

ORANGE COUNTY REGISTER

Opponents of Irvine substation plan fight the power, sue to halt project

By [TOMOYA SHIMURA](#)

2016-08-23 16:19:32



IRVINE – Doug Bender had a plan for his retirement.

He invested \$2.2 million to buy a piece of land and construct a building in an emerging research and industrial park at the southeast end of this master-planned city. He ran his civil engineering firm in the new building and planned to lease it in the future.

What he didn't know was that 15 years later, there would be a plan to build an electrical substation just 10 feet from his building.

Bender, who retired in 2011, lost his tenant this month, leaving his 10,000-square-foot building empty. "I don't know if I can rent my building to anybody," the 64-year-old said Monday.

Bender is among the property and business owners in the Spectrum 5 district, near Irvine Center and Lake Forest drives, who are fighting Southern California Edison's plan to build a substation, which will convert 33-kilovolt current to a lower distribution voltage of 12 kilovolts, in an empty field.

They say they are worried about potential health and fire risks and damage to property values that could be caused by the structure, scheduled to open next summer.

Some, including Vizio, known for its budget-priced televisions, have threatened to move their businesses out of Irvine if the substation is built.

Bender and seven other business and property owners recently sued Irvine and Edison, complaining that the utility company – which aims to start construction Sept. 16 – has not gone through the city's land use and environmental reviews.

City officials say they want to do the reviews, but their hands are tied by state law.

Edison maintains the company is complying with the law and has done as much as possible to communicate with the affected parties.

DEMAND FOR MORE POWER

Edison officials say the new substation, referred to as the Safari Substation, is needed to meet the growing power demand in the area. It will serve customers within a mile – including Irvine Co.'s second Los Olivos apartment complex, which will begin construction next year and feature 1,950 units.

The substation will be built on a 2.4-acre lot along Wald adjacent to four buildings. Edison bought the land Oct. 29 from the Irvine Co. The substation is expected to begin operating on June 1, Edison officials said.

Edison's existing Santiago Substation on Sand Canyon Avenue, 3 miles away, will begin exceeding its capacity by the end of this year, mainly because of a growing population and new developments, and cannot be expanded, the company said.

Dac Clark, chairman of L Space, which sells swimwear for women, said his company decided to move out of Bender's building after five years solely because of the proposed substation. Most of the company's employees

are women in their childbearing years, he said, and they were worried about radiation.

Studies have shown weak or no links between electric and magnetic fields, often referred to as radiation, and adult cancers and childhood leukemia, according to the National Institute of Environmental Health Sciences. The agency states radiation from substations is generally “indistinguishable from background levels” beyond the substation fence or wall.

Nonetheless, the perception of risk persists.

Vizio, which employs about 250 at its Irvine headquarters, is considering a move out of Irvine if the substation goes in, said Paul Wang, a company director and shareholder.

“If the city’s action on this substation is focused more on the profitability of some companies, rather than the quality of life for its residents and businesses, this should be a major concern that the city is no longer publicly serving the best interests of its citizens and businesses,” Wang said.

LAW VS. LOCAL AUTHORITY

Spectrum 5 is zoned for industrial uses, and the city’s zoning ordinance states that operating “utility buildings and facilities” there requires a conditional use permit, which must be reviewed by city staff and approved by the Planning Commission.

However, Edison said California Public Utilities Commission rules preempt the city from imposing land use restraints on the project. In addition, state law allows Edison to build substations of fewer than 50 kilovolts without the commission’s permit and environmental reviews, the company said.

Commission officials didn’t respond to the Register’s requests to discuss the agency’s oversight.

In their lawsuit filed in Orange County Superior Court in July, property owners are asking the court to declare that the city can require Edison to get a conditional use permit. They also want the court to stop the city from issuing nondiscretionary permits, such as grading and building permits, until the matter is resolved.

The city, in its response to the suit, stated Irvine “takes no position” and will follow the court’s decision. The city declined to comment on the ongoing litigation and issued the following statement to the Register:

“The city is exploring all available avenues within the confines of state law to allow it to exercise discretionary zoning authority over the Safari Substation project. The city’s zoning code contemplates that the city would have that authority and, as such, represent the policy and desired outcome for the city.”

Edison said the company has consulted the city throughout the project, as required by state law, and has met with neighboring property owners and tenants and accommodated their requests as much as possible.

Substation walls will be covered with smooth concrete or plaster to match adjacent buildings, Edison said. The walls will be 10 feet tall instead of the standard 8 feet, and there will be increased vegetation along the perimeter.

CLASH OF INTEREST

Property owners have also criticized the Irvine Co. for selling the land to Edison.

They say Irvine Co.’s own guidelines ban substations in Spectrum 5, citing the section prohibiting “any electro-mechanical or electro-magnetic disturbance radiation.”

“Electrical substations have long been considered a compatible use in business districts in Irvine and elsewhere in Orange County,” Irvine Co. said in a statement to the Register.

Bender and others say they moved to Spectrum 5 because they bought into the master plan and the rules and regulations, and Edison shouldn’t be exempt from them.

Zeki Kayiran runs an engineering consulting firm next to the substation site. Like Bender, Kayiran plans to rely on his property for retirement income.

“Do you think any of us would have bought the property if we knew a substation was coming?” Kayiran said. “No one would.”

Contact the writer: 949-445-6397 or tshimura@ocregister.com

© Copyright 2016 Freedom Communications. All Rights Reserved.
[Privacy Policy & Terms of Service](#) | [Copyright](#) | [Site Map](#)