PM Zoning Code Team Sherwood Village STR Problems

My name is John Lowe and I'm the Board president for Sherwood Village HOA at Orangewood and West in Anaheim. We have had this takeover of mini hotels in our residential neighborhood since around 2014. It has been very disruptive to the quality of life for folks who assumed they were buying a house to live in, kids playing and growing up together, others growing old with their neighbors, and our general neighborhood comaraderie. Instead, the STR's have cars parked behind garages blocking access to our residents, noise all hours of the day and night, people returning from Disneyland or the Convention Center late at night with loud daytime voices, someone walking into YOUR residence because they thought they had the right house (yes this happens), screaming children, large groups of party folks in the pool with glass bottles, honking horns to "hurry" the family to the car, kids running up and down stairs annoying the neighbor with the attached wall, trash bins being filled to overflow, etc. I could give you more examples, but I believe you get the point.

I want to bring to your attention our internal problems. As an Association with rules and CC&R's, we handle our violations internally without notification to the City of Anaheim Code Enforcement team, and the city and/or county do not know how bad our problem really is on a weekly basis. We regularly have violations of our rules and CC&R's, most violations are STR's and they are repeat offenders so they are summoned to hearings (which they rarely attend), fined repeatedly, sent cease and desist letters, or they lose common area privileges.

These violations are very annoying to our community and our residents, with lodgers coming and going all hours of the day and night. We can't even have an effective Neighborhood Watch program because of all of the strangers wandering through our community at all hours of the day and night. Imagine if a visitor from another country comes to stay, has illicit contact with a child that doesn't go reported or investigated for days, and said perpetrator is already on a plane to his next country. GONE! Hotels have security systems in place to handle such scenarios, STR's DO NOT.

Hotels also have security to immediately handle unruly, loud, intoxicated visitors and will shut them down immediately. Anaheim residents only have the STR Code Enforcement team to help us. Sometimes they don't have time to help or arrive later then expected which may result in a confrontation with the visitors. These are very real scenarios that can and will happen again.

It may be time consuming but I'm going to research and tally up our internal violations and submit them to the city and county for violations since 2014. There were many violations unreported to the city and hundreds of dollars in fines. These violations continue to happen and the STR operators just pay the fines because they are making very good money running their hotel-like business in residential areas.

Please help us Orange County residents by not allowing these hotels in residential neighborhoods. If these STR operators would buy a large hotel and run a legitimate business, problem solved.

Thanks for your time,

John Lowe Sherwood Village Anaheim

Board of Directors



From: Sent: To: Subject: Karen Lawson Thursday, November 29, 2018 2:30 PM Zoning Code Team STR's

It has come to my attention that you are planning to allow STR's. I can't begin to describe how much I despise them. The block I live on is not particularly long, yet there are already 4. Parking is already tight but with the number of people renting these places it makes it almost impossible. They aren't just rented to families taking a vacation. They're rented for weekend parties, people who don't care that they are in a neighborhood where people need to sleep. I've come out to see them vomiting in the street, leave their trash and beer bottles out for those of us that actually live here have to clean up. We're the people who live here and are the voters. Attention should be paid to us and not the STR companies.

Regards, Karen Lawson Anaheim, CA Sent from my iPhone

From: Sent: To: Subject: Reatha Thursday, November 29, 2018 3:59 PM Zoning Code Team STRS

I had a str rental next door all we had were problems 20 people on vacation partying all hours. Hanging out front smoking on sidewalk throwing their butts on sidewalk.

They are a hotel with no supervision, which shouldn't be in a residential neighborhood.

Sent from my iPhone

From: Sent: To: Subject: Ruth Moore Thursday, November 29, 2018 5:32 PM Zoning Code Team; mike robbins; MooreRuth Stop STR's

Please stop all STR's. There is just too much noise, drinking, swimming pool noise, city code violations, etc.

And Anaheim has no code enforcement at night or weekends when violations occur!!!! That's like saying, "Don't break into houses, but we don't have any police at night anyway."

People have been burnt out about calling in. They are exhausted going to the offending STR and asking for quiet. Landlords are too far away to correct the offenders. No one is in control!!

Pls stop these STR's !

Sent from my iPhone

From:	Brad Moshenko
Sent:	Thursday, November 29, 2018 6:07 PM
То:	Zoning Code Team
Subject:	Orange is the New Green/Zoning Code update

Hello, I'm a resident of Trabuco Canyon and would like to submit a comment re: Zoning Code update. I support the adoption of the Tree Preservation Ordinance as part of the Zoning Code update. I am deeply concerned for the conservation and protection of our native trees.

More importantly the COMMUNITY that lives here has repeatable shown that we dont wish for anyone to be, cutting trees, expanding the road, building track homes, building sewers, etc.

Please stop disregarding what the residence, WHO LIVE HERE, wish in their own community. Please kindly enter my comment of support for The Tree Preservation Ordinance into the records.

--

- Brad

From:	janet bieler
Sent:	Thursday, November 29, 2018 6:09 PM
То:	Chang, Joanna
Subject:	Short term rentals

Hi Joanna, are we ever going to see short term rentals STOPPED. airb&b and home alone!!!! Sent from my iPhone

From:	Matt Biel
Sent:	Thursday, November 29, 2018 11:28 PM
То:	Zoning Code Team
Subject:	Owner comments re: Short Term Rentals

PLEASE MAKE STR'S A PART OF ORANGE COUNTY!

My wife and I first used VRBO eight years ago to book a home for our family reunion. It was such an incredible, familychanging experience that we now get together with our sibling families every single year all over the country, each time renting a nice house for our extended family of 16. Our experience would not have been able to have happened in any hotel. There is no kitchen and family room to gather, no living room to play board games, no space large enough for everyone to be together.

It was such an amazing experience for us that my wife, who is a stay-at-home mom raising our three children, decided that she wanted to purchase a home and provide a space like the ones we stayed in, to bring the same kind of joy to other families. The fact that she now earns money from her property investment is a wonderful thing, but the real payoff is in the dozens of notes and heartfelt letters from families just like ours, thanking her for the warm home she provided for their family bonding.

We saw, a couple of years after my wife purchased ours, many other homes start to show up on the websites for short term rentals. We both knew what would come next: Renting out a high-quality short-term rental is hard work. Some people saw it as a way to make "easy money" and were taking shortcuts. This caused problems as some of these owners would rent their homes out for parties, weddings, and fail to manage the home and fail to properly screen the potential tenants.

My wife was extremely happy about the regulations that the City of Anaheim passed. They were right in permitting the homes. Their flaw was in not enforcing the regulations they created.

There are a few neighbors that protest loudly about STRs. Claims of drug use and crime are baseless heresay and without any evidence. Meanwhile, thousands of other residents are happy about them, but they don't come to meetings. Most of us have rented an STR for our own family vacation at some point. Most of us will do so again in the future. 90% of the people that stay in our home are families. The other 10% are youth sports teams. It IS possible to rent out an excellent STR.

Our society moves forward. The same way that text messaging is a part of life today, short-term rentals are a part of the new way of life. Visitors to a city expect STR's as an option. Anaheim had 48 MILLION VISITORS last year, most in the nation per-capita by a wide margin. If STR's are not permitted, good owners like my wife will stop, but the unscrupulous owners will continue to rent their homes...where there is demand, there is supply.

The hotel industry is trying to snuff out STRs. If a family stays at a resort hotel, the resort captures 100% of the money that that family spends for the week on their vacation. If that family stays at an STR, that money is spread out over local businesses in the community. The family eats at Cortina's, shops at the mall, buys groceries at the grocery store.

I am asking you to allow STR's, embrace STR's, regulate STR's, and make sure that Orange County has amazing STR options for visitors owned by amazing owners. Like my wife.

I also have comments specific to the proposed regulations:

1. Making the owner notify and advise the renter that the renter is liable for violations and subject to immediate eviction is a GREAT way to help screen potential tenants. My wife already has language like this in her rental agreement and if anyone is planning to have a party, they decide it's a bad place to rent and not worth the risk of eviction.

2. My family of 16 rented a 4 bedroom, 2500 sq/ft house and it was plenty big for us. We had NO impact on the neighborhood as our 4 cars were all in the driveway and we were quiet and respectful. We have learned that it's not the size of the group, it's the makeup of the group. Most of our guests are traveling with small children and the little ones sleep in pack-n-plays next to their parents. Your proposal would only allow for 10 people in a 4 bedroom house. I would recommend one of these alternatives: 3 per bedroom with no additional, or, 1 person for every 150 sq/ft of permitted living space, or, 2 adults per bedroom, children are not counted.

3. Could you clarify the car restrictions? The way I read it, it sounds like a 5-bedroom house with legal driveway parking for 4 cars would still only be allowed to have two cars total? Is that correct? It sounds like there is a 2-car maximum, regardless of home or driveway size. If this is the case I think this will make it very difficult for tenants. Maybe instead limit it to 1 car on the street but don't limit driveway parking as long as it's legal driveway parking?

Thank you, Matt Biel

From:	Scott Breeden
Sent:	Thursday, November 29, 2018 8:39 PM
То:	Zoning Code Team
Subject:	Re: 2nd Draft of Proposed Zoning Code Update (including Tree Preservation Ordinance)
Attachments:	sbcomments.pdf

Attached please find my comments on the second draft of the proposed Zoning Code update. Thank you.

-Scott Breeden

P.O. Box 663 Silverado, CA 92676

November 29, 2018

OC Development Services/Planning Attn: Joanna Chang 300 N. Flower Street P.O. Box 4048 Santa Ana, CA 92702

RE: 2nd Draft of Proposed Zoning Code Update (including Tree Preservation Ordinance)

Dear Joanna,

Here are my comments concerning the Tree Preservation Ordinance:

(1) Eliminating the previous draft's "in-lieu fee" option for tree replacement is a good idea. By simplifying mitigation measures to either on-site or off-site replacement, the County avoids both (a) the need for a Tree Preservation Fund, and (b) potential disputes regarding the dollar value of individual trees.

(2) Another improvement is allowing trees purchased for landscaping purposes to be exempt from the ordinance (Section 7-9-69.2(d)(9)). This is distinct from replacement trees, which are still protected.

(3) The incentives for replacing trees with more than the minimum required are also good (Section 7-9-69.4(c)(6)-(7)).

(4) Since the Silverado-Modjeska Specific Plan area contains many of the trees defined as protected, it makes sense for the ordinance to apply to that area. But since the environment of the adjacent Foothill-Trabuco Specific Plan area is nearly identical, the same ordinance should apply to both areas. In fact, the proposed county ordinance was based partly on language in the Foothill-Trabuco Specific Plan.

It has been suggested that a county tree ordinance should not apply to the FTSP area since the FTSP already addresses tree preservation in its ordinances. However, the FTSP ordinances were weakened in 2012 at the request of a land developer, allowing destruction of 150 large oaks which were no longer protected. This prompted tree preservation efforts at the county level.

(5) The proposed tree ordinance now explicitly states that in case of a conflict between Specific Plan and Zoning Code language, the most stringent provisions shall apply (Section 7-9-69.2(b)). This should eliminate any problem with applying the ordinance to both the Silverdo-Modjeska and Foothill-Trabuco specific plan areas.

Sincerely,

Scott Breeden

From:	Janet Bieler
Sent:	Friday, November 30, 2018 7:11 AM
То:	Salazar, Cindy; Chang, Joanna
Cc:	Lamese Malley Jadallah
Subject:	JANET BIELER - SHORT TERM RENTALS

Good Morning Ladies,

I looked over what you had sent me and I did not see anything regarding short term rentals. Did I miss it. This has become such an issue in my neighborhood that about 2 weeks ago a fight almost broke out because of the drunk'n party goers. 6 Sheriff deputies were called at the same time. This has now become a VERY serious situation and neighbors are in danger. Excessive drinking every weekend, transient people coming and going. Trash on the street, actually one of the party goes thru a full bottle of pickles over my wall. Think thats funny? If my dog had stepped in the broken glass, you can imagine what would have transpired. I can go on and on but I will save you some reading time. Please advise me of when the next meeting is regarding short term rentals and what is the time line to get this passed and implemented.

Thank you.

Janet Bieler

From:	Dea
Sent:	Friday, November 30, 2018 8:29 AM
То:	Zoning Code Team
Subject:	Short term rental house comment

Thank you for allowing short term rentals to operate in Orange County! Short term rental houses are a wonderful options for families visiting Orange County and are also a benefit to the community - both in economic terms to local businesses and as an option for owners to rent out their own homes in the future.

From:	
Sent:	Friday, November 30, 2018 10:02 AM
То:	Zoning Code Team
Subject:	Short Term Rentals

I have lived in Anaheim **Construction** since 1985. My neighbors and neighborhood have proved a delightful experience. Across California concerns have been expressed in the past election regarding the availability of residential properties. By allowing neighborhood homes to become STR's this issue which is a politically active issue is hypocritically smiled at and then swept aside. There are 4 STR's within 100 feet of my house.

What was once a quiet neighborhood now thunders with the noise of vacationeers, sometimes 20 per house, pool parties, little girls screaming as they play all day, every day, and in 4 directions. Adults laughing in consort equaling the noise level of a professional football game. I taught Junior High in Anaheim for 40 years, that was tough, but living next to STR's is tougher: at least I could send them to the office when they got drunk and began screaming the F word. Build more Hotels and get these un-chaperoned transients out of our neighborhoods and back in the resort area where they belong. Perhaps you should look up the meaning of the word Zoning.

No more STR's- PLEASE!

Respectfully,

Sid Viles

From:	Steve Llebaria
Sent:	Friday, November 30, 2018 10:16 AM
То:	Zoning Code Team
Subject:	Support Short term rentals on my street

in Anaheim Ca

I am completely in favor of short term rentals. The house directly across the street from me is a rental and we have never had one issue with any of their tenants. Anybody paying 1k a night for a rental usually will not be of any harm to our neighborhood.

Steve Llebaria

I live at

From:	
Sent:	Friday, November 30, 2018 10:41 AM
То:	Zoning Code Team
Subject:	NO AGAINST STRs

To whom it may concern:

It came to my attention that the STR program in Anaheim is being reconsidered. I BEG you not to do this! I live behind two STRs as my address is 1574 W. Pacific Pl. I have put up with the noise and congestion for years now and I thought that they were being phased out, so I have not complained—I thought that the issue was resolved, but I guess it is back. Each of the homes behind me have the capacity of 15-18 people. They are constantly in pool yelling and screaming on any given day and it is year round as the pools are heated. This is not typical of a normal neighborhood. It is like having a kid's birthday party in my backyard every weekend and on any given weekday. It is multiplied for us as there are two right behind us. The vacationers come to have fun and have no regard for the residents and how it affects their everyday schedule. There is no one to talk to as the owners of the homes behind us just ignore us. For example, I have asked for an entire year for them to redirect the lights that shine into my house and they have yet done anything about it. I have texted them and reached out to code enforcement, but nothing has been done. I work from home and have had to go to the homes and ask them to be quiet as I cannot work. I have been yelled at, cussed at, and at times afraid for my safety.

Please do not allow STRs!

The feel of my neighborhood has been changed. There are no more trick or treaters and limited houses decorate for Christmas. Approximately one third of the houses in my neighborhood are rentals and it is just too much. We are no longer a neighborhood but a stangerhood. If I would have know that STRs would be allowed in Anaeheim, I never would have bought in Anaheim 15 years ago. Unfortunately it seems as if the Anaheim City Council is more concerned about investors (who do not live in Anaheim and would never allow this in their own neighborhoods) than the residents that live here. Also, isn't this adding to the housing crisis??

So, please no STRs!!!

Sincerely, Diane Christian

From: Sent: To: Subject:

Friday, November 30, 2018 10:56 AM Zoning Code Team NO STRs in Anaheim

Please do not reverse the decision to have STRs in Anaheim. They are a nuisance to the residents of Anaheim and should not be allowed! They have taken over our neighborhoods and the residents are at their mercy. Please do not allow STRs in Anaheim.

Thank you! Diane

From: Sent: To: Subject: Bruce Budovec Friday, November 30, 2018 5:58 PM Zoning Code Team STR's Follow up

Flagged

Follow Up Flag: Flag Status:

No to STR legalization in Orange County. They create unrest and disgruntled neighbors when there is a motel like atmosphere nearby. Parking invariably becomes an issue and short term "renters" are frequently disrespectful to the peace and quiet of a traditional neighborhood. NO TO STR's.

Sent from my iPad

From:	Michael Iwai
Sent:	Friday, November 30, 2018 9:59 PM
To:	Chang, Joanna
Subject:	Short Term Rentals (STR)
Follow Up Flag:	Follow up
Flag Status:	Flagged
Categories:	Red Category

Ms Chang,

Thank you for returning my call and answering my questions.

I would like to share my concerns about STR existing at 9261 Greenwich Lane, Anaheim 92804 and possible future STR in my neighborhood. I have signed a petition to ban STR in my neighborhood. The petition was brought to my attention by the homeowner who lives directly behind the aforementioned STR at 9261 Greenwich.

She has lived 30 years in her home and the last 3 years with the STR behind her house has ruined her life. The loud party noise at night from people who are paying a lot of money to have a good time. Here today, gone tomorrow and hopefully, back to their quiet neighborhood.

My concern is the house next door at 9791 Messersmith Ave had an estate sale this week and will likely be for sale in near future.

My concern is STR with restrictions do not equal a family who goes to work everyday and desires a quiet and safe neighborhood to come home to every night. Bad neighbors are the worst thing to ruin a person's life: my experience before I came to our wonderful neighborhood in 2009.

Please let me know the status/banning of STR in my neighborhood.

Thank you for your time and consideration.

Sincerely, Michael G Iwai Section 3 - Public Comments related to miscellaneous/multiple topics

From:	rnelson@fcahome.org
Sent:	Thursday, November 29, 2018 5:58 PM
То:	Zoning Code Team
Cc:	Spitzer, Todd [HOA]; Kevin@p3plgemwbe03-04.prod.phx3.secureserver.net; kricelaw@yahoo.com
Subject:	FCA comments on Orange is the New Green
Attachments:	FCA comments on Orange is the New Green.pdf

Please see attachment Richard Nelson Foothill Communities Association



FOOTHILL COMMUNITIES ASSOCIATION

Serving the Entire Unincorporated North Tustin Area Post Office Box 261 • Tustin, California 92781

November 29, 2018 OC Development Services/Planning Via email: OCZoningCode@ocpw.ocgov.com

Re: Comments on the proposed Zoning Code update

Foothills Communities Association (FCA) has the following comments regarding the second draft of the proposed Zoning Code update, "Orange is the New Green." FCA is pleased that the proposed Tree Preservation Ordinance is no longer applicable to the North Tustin area. We will restate our comments from our June 25 letter that use classification are overly broad and introduce uses that are not compatible with residential districts. Uses not now permitted in base districts in North Tustin would be permitted with a use permit. The North Tustin community is nearly built-out, and any infill development , using the proposed zoning changes, would have a negative impact on the surrounding residential area and possibly the entire North Tustin community. FCA is concerned with the base districts in North Tustin—primarily E4, R1, RHE, and AR. FCA has the following specific concerns:

- 1. **Community Assembly Facility:** Currently the Zoning Code allows "Churches, temples and other places of worship" and "Country clubs, golf courses, riding clubs, swimming clubs, and tennis clubs" with a Use Permit. Proposed uses within this classification include community centers, banquet center, civic auditoriums, union halls, and meeting halls for clubs and other membership organizations. These uses would not be compatible with the surrounding residential areas in North Tustin.
- 2. **Cultural Institutions and Facilities:** Presently public libraries and museums are allowed with a site development permit. The proposal will add "performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences ... aquariums; art galleries; and zoos." The added uses do not appear compatible with residential use and only require a site development permit.
- 3. **Commercial Entertainment and Recreation:** None of the proposed uses whether large-scale or small-scale are appropriate in North Tustin residential areas and are not presently allowed. **Large-scale**. Large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with more than 5,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; riding stables; etc. This classification may

include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small-scale. Small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

4. Commercial Nursery and Garden Center: Currently the AR district allows wholesale nurseries with a site development permit. Permanent facilities for sale of agricultural products grown on the site requires a use permit. The proposed update allows for retail nurseries with only a site development permit: Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale. FCA does not believe the proposed uses described in this paragraph are compatible with our residential and nearly built-out community.

An alternative would be to exempt existing, largely built-out residential communities from the new zoning changes. If a new development is in a large green field area, there would be less concerns from residents living next door. Making the minimum development size to be 100 acres would exempt North Tustin, which is over 4,000 acres, is largely built-out, and has no such available property sites.

Another alternative would be to not change the zoning code but include the zoning revisions proposed in zoning in the "Orange is the New Green" as a planned development concept to be applied to developments in lowly-populated areas and not in largely-developed communities.

Thank you for your consideration of our comments.

Sincerely,

RONalson

Richard Nelson, President FOOTHILL COMMUNITIES ASSOCIATION rnelson@fcahome.org 714-730-7810

CC: Supervisor Todd Spitzer, 3rd District Planning Commissioner Kevin Rice

Second Draft - Public Comments received after December 1, 2018

Date	Name	Торіс
12/3/2018	Diane Christian	Short-Term Rentals
12/3/2018	Diane Christian	Short-Term Rentals
12/3/2018	Rancho Mission Viejo	ZC Parking Standards
12/4/2018	Diane Christian	Short-Term Rentals
12/4/2018	Bruce Williams	Short-Term Rentals





December 4, 2019 - Attached are all public comments received after the comment deadline regarding the "Orange is the New Green" Zoning Code Update that have been submitted to OC Development Services.

Staff will continue to collect comments to compile for the Planning Commission prior to their meeting.

Section 1 includes comments related to Short-Term Rentals.

Section 1 - Public comments related only to the Short-Term Rentals Ordinance

From: Sent: To: Subject:

Monday, December 03, 2018 9:10 AM Zoning Code Team No STRs!!

To whom it may concern:

Please do not allow STRs to continue in Anaheim neighborhoods. This has been a constant problem for us since the beginning. Last year I thought that we had won this fight and was counting down the days until they are gone. However, I have since learned that Anaheim doesn't think it is still an issue as no one was complaining. Unfortunately, we didn't know that we had to still complain after they were supposed to be phased out. They are loud and do not consider their neighbors. Just a few weeks ago, there were 20 people in the pool at 9pm on a Sunday night. The residents need to get up in the morning for school and work. The varcationers were amazed that I said something. They are on vacation and do not consider the residents at all.

Please do not allow STRs to continue as they have ruined our neighborhoods. Diane

From: Sent: To: Subject:

Monday, December 03, 2018 9:15 AM Zoning Code Team NO STRs in Anaheim

To whom it may concern:

Please do not allow STRs to continue. Residents of Anaheim have already voiced our objections to this and thought we were loud and clear. Please do not reverse the decision to phase them out.

Sincerely, Diane Christian

From:	Jay Bullock
Sent:	Monday, December 03, 2018 9:27 PM
То:	Chang, Joanna; Maldonado, Ruby
Subject:	RE: County of Orange Zoning Code Update - Second Draft

Joanna and Ruby,

I've reviewed the proposed Zoning Code revisions one last time. Sorry for missing the deadline, but I'm passing along just one minor comment.

10 parking spaces are currently required by the Zoning Code for a Model Home Sales Complex. The proposed updated zoning code allows a more nuanced and helpful standard:

"Minimum of 3 spaces/model plus 1 per salesperson with a maximum of 10, or 4 spaces for sales office with no models (not located within a model), or reduction of minimum with a use permit to the Zoning Administrator."

I believe I understand what you're getting at, but this text is a bit confusing. I would add the words "... i.e., sales office ..." to the last sentence to read:

"Minimum of 3 spaces/model plus 1 per salesperson with a maximum of 10, or 4 spaces for sales office with no models (i.e., sales office not located within a model), or reduction of minimum with a use permit to the Zoning Administrator."

Let me know if you have any questions or suggestions. Onward, Jay Jay Bullock

Vice President, Planning & Entitlement

RANCHO MISSION VIEJO 28811 Ortega Highway, Post Office Box 9 San Juan Capistrano, CA 92693 <u>jbullock@ranchomv.com</u> mobile: 562-760-6051 office: 949-240-3363, ext. 215

From: Maldonado, Ruby
Sent: Tuesday, October 30, 2018 1:48 PM
To: Maldonado, Ruby
Subject: County of Orange Zoning Code Update - Second Draft All Interested Parties,

Following a comprehensive Outreach Program implemented by the County over the past several months and consideration of all comments received, the Second Draft of the proposed Zoning Code Update is now available for a 30-day review and comment period what will conclude on November 30, 2018. For your convenience, the First Draft released in April, 2018 continues to be available as well. At the conclusion of this review and comment period and after consideration of all comments received, the Final Draft of the Zoning Code Update will be prepared and submitted for consideration by the Orange County Planning Commission and the Orange County Board of Supervisors.

Here is the link to the OC Zoning Code Update webpage:

http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green

Please note a new addition to the Zoning Code Update website: "Draft County of Orange Codified Ordinance Update." The County is undertaking an update to several sections of the County of Orange Codified Ordinances (outside of the County's Zoning Code). You are welcome to review these proposed revisions and provide comments, and/or questions, no later than November 30, 2018, to Terry Cox, Manager, OC Development Services/Neighborhood Preservation at terry.cox@ocpw.ocogov.com, 714.667.8837.

?Please let me know if you have any questions and excuse duplicate emails. Thank you for your interest.?

Ruby Maldonado

Contract Senior Planner

County of Orange/Planning

300 North Flower Street

Santa Ana, CA 92703

714.667.8855

ruby.maldonado@ocpw.ocgov.com

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From: Sent: To: Subject:

Tuesday, December 04, 2018 9:46 AM Zoning Code Team No STRs in Anaheim

To whom it may concern:

STRs are a business enterprise and do not belong in residential areas. Residential areas are not designed to run hotel like activities. They are a business and belong in business areas. It puts a burden on the residents that is unfair and unnecessary. Residents did not sign up for this. Many residents were here before the STRs and have been at their mercy ever since.

Please do not allow STRs in Anaheim! Diane Christian

From: Sent: To: Cc: Subject: Bruce Williams Tuesday, December 04, 2018 11:47 AM Bruce Williams; joanna.chang@ocpw.com Zoning Code Team Re: short time rentals

On Sunday, December 2, 2018 7:28 PM, Bruce Williams wrote:

my name is bruce williams 9252 greenwich In ana 92804 7147720260

I live on the corne of greenwich and broadway I have a str direct behind me on broadway, there is a str across the street 2houses

to the left of me about 10yards. 2 houses to my left in a culdic is another str.

hte first one behind me ask if I would lower my wall close to broadway so she could make a drive way for the small house there for her mother. if that was true she change her mind when the house got finish.

the second person his wife and husband came to me and said there were going to rent out the house for 2 years and move here

well another story. they gutted the house and made 10 bedrooms and 6 toilets.they closed the garage and made a wash and dryer

and a game room. then they not off about 20 feet of grass and a smal wall and extendent the drive way, then they tried to get a okay to

cut off the side walk another 12 feet so far they haven,t got permisson..before they could only get 6 mid size cars in the drive way

now they can get 9 if there is couple of small cars there.

now heres the catch the owners live in they do everything on the telephone or e-mail the only time they come herem if there maintence people call and tell there is a problem.no one watches the house

heres the problem my neighbors and I live with people coming here at all hours of the day and night. 2-3-4 in the morning or 10-11-12

at night. when they come in the am they unload there stuff from there cars slam there doors make numerous trips inside the house

talking .this place is like the holaday inn.

it sad some of the people who run orange county our part of the people who have str and thats a fact and there is a conflick of

interest. they should resign and let people who want to do the right thing for home owners

in closing i am thinking about selling my house and one of these people wants to buy my house see what greed does to a person.

Date	Name	Торіс
11/1/2019	Katie Cawelti/Curt Pringle & Associates	Short-Term Rentals
11/6/2019	Matt Biel	Short-Term Rentals
11/7/2019	Mervin Madolora	Short-Term Rentals
11/8/2019	Jose Suarez	Short-Term Rentals
11/10/2019	Carmen Marti	Short-Term Rentals
11/10/2019	Carmen Marti	Short-Term Rentals (Spanish)
11/11/2019	Marcia Poulin	Short-Term Rentals
11/11/2019	Barbara Harlow	Short-Term Rentals
11/13/2019	Mike Robbins	Short-Term Rentals
11/13/2019	Charlotte Seidnematollah	Short-Term Rentals
11/13/2019	Pam Donelson	Short-Term Rentals
11/15/2019	Thomas Mueller	Short-Term Rentals
11/15/2019	Brian Harrington	Short-Term Rentals
11/15/2019	Lucille Kring/Anaheim Mayor Pro Tem	Short-Term Rentals
11/16/2019	Kenny Nguyen	Short-Term Rentals
11/16/2019	Teri Vitters	Short-Term Rentals
11/16/2019	Michael and Kristine Iwai	Short-Term Rentals
11/16/2019	Ann Morrison	Short-Term Rentals
11/16/2019	James and Dolly Bailey	Short-Term Rentals
11/17/2019	Ellen Whomsley/Goldenwest Properties - Brea	Short-Term Rentals
11/17/2019	Ann Buntain	Short-Term Rentals, Produce Stands
11/17/2019	Dea Abuzzo	Short-Term Rentals
11/18/2019	Jim Bieber	Short-Term Rentals
	Carlos Bonilla	Short-Term Rentals
11/18/2019	Baileys	Short-Term Rentals
11/18/2019	Trevor O'Neil/Anaheim Council Member	Short-Term Rentals
11/19/2019		Short-Term Rentals
11/19/2019 11/17/2019	Stacey Miyahira-Woo Advocates for Resposible Treatment	
		Group Homes
11/18/2019	Emilia Sugiyama	Group Homes Group Homes
11/18/2019	Jenny Long	
11/18/2019	Capo Cares	Group Homes
11/18/2019	David Weaver	Group Homes
11/18/2019	Angelina Ha	Group Homes
11/19/2019	Dannielle Cappellino	Group Homes
11/19/2019	Scott McGregor	Group Homes
11/19/2019	Teresa Huston	Group Homes
11/19/2019	Shannon Frisch	Group Homes
11/19/2019	Diane Kroeker	Group Homes
11/19/2019	Erica and Tony Cox	Group Homes
11/19/2019	Moyra Eulitz	Group Homes
11/19/2019	Advocates for Resposible Treatment	Group Homes
11/19/2019	Wendie Pinto	Group Homes
11/19/2019	Marilyn Wit	Group Homes
11/19/2019	Wolfgang Frisch	Group Homes
11/19/2019	Shelley Ho	Group Homes
10/23/2019	Rancho Mission Viejo	Ranch Plan PC Text
11/11/2019	Heidi Sauvey	Fruit and Vegetable Gardening
11/13/2019	Foothill Communities Association	Health Care Facilities/Commercial Entertainment/Seasonal Product
11/16/2019	Judy Murphy	Fruit and Vegetable Gardening
11/17/2019	Ellen Whomsley/Goldenwest Properties - Brea	Fruit and Vegetable Gardening
11/18/2019	BIA/OC	Tree Preservation
11/18/2019	American Family Housing	Mixed Use, Housing Opportunities Overlay
11/18/2019	Rural Canyons/Saddleback Canyons/FHBP	Tree Preservation





November 21, 2019 - Attached are all public comments received regarding the "Orange is the New Green" Zoning Code Update that have been submitted to OC Development Services.

Section 1 includes comments related to Short-Term Rentals. Section 2 includes comments related to Group Homes. Section 3 includes all other comments related to the Zoning Code Update. Section 1 – Public Comments related to Short-Term Rentals.

From:	Vuong, Richard	
Sent:	Monday, November 4	, 2019 3:23 PM
То:	'Kati <u>e Cawelti'</u>	
Cc:	Dea;	; Zeshaan Younus; Chang, Joanna; Giang, Steven
Subject:	RE: STR Comments	

Thanks Katie,

We'll add the suggestions to our comment list. We already started discussing these items internally after the meeting we had and should have some updated draft language shortly.

Thanks,

Richard Vuong

OC Public Works | Development Services 601 N. Ross St. Santa Ana, CA 92703 | (714) 667-8895



From: Katie Cawelti [mailto: Sent: Friday, November 01, 2019 11:22 AM To: Vuong, Richard Cc: Dea; gmail.com; Zeshaan Younus Subject: STR Comments

Good Morning Richard,

Happy Friday! Thank you so much for your time and collaboration on Wednesday. We really appreciated the ability to talk through some of the updates and recommendations for the Orange is the New Green Zoning Code Update.

We wanted to make sure that we shared with you some suggested language in regards to parking and occupancy. Please let us know your thoughts or if you need any clarification on the language at all.

(f) (4) The maximum number of vehicles allowed at the short-term rental shall be limited to [the number of vehicles that can legally fit in front of the garage on a regulation driveway as per Orange Parking Ordinance section (NEED NUMBER) of the code (insert residential zoning code for parking language)].

(f) (5) The maximum overnight occupancy of the short-term rental shall be limited to two (2) persons [ages 12 and over] per bedroom plus two (2) additional persons within the short-term rental.

Please know that we are happy to remain as a collaborative partner if you have any further questions. Thank you, again, for your time and all that you do. You have a tough gig!

My best,

Katie Cawelti

www.curtpringle.com



From:	Matt Biel
Sent:	Wednesday, November 6, 2019 8:58 PM
То:	Zoning Code Team
Subject:	STR's good for Orange County!

When my wife and I travel with our children, we always stay at an STR. When we travel alone, we stay at a hotel. STR's have become an important option for family travelers and for youth sports teams, church leadership retreats, etc. The administrators at our school stay in an STR in Orange County every Fall to bond with each other and plan for the new school year. These are all things that can't be replicated in a hotel. Further, STR's provide an option for people who need extra income to make ends meet. Please don't take away STR's. Taking away STR's is bad for families and erodes property rights.

Thank you, Matt Biel

From:	Mervin M
Sent:	Thursday, November 7, 2019 11:23 PM
То:	Zoning Code Team
Subject:	Property rights matter

As a resident and homeowner in Orange County, I just found out about a proposed change in the OC code regarding STRs that could infringe on the rights of property owners. I am EXTREMELY OPPOSED to any new rules that will take away my rights to do what I wish with my home. Please do not regulate or ban homeowners from renting out our homes to whoever we want to for whatever amount of time we like.

Regards,

Mervin Madolora

From:	Jose Suarez
Sent:	Friday, November 8, 2019 9:19 AM
То:	Zoning Code Team
Subject:	STR's good for owners, business, and families

Hi, I am in favor of STR's. My family and I stay in them when we travel, and I have friends in Orange County that rent out their home short term and it's an important part of their income. STRs bring more travelers to orange county and that's good for all of us. My vote is don't mess with STRs.

Thank you and have a great day.

From:	Carmen Marti
Sent:	Sunday, November 10, 2019 7:23 PM
То:	Zoning Code Team
Subject:	SHORT TERM RENTALS IN ORANGE COUNTY CALIFORNIA

I strongly support STR In Orange County for several reasons

it will bring more revenue to the Cities of the County since they will be able to visit and not spending so much money in a hotel, they can bring more members of the family and save money being able to cook in the house like their own and enjoy the Resort Disneyland which is expensive and some families can not afford to pay an expensive hotel that do not allow them to stay more than 3 people per room, so they will see the difference in a private house.

1 it helps families with low income to visit our beautiful Orange County, since they are able to stay in one place one or two families and cook, this can not be done in a regular hotel since they have to rent at least 3 rooms and they do not have the money to eat out in a 3 or four days vacation.

From:	Carmen Marti
Sent:	Sunday, November 10, 2019 7:30 PM
То:	Zoning Code Team
Subject:	apoyo las casas de renta para vacacionistas (STR)

Creo que las familias de otros piases u otros estados de la union americana se verán entusiasmados de visitar Orange County si ven el beneficio del ahorro al poder hospedarse en una casa donde podrán disfrutar de un lugar privado en el que pueden cocinar, tener privacidad como en su propia casa.

Esto es algo que no pueden hacer en un Hotel donde tienen que comer en la calle todos los días de su estadía.

Las Ciudades de Orange County recibirán mas dinero de los turistas que no solo irán a visitar el Disney Resort pero gastaran en otras cosas como comprar despensa y al mismo tiempo van a gastar en hacer compras y otro tipo de servicio que l\el condado cae Orange County les ofrece.

Las casas de Renta de Orange County dan una imagen de modernismo ya que en todos los países del mundo tienen este tipo de Servicio, si no ofrece el condado esto nos dará una imagen de ser un Condado atrasado y alejado del mundo moderno que todos los otros países del mundo ofrece.

Carmen M. montenegro

From:	Marcia Poulin
Sent:	Monday, November 11, 2019 3:36 PM
То:	Zoning Code Team
Subject:	Deny Short Term Rentals

I'm emailing to express my displeasure with short term rentals in residential areas. They are businesses operating in family oriented neighborhoods. My experience is that they create noise and messy cleanup. They show no regard for the well being and safety of those who live permanently in these neighborhoods. Even if they aren't immediately next door, they discard trash throughout the neighborhood. Marcia Poulin

Sent from my iPad

From:	Barbara Harlow
Sent:	Monday, November 11, 2019 3:52 PM
То:	Zoning Code Team
Subject:	No Short TermRentals

Please do not permit short term rentals in our neighborhood off of Stoneybrook in Anaheim.

Barbara Harlow

Sent from Yahoo Mail for iPhone

From:	mike robbins
Sent:	Wednesday, November 13, 2019 1:03 PM
То:	Zoning Code Team
Subject:	Short Term Rentals
Attachments:	STR 34 people.doc

Mike Robbins

STRs

Short Term Rentals

In our neighborhood we have several STRs and all the neighbors complain constantly about them.

I did some research in a document request and most have at least one or more police reports for noise or parties.

I first noticed the one around the corner a few years ago when I was sitting in front of my house and we live near a park. Walking down the middle of the street towards the park were a few dozen people like some sort of parade. It turned out they were from the STR just 2 doors away around the corner from my house.

Then the neighbor on the other side showed me pictures of lines of cars on his street and in front of his house for this STR. It seemed to be parties all the time. As we noted online they were pitching the STRs as homes for large groups with several beds, pull out futons and even blowup mattresses for the extra people.

Every STR in our track has had nothing but problems for the neighbors.

To gather some political support to limit the STRs in our area I walked around and talked to the neighbors. Most all hated them.

One lady liked them – She said it was better than the crack house that used to be next door.

So let's be clear – STRs are better than a crack house as voted on by my neighbors.

Thank you so much

Mike Robbins

From:	Charlotte Seidnematollah
Sent:	Wednesday, November 13, 2019 3:54 PM
То:	Zoning Code Team
Subject:	New OC Unincorporated Zoning Code Proposed Updates

Charlotte Seidnematollah

Regarding the Short Term Rental suggested choices for allowing or not allowing in OC County Unincorporated areas.

PLEASE, PLEASE , PLEASE DO NOT ALLOW THESE IN THE NEIGHBORHOODS!!!!!!!!!

All over the world these business are being allowed to open up in our neighborhoods and are causing enormous problem. Government officials seem to think it is ok to allow them. Ok, you start off with a few. None of the neighbors know what is going on. But then.....they grow and spread all over, like crab grass. And soon the whole neighborhood is full of them. Then the neighbors start complaining to govt officials, city, county, etc. But by then it becomes a nightmare to shut them down. Oh the STR owners say "We have property rights. We can do whatever we want". And very sadly that is the case. They do whatever they want. Like the one behind my home for five years on Greenwich Lane. I have and other neighbors have complained about this house for five years. There is an open case on it currently for a long time. It seems we have no rights. This house has destroyed the peace for the surrounding neighbors. For years we have had to all listen to the screaming and yelling of groups of up to 30 people in the pool installed in the backyard. So many people coming and leaving. Lots of CONSTANT ACTIVITY. As soon as one group goes here comes another huge group. This house is a ten bedroom MOTEL with a Public POOL. This house has been and still is the nightmare from hell. These guest are on vacation. They have paid a lot of money and intent to do as they please. They have no consideration for the neighborhood. They don't care. And the owner lives in LA and certainly does not care. He makes between \$1000.00 and \$1500.00 per night on renting this house depending on the season. And it is booked constantly. He has opened up two other STRs in the OC Unincorporated area also. Also two other STRs have opened up a couple of years ago directly across from the one behind me and many others have been continually opening in the unincorported area behind me between Broadway ST, Brookhurst St, Katella Ave and Gilbert. If you allow these to become legal they will spread like wildfire and consume our neighborhoods like they did in Anaheim. We are all tired of hearing how they Beautify the neighborhood and increase our property values. Guys.....that is a joke. Oh yes, they remodel and maybe make the house look nice, so do a lot of other people, including myself. But it does not look nice watching the large groups of strangers constantly coming and going. And as for property values. No one is going to buy my house when they find out a STR is behind me. I have to disclose it. A friend of mine tried to sell hers with a STR next to her. No one was interested in living next to an STR. No one wants a motel business next to them. We want neighbors that we are familiar with and feel safe. Not like the STR near Berkeley, Ca. that just had 5 people killed.

Now I am not the only one who does not want an str next to me. A group of us from county local meeting decided to canvas the unincorporated area here and see what the residents think. I would say 97 percent of the people we spoke to were totally against and AirBnB or Short Term rental being next to them. The only people who want them are: Property Investors, Real Estate people, people

who own strs, use strs, manage strs or are thinking of turning their home into one. In other words people who are making money off of them. That also explains why the OC Planning Commissioners wants them. They all fall into these categories. This seems to me to be a huge CONFLICT OF INTEREST. It doesn't seem, so far, to be about what the residents want but what those people who are making money off of them want.

The bottom line is residents everywhere don't want these in the single family residence zoned areas. So the County Planning Commission needs to set aside their wants and do what is good for the residents. Nobody wants a loud motel and public pool next to them. It is totally disruptive. I have to leave my home many times to get away from the stress caused by constant groups of screaming vacationers. It is not like a regular neighbor who gets out several times a year and has a loud pool party. That's fine, No problem. The difference is this.....STRS ARE CONSTANT!!!!! There is NO relief. And this is wrong to make the whole neighborhood suffer so an str owner can get rich. This is preying on the neighborhood. They are a constant nuisance.

Now you may think: "Oh it can work. We will just make a few regulations and all will be beautiful and the neighbors will think these houses are a gift from heaven all wrapped up in a pretty bow and that we should be grateful they are among us." The problem is you are making regulations you can not or will not enforce. First you put the responsibility on us residents to report the violation and we have to prove the violation cause you did not see it. If they violate a regulation then we have to watch and report and prove. So are we supposed to run around with a video filming the violations. This is not what we want to spend our lives doing. I can tell you from first hand experience it creates a lot of STRESS when these people violate the rules and we have to call and report them. Oh and believe me they do violate the rules. This house behind me has destroyed the neighborhood peace and quiet in life. Mine has been destroyed. And five years of complaining to the county has got me nowhere. If you can't enforce the nuisance behind me how do you plan on enforcing hundreds or thousands of them. The residence in the unincorporated area here can't even get their streets cleaned for cars that don't move on street sweeping day.

Two weeks ago a group came to the backyard of the house behind me and started having loud conversation. I was trying to enjoy the peace in my backyard while doing gardening. So it seems that every other sentence being spoken by this group was curse words . A lot of F..... words, S..... words and D.... words. Constant. I am sorry but this is not right. My other neighbors all have pools and do not behave like these str visitors. This went on for two hours until I finally had to step to the wall and tell them to stop with the cursing. They laughed. The week before that my other neighbor behind me beside the str calls me at 11:30 at night and is very upset. Says there are four vehicles in the str driveway and eight on the street going to the house all thru the day and evening. He was very distraught. He spoke to the people twice. They ignored him until a county sheriff making a routine patrol check at midnight because the street has restricted parking from 12pm to 5am. Then they began to move cars and or leave. The owner has it posted on his website all cars MUST park only on str property states there is no street parking allowed. But these str people do not follow the rules. They know the owner is not present so they get away with it. Same thing happened the following week with another group. They do not follow the rules and you cannot enforce it. So what good are rules. Just don't allow them in residential neighborhoods. This is our neighborhood not the neighborhood of some outside investor who doesn't have to live next to what they have created. That is so wrong. In the beginning I would call the owner and complain but his overall attitude was arrogant and said he did not have to answer to anybody and could do what he wants with his property. He and his wife have no soul. All they care about is the money. That is what this is all about. I used to be able to open my doors and windows and save on air conditioning my house. Enjoy the night air. Not anymore. Now I have to close all my windows and drapes and turn up my tv or stereo to drown out the bright lights and screaming and yelling. Sometimes my house shakes from adults body slamming

into the pool. All day yesterday that was going on. Or better yet just leave because I am so upset and stressed that for five years the county has ignored me and my neighbors pleas to stop this nuisance. At a meeting last year, after listening to neighbors testimony on this house, a member of the planning commission stated that "This house is obviously a nuisance". Then why is it still being allowed?????? My point is you have done nothing about one nuisance. How do you think you can control hundreds or thousands????

It does not make any sense to create and allow a problem that you cannot and will not control. You will destroy our neighborhoods. We live here and do not want that. We all did not spend many years paying a mortgage in a nice neighborhood to in the end find we are living a nightmare next to an STR.

So again please do not allow short term rentals in the unincorporated neighborhoods and close down the ones who have sneaked in because they never got permits to operate a motel in our neighborhoods. They knew what they were doing. We the residents don't want them. Don't we have any right to protect our neighborhoods from unscrupulous investors who don't live here? Don't we have a right to a life free of nuisance that alters our neighborhoods adversely. Take your own staffs original advice and not allow these short term rentals from destroying our neighborhoods.

I know this was long but myself and my neighbors have spent five years living with this nightmare. That is a whole lot longer.

Thanks for listening.

Charlotte Seidnematollah

Sent:	Pam Donelson Wednesday, November 13, 2019 7:37 PM Zoning Code Team
Cc: Subject:	Str

Sent from my iPhone please do not allow STRs in residential areas. They are not good for neighborhoods. They ruin the structure of a community. Business Do Not BELONG IN NEIGHBORHOODS. STRs are Divisive among residents.

Pam Donelson

From:	Thomas Mueller
Sent:	Friday, November 15, 2019 8:46 AM
То:	Zoning Code Team
Cc:	Cox, Terry
Subject:	short term rentals

I am a home owner / resident in the unincorporated island and **strongly oppose** short term rentals.

They wrack every city and neighborhood they are permitted in.

Many renters use the houses to party and do not care about making noise, using up all parking and leaving trashing in the neighborhood.

The only people who support short term rentals are the greedy land lords who benefit from selling out neighborhoods.

Sincerely,

Thomas Mueller

From:	Brian Harrington
Sent:	Friday, November 15, 2019 9:33 AM
То:	Cox, Terry
Cc:	Zoning Code Team
Subject:	Re: Formal Comment to the Orange is the New Green Zoning Code Update

Hi Terry and Others,

Please reconsider the over-regulation approach you are taking to short-term rentals on page 20 and following of this document <u>http://www.ocpublicworks.com/civicax/filebank/blobdload.aspx?blobid=104025</u>

Count this as a no vote, go back to the drawing board, please don't do this, type of feedback from an average 27 year old Orange County resident and business owner.

Stop making it harder for people to live their lives. Leave people alone and let them do what they want to do with their own property and property that they are renting.

It's unreal how bureaucrats believe they can micromanage the population so hard and that they think they know what is best.

Please reverse course and let people live their lives and do what they want with their private property and property that people pay to use.

Thanks for reading, have a great weekend,

Brian Harrington



City of Anaheim Mayor Pro Tem Lucille Kring

November 8, 2019

Dear Chairwoman Bartlett, Honorable Orange County Board of Supervisors, Planning Commissioners, and Planning Staff:

The intent of this letter is to state my support in the County's development of sound, reasonable, and enforceable regulations relating to short-term rentals.

I understand first-hand the sensitivities surrounding this but firmly believe that an outright ban is not the answer. Many cities and counties have made such a decision with unfortunate, convoluted, and unenforceable results.

I believe that property owners are to be empowered and should have the opportunity to serve as responsible and accountable short-term rental operators. However, this of course should be determined and guided by a responsible framework. One that I hope the County of Orange will consider when discussing the "Orange is the New Green - Zoning Code Update."

Thank you for your considerations as well as the hard work committed to this endeavor so far.

Sincerely,

Junille Kring

Lucille Kring Mayor Pro Tem, City of Anaheim 200 S. Anaheim Boulevard 7th Floor Anaheim, CA 92805

From:Sent:Saturday, November 16, 2019 7:12 AMTo:Zoning Code TeamSubject:Short term rentals

Hello,

My name is Kenny Nguyen, property owner at I voted for option#E: no short term rentals permitted in the residential areas.

Thank you,

Kenny Nguyen

Sent from Yahoo Mail on Android

From: Sent: To: Subject:

Saturday, November 16, 2019 3:15 PM Zoning Code Team Short term rentals

I am 100% against short term rentals in Orange County. I live at 9781 Messersmith Ave, and have a short term rental behind me, and across Greenwich from me. The noise from the house on Greenwich has changed the dynamics of our neighborhood. Loud, obnoxious vacationers hoop and holler, enjoying their vacation at the expense of the neighborhood. NEVER IN A MILLION YEARS did I think this would occur in my peaceful neighborhood—and that I'd have to fight to have some peace and quiet! I honestly believe that any public servant that would legalize this SPECIAL INTEREST is serving their own interests and not that of the law abiding residents of Orange County. -Teri D. Vitters

Sent from my iPhone

From:	Michael Iwai
Sent:	Saturday, November 16, 2019 4:46 PM
То:	Zoning Code Team
Subject:	REGARDING SHORT TERM RENTALS

TO WHOM IT MAY CONCERN:

I would like to share my concerns about STR

existing at and possible future STR in my neighborhood. I have signed a petition to ban STR in my neighborhood. The petition was brought to my attention by the homeowner who lives directly behind the aforementioned STR at **a second s**

She has lived 35 years in her home and the last 5 years with the STR behind her house has ruined her life. The loud party noise at night from people who are paying a lot of money to have a good time. Here today, gone tomorrow and hopefully, back to their quiet neighborhood.

My concern is the house next door at **a second second second** had an estate sale and will likely be for sale in near future. My concern is STR with restrictions do not equal a family who goes to work everyday and desires a quiet and safe neighborhood to come home to every night. Bad neighbors are the worst thing to ruin a person's life: my experience before I came to our wonderful neighborhood in 2009.

Please let me know the status/banning of STR in my neighborhood.

Thank you for your time and consideration.

Sincerely, Michael & Kristine Iwai

From:	Cox, Terry
Sent:	Monday, November 18, 2019 7:53 AM
То:	'Ann Morrison'
Cc:	Chang, Joanna; Maldonado, Ruby
Subject:	RE: Short term rentals in County islands

Hello Ms. Morrison,

Thank you for your feedback regarding proposed code changes here with the County. Your concerns are important to us and will be passed along to the Planning staff overseeing the code changes. Again, thank you for your input on this important matter.

Warmest regards,

Terry

Terry Cox Manager, Neighborhood Preservation OC Public Works/OC Development Services 601 North Ross Street, Santa Ana, CA (3rd Floor) Santa Ana, CA 92702-4048 phone: (714) 667-8837 email: Terry.Cox@ocpw.ocgov.com website: www.ocpublicworks.com/ds customer portal: www.MyOCeServices.com

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-----Original Message-----From: Ann Morrison Sent: Saturday, November 16, 2019 2:46 PM To: Cox, Terry <Terry.Cox@ocpw.ocgov.com> Subject: Short term rentals in County islands

I am against short term rentals in county islands. They are disruptive to permanent residents and is not fair that those who do not live here can impact other's lives in such a way. Please vote against them. Thank you.

Ann Morrison

From:	Cox, Terry
Sent:	Monday, November 18, 2019 7:54 AM
То:	'J and D Bailey'
Cc:	Chang, Joanna; Maldonado, Ruby
Subject:	RE: Short term Rentals and Airbnb

Hello Ms. Bailey,

Thank you for your feedback regarding proposed code changes here with the County. Your concerns are important to us and will be passed along to the Planning staff overseeing the code changes. Again, thank you for your input on this important matter.

Warmest regards,

Terry

Terry Cox Manager, Neighborhood Preservation OC Public Works/OC Development Services 601 North Ross Street, Santa Ana, CA (3rd Floor) Santa Ana, CA 92702-4048 phone: (714) 667-8837 email: Terry.Cox@ocpw.ocgov.com website: www.ocpublicworks.com/ds customer portal: www.MyOCeServices.com



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From: J and D Bailey Sent: Saturday, November 16, 2019 2:25 PM To: Cox, Terry Subject: Short term Rentals and Airbnb

I want to let you know that my neighbors, my Husband and I are Very upset! That our Elected or non elected officials whose wages we pay would treat us that way! It is a total slap in our faces! We had a nice quiet Neighborhood and in no time we got overrun by Airbnb and short term Rentals. This is an outrage and we will not stop fighting until these "Motels" are gone! We are a residential neighborhood not a business one! They come and go all night and we have no clue who these people are or where they came from! One night they did this all night! Total disrespect! When the owner was confronted she said "Sorry! she didn't know! " Also! We are against allowing Fruit and Vegetable Stands in our residential neighborhoods. We already have rats living in the trees and elsewhere. We don't need to attract more of them and other varmints including coyotes which we already have a problem with! Our grocery stores pay a lot for good products and safety! This is so wrong! Seems like "we" the taxpayers are being treated like second class citizens! we aren't even asked for our opinion!

Thank you for your attention in this matter! James and Dolly Bailey West Anaheim Unincorporated area.

From:	Ellen-anaheimrealtor
Sent:	Sunday, November 17, 2019 11:35 AM
То:	Zoning Code Team
Cc:	Cox, Terry
Subject:	Alowing Short Term Rentals in Residential Neighborhoods

I don't want them in my neighborhood. Short Term Rentals are a business and belong in a business area.

Even if it is your own Short Term Rental AKA Air B&B, do you want to live next door to it? You probably do, because it is making a HUGE profit. But, I and other residential home owners don't want to live next door to them. Currently, someone told me there are 3 in their immediate neighborhood. How about 1 on each side of you and 1 behind you? EEK!

The people who rent Short Term Rentals AKA Air B&B are on vacation. They want to have FUN. Then, they will go home and live and work like I do while they are living next door. They really do not want to live next door to a Air B&B. People who occupy the Short Term Rentals come and go all hours of the day and night. When they are getting out of their cars they slam the car doors even if it is after 10 p.m. - 4 a.m. They party all night. They yell. They swear. The noise and the lights around the pool & yard areas keep the neighbors awake. The neighbors have to get up the next morning and go to work at 5, drive the freeway and get to work at 8? Do you want to live next door to that? I don't! My neighbors and friends in my neighborhood don't either. They want some peace and quiet. That is why people buy homes in residential areas and not in business areas.

Do you want your children, grandchildren playing in your yard when the Short Term Rental people come home? You know nothing about those people. They may have signed in with wrong names. They may have friends visiting them that no one knows. Someone can just take your child and you won't even know it until it is toooooo late.

I am a Realtor. I have been one in Orange County for over 30 years. So, let's pretend you live next door to a Short Term Rental. You decide you want to sell your property because the noise is too much. Your Real Estate agent asks. "How come are you selling?" You say, "My kids want me to live closer to them. I have decided that is a good idea as I am getting older and they can see me oftener and if necessary provide transportation, etc." Or, any other reason you think would be believable. A few months or even a couple of years after you close escrow, you get sued by the buyers of your home because you didn't tell them your neighbors were Short Term Rental owners. You lose the law suit. You end up paying BIG BUCKS! Maybe, more than the you netted from the sale of your home!!! EEK!!! If a common ordinary person won't buy your property because you have a Short Term Rental next door, who will? Do you really think another Short Term Rental owner will buy it? If no one buys it, what is going to happen to your property value? EEK! YUK!!!

If you as a Planning Commissioner currently own Short Term Rentals, you have a conflict of interest and should have done or do what an lawyer would and recused yourself from this issue!

I want you to get rid of all the current Short Term Rentals in residential neighborhoods and don't allow anyone to start one.

Sllen

Ellen C. Whomsley

Goldenwest Properties - Brea

From:	Ann Buntain
Sent:	Sunday, November 17, 2019 2:10 PM
То:	Zoning Code Team
Subject:	Short term rentals and fruit stands

Hello,

This email is to voice my disapproval of both short term rentals and fruit stands in my neighborhood. It is a fight to keep this area a lovely place to live. Both short term rentals and fruit stands will degrade the whole area and cause property values to fall over time. I do not want the noise, annoyance, and disruption that short term rentals and fruit stands can cause. There is absolutely no benefit to me to have either one, and, in fact, would be a loss to me in terms of quality of life and property values.

Sincerely,



1

From:	Dea
Sent:	Sunday, November 17, 2019 7:32 PM
То:	Zoning Code Team
Subject:	Orange is the New Green Zoning Code comment

To whom it may concern,

I am writing in support of Short Term Rental houses ("STRs"). Mounting research shows that STRs offer positive benefits to current & future property owners, community members and local business owners. When families choose a home over a hotel they tend to spend longer on vacation and frequent local-owned businesses. Maintaining property rights and allowing owners the ability to rent their home to families for under 30 days offers flexible options to supplement income. Many STR owners are women, and a large percentage of those are retired. Allowing STRs can greatly assist fixed income retirees and empowers women.

Cities throughout the country that have banned STRs and are unable to enforce the ban. Bans result in good, conscientious owners shuttering their houses and allows for bad operators to flourish as the desire to rent homes short term is here to stay - families demand kitchens, separate bedrooms for their children and washing machines. Good operators maintain their properties, have open communication with neighbors and take pride in their homes. Naturally they rent only to families and avoid party groups as much as to protect their homes and belongings as to maintain neighborhood peace.

In many cities that have passed ordinances to allow and regulate the number of STRs has plateaued. Research shows the rampant increase of the early 2010s has leveled off and the number of houses for rent has stabilized. Both STR owners and travelers have learned to be good stewards and problems stemming from STR houses have decreased dramatically in most cities.

Thank you for your consideration and for maintaining the property rights of home and second home owners in County. Dea Abuzzo



November 18, 2019

Good Afternoon, Board of Supervisors, Orange County Planning Commissioners and Staff;

My name is Jim Bieber and I am a proud resident of South Orange County. I am writing you this letter today to share my passionate support for the allowance of Short-Term Rentals in the County of Orange.

America is proud to be a country that empowers small business owners and encourages a free economy. This alone is one of the many reasons in which I am supportive of STRs. I personally operated two short-term rentals. Each rental that my wife and I owned did incredible job of maintaining the character of residential neighborhoods. This is the difference between good and bad operators. Good operators maintain good reviews online, have little to no neighborhood complaints, and act as an asset to the nature of the community that they are in.

The former City Council of San Clemente voted to virtually ban all STRs in San Clemente based on poor information and false claims. They did this to appease a tiny minority who were philosophically opposed to property rights. I do not want to see Orange County's Supervisors fall for the same false arguments or succumb to mentality to ban what should be regulated. STRs benefit families who travel and the people in OC they come to visit. OC residents are now able to see relatives who otherwise could never afford a hotel to accommodate a large family.

STRs generate needed tax revenues and they also supplement or are for some the key in provided income. Many people have sunk their life savings into creating a STR based on the assumption that a poor decision by elected officials would not punish them and destroy their investment. Now is the time to set sound policy and to NOT ban short term rentals. I urge you to vote on sound and reasonable regulations that do not over-burden operators, however, they push bad operators out of the County.

Thank you for your time.

Jim Bieber

From:	Charlotte Seidnematollah
Sent:	Monday, November 18, 2019 9:31 AM
То:	Zoning Code Team
Subject:	New Zoning Codes for Unincorporated Orange County

I am submitting the following for my neighbor on Broadway St in the Unincorporated Island. He brought it to me last night but does not have a computer. He lives between two strs. Thanks Charlotte

November 17, 2019

Dear Orange County,

As a resident of the Thistle Island Unincorporated area here in Anaheim, I am writing to the County to oppose the strs (short term rentals).

As a homeowner we live next door to an str, and also there is another str one house down from our residence, practically I am in between two strs.

The str right next door to me has pool parties non stop day and night at times, which are very loud at times. It is like living next door to a motel. We would never have purchased this property knowing that we would be living next door to ever changing strangers that have no regard as neighbors in a neighborhood setting.

Besides that there is the smell of Marijuana that we have to smell in our yard, which is not right. It is not fair for us to live in this business oriented setting when we purchased this home to live as a family in this so called residential area.

As a property tax payer it is not fair at all to pay such high taxes, when of course we are not benefitting at all as a residential area.

We urge Orange County to consider the facts about living right next door to a short term rental. It is obvious this is inconsiderate to its residents as the owners do not live with the problems. They are unaffected as the actual residents.

I say NO and oppose strs.

Thank you Carlos Bonilla



Sent from Yahoo Mail on Android

From:	Cox, Terry
Sent:	Tuesday, November 19, 2019 7:54 AM
То:	Chang, Joanna
Cc:	Maldonado, Ruby
Subject:	FW: Short term Rentals and Airbnb

FYI

Terry Cox Manager, Neighborhood Preservation OC Public Works/OC Development Services 601 North Ross Street, Santa Ana, CA (3rd Floor) Santa Ana, CA 92702-4048 phone: (714) 667-8837 email: Terry.Cox@ocpw.ocgov.com website: www.ocpublicworks.com/ds customer portal: www.MyOCeServices.com

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-----Original Message-----From: Bailey's Sent: Monday, November 18, 2019 9:07 PM To: Cox, Terry <Terry.Cox@ocpw.ocgov.com> Subject: Re: Short term Rentals and Airbnb

The Airbnb problem is actually worse than what we originally discovered. A realtor friend of mine tells me that we actually have 8 short term rentals in our Neighborhood! This is very upsetting! This is very damaging to our home values on top of of our peace and safety!

We are organizing to fight this as we are totally disgusted by this direct invasion! Seems like even some officials have invested themselves into this nasty scheme.

Just want to let you know that we will be fighting this! Thank you for your attention! The Bailey's

> On Nov 18, 2019, at 7:54 AM, Cox, Terry <Terry.Cox@ocpw.ocgov.com> wrote:



City of Anaheim Council Member Trevor O'Neil District 6

November 18, 2019

Terry Cox Code Enforcement Manager OC Public Works Via email: <u>terry.cox@ocpw.ocgov.com</u>

Dear Mr. Cox:

I understand that the Planning Commission will soon review a zoning code update to consider multiple options regarding the authorization of short-term rentals (STR). As the Anaheim City Council Member representing District 6, which includes Anaheim Hills, I'm writing to you in support of authorizing STRs in unincorporated areas of the County of Orange.

Earlier this year, the city of Anaheim updated our short-term rental ordinance to allow the majority of currently permitted STRs to continue operating under strict new "good neighbor" rules and regulations. These include having a 24-hour local contact to address neighbors' concerns and the possibility of permit revocation after multiple violations.

In Anaheim, we believe that good STR operators are investing in our neighborhoods and exercising private property rights. In addition, our city receives approximately \$4 million in additional annual tax revenue tied directly to visitors staying in an STR in Anaheim.

More information about our updated program is available at <u>www.anaheim.net/574/Short-Term-Rental-Program</u>. Please feel free to contact me with questions at <u>toneil@anaheim.net</u>.

Sincerely,

Ireva Meil

Trevor O'Neil Anaheim Council Member, District 6

From:	Stacey Miyahira-Woo
Sent:	Tuesday, November 19, 2019 3:08 PM
То:	Zoning Code Team
Subject:	Vacation Rentals

To Whom it May Concern,

I am concerned about legislating limitations on vacation rentals. Travelling with kids and sometimes a dog have become much easier for us knowing that vacation rentals are available. We are also able to travel with friends staying with us in the same home which have been great for our families. It's nice being able to get outside and explore local restaurants and do what the locals do.

I do understand the challenges they pose in neighborhoods, however, I believe there are more responsible people who treat the vacation homes as their own.

Kind Regards, Stacey Miyahira-Woo Section 2 – Public comments related to Group Homes.

From:	Cataldi, Colby
Sent:	Monday, November 18, 2019 7:22 AM
То:	Chang, Joanna
Cc:	Vuong, Richard
Subject:	Fwd: 1000 Feet of Separation

Sent from my iPhone

Begin forwarded message:

From: Advocates for Responsible Treatment
Date: November 17, 2019 at 6:23:47 PM PST
To: "Cataldi, Colby"
Cc: Bradley Donald , Warren Hanselman , "Campbell, Tara [HOA]"
Subject: 1000 Feet of Separation

Hi, Colby,

I read through the zoning tonight, and I wanted to let you know that I had noted the option B's with 1000 feet of separation. Obviously, we hope that they are adopted, and yet, I want you to know that we appreciate seeing it as an option B in the zoning proposal.

Thank you.

Laurie Girand Steering Committee Member Advocates for Responsible Treatment https://www.responsibletreatment.org

From:	Emilia Sugiyama
Sent:	Monday, November 18, 2019 6:54 PM
То:	Zoning Code Team
Cc:	Campbell, Tara [HOA]; Zoning Code Team
Subject:	Zoning Issues in Orange

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. Active drug abusers serve as poor supervisors and educators for those seeking sobriety; we request that you require background checks of operators and employees for violent crimes and drug distribution and drug screen those who will be working in residential neighborhoods. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities.

- - -

Emilia Sugiyama

Sent from my iPhone. Please forgive any typos.

From:	Jenny Nolan Long
Sent:	Monday, November 18, 2019 7:27 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	Zoning Changes

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. Active drug abusers serve as poor supervisors and educators for those seeking sobriety; we request that you require background checks of operators and employees for violent crimes and drug distribution and drug screen those who will be working in residential neighborhoods. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities.

Kind regards,

Jenny Long Orange Citizen

From:	Capo Cares <capocares@gmail.com></capocares@gmail.com>
Sent:	Monday, November 18, 2019 8:38 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; =?utf-8?Q?=C2=A0tara=2Ecampbell?=@ocgov.com
Subject:	Zoning changes

Dear OC Public Works,

Capo Cares is a non profit advocacy organization for Capistrano Beach. Our tiny, 2 square mile area is one of the most intensely affected by the proliferation of what you are calling "Sober Living Homes" in the entire "Rehab Riviera". Please first, in order to avoid unnecessary confusion, be sure to refer to such operations as "recovery residences" to ensure that your zoning is compatible with terminology used by the State.

We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community and prevent it from becoming institutionalized.

We request that you protect both vulnerable addicts an our community by requiring background checks of operators and employees for violent crimes and drug distribution. Those who will be working in residential neighborhoods should be screened for drug use as active illicit drug use is incompatible with supervision of those seeking sobriety. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the County. These common sense modifications in your zoning will protect both vulnerable addicts and the communities in which they reside.

Thank you for creating a complete model that we are hopeful with be used by other Orange County cities.

Thank you,

Toni Nelson

Founder and President, Capo Cares

From:	David Weaver
Sent:	Monday, November 18, 2019 9:36 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	Recovery Residences Separation

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community.

Active drug abusers serve as poor supervisors and role models for those seeking sobriety; we request that you require background checks of operators and employees for violent crimes and drug distribution and drug screen those who will be working in residential neighborhoods. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories.

Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities!



From:	Momma Ha
Sent:	Monday, November 18, 2019 9:45 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	Zoning changes

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. Active drug abusers serve as poor supervisors and educators for those seeking sobriety; we request that you require background checks of operators and employees for violent crimes and drug distribution and drug screen those who will be working in residential neighborhoods. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county. Thank you for creating a complete model that may be used by other Orange County cities.

Angelina Ha Amazon Web Services Mobile:

From:	Dannielle Cappellino
Sent:	Tuesday, November 19, 2019 7:21 AM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	Zoning Changes

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. We request that you require background checks of operators and employees for violent crimes and drug distribution. Those who will be working in residential neighborhoods should be screened for drug use as active illicit drug use is incompatible with supervision of those seeking sobriety. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities. Dannielle Cappellino

From:	Scott McGregor
Sent:	Tuesday, November 19, 2019 7:53 AM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	Zoning Changes and Separation

Dear OC Public Works,

Our family strongly supports changes in zoning to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. We request that you require background checks of operators and employees for violent crimes and drug distribution. Those who will be working in residential neighborhoods should be screened for drug use as active illicit drug use is incompatible with supervision of those seeking sobriety. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a model that may be used by other Orange County cities.

Scott McGregor San Juan Capistrano

From:	Teresa Huston
Sent:	Tuesday, November 19, 2019 8:13 AM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	zoning changes

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. We request that you require background checks of operators and employees for violent crimes and drug distribution. Those who will be working in residential neighborhoods should be screened for drug use as active illicit drug use is incompatible with supervision of those seeking sobriety. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities.

Teresa Huston

From:	Shannon Frisch
Sent:	Tuesday, November 19, 2019 10:02 AM
То:	Zoning Code Team
Cc:	colbi.cataldi@ocpw.ocpw.ocgov.com; Campbell, Tara [HOA]
Subject:	zoning changes
Attachments:	IMG_2060.JPG

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. Active drug abusers serve as poor supervisors and educators for those seeking sobriety; we request that you require background checks of operators and employees for violent crimes and drug distribution and drug screen those who will be working in residential neighborhoods. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities.

Please help protect residential neighborhoods from large businesses operating in single family zones. I live in Orange Park Acres and a company by the name of Newport Academy has 10 facilities that are now operating in our small community----all of these facilities are within 1 mile of each other and of my house! Please see addresses attached. I can't imagine that this large facility operation is serving the needs of the immediate community with the amount of facilities in a concentrated area.

Please help protect Single family zoning for the uses intended.

I would love to discuss this further or be a part of any discussion regarding this issue.

Warm Regards, Shannon Frisch

From:	Diane Kroeker
Sent:	Tuesday, November 19, 2019 10:02 AM
То:	Zoning Code Team
Cc:	Campbell, Tara [HOA]
Subject:	Zoning Changes

Dear OC Public Works,

We live next door to a "Sober Living Home". Our entire lifestyle has changed because of their lifestyle. Our privacy, security, our newly acquired fear, noise, numerous cars on the street, constant smoking in their backyard that wafts into our backyard so we have to go into the house. It is not what we want to experience day to day. It is not why we bought our beautiful home to live with a business feet from our bedroom window.

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. Active drug abusers serve as poor supervisors and educators for those seeking sobriety; we request that you require background checks of operators and employees for violent crimes and drug distribution and drug screen those who will be working in residential neighborhoods. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities.

Regards, ~diane kroeker

From:	Erica Cox
Sent:	Tuesday, November 19, 2019 10:48 AM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	Zoning changes

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. **We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. We request that you require background checks of operators and employees for violent crimes and drug distribution. Those who will be working in residential neighborhoods should be screened for drug use as active illicit drug use is incompatible with supervision of those seeking sobriety. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.**

We have over a dozen of these homes in my neighborhood. I have seen patients leave in body bags. I had one of these home next door to me with 13 people living it, men who smoked constantly, cussed continuously, and leered out of windows at my young teen daughters. I had their reckless driver coming through our neighborhood 5-7 times/day, we had a drug-crazed individual knocking on doors on Christmas throughout the neighborhood, we saw person after person get "curbed" and walk out with the suitcases with nowhere to go, we had drug out strangers try to enter our home because they thought it was the house next door. It was a complete nightmare. These requests above are the LEAST we can do to protect our communities AND the patients who go there.

Thank you for creating a complete model that may be used by other Orange County cities.

Erica and Tony Cox San Juan Capistrano

From:	Moyra Eulitz
Sent:	Tuesday, November 19, 2019 12:45 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	SOBER LIVING HOMES

Dear OC Public Works,

I strongly support changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." I would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. I strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. I request that you require background checks of operators and employees for violent crimes and drug distribution. Those who will be working in residential neighborhoods should be screened for drug use as active illicit drug use is incompatible with supervision of those seeking sobriety. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities.

Yours truly,

Moyra Ann Eulitz

From:	Advocates for Responsible Treatment <info@responsibletreatment.org></info@responsibletreatment.org>
Sent:	Tuesday, November 19, 2019 1:23 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Vuong, Richard; Campbell, Tara [HOA]; Bartlett, Lisa [HOA]; victor.cao@ocgov.com;
	Steel, Michelle [HOA]; Warren Hanselman
Subject:	Comments on Orange County Zoning Third Draft 11/18/19

To: Orange County Public Works

From: Advocates for Responsible Treatment San Juan Capistrano, CA

Re: http://www.ocpublicworks.com/civicax/filebank/blobdload.aspx?blobid=104025

Dear Mr. Cataldi,

For nearly five years, Advocates for Responsible Treatment, an all-volunteer, citizens' advocacy group, has represented Southern California residents, working to ensure recovery businesses operate in a safe, humane and legal manner. We address legislation, ordinances and regulation at a city, county, state and federal level. In 2018, our data was quoted in the hearing, "Examining Sober Living Homes," of the House Judiciary Committee's Subcommittee on Constitution and Civil Justice. Our goal is to shine factual light on an issue that is often inflammatory and to address recovery housing in a way that benefits both recovering addicts and neighbors, seeking win-wins for both.

We are writing today with regards to proposed zoning changes. Recent proposed Orange County changes related to group homes demonstrated insufficient research to introduce the quality of zoning needed to protect both recovering addicts and residents. It is absolutely critical that the county get these zoning changes right for four reasons. The first and foremost reason is lives are at stake. The second is to ensure that new zoning and ordinances "play well" with existing regulations and ordinances. The third is that these changes will serve as role models for other cities' zoning ordinances. The last is to reduce the likelihood of creating an impression of discrimination or bias that might lead the county into unnecessary litigation.

What does Orange County's new zoning need to take into consideration?

1) (7-9-95.1) The term used by the State of California to describe unlicensed houses that claim to offer "sober" environments for recovering addicts is "Recovery Residence." This term first emerged in SB 992, which was signed by the governor in September of 2018. While Costa Mesa refers to such operations as "sober living homes," their language is an artifact of the earlier promulgation of their ordinances, and it would be wise for the county to adopt the language of the state. For citizens, it would clarify the distinction between state-licensed houses and unlicensed business operations in their neighborhood; this would help the county communicate more clearly its success in zoning, leading to increased citizen satisfaction. Using the term "Recovery Residence" also creates a distinction between an unlicensed business operating out of a house, and a house where six people dwell under their own contract, which by definition is a family "home," and will not be addressed by this zoning. Calling transient occupancy a "home" belies the nature of the housing the county is zoning.

2) (7-9-95.4) (7-9-95.6(a)(12)) The purpose of separation requirements is to reduce the number of group homes in an area for the benefit of those occupying the homes, so that the group homes do not form enclaves different than neighborhoods available to others. While the City of Costa Mesa has chosen 650 feet of separation, 650 feet is insufficient in county lands. Laguna Niguel has established 1000 feet, and the Department of Justice and HUD agreed in

an investigation of Prescott, Arizona that 800 feet was reasonable.(A) The state has established 300 feet of separation between virtually all of the houses under its Community Care Act domain, so, for example, 300 feet must be between any house regardless of the class served, such as homes for hospice or the cognitively impaired. Presently proposed zoning only addresses separation between recovery-related houses, and other state licensed group homes (for hospice, the cognitively impaired, etc.) can in-fill between them. Likewise, many parts of county land, attractive to operators due to the lack of regulation, have properties that are larger lots, which, under the proposed 650 feet of separation, would enable every other house to become a Recovery Residence, turning a neighborhood into an "enclave." We urge Orange County to adopt 1000 feet between both Recovery Residences AND licensed state houses.

3) Recovering addicts are vulnerable and have been subjected to fraud and abuse in Orange County. Therefore, for the protection of this vulnerable population, the county must establish standards for operators. Operators and employees should be screened for past histories of fraud, drug dealing, and violence, i.e. the crimes that put occupants at risk. Employees who work in neighborhoods should be required to be fingerprinted annually, and drug screened on a quarterly basis for the protection of the occupants.

4) In Orange County, recovering addicts have been both shot and stabbed by other occupants.(B) For the protection of the occupants, client/occupants should be screened for past histories of violence and drug dealing and those with such pasts should be excluded from occupancy in residential neighborhoods.

5) The Recovery Residence must have rules and regulations for prohibiting the use of alcohol and non-prescription drugs. All participants must actively participate in legitimate recovery programs.

6) (7-9-95.6(a)(9)) Prior to eviction, the Recovery Residence should be required to notify the occupant's emergency contact as well as the Orange County Health Care Agency OC Link Referral Line. Transportation back to an occupant's permanent residence should be provided.

7) The Recovery Residence must have a good neighbor policy and must inform neighboring houses of all of their complaint options, including how to reach the operator and the county, which will create a log of their complaints.

8) To reduce transience, all rental contracts must be for 30 days or longer.

9) Especially given fire hazards in county lands, sprinkler systems should be required.(C)

10) Obviously, all such facilities must be registered in the county's database to be of good standing.

Should you seek additional support for the 1000 feet separation requirement, we would urge you to reach out to Jonathan Orduna in the City of Laguna Niguel offices. Should you seek specific language for implementing these changes, we would refer you to the Costa Mesa zoning.

Thank you very much,

Laurie Girand Steering Committee Member Advocates for Responsible Treatment <u>https://www.responsibeltreatment.org</u>

(A) "Podracky says the goal is to break up clusters of group homes in one area, not to target and shut down certain homes.

'There was in fact a significant clustering problem of group homes in one area, thus creating the possibility of some sort of institutionalized location for these group homes,' he said.

The DOJ and HUD closed the second investigation on the 800-foot group home buffer finding no violations."

KJZZ, <u>"DOJ, HUD Close Investigation On Prescott Sober Living Home Regulations,"</u> 2/21/17

(B) Ritchie, Erica, "Long shower leads to stabbing, arrest at Dana Point sober living facility," Orange County Register, 1/26/18;

Fasuto, Alma and Whitehead, Brian, "<u>Man arrested on suspicion of shooting roommate to death at Tustin addiction</u> recovery home," 1/24/17.

(C) Monahan, Daniel; <u>"Fitchburg wins appeal over sprinklers in sober houses; Federal appeals court rules sprinklers are required to operate a sober home.</u> Sentinel & Enterprise, 10/20/19

From:	Wendie Pinto
Sent:	Tuesday, November 19, 2019 2:47 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; taracambell@ocgov.com
Subject:	Zoning Changes

To Whom it May Concern,

I would like to address the problem of the proliferation of "recovery" businesses in my neighborhood.

Next door I have one with 12 beds in the house and 6 refrigerators in the garage. I have no idea who these men are and for how long they plan to stay. It is a revolving nightmare. Absolutely no oversight on previous criminal records for those living there and those who are the house managers.

In addition to this business, there are two more "recovery" homes behind me. I live in a residential neighborhood but I'm surrounded by businesses I know nothing about and are opened day and night. This all happened after my husband and I moved in 5 years ago.

Please try and understand what we are going through. Getting a decent amount of sleep is only one aspect of my problem. Having my grandchildren enjoy the safety of my house is another.

Looking forward to some regulations.

Wendie Pinto

Sent from my iPhone

From:	Mal
Sent:	Tuesday, November 19, 2019 3:18 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	Please support min of 100 feet

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet or more of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community. We request that you require background checks of operators and employees for violent crimes and drug distribution. Those who will be working in residential neighborhoods should be screened for drug use as active illicit drug use is incompatible with supervision of those seeking sobriety. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

I also believe these homes should not be allowed near schools and should have even more distance than 1000 feet. There also should be a limit set to the number of homes allowed per street and neighborhood please.

Thank you for creating a complete model that may be used by other Orange County cities.

Kind Regards

Marilyn Wit Sent from my iPhone. Sorry for the errors.

From:	
Sent:	Tuesday, November 19, 2019 8:12 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	Zoning changes

Dear OC Public Works,

Our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes."

My family would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support at least a 1000 feet of separation between licensed and unlicensed houses providing recovery services.

They are not the only group homes in our community, and we must leave room to maintain the diversity of our neighborhoods.

Active drug abusers serve as poor supervisors and educators for those seeking sobriety; we request that you require background checks of operators and employees for violent crimes and drug distribution and drug screen those who will be working in residential neighborhoods. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories.

Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities. Sent from my iPhone

From:	Shelley Ho
Sent:	Tuesday, November 19, 2019 8:32 PM
То:	Zoning Code Team
Cc:	Cataldi, Colby; Campbell, Tara [HOA]
Subject:	Zoning Changes

Dear OC Public Works,

We recently had a "sober living home" in a rental next door to us. It was quite disruptive having this 1 house in our neighborhood with the constant noise, smoking(cigarettes and marijuana), parties (yes with alcohol), traffic from comings and goings, whistling at our teenage daughter if she dared to go in our front yard, drug paraphernalia tossed in our backyard along with shoes and other random items, and fights just to name some of the inconveniences. Because of our personal experience, our family strongly supports changes in zoning that have been requested to address encroachment of businesses into residential neighborhoods, and in particular with what the proposed changes refer to as "Sober Living Homes." We would like to draw your attention to the fact that the state refers to such operations as "Recovery Residences," and referring to them otherwise creates unnecessary confusion. We strongly support 1000 feet of separation between licensed and unlicensed houses providing recovery services because they are not the only group homes in our community, and we must leave room for other types to maintain the diversity of our community.

We request that you require background checks of operators and employees for violent crimes and drug distribution. Those who will be working in residential neighborhoods should be screened for drug use as active illicit drug use is incompatible with supervision of those seeking sobriety. For the protection of occupants, clients should be screened for violent pasts and drug dealing and excluded if they have such prior histories. Lastly, it is imperative that houses in the vicinity of Recovery Residences be notified by the operators of how to file complaints with both the operator and the county.

Thank you for creating a complete model that may be used by other Orange County cities.

Sincerely, Shelley Ho Orange, CA Section 3 – Public Comments related to all other sections of the Zoning Code Update.

From:	Cox, Terry
Sent:	Wednesday, October 23, 2019 12:07 PM
То:	Jay Bullock
Cc:	Maldonado, Ruby; Chang, Joanna; Jimenez, Bea Bea
Subject:	Re: OC Zoning Code Update - Third Draft and 30-day Review Period

Hi Joanna,

I believe this was meant for you.

Regards,

ΤС

Sent from my iPhone

On Oct 23, 2019, at 11:32 AM, Jay Bullock wrote:

OC Zoning Code Update team,

On behalf of Rancho Mission Viejo ("RMV"), we would like to thank you for the opportunity to review and provide comments on the proposed Third Draft OC Zoning Code Update. Upon reviewing the Third Draft, RMV has only one comment -- and request -- in relation thereto. By virtue of the fact that the Ranch Plan Planned Community is the only remaining portion of unincorporated County territory where area plans are still being processed and approved, RMV questions the necessity and propriety of new Section 7-9-1.b, which states that the Board of Supervisors has the authority to initiate an amendment to an area plan.

The Ranch Plan Planned Community Program Text (originally approved November 8, 2004) Section II.B.2 states "The authority for the creation and establishment of an Area Plan is set forth in Zoning Code Section 7-9-150.1(b)", and this portion of the OC Zoning Code states: "The Planning Commission is the approving authority for all area plan applications and amendments." In short: Adoption of the Third Draft in its current form (vis-à-vis Section 7-9-1.b) would conflict with what the Board of Supervisors has previously approved and adopted in connection with the Ranch Plan.

As you will recall, the Ranch Plan Development Agreement assures RMV the right to develop the Ranch Plan in accordance with the rules, regulations, policies, etc. of County in effect on December 8, 2004 (collectively, the "Land Use Regulations," as more particularly defined by DA Section 1.2.25[1]) and that the development will not be affected by new or conflicting ordinances, policies, etc. adopted after the effective date of the Ranch Plan DA (i.e., August 17, 2005). Therefore, even if the County were to adopt the Third Draft, the proposed new OC Zoning Code Section 7-9-1.b would not apply to the Ranch Plan. Nevertheless, in an effort to avoid potential confusion between the Ranch Plan PC Text and the County's regulatory instruments, RMV respectfully requests that the proposed new OC Zoning Code Section 7-9-1.b be consistent with the current OC Zoning Code and the Ranch Plan PC Text by stating only that the Board of Supervisors: "May initiate amendment(s) to the General Plan, Zoning Code, zoning map and specific plans", but remove any reference to area plans.

Please let us know if you have any questions or need additional information.

Jay Bullock

Vice President, Planning & Entitlement RANCHO MISSION VIEJO



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^[1] Per DA Section 1.2.25: "'Land Use Regulations' means Regulations of County which govern the permitted uses of land, the density and intensity of use, and the design, improvement, and construction standards and specifications applicable to the Development of the Property, including but not limited to, mitigation measures required in order to lessen or compensate for the adverse impacts of the project on the environment and other public interests and concerns. Land Use Regulations include, but are not limited to, Land Use Ordinances, Development Approvals and Exactions. The term Land Use Regulations does not include, however, Regulations relating to the conduct of business, professions and occupations generally; taxes and assessments other than Development Exactions; Regulations for the control and abatement of nuisances; encroachment and other permits and the conveyances of rights and interests which provide for the use of or entry upon public property; and any exercise of the power of eminent domain." Note, also, that DA Section 1.2.42 defines the term "Regulations" as follows: "[L]aws, statutes, ordinances, and codes (including the Building and Improvements Standards), resolutions, rules, regulations and orders; approvals, denials and conditional approvals in connection with tentative, vesting tentative and final subdivision maps, parcel maps, conditional and special use permits and other permits of every kind and character; programs; and official policies and actions of County; together with amendments to all of the foregoing."

From:Heidi Sauvey@icloud.com>Sent:Monday, November 11, 2019 11:51 AMTo:Zoning Code TeamSubject:No food stands

To Whom It May Concern,

I fully support the no food stands in neighborhoods. Please help us to keep our neighborhood free of food carts and allow the community to continue to support family owned small business establishments.

Sincerely, Heidi Sauvey

Sent from my iPhone



November 13, 2019 OC Development Services/Planning Via email: OCZoningCode@ocpw.ocgov.com

Re: Comments on the proposed Zoning Code update

Foothills Communities Association (FCA), with a membership of over 5,000 residents in the unincorporated North Tustin area, has the following comments regarding the Third Draft of the proposed Zoning Code update, "Orange is the New Green." North Tustin is by far the largest residential area in unincorporated Orange County that will be affected by the updated Zoning Code.

Some uses not now permitted in base districts in North Tustin would be permitted with a Use Permit. The North Tustin community is nearly built-out, and any infill development could have a negative impact on the surrounding residential area and possibly the entire North Tustin community. FCA has the following specific concerns:

> 1. Health Care Facilities: This use is presently not allowed in North Tustin residential areas. The amendment proposes to allow the use of health care facilities in all residential districts with a Use Permit: Health care facilities are allowed in residential and agricultural districts and are licensed by the State. These facilities provide treatment on an outpatient basis, or care to patients admitted for a 24-hour stay or longer. This includes acute care hospitals, urgent care clinic, primary care clinics, other clinics, skilled nursing facilities, hospices, and congregate living health facilities (Sec. 7-9-96). Imposition of this use is totally inappropriate in North Tustin residential neighborhoods, in that: (a) health care facilities would be neither compatible nor harmonious with residential neighborhoods; (b) there would be exterior evidence of such health care facilities; (c) non-residents would be coming into residential neighborhoods and to work at such health care facilities located there; (d) there would likely be signage relating to such health care facilities; and (e) health care facilities would create significantly greater vehicular or pedestrian traffic than normal for residential neighborhoods in which they are located. All of the points in (a) through (e) above are expressly prohibited in the current Section 7-9-146.6 of the Zoning

Code, and should remain prohibited. Accordingly, the use of health care facilities in residential areas should remain prohibited.

- 2. Commercial Entertainment and Recreation (Outdoor Only): The proposed amendment would allow the following with a Use Permit in all districts except R1 and RS: Outdoor. amusement and theme parks; sports stadiums and arenas; racetracks; amphitheaters; drive-in theaters; driving ranges and golf courses; country clubs; riding, yacht, tennis or swimming clubs; swimming or wave pools; miniature golf courses; archery ranges, paintball field/park; or zipline facility. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons (Sec. 7-9-134.4 [i] [2]). At present the allowable uses with a Use Permit are restricted to country clubs, golf courses, riding clubs, swimming clubs, and tennis clubs, etc. The proposed amendment would introduce commercial uses incompatible with North Tustin residential neighborhoods.
- 3. Seasonal Product and Temporary Outdoor Sales: The proposed wording in the proposed amendment adds " similar seasonal product sales" (*Temporary Christmas tree*, <u>Halloween pumpkin</u>, and <u>similar seasonal product sales</u> facility shall be permitted in any agricultural, commercial, or industrial district or in similar areas of planned communities and specific plans, unless otherwise prohibited, and on all church sites and school sites and on vacant residential property abutting arterial highways subject to the following requirements [Sec. 7-9-117.8]). The added language may lead to abuse of the original concept of allowing temporary sales for Halloween and Christmas sales. The original language of "Christmas and Halloween" is preferred.

Thank you for your consideration of our comments.

Sincerely,

RDNelspir

Richard Nelson, President FOOTHILL COMMUNITIES ASSOCIATION

From:	Judith Murphy
Sent:	Saturday, November 16, 2019 2:19 PM
То:	Zoning Code Team
Subject:	Fruit and Vegetable Stands in residential areas

To the Planning Commission:

I live in an unincorporated area of Anaheim and I am writing to ask you to ban produce stands from residential neighborhoods. We have plenty of grocery stores, markets, 7-11 stores, fast food places, etc. in close proximity to our residences that already sell fruits and vegetables. We already have carts selling drinks in the neighborhood and ice cream trucks that come by and stop to sell ice cream daily. We do not need any more stands to add to the unattractiveness and clutter in our neighborhood. In addition, these produce stands would cause an increase in foot and vehicle traffic, increase the amount of trash in our neighborhoods of which we have plenty due to all of the fast food places around here, and would attract bugs, rats, coyotes, and other varmints. Also I don't know if there would be any inspections to determine compliance with health codes, food safety and sanitary procedures. Fruits and vegetables are already readily available from businesses who are inspected for health and safety compliance and are within walking distance. Also, most stores even have delivery services now. There are many negatives that would come from having these stands and I do not see any benefit or real purpose for having them in residential areas. We don't need them. Please ban them.

Sincerely, Judy Murphy

From:	Ellen-anaheimrealtor
Sent:	Sunday, November 17, 2019 10:59 AM
То:	Zoning Code Team
Cc:	Cox, Terry
Subject:	Alliowing Fruit & Vegetable stands in residential neighborhoods

I don't want fruit & vegetable stands in my neighborhood or in any residential neighborhood. They are a business. They belong in a business area.

When I spoke about this at the Planning Commissioners meeting, the first words out of my mouth were, "Did you run this by the County Health Dept.?" Those are still my first words. When I asked a nurse about allowing them, she said, "Absolutely not!"

When I talk with people in another unincorporated area, they know nothing about this proposal. If you want to change the nature of residential areas, you need to put a notice on every door in unincorporated areas more than once! Plus, because the wind blows paper left on people's door step and people throw things away without looking at them, you need to send notices to them via the USPO.

Do you want to look at a fruit and vegetable stand across the street from you? I don't! If you don't, then why would you want to allow them in my neighborhood? If you want them, you are not upholding the duty you promised when you were voted in which is to put the wants of the people you are representing before your own wishes!!!!

I asked a vegetable stand owner who is licensed if he had varmints and he replied, "Yes!" The Health Dept inspects him every month and if he doesn't pass, he will be closed down. Who is going to inspect the stands in a residential neighborhood every month? Surely, not the County personnel. We are told there is no money to hire more Sheriff's to give tickets to people that are parked on the streets during street sweeping hours!!! If they did, there would be a bunch of money going into the general fund. We have counted more than 700 cars parked on the streets during street sweeping hours! I would think the County would do something about hiring Sheriff's on street sweeping days to give out tickets!

Do you really think people with a fruit & vegetable stand in their front yard is going to always put their leftover food in the frig? I don't! They are human. Some nights they are tired and will just leave it in the stands thinking it will be ok. "I will throw anything away in the morning that is spoiled, or let it rot in the street. The street sweeper is coming tomorrow. I will just throw it in the street." EEK!!!

With rotting food come varmints, i.e. rats, mice, possums, skunks, raccoons, and other varmints, including coyotes. We already have a problem with rats. Ask any gardener. Rats and possums already live in the trees. Have you seen a possum's teeth? Neighbors have asked the County about their rat problem and the County doesn't do anything to get rid of rats. Neighbors are telling me that the coyotes have killed their pets. Anaheim and other cities already have a problem with coyotes.

How many people have fruit trees and when the fruit falls, let it rot on the ground. I see rotting fruit all the time when I walk the dog. What I see are the fruit trees in the front yards. What about the rotting fruit from the trees in the back yards? EEK!!!

Use your brain, and do not allow fruit and vegetable stands in our neighborhoods.



Ellen C. Whomsley

Goldenwest Properties - Brea



November 15, 2019

Re: Tree Preservation Ordinance

Dear Mr. Cataldi:

On behalf of our membership, I write to express our continued opposition to the Tree Preservation Ordinance.

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people in the home building industry.

Over the course of the Orange to Green Update, BIA/OC has provided comments on Tree Preservation Ordinance drafts, outlining our concerns in detail. Each version has jeopardized the careful balance Orange County has achieved between property rights and preservation. Despite the many alternatives, in all instances, each variation shares a common flaw that makes support unattainable. Each approach directly burdens individual property rights, devalues land, restricts freedoms and places incalculable costs on development.

The proposed language, at this time, is no different. Under consideration is a large and expansive list of trees and shrubs that stands to hopelessly complicate any site assessment without the aid of expert arborists. This will add costs and slow site reviews in a literally incalculable fashion.

The proposed language is also burdensome in that it requires a 15-1 replacement requirement for some trees while others fall on a continuum of 5-12 trees per single removal. Whether it is 15, 5, 8 or 12 per single tree, significant complications will arise from these requirements, not to mention cost and project delays. This is further exacerbated by minimum size requirements on any replacement tree that will undoubtedly result in significant disputes before final approvals are granted.

The proposed language also creates a new governmental hurdle in that it will establish a Tree Preservation Permit application. First an expert will need to be hired to identify tree species, then a property owner will have to explain why "removal and/or encroachment into the Tree Protection Zone is necessary."

Further, a property owner must explain to the government why "removal and/or encroachment into the Tree Protection Zone is more desirable than alternative project designs." Finally, the language proposed requires that protected trees, "shall be shielded from damage during construction by a protective fence a minimum of four (4) feet in height" and shall be "installed prior to the commencement of any development on the site and shall remain in place throughout the construction period." PRESIDENT RICK WOOD TRI POINTE HOMES

VICE PRESIDENT SUNTI KUMJIM MBK HOMES

TREASURER/ SECRETARY ERIC NELSON TRUMARK HOMES

IMMEDIATE PAST PRESIDENT MIKE GARTLAN KB HOMES

TRADE CONTRACTOR V.P. ALAN BOUDREAU BOUDREAU PIPELINE CORPORATION

ASSOCIATE VICE PRESIDENT MARK HIMMELSTEIN NEWMEYER & DILLION, LLP

MEMBER-AT-LARGE PETER VANEK FOREMOST COMPANIES

MEMBER-AT-LARGE SEAN MATSLER COX CASTLE & NICHOLSON, LLP

> EXECUTIVE OFFICER STEVE LA MOTTE

24 Executive Park, Suite 100 Irvine, California 92614 949.553.9500 | biaoc.com Such requirements dramatically undermine property rights and create significant litigation exposure for anyone doing work on their property.

It is also important to keep in mind that these requirements adhere to a region where no inventory of trees exist. The requirements of this section could make all future development economically infeasible. There is no way to determine the cost and scope of impact this language will have on property owners now and into the future. As mentioned in previous comments on this proposal, staff has done an excellent job of outlining the number of parcels impacted, but without an inventory of trees on those parcels, there is no way to calculate scope, real world costs, or any actual impact this Ordinance could have.

While the scope of the Ordinance has been limited to the Silverado-Modjeska Specific Plan, the policy itself remains deeply troubling. In effect, approval of this language is paramount to asking land owners within the Plan to write a "blank-check" that could grind many opportunities to a halt. At a time when we are faced with a housing crisis caused by a critical lack of supply, now is not the time to add further burdens to land with housing opportunity

Thank you for your thoughtful consideration

Respectfully,

Steven C. LaMotte Chapter Executive Officer



November 18, 2019

Ms. Joanna Chang Land Use Manager OC Development Services/Planning 601 N. Ross Street Santa Ana, CA 92702

Subject – American Family Housing comments on Orange is the New Green

Via Electronic Mail

Dear Ms. Chang:

American Family Housing, which is based in Midway City in unincorporated Orange County, appreciates this opportunity to comment on the proposed revisions to the zoning code. Following are our comments to the third draft of the proposed code update:

1. Encouragement of Mixed-Use Development

In a changing world, flexibility is key to successful land use regulations. We believe that as innovations in transportation take hold in the coming years, that mixed use development will be integral to sustainably communities. While we greatly appreciate the affordable housing incentives in this update, we believe that greater accommodation for projects that include office and retail space should be built into the zoning code. To that end we suggest the following changes to the draft code:

- Allow up to 100 square feet of ground floor office/retail space per residential unit allowed under the base density for projects taking advantage of the Housing Overlay. This will help to activate the street edge and provide job and shopping opportunities convenient to the residents of the affordable housing.
- For affordable units that qualify for a 0.5 or greater parking ratio under state density bonus law, allow up to 50% of the parking to be shared with the office/retail use since many residents will be at work during the day.
- The above items should be part of the Site Development Permit to the Director.

Welcome Home



2. Height restrictions

- The Housing Opportunities Overlay district will facilitate development of high-density buildings in commercial and industrial zones. The height limit specified (35 feet without density bonus incentives) may limit implementation of that density. Establishing a higher height limit which would allow a five-story building would provide several benefits:
 - Smaller building footprint, with space for landscaping open space and parking
 - Greater diversity of unit plans (more 2- and 3-bedroom units for affordable projects)

• Greater latitude for design, allowing articulated facades and graduated heights.

These features will be reviewed by the Director in the Site Development Permit process.

You may contact me by email at milo@afhusa.org or by telephone at (714) 897-3221, x101 if you want to discuss further.

Thank you.

Sincerely,

Milo Peinemann Chief Executive Officer American Family Housing

From:	Gloria Sefton <gloriasefton@gmail.com></gloriasefton@gmail.com>
Sent:	Monday, November 18, 2019 3:49 PM
То:	Zoning Code Team
Cc:	Wagner, Donald [HOA]; Kevin Rice; Chaffee, Doug [HOA]; Ray Chandos; Rich Gomez
Subject:	Zoning Code Update - Tree Preservation Ordinance
Attachments:	Letter re Tree Ordinance 2019-Nov-18 FINAL.pdf; ATT00001.htm; LetterReZoningCode_FTSP 2018- Oct-17.pdf; ATT00002.htm

Dear Zoning Code Team -

Please see the attached letter, with attachment, containing the comments of Rural Canyons Conservation Fund, Saddleback Canyons Conservancy, and Friends of Harbors, Beaches and Parks regarding the Tree Preservation Ordinance section of the latest (third draft) Zoning Code Update.

Thank you for considering our comments. Please confirm receipt.

Gloria Sefton Attorney at Law Co-founder, Saddleback Canyons Conservancy (949) 422-3413

Rural Canyons Conservation Fund







Saddleback Canyons Conservancy

November 18, 2019

OC Development Services/Planning Attn: Joanna Chang 601 N. Ross St. P.O. Box 4048 Santa Ana, CA 92702 Via Email to: OCZoningCode@ocpw.ocgov.com

Re: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update

Dear Ms. Chang:

We continue to support the adoption of the Tree Preservation Ordinance as part of the Zoning Code update and appreciate the County's efforts in bringing this to completion.

As a reminder, the County of Orange has the dubious distinction of being the only county in the six-county Southern California Association of Governments (SCAG) region that does not currently have a tree preservation ordinance. Adopting the tree preservation ordinance will go a long way in demonstrating that Orange County values its tree resources the way neighboring counties do theirs.

We are dismayed, however, that the latest draft continues to omit the Foothill/Trabuco Specific Plan (FTSP) area from the scope of the ordinance, leaving only the Silverado-Modjeska Specific Plan (SMSP) area trees to benefit from the protections. We are at a loss to understand why the trees in the FTSP area do not deserve the same protection as those in the SMSP area, particularly since the Planning Commission directed staff to include both canyon areas. See your email dated September 10, 2018: "Based on the last Planning Commission workshop, the commissioners directed staff to narrow the area of applicability to just the canyon areas (i.e. Silverado-Modjeska Canyon and Foothill Trabuco Canyon)."

Additionally, an overwhelming majority of the numerous supportive comments received on the last draft of the tree ordinance specifically requested that the FTSP area be included in the scope.

Thus, we resubmit our previous letter, which provides a surfeit of reasons why the tree ordinance can and should apply to the FTSP area. We again urge the County to revise the scope of the tree ordinance so that it serves its original intended purpose of protecting our native trees in <u>all canyon</u> areas.

Please revise the first sentence of the preamble to Article 2, Subarticle 4 of Section 7-9-69 as follows (added text in *italics*):

"Sections 7-9-69 through 7-9-69.6 shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the *Foothill/Trabuco Specific Plan area and the* Silverado-Modjeska Specific Plan area of the County of Orange."

Please revise Section 7-9-69.2(b) as follows (added text in *italics*):

"In case of a conflict between the provisions of *either the Foothill/Trabuco Specific Plan or* the Silverado-Modjeska Specific Plan and the Zoning Code, the most stringent provisions shall apply."

Finally, we hope the successful implementation of the tree ordinance for the canyons will result in the ordinance being expanded to other unincorporated areas, particularly the Fourth District, where an abundance of protected tree species also exists.

Sincerely,

Ray Chandos

Ray Chandos Secretary/Treasurer Rural Canyons Conservation Fund

Glinix Seften

Gloria Sefton /s/ Rich Gomez Co-founders Saddleback Canyons Conservancy

Wiem We

Michael Wellborn President Friends of Harbors, Beaches and Parks

cc: Third District Supervisor Donald P. Wagner Third District Planning Commissioner Kevin G. Rice Fourth District Supervisor Doug Chaffee

Attachment: Letter from Rural Canyons Conservation Fund, Saddleback Canyons Conservancy, and Friends of Harbors, Beaches and Parks dated October 17, 2018

Rural Canyons Conservation Fund







Saddleback Canyons Conservancy

Members of the Orange County Planning Commission c/o OC Development Services/Planning Attn: Joanna Chang P.O. Box 4048 Santa Ana, CA 92702 Via Email Attachment to: <u>OCZoningCode@ocpw.ocgov.com</u>

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update

Dear Commissioners:

We have, from its inception, supported the Orange County Tree Preservation Ordinance, and advocated for it to apply within the Foothill Trabuco Specific Plan (FTSP) area where many, if not most, of the trees proposed for protection exist. We were very disappointed, therefore, to read in the planning staff's September 12 report to the Planning Commission that the current draft ordinance would apply only within the Silverado-Modjeska Specific Plan area. We were further disappointed and surprised to hear Deputy County Counsel Nicole Walsh say that the Orange County Zoning Code (Zoning Code), which would contain the Tree Preservation Ordinance, cannot be applied within the FTSP area because the FTSP was enacted by ordinance and thus categorically pre-empts all provisions of the Zoning Code there. The purpose of this letter is to dispute the latter contention.

We assert that the Zoning Code does apply to the FTSP area, by its own explicit terms, and in fact has been applied within the FTSP area.

First, the Zoning Code states that it applies to all unincorporated land within the County, with exceptions only as delineated within the Zoning Code itself.

Property to Which Applicable: The Zoning Code shall apply to all unincorporated land within the County of Orange, except as otherwise provided by this section. (Zoning Code Section 7-9-20 (a).)

Nowhere within the Zoning Code does it exempt the FTSP area.

Second, the Zoning Code explicitly sets forth how its provisions are to be harmonized with any other provision of law in the event of overlap, duplication or conflict.

Duplicated Regulation: Whenever any provision of the Zoning Code and any other provision of law, whether set forth in this Code or in any other law or ordinance, impose overlapping or contradictory requirements, or certain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the Zoning Code. (Zoning Code Section 7-9-20 (b).)

Third, certain provisions of the Zoning Code explicitly apply within the FTSP. For example, the Arroyo Trabuco area within the FTSP is zoned "Floodplain Zone 2" (FP-2) on the Orange County Zoning Code map, as provided for by Section 7-9-113.2:

This district may be combined with any other district. In any district where the district symbol is followed by parenthetically enclosed "(FP-1)," "(FP-2)," or "(FP-3)," the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district and the FP suffix shall constitute the combining district. In the event of conflicting provisions between the base district and the combining district, the requirements of the FP-1, FP-2 or FP-3 shall take precedence. (Zoning Code Section 7-9-113.2.)

Similarly, the Zoning Code provides for wireless communication facilities, explicitly overriding any conflicting County ordinance or regulation:

Sec. 7-9-146.13. - Performance and development standards for wireless communications facilities.

•••

(p) *Conflicting Ordinances*. In the event that any County ordinance or regulation, in whole or in part, conflicts with any provisions in this section, the provisions of this section shall control. (Zoning Code Section 7-9-146.13 (p).)

We note further that the FTSP explicitly incorporates provisions of the Zoning Code. For example:

This document, in conjunction with the Orange County Zoning Code and other applicable ordinances, represents the Specific Plan for the Foothill/Trabuco area. It has been prepared in accordance with California Government Code (Sections 65250, et seq.). Unless otherwise provided for within this document, all future development in the Specific Plan Area must be found consistent with the Specific Plan Components, the Land Use District Regulations and the Development and Design Guidelines. (FTSP I.A.)

Building setbacks. Per Zoning Code Section 7-9-128 and 7-9-13, except as follows: (FTSP III.D.8.8 b.)

In conclusion, both the Zoning Code and the FTSP currently govern land use within the FTSP area in a harmonious, complementary, and clearly defined manner. As indicated above, other ordinances (e.g., wireless communication facilities) apply in specific plan areas (including the FTSP area), so we see no valid reason why the provisions of the Tree Preservation Ordinance, within the Zoning Code, should not be extended to the FTSP area. We urge that the scope of the Tree Preservation Ordinance be revised to include the FTSP area in addition to the Silverado-Modjeska area so that tree protections will be consistent within the canyon specific plan areas.

Sincerely,

Ray Chandos

Ray Chandos Secretary/Treasurer Rural Canyons Conservation Fund

Abria Sefter

Gloria Sefton /s/ Rich Gomez Co-founders Saddleback Canyons Conservancy

Wieme Wells

Michael Wellborn President Friends of Harbors, Beaches and Parks