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15-1179

October 13, 2008

El Dorado County  
Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667  
Agenda Item:  
REZONE/TENTATIVE PARCEL MAP  
Re: Z06-0040/P06-0043/Marcyan

2008 OCT 14 PM 1:38

BOARD OF SUPERVISORS  
EL DORADO COUNTY

Dear Supervisors and Staff:

It is my comment and request that this proposed project will require a recirculation prior to adoption.

**15073.5. Recirculation of a Negative Declaration Prior to Adoption.**

- (a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.
- (b) A "substantial revision" of the negative declaration shall mean:
  - (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
  - (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.
- (c) Recirculation is not required under the following circumstances:
  - (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
  - (2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
  - (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
  - (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.
- (d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21080, Public Resources Code; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Long Beach Savings and Loan Assn. v. Long Beach Redevelopment Agency* (1986) 188 Cal.App.3d 249

I comment that any impacts and facts have not been identified nor included in the projects analysis including "**Cumulative impacts**".

### **15355. Cumulative Impacts**

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21083(b), Public Resources Code; *Whitman v. Board of Supervisors*, 88 Cal. App. 3d 397, *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal. App. 3d 61, Formerly Section 15023.5.

I comment that the whole of an action for this proposed project, has not been completed prior to the planning commission hearing nor for the Board of Supervisors and Agriculture meetings as required by CEQA.

**(h) The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (*Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151)**

The Mitigation and Monitoring plan as appears to be deficient as it does not comply with the available standards/guidelines.

## **Mitigation Monitoring or Reporting Programs**

CEQA requires that each public agency adopt objectives, criteria, and specific procedures to administer its responsibilities under the Act and the CEQA Guidelines (Section 21082). Accordingly, local agencies should revise their adopted CEQA guidelines and procedures as necessary to include the requirements of Section 21081.6.

The task of designing monitoring and reporting programs is the responsibility of the public agency which is approving the project. Although a public agency may delegate this work, the agency cannot escape its responsibility for ensuring the adequacy of the program.

Each city and county may adopt programs which match their unique circumstances. The contents and complexity of the programs may be expected to vary based on the characteristics of the project being approved, the environmental effects being mitigated, and the nature of the mitigation measures themselves. Further, the public agency may choose whether its program will monitor mitigation, report on mitigation, or both.

The statute does not define the terms "reporting" or "monitoring," leaving this to the interpretation of the affected agency. Later in this section, we will offer simple definitions for discussion purposes. In practice, however, there is no clear distinction between monitoring and reporting, and the program best suited to ensuring compliance with mitigation measures will generally involve elements of both. For example, reporting requires the agency to monitor mitigation at some point in time. Likewise, a monitoring program can include regular reports to the decisionmaking body.

## **Mitigation Measures**

Since the purpose of a monitoring or reporting program is to ensure the implementation of mitigation measures, a quick look at mitigation measures will be the first item in our discussion. Mitigation measures are the specific requirements which will minimize, avoid, rectify, reduce, eliminate, or compensate for significant environmental effects. See Section 15370 of the CEQA Guidelines for a full definition.

A monitoring and reporting program's effectiveness depends in large part upon the quality of the mitigation measures themselves. Poorly drafted measures are not only difficult to implement, they are difficult to report on and monitor.

Here are some suggestions for preparing mitigation measures:

(1) **Certainty:** Avoid using the words "may" or "should" when the intent is to direct some required action. "Will" or "shall" are much better. Avoid measures that are conditioned on feasibility (i.e., required "where feasible") rather than applied directly or at a specified stage in the project.

Measures should be written in clear declaratory language. Specify what is required to be done, how is to be done, when it must be done, and who is responsible for ensuring its completion.

(2) **Performance:** Include specific minimum, measurable performance standards in all quantitative measures, and if possible, contingency plans if the performance standards are not met.

(3) **Authority:** CEQA does not provide independent authority to carry out mitigation (Section 21004). Measures which are not based on some other authority (i.e., zoning code, tree preservation ordinance, development agreement, impact fee ordinance, subdivision ordinance, etc.) are unenforceable. Monitoring or reporting on their implementation would clearly be problematic.

(4) **Continuity and Consistency:** To the extent possible, integrate measures with existing policy and regulatory systems, and inspection or review schedules. Where the mitigation measures are regulatory in nature, for example, design them as conditions of approval within the context of the zoning, subdivision, or other ordinances. Further, mitigation measures must take applicable general plan and specific plan policies into account and not conflict with those policies.

(5) **Feasibility:** Above all, measures must be feasible to undertake and complete. Avoid the trap of imposing mitigation measures that are based upon future activities of uncertain outcome. For example, the court in *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296 overturned the county's negative declaration for a motel project because the county required a study of potential sewage disposal methods rather than actions which would mitigate sewage impacts. A measure that did not mitigate the impact could not be the basis for a finding that impacts were mitigated.

Although infeasibility becomes obvious as the agency attempts to monitor or report on implementation, by that time it is too late. Early in the process of developing mitigation measures, the EIR or negative declaration preparer should consider how implementation of each measure is to be reported on or monitored. This offers a convenient feasibility test.

## **Reporting**

For purposes of simplification, "reporting" may be defined as a written review of mitigation activities that is presented to the approving body by either staff or the project developer. A report may be required at various stages during project implementation and upon completion of the project.

Reporting without detailed monitoring is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, the annual report on general plan status required under Government Code Section 65400 may serve as the reporting program for a city or county general plan as long as it meets the requirements of Section 21081.6. Reporting is also suited to simple projects where a means of reviewing project compliance already exists, such as issuance of building permits and related inspections.

A program for reporting on the implementation of mitigation measures should contain at least the following components:

- (1) A list of the mitigation measures being reported on.
- (2) Standards for determining compliance with each mitigation measure and the related condition of approval.
- (3) A schedule for making one or more reports to the approving agency regarding the level of compliance of the project with the required mitigation measures and related conditions of approval. The program may set out the stages of the project at which each mitigation measure must be implemented (*Christward Ministry v. County of San Diego* (1993) 13 Cal.App.4th 31, 49).
- (4) A statement which identifies the person or agency, public or private, responsible for reviewing the project and for preparing and making the report to the agency.

These components may be combined in a checklist, matrix, or other representation of the required mitigation measures or revisions, any related conditions of approval, the persons or agencies responsible for ensuring their completion, and the responsible person's or agency representative's affirmation of completion. In some cases, where mitigation will occur in stages during the project, or a mitigation measure contains more than one part, preparing a checklist for each mitigation measure may be an effective approach.

## **Monitoring**

"Monitoring" can be described as a continuous, ongoing process of project oversight. Monitoring, rather than simply reporting, is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise of the local agency to oversee, which are expected to be implemented over a period of time, or which require careful implementation to assure compliance.

A program for monitoring the implementation of mitigation measures should contain at least the following components:

- (1) A list of the mitigation measures or revisions and related conditions of approval which have been adopted for the project by the agency.
- (2) A schedule for regularly checking on the project's compliance with the mitigation measures or project revisions and related conditions of approval, including progress toward meeting specified standards, if any. The program may set out the stages of the project at which each mitigation measure must be implemented (*Christward Ministry v. County of San Diego* (1993) 13 Cal.App.4th 31, 49).
- (3) A means of recording compliance at the time of each check.
- (4) A statement assigning responsibility for monitoring implementation of the mitigation measures and related conditions of approval to specific persons or agencies, public or private.
- (5) If monitoring duties are contracted to private individuals or firms, provisions for ensuring that monitoring reflects the independent judgment of the public agency. Such provisions might include requiring the submittal of regular progress reports to the agency, establishing a mechanism for appealing actions of the contractor to the agency for decision, or selection of the contractor by the agency (as opposed to solely by the applicant). Regardless of whether monitoring is performed by the agency or a contractor, the agency retains the ultimate legal responsibility for satisfying the requirements of section 21081.6.
- (6) Provisions for funding monitoring activities, including the imposition of fees.
- (7) Provisions for responding to a failure to comply with any required mitigation measure (including conditions of approval). This might include "stop work"

authority, permit revocation proceedings, or civil enforcement procedures. This can also include administrative appeal procedures. Some agencies prepare a separate worksheet describing each mitigation measure and its monitoring requirements. These worksheets are provided to the monitors.

## **General Approaches to Reporting and Monitoring**

Following are two basic approaches which an agency might use:

(1) **Jurisdictional Framework:** A standard mitigation monitoring and reporting ordinance or guidelines adopted by the jurisdiction may establish the basis for individually tailored programs. This framework would express the relative roles of involved agencies, staff, and project proponents; establish administrative procedures; lay out a standardized format for reporting or monitoring programs; establish general timetables; and provide or identify enforcement mechanisms. It may also include standard methods of reporting or monitoring for common mitigation measures.

Standardizing the framework for monitoring or reporting programs promotes consistency and thoroughness in reporting or monitoring activities.

(2) **Project Specific:** Develop a new, specially tailored program for each project which triggers Section 21081.6. Such a program may be imposed under the regulatory authority of the agency. Compliance could be required as a condition of project approval or, if a framework ordinance is in place, by reference to that ordinance.

This may be the best way to approach large and complicated development projects which will have special monitoring requirements. It is useful where a standardized program alone may be inadequate to such a situation. This approach may also make sense for small cities and counties which adopt EIRs or mitigated negative declarations infrequently.

Regardless of the method chosen, a draft AB 3180 program should be made available to decisionmakers prior to the formal adoption of either a mitigated negative declaration or the EIR-related findings in Section 21081 (a).

Although not required to do so, some agencies choose to circulate the draft program during consultation on the draft environmental document. This allows public and agency comments on the effectiveness of both mitigation measures and the associated monitoring or reporting program. When circulating a draft, the agency should specify that the program is not final and is subject to change prior to adoption.

Ultimately, the agency must enact a program which reflects the mitigation or project revisions adopted as part of the mitigated negative declaration or subject to findings under Section 21081 (a), regardless of what might have been in the draft documents. If mitigation measures are revised, added or dropped prior to approval of the project, the adopted AB 3180 program must reflect those changes.

## **Program Administration**

Project monitors, whether agency staff or contract personnel, should be given clear written guidance regarding the mitigation measures to be monitored and reported on. This is particularly important in those cases, such as where a large private project is involved, the applicant will perform the actual monitoring. Further, when compliance is achieved, there should be a clear "sign off" by the appropriate agency to ensure that this compliance is documented.

Worksheets offer a convenient means of tracking compliance. Worksheets can be used to express: (1) impact being mitigated; (2) mitigation measure for that impact; (3) implementor; (4) monitor; (5) monitoring requirements; (6) frequency of monitoring or reporting; (7) standards for completion or compliance; and (8) verification of compliance. Some agencies also include a checklist to summarize the monitoring or reporting record.

When the program is a relatively simple one, a checklist rather than a worksheet may suffice to guide inspections, record findings, and certify compliance.

## **Implementation**

In order to maximize efficiency in implementing a monitoring or reporting program, the agency should make every effort to integrate the requirements of the program with its current land use regulations and inspection procedures. This applies whether the program is comprehensive or project specific. As a general rule, the more that mitigation monitoring or reporting programs can utilize existing procedures and requirements, the easier those programs may be to implement. The more that such programs work outside usual procedures, the more expensive and time consuming they may be to implement.

This is not intended to say that a program should monitor or report on zoning or other regulations that are not mitigation measures. While working within the existing regulatory system, the program's scope is limited to mitigation measures resulting from the project's mitigated negative declaration or EIR.

## **Enforcement**

CEQA does not create new authority for agencies to carry out or enforce mitigation measures. Agencies must rely upon the authority conferred by other laws. In the case of a city or county, this would include local zoning, subdivision, and related land use regulations. Typically, enforcement procedures are enacted by ordinance and provide for administrative dispute resolution .

OPR recommends that if a jurisdiction-wide AB 3180 program is adopted, that it contain, or reference other existing regulations which would enforce compliance with the mitigation measures. A jurisdiction-wide program that includes enforcement regulations must be adopted by ordinance in order to be effective. In the absence of a jurisdiction-wide AB 3180 ordinance, individual mitigation monitoring or reporting programs should

reference those existing regulations, such as the zoning ordinance, that will provide enforcement.

### **Cost Recovery**

Section 21089 authorizes the lead agency to "charge and collect a reasonable fee from any person proposing a project subject to [CEQA] in order to recover the estimated costs incurred for procedures necessary to comply with [CEQA] on the project." This express authority allows the lead agency to levy fees to cover the costs of mitigation monitoring or reporting programs. The fee is limited to the estimated cost of the program, including the agency's administrative costs. Fees may be used to cover the cost of agency staff, as well as the cost of hiring special monitors or consultants, if needed.

Fees for complex AB 3180 programs, such as those involving long-term monitoring or continuous observation over time, are often charged on the basis of time and work. Flat fees are usually charged when the AB 3180 program involves routine inspections and reporting. In practice, hourly fees and flat fees charged on a sliding scale based on project type or size are equally popular among cities and counties.

### **Responsible and Trustee Agencies**

Lead and responsible agencies may adopt different AB 3180 programs for the same project. This is because the agencies often do not adopt the same set of mitigation measures. In general, when a lead agency approves a project for which an EIR was prepared, it adopts feasible mitigation measures for those portions of the project which it controls or regulates. In turn, the responsible agency adopts only the mitigation measures pertinent to its statutory authority. Under ideal circumstances the programs of the lead and responsible agencies, when taken together, should monitor or report upon all of the adopted mitigation measures and project revisions.

Section 21081.6 does not require agencies to duplicate monitoring programs. Agencies can avoid potential duplication by coordinating their relative roles during the consultation process.

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Next: [Common Questions Regarding Section 21081.6](#)

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STATE OF CALIFORNIA  
**Governor's Office of Planning and Research**  
1400 Tenth Street  
Sacramento, CA 95814  
916-322-2318



**Previous comments sent to the Planning Department and the Planning Commission.**

Dear Fred and Tom:

This is to let the County know of the Vote of the Board of ALT that they have disapproved the road entering ALT property for this proposed subdivision below.

I also comment why the planning process and conditions of approval can be approved when the project is not complete. Until any final approval of the above mentioned issue is resolved, plus the incomplete aspect's and potential impacts associated with the New CalTrans road construction are complete and made a part of the approval process including the right of the public to take a meaningful part in the political process this proposed subdivision can not be legally approved in my opinion.

Issues and impacts that additionally need to be addressed are storm-water runoff and its potential impacts as CalTrans states that it cannot impact highway 193.

The land above this parcel 43 +/- acres at the end of the road is not vacant but in fact has a horse ranch and a home being built at this time and it is not Vacant Land as staff has stated. The potential impacts to this parcel have not been included in this environmental review.

The recreational aspects for trail use have not been similarly addressed in the Staff report.

I have been a frequent visitor for many years to these properties and comment why the air pollution impacts have not been considered as the existing road is causing a great deal of dust when even slow moving vehicles use this road when it is dry weather year round. It is my opinion and suggestion that the road should be a paved road instead of crushed rock and this will also aid in the mitigation of some of the erosion control that will be required by any approval of this proposed project.

I question why this project has not had a winter wetlands and perc/septic tests done during the rainy season as a large portion of these lands have flowing water crossing the existing road and leaves the property site and flows onto downstream properties including highway 193. the impacts of addition grading and potential impacts because of the presence of these many intermittent water courses needs to be mapped and studied for their potential and real impacts.

The Regional Water Quality Control Board must review this proposed project after the winter wetlands delineation mapping and winter septic tests completed this so that the public again can have a meaningful impact through its ability to comment on a completed project. There has been major flooding in the Penobscot Road area and areas downstream including the flooding and closer of highway 193 in previous years.

The issue of addition wells on these properties need to include the potential impacts to the well that is also located on the mis identified 43 acre adjacent parcel staff or the proponent has identified as vacant has not been considered.

The set backs for sensitive areas must also be mapped for any protected space as they are stated may include lands that are not a part of this project.

I also believe and comment that the number of trips to and from this parcel are misstated and is too low a number for what the actual usage of this road is and what it will be if this project is approved as conditioned. There are many bushiness and support traffic associated that must include the 43 acre parcel usage that is listed as Vacant and has numerous addition vehicle trips as a part of it daily operations.

I also comment that the rules and guidelines that are finally stating to be approved by the County along with the new proposed Zoning are all in the foreseeable future and must be included in this projects consider.

I ask why the project has not had the building sites and other infrasture identified prior to any approval as this site is very rocky and has numerous rock outcroppings that need to be considered.

Just across the street and on this side are known Serpentine soils( Penobscot Road) that have been identified that may have the potential for asbestos exposures to anyone building or living on or near these proposed acreages including ALT residents.

All of the proposed pending requirements for plans and conditions by CalTrans or any other party need to be included into the existing incomplete staff and developer reports as the public, staff or the Commissioners are unable to fully make a informed decision on this proposed project without the identified and unidentified potential impacts of future projects yet to be fully described or analyzed by staff or any other responsible or interested agency or the public.

Thank You for Considering these comments, I would have many additional comments but in my opinion the project is incomplete and does not comply with the California Environmental Quality Act nor consistent with all of the General Plan Elements for El Dorado County.

Sincerely Submitted by  
Steven Proe  
PO Box#94  
Greenwood, CA. 95635  
530-823-1662

I comment that the attached letters received from staff and Caltrans support my comments on significant impacts that the whole of the project must be completed prior to a approval of this proposed project. See page No. 2. Under the Item bullet “ A Drainage Report should be prepared and submitted to Mr. Gurdeep Bhattal.” See attached:

“A Drainage Report should to be prepared and submitted to Mr. Gurdeep Bhattal, Caltrans District 3 Hydraulics, for review. Mr. Bhattal can be contacted at (530) 741-4056. The Report should address the following concerns:

- o Within the project area, a 24" culvert at Post Mile 4.9, and a 48" culvert at Post Mile 5.1 convey runoff flows around State Route 193. Additional runoff flows from this proposed project should not be directed toward these culverts.
- o Pre-project and post-project flows should be calculated. Mitigation for any additional runoff flow from this project should be provided.

o The Hydrology and Water Quality (Section VIII) sections (d) and (e) are checked off as "**Having Less than Significant Impact.**" The impacts of the project would need to be determined after the project has been conceptualized and the findings must be summarized in the above-reference Drainage Report. Impacts to Hydrology and Hydraulics should be expected when any grading is done on the project site, and/or if any impervious surfaces are added.

o The Drainage Report must discuss runoff volumes/conditions in pre-project and post-project conditions in 100-year rainfall events.

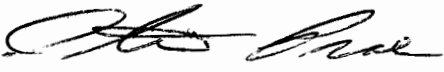
o The Drainage Report, along with all back-up calculations, must be submitted to Mr. Gurdeep Bhattal, as mentioned above, before the project is initiated."

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In summary the approval of this proposed project will additionally cause a fragmentation of this important biological corridor. This is another significant impact that has not been identified nor addressed in this proposed project.

I also comment that the County has not complied with it's responsibility to prepare a Natural Resource Plan completed that would identify areas within and adjacent to this project that may identify additional impacts both significant and not significant but when considered together may be an significant impact. See: Attached

I comment that the Governor of the State of California has signed a Anti Sprawl Bill (Senate Bill 375) see; attached that identifies additional issues and impacts that are in the foreseeable future that have not been included in this proposed project.

Sincerely Submitted by   
Steven Proe  
PO Box #94  
Greenwood, CA 95635  
530-823-1662

attachments for Caltrans, Natural Resources Plan and Senate Bill 375 article.



Integrated Marketing Systems Project Data Sheet

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TARGET MARKET	Environmental	ORIGINAL DATE	8/24/2008
COUNTY	El Dorado, CA	CURRENT DATE	10/13/2008
CITY	Various		
PROJECT #	199095 - 1	*** PROJECT UPDATE ***	

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PROJECT	Natural Resources Management Plan
AGENCY	County of El Dorado
LOCATION	El Dorado County, CA
DEPARTMENT	

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SCOPE OF WORK

The County of El Dorado may be seeking a consultant to prepare a Natural Resources Management Plan. The plan would make recommendations to implement the General Plan update in areas including special-status species, deer migration, wetlands and riparian life, native vegetation and aquatic environments.

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DISCIPLINES REQUESTED BY AGENCY

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Biological Studies/Natural Resources | <input checked="" type="checkbox"/> Environmental Engineering/Planning/Design |
| <input checked="" type="checkbox"/> Endangered Species Surveys           | <input checked="" type="checkbox"/> Habitat Restoration/Wetlands Restoration  |
|  | <input checked="" type="checkbox"/> Planning/Master Planning                  |

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COMMENTS

\*\*\* UPDATED SECTION (Comments) \*\*\*

- \* The SOQ/RFP package is now expected to be available prior to January 15, 2009.
- IMS requests NO PHONE CALLS, NO FAXES, and NO CONTACT with agency at this time.
- IMS will continue to monitor project developments and will update when new information becomes available.

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APPROX CONST COST	LO/SOQ/RFP	APPROX DEADLINE
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CONTACT	PHONE	FAX
EMAIL		
WEBSITE		

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The Web Site of The Sacramento Bee

This story is taken from Sacbee / Politics.

## Governor signs anti-sprawl bill

**By Kevin Yamamura - [kyamamura@sacbee.com](mailto:kyamamura@sacbee.com)  
Published 12:09 am PDT Wednesday, October 1, 2008**

Gov. Arnold Schwarzenegger signed a landmark bill Tuesday to discourage sprawl in future decades, completing a deal among environmentalists, homebuilders and local governments on the final day of bill signing.

Senate Bill 375, by Democratic Sen. Darrell Steinberg of Sacramento, will push California communities to consider climate change impacts of development in regional planning, with an emphasis on reducing car travel.

Environmentalists and other proponents feared the bill was in trouble as Schwarzenegger officials raised transportation and business concerns last week. But the Republican governor ultimately embraced SB 375 as a "first in the nation" effort to link land-use planning and greenhouse-gas reductions.

"This legislation constitutes the most sweeping revision of land-use policies since Gov. Ronald Reagan signed the California Environmental Quality Act (CEQA)," Schwarzenegger wrote in a statement.

The bill requires the California Air Resources Board to set regional targets by September 2010 for reducing greenhouse-gas emissions. The state will use its annual \$5 billion pot of transportation money to encourage regions to embrace compact residential development.

The legislation also will relax CEQA requirements for housing projects that meet goals for reducing greenhouse-gas emissions, giving homebuilders incentive to pursue high-density projects near transit.

Steinberg sees SB 375 as a necessary step to meet the state's greenhouse-gas reduction goals. Under 2006's AB 32, the state must reduce its greenhouse gases 25 percent by 2020.

"This fundamentally changes the way we think about growth," Steinberg said. "It does not reduce growth. I think growth is inevitable and a good thing. But it will allow California to grow in ways that are sustainable for our environment."

Some business groups remained critical because the bill did not allow commercial development to benefit from CEQA changes. And some local officials said it overreached by allowing the state to dictate greenhouse-gas reduction goals for each region.

In his signing statement, Schwarzenegger asked lawmakers to address four areas next year, including a business-backed proposal to allow commercial projects to benefit from a streamlined CEQA process.

Steinberg said he promised the governor that next year he will clarify that projects funded by the 2006 voter-approved transportation bonds will be exempt. But Steinberg said he agreed only to have "good-faith" discussions about the commercial development issue.

"The balance we struck was so precarious, we couldn't pile anything more on top of the bill," Steinberg said.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3 – Sacramento Area Office  
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*Flex your power!  
Be energy efficient!*

September 10, 2008

06ED0044  
03-ED-193 PM 4.8 to PM 5.2  
Marcyan Rezone and Parcel Map  
Mitigated Negative Declaration  
SCH No. 2008082051

Mr. Tom Dougherty  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667

Dear Mr. Dougherty,

Thank you for the opportunity to review and comment on the Mitigated Negative Declaration for the Marcyan Rezone and Parcel Map application. The 46.23-acre project proposes creation of four parcels ranging in size from 10 acres to 16.43 acres, and a rezone from Residential Agriculture 20 Acres-Planned Development to Estate Residential 10 Acres. The project is located on the west side of State Route (SR) 193 approximately 4.5 miles east of SR 49 in the Cool area. Our comments are as follows:

- Previously, Teresa Limon from Caltrans Traffic Operations met with applicant Susan Marcyan and engineer Kent Baker of BW Engineering Group at the project location to discuss the improvements necessary to access the proposed 4-lot parcel split. They discussed the restrictions in sight distance at the existing access (Post Mile 4.8), and the more adequate sight distance conditions at the second access (Post Mile 5.2). Mr. Baker thought the second access would only serve Parcel One; therefore, closing the existing access is not an option as it now serves three other parcels.

They also discussed the option of relocating the existing driveway about 200 feet to the east. This would move it away from the cut slope and the vertical crest, and would increase the sight distance to the west. Minor earthwork and trimming of overgrown brush appears to be required to increase the sight distance to the east. A minimum of 500 feet of sight distance in both directions is required for the driveway to meet Caltrans standards; therefore, both driveways still need to be reconstructed. The

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Mr. Tom Dougherty  
September 10, 2008  
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understanding from this meeting was that Mr. Baker would work on the plans for driveway relocation.

- Per our phone conversation on September 9, 2008, it is understood that the language regarding the project description on page 25 was revised.
- A Drainage Report should to be prepared and submitted to Mr. Gurdeep Bhattal, Caltrans District 3 Hydraulics, for review. Mr. Bhattal can be contacted at (530) 741-4056. The Report should address the following concerns:
  - Within the project area, a 24" culvert at Post Mile 4.9, and a 48" culvert at Post Mile 5.1 convey runoff flows around State Route 193. Additional runoff flows from this proposed project should not be directed toward these culverts.
  - Pre-project and post-project flows should be calculated. Mitigation for any additional runoff flow from this project should be provided.
  - The Hydrology and Water Quality (Section VIII) sections (d) and (e) are checked off as "Having Less than Significant Impact." The impacts of the project would need to be determined after the project has been conceptualized and the findings must be summarized in the above-reference Drainage Report. Impacts to Hydrology and Hydraulics should be expected when any grading is done on the project site, and/or if any impervious surfaces are added.
  - The Drainage Report must discuss runoff volumes/conditions in pre-project and post-project conditions in 100-year rainfall events.
  - The Drainage Report, along with all back-up calculations, must be submitted to Mr. Gurdeep Bhattal, as mentioned above, before the project is initiated.

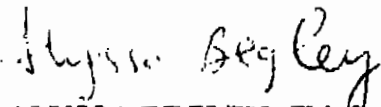


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- An Encroachment Permit will be required for any work conducted in the State's right of way such as sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes. A cost estimate for the work within the State's right of way will be reviewed to determine whether it triggers the need for a 'project funded by others' designation. To secure an application, please contact the Encroachment Permits Central Office at (530) 741-4403.

Please provide our office with copies of any further actions regarding this development. If you have any questions regarding these comments, contact La Nae Van Valen at (916) 274-0637.

Sincerely,



ALYSSA BEGLEY, Chief  
Office of Transportation Planning – South

cc: State Clearinghouse