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From: Elizabeth Wahler [REDACTED]
Sent: Thursday, December 4, 2025 4:43 PM
To: Duggan, Scarlet <scarlet.duggan@ocpw.ocgov.com>
Subject: Fwd: Formal Opposition to Planning Application PA25-0072 Agenda

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Hi Scarlet,

So nice to meet you today. Now that public comments are open until December 18, please include these in the official public record.

Thank you,
Elizabeth

----- Forwarded message -----

From: **Elizabeth Wahler** <[REDACTED]>
Date: Tue, Dec 2, 2025 at 1:28 PM
Subject: Re: Formal Opposition to Planning Application PA25-0072 Agenda
To: <scarlet.duggan@ocpw.ocgov.com>
CC: <Marissa.Leahy@ocpw.ocgov.com>, <Katrina.Foley@ocgov.com>,

<senator.strickland@senate.ca.gov>, <min.office@mail.house.gov>

VIA EMAIL (scarlet.duggan@ocpw.ocgov.com)

December 2, 2025

To: Scarlet Duggan, Land Use Manager Zoning Administrator, County of Orange 601 N. Ross Street Santa Ana, CA 92701

Re: Formal Opposition to Planning Application PA25-0072 Agenda Item #1 – December 4, 2025 Hearing (Proposed Wireless Facility at Pelican Hill Golf Club / Buck Gully Canyon Rim)

Dear Ms. Duggan and Honorable Zoning Administrator,

I submit this comment in strong opposition to Planning Application PA25-0072.

I support improved cellular coverage in our community and have personally advocated for it for years. However, the specific location and design proposed in PA25-0072 introduce preventable wildfire, environmental, insurance, and liability risks that cannot be adequately mitigated at this canyon-rim site.

Based on the County's own record, applicable fire-safety laws, and the requirements of the Coastal Act and CEQA, the project:

1. **Cannot lawfully rely on a Class 3 categorical exemption** under CEQA Guidelines § 15303 due to the location and "unusual circumstances" exceptions (§ 15300.2);
2. **Cannot be found consistent with Coastal Act** §§ 30230, 30231, and 30253; and
3. **Cannot demonstrate compliance with OCFA defensible-space requirements** given property-line constraints.

For these reasons, I respectfully request denial of Resolution No. 2025-02 or relocation of the facility to a lower-risk site.

1. Defensible Space and Fuel Modification Requirements Cannot Be Met at This Site

OCFA's October 15, 2025 review (Service Request #25004916) calls for "removal of undesirable species and other fuel-modification measures for a minimum distance of 100 feet from the structure" as the condition under which OCFA may find the fire protection plan acceptable.

Separately, Public Resources Code § 4291 requires 100 feet of defensible space around structures in wildfire-prone areas. OCFA Guideline C-05 further provides that required fuel-modification areas are to be located within the subject property or tract; use of offsite land requires recorded easements from adjoining owners before plans can be approved.

The proposed tower pad is approximately 80–100 feet from private residential lots in Cameo Highlands along the canyon rim. As a result:

- A 100-foot fuel-modification/defensible-space zone around the facility necessarily extends into private residential parcels outside the applicant's control.
- There is no evidence in the record of any recorded easements granting the applicant, Pelican Hill, or the County rights to permanently clear vegetation on those private lots to meet OCFA standards.
- OCFA's guidelines state that conceptual fuel-modification plans will not be approved until such easements are in place.

The County cannot lawfully approve a project that depends on speculative offsite vegetation clearance on third-party parcels with no recorded rights. Conditioning the permit on future offsite clearances that the applicant has no present power to perform is not an adequate or enforceable mitigation measure.

At minimum, this precludes any finding that fire-safety impacts are less than significant, and it is inconsistent with Coastal Act § 30253's requirement that new development minimize risks to life and property in areas of high fire hazard.

2. The Site Is in a CAL FIRE–Mapped Very High Fire Hazard Severity Zone (VHFHSZ)

The project site is located in a State-mapped Very High Fire Hazard Severity Zone (VHFHSZ) under Public Resources Code §§ 4201–4202. By definition, these zones are designated based on fuel loading, slope, fire weather, and areas where winds are a major cause of wildfire spread.

At this site, the project proposes:

- Two diesel generators (27 kW and 30 kW);
- A combined 275 gallons of on-site diesel fuel; and
- Above-ground electrical and mechanical infrastructure.

All of this is proposed on a steep canyon edge subject to Santa Ana winds and ember-driven fire behavior. Concentrating combustible fuel and ignition sources at the rim of a VHFHSZ canyon is directly at odds with Coastal Act § 30253, which requires that new development minimize risks to life and property in areas of high fire hazard.

These conditions also constitute "unusual circumstances" under CEQA Guidelines § 15300.2(c), as interpreted by the California Supreme Court in *Berkeley Hillside Preservation v. City of Berkeley*, because the project combines hazardous fuel storage, steep topography, and high-hazard fire mapping in a way not typical of ordinary "small facilities or structures" contemplated by Class 3.

3. The Site Sits Above a Protected Coastal Watershed and Marine Protected Areas

The project pad lies immediately above Buck Gully, a natural coastal canyon whose watershed drains directly into the Crystal Cove State Marine Conservation Area (SMCA) and the Irvine Coast Area of Special Biological Significance (ASBS). Buck Gully is part of the Orange County Central/Coastal NCCP/HCP reserve system and is documented as supporting numerous federally and state protected species, including the **Coastal**

California Gnatcatcher (Threatened) and Least Bell's Vireo (Endangered).

Both the Irvine Coast ASBS and Crystal Cove SMCA are expressly designated by the State as resources of "critical concern," triggering CEQA's location exception under § 15300.2(a).

Any diesel spill, post-fire runoff, fire-suppression foam, or erosion from this canyon-rim site would flow directly into these protected coastal waters. Under Coastal Act §§ 30230 and 30231, marine resources and coastal water quality must be maintained, and development must minimize adverse effects of runoff.

The Staff Report contains no site-specific analysis whatsoever demonstrating that siting diesel generators and extensive vegetation removal at this location is consistent with these Coastal Act mandates.

4. The Project Cannot Properly Rely on a CEQA Class 3 Categorical Exemption

The Staff Report applies the Class 3 "small structures" exemption (CEQA Guidelines § 15303). That determination is legally unsupportable for at least three independent reasons:

4.1 Location Exception – Sensitive Environmental Resource CEQA Guidelines § 15300.2(a) prohibits categorical exemptions where a project may impact an environmental resource of hazardous or critical concern. The project site drains into the Irvine Coast ASBS and Crystal Cove SMCA and sits adjacent to NCCP/HCP reserve lands. This alone bars use of a Class 3 exemption.

4.2 Unusual Circumstances and Reasonable Possibility of Significant Effects Both prongs of the unusual-circumstances exception are met:

- **Unusual circumstances:** Hazardous diesel storage on a steep VHFHSZ canyon rim, immediately upslope of sensitive marine resources, with fuel-modification zones extending onto neighboring private property.
- **Reasonable possibility of significant impacts:** Wildfire ignition, slope failure, toxic runoff into an ASBS, and impacts to federally listed species.

4.3 Improper Reliance on Deferred Mitigation The draft Resolution requires preparation of a future Fire Master Plan, Fuel Modification Plan, and Water Quality Management Plan. CEQA does not allow reliance on a categorical exemption where significant impacts depend on the content of future mitigation plans. If impact outcomes depend on future plans, the exemption cannot be used.

5. High-Wind Wildland–Urban Interface Conditions Amplify Fire Risk

The Pelican Hill / Buck Gully ridgeline experiences Santa Ana winds that can rapidly accelerate fire spread. Placing diesel generators and exposed electrical equipment on a canyon rim amplifies ignition and spread risk beyond levels associated with similar facilities in interior or hardened locations. None of this site-specific fire-behavior context is meaningfully addressed in the record.

6. Required Brush Removal Would Cause New Environmental and Visual

Impacts

Meeting OCFA's 100-foot clearance concepts would require removal or thinning of vegetation along the canyon edge. This would alter natural vegetation buffers protecting the riparian corridor, increase erosion risk, and degrade visual character for nearby residents. These secondary impacts are not analyzed anywhere in the Staff Report.

7. Approval Would Increase Fire-Insurance Risk for Surrounding Residents

Siting large above-ground combustible infrastructure in a VHFHSZ may increase perceived wildfire risk for surrounding homes and affect insurability and premiums. This is a reasonably foreseeable public-safety and economic impact that the County has not evaluated.

8. Feasible, Lower-Risk Alternatives Exist but Were Not Analyzed

The County did not evaluate any feasible alternatives. At minimum, an alternatives analysis should examine:

- Interior golf-course parcels farther from the canyon edge;
- Co-location on existing structures;
- Battery-only backup systems without diesel; and
- Sites outside the VHFHSZ.

Approving a project in a sensitive coastal canyon without any alternatives analysis fails to satisfy CEQA and the Coastal Act.

FORMAL REQUESTS

I respectfully request that the County:

1. **Invalidate the Class 3 CEQA exemption** for PA25-0072 based on both the location and unusual-circumstances exceptions under § 15300.2.
2. **Continue the December 4 hearing** to allow for proper fire-safety, Coastal Act, and environmental review.
3. **Require an Initial Study and full Environmental Impact Report (EIR).**
4. **Obtain revised OCFA and CAL FIRE reviews** addressing defensible-space feasibility relative to property boundaries and offsite easements.
5. **Require meaningful analysis of lower-risk alternatives.**
6. **Deny or relocate the project** if fire-safety, Coastal Act, and CEQA requirements cannot be met at this location.

Approval of PA25-0072 as proposed would be inconsistent with CEQA, the California Coastal Act, and the County's duty to protect public safety in a CAL FIRE–designated Very High Fire Hazard Severity Zone.

I reiterate my support for improved cellular coverage; the concern is not the technology, but the extreme and unnecessary hazards posed by this specific site.

Thank you for your attention. Please confirm inclusion of this comment and all supporting materials in the administrative record for PA25-0072.

Sincerely,

Elizabeth Wahler

Cameo Highlands Resident

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[REDACTED]