

Distributed during
hearing

PC 3/24/16
#5, #6, #7

March 15, 2016

Roger Trout
County of El Dorado Planning Commission
2850 Fairlane Court
Placerville, CA 95667

Re: March 24 Planning Commission

Dear Mr. Trout:

I have lived on Bass Lake Road for 30 years. Twenty years ago I signed a Development Agreement with the County, anticipating my property would be used for new housing. As part of the Development Agreement I dedicated part of my land to the County so you could relocate and widen Bass Lake Road. Twenty years later I am still waiting. I am living off an old well while Serrano builds up all around me. Now Rescue School District is going to build a new school right next door to me.

It is time to approve the three projects before you; Hawk View, Bell Ranch and Bell Woods, so that the Bass Lake Hills Specific Plan can finally move forward.

Sincerely,



Jim Greenwalt
4040 Hawk View Road



(Distributed at hearing by staff)

PC 3-24-16
Item# 5, 6 and 7
Planning Unknown <planning@edcgov.us>
9 pages

Planning Commission Agenda - March 24, 2016

1 message

georgemcarpenter@comcast.net <georgemcarpenter@comcast.net> Wed, Mar 23, 2016 at 4:38 PM
To: planning@edcgov.us, rich.stewart@edcgov.us, gary.miller@edcgov.us, Jeff Hansen <jeff.hansen@edcgov.us>, James Williams <james.williams@edcgov.us>, brian.shinault@edcgov.us
Cc: Tiffany Schmid <tiffany.schmid@edcgov.us>, David Livingston <david.livingston@edcgov.us>

Commissioners,

Attached is a letter regarding agenda items 5, 6, and 7.

George Carpenter
Winn Communities
(916) 343-2401

 **ltr to planning commission (signed).pdf**
3524K

BL ROAD LLC
c/o Winn Communities
3001 I Street, Suite 300
Sacramento, CA 95816

March 23, 2016

Email to: planning@edcgov.us
rich.stewart@edcgov.us
gary.miller@edcgov.us
jeff.hansen@edcgov.us
james.williams@edcgov.us
brian.shinault@edcgov.us

County of El Dorado
Community Development Agency
Development Services Division – Planning Services
2850 Fairlane Court, Building "C"
Placerville, CA 95667

Re: **Planning Commission Agenda March 24, 2016 – Items 5, 6, and 7**

Chairman Stewart and Members of the Planning Commission:

This is a response to the letter submitted by Ellen Van Dyke regarding our application to amend the conditions of approval of three tentative maps, which are items 5, 6, and 7 on your March 24, 2016 agenda. This letter is intended to address each of the points raised in Mrs. Van Dyke's letter. To the extent there is an issue not addressed, I would like the opportunity to address that at the Commission meeting.

1. **First Paragraph, First Page - Undoing the PFFP.** This project does not undo the Bass Lake Hills Specific Plan Public Facilities Financing Plan concurrency requirements.

The traffic study prepared in support of the condition amendments we are proposing and the County's traffic modeling for the CIP/TIM fee update, have identified that Country Club, instead of Bass Lake Road, is a critical component for this area's circulation. This conclusion is validated in the December 15, 2015, Draft Technical Memorandum conducted by Kittleson and Associates that was developed in support of the County's Major Five-year Capital Improvement Program Update currently underway.

The existing project approvals provide the County with the flexibility to ensure that the Specific Plan area is served by adequate infrastructure when demand for such infrastructure exists. As outlined below, the entire hierarchy of project approvals, from the County's General Plan, to the BLHSP, all the way down to the PFFP, supports the fine-tuning of obligations to meet actual infrastructure demands.

The BLHSP restates General Plan objectives and policies related to ensuring adequate infrastructure is installed to support new development and to ensure new development pays its proportionate share of infrastructure costs. (See, e.g., Policies 5.1.2.1 to 5.1.2.3. at Specific Plan p. 22.)

The BLHSP includes the requirement for a public facility financing plan to meet these objectives. (Specific Plan at p. 22.) A public facilities financing plan is a plan which describes a way a project can be financed based on information (costs and infrastructure requirements) at the time of its approval. It is a preliminary blue print; it is not intended to “tie the hands” of the public agency. The BLHSP PFFP is based on conceptual plans for major components of infrastructure and the County acknowledged this in the Specific Plan with the language, “the PFFP will necessarily be subject to adjustments as more detailed engineering information becomes available following tentative map approval.” (Specific Plan at p. 90.) Also, because the PFFP is based on maximum allowable densities, the PFFP will also be subject to adjustment when final infrastructure demands are known. (Specific Plan at p. 90.)

The BLHSP recognizes that only the public facilities described in the specific plan “necessary to serve development” need to occur as part of each individual development project. (Specific Plan at p. 92.) The PFFP was adopted by the County on June 8, 2004. It states that because the cost estimates in the PFFP are current only for when the PFFP was prepared, they are “subject to revision as more detail[] becomes available. As the description of facilities and associated costs estimates change, the recommended financing mechanisms will be updated with the most current information.” (PFFP at p. 8.)

The PFFP also acknowledges that the obligations found in the PFFP will be updated periodically as modifications to financing programs, land uses, and cost estimates for infrastructure and public facilities occur. (PFFP at p. 73.) Possible changes in the PFFP include new or revised infrastructure projects, new cost information based on actual construction costs, updated engineering estimates or changes in the land use plan. (PFFP at p. 73.) This means the County, for example, has the authority to require a Phase 3 improvement like the Country Club Drive extension from Morrison Road to Bass Lake Road in Phase 1a, because it is needed now, and to defer a Phase 1a improvement, like the completion of the segment of Bass Lake Road from F to H, until Phase 3, when it may be needed.

Upon its adoption by the County, the PFFP became part of the Development Agreement. (Development Agreement § 3.2.1.) Section 2.4 of the Development Agreement requires construction of public improvements in accordance with conditions set forth in the PFFP. Consistent with the Specific Plan and the PFFP itself, the Development Agreement also recognizes that the time of performance may be revised from time to time so long as such revision is agreed to by a landowner and the County. Such a revision does not require an amendment of the Development Agreement, which includes the PFFP. (Development Agreement § 2.4.) This provision allows the shifting in the timing of improvements as illustrated by the example of the realignment of Country Club Drive as a Phase 1a improvement instead of a Phase 3 improvement.

As discussed above, the proposed revisions to the Conditions of Approval vary in certain aspects from the anticipated financing and phasing provisions of the 2004 PFFP. However, the Specific Plan, PFFP, and Development Agreement all recognize that the improvements required to support

development, and their associated costs, would be subject to change as more information became available. This type of flexibility is just good government. It is required to ensure that adequate infrastructure is installed to support development, to avoid unnecessary public improvements, and to prevent the spending of public dollars on unneeded improvements. If no adjustments were permitted, the likely result would be insufficient funding for necessary improvements (due to the current fee being based on outdated construction cost estimates) or the installation of infrastructure prior to any demand for such infrastructure (which could result in unfunded maintenance obligations and problem situations not to be solved). The County has the authority to make the proposed amendments to the Conditions of Approval within the context of the existing PFFP and the BLHSP and development agreements. We anticipate the County will adjust the PFFP fee to reflect the revised anticipated costs to construct the PFFP improvements. Similar revisions will be made as additional projects become active or further refinements are made to cost estimates or the phasing of improvements.

2. **Second Paragraph, First Page – Need for Supplemental EIR.** The State CEQA Guidelines clearly establish the parameters for analysis of projects that may change over time. More specifically, State CEQA Guidelines section 15164(a) states that a lead agency “shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Section 15162 (and the code section on which it is based, Public Resources Code section 21166) states that a subsequent EIR shall not be prepared unless substantial changes are proposed in the project or occur with respect to the circumstances under which the project is undertaken resulting in a new significant impact or a substantial increase in the severity of a previously identified significant impact, or if “substantial new information that was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified” shows any of the following:

- (1) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (2) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As discussed in the 2016 Addendum, circumstances have changed since the certification of the 1992 Bass Lake Road Study Area (BLRSA) Program EIR and since the adoption of the 1995 Addendum. Since the certification of the BLRSA Final PEIR in 1992, lands around the site have experienced additional new development. Lands to the east, in Cameron Park, have been developing slowly since the 1960s, but the most recent development has occurred northeast of the Bass Lake Hills Specific Plan area, near Bass Lake, in the Hills of El Dorado, Woodridge, and Bridlewood Canyon neighborhoods. Lands to the

west have also undergone substantial new development in the Serrano project that has been developed in the El Dorado Hills Specific Plan area which was approved with an EIR in 1988. Other circumstances have also changed. The County adopted a new general plan (adopted in 1994) and other development projects or tentative maps have been developed including the Hollow Oak subdivision within the Bass Lake Hills Specific Plan Area, or proposed such as the Dixon Ranch, San Stino, and Marble Valley/Lime Rock projects.

However, the change in circumstances and presence of additional growth in the area since the certification of the BLRSA PEIR, 1995 Addendum, and the Tentative Maps have not changed in a manner that would trigger the criteria for a subsequent EIR as established in CEQA Guidelines section 15162. The project, as analyzed in the Addendum, would not result in one or more significant impacts not discussed in the previous EIR that could not be known at the time of the previous CEQA documents. The environmental analysis contained in the 2016 Addendum found that all environmental impacts have been fully addressed in previous environmental documents, no new significant and unavoidable impacts would result from the proposed project, no new or considerably different feasible mitigation measures or alternatives that were previously found not to be feasible would in fact be feasible, and no new or considerably different feasible mitigation measures or alternatives than those analyzed in the previous EIR and previously declined for adoption by the project proponents would substantially reduce one or more significant effects on the environment. Neither the environmental analysis nor the comment letter provides evidence to demonstrate that these criteria are exceeded.

Since the proposed project did not trigger any of the conditions described in CEQA Guidelines section 15162 calling for preparation of a subsequent EIR, an addendum was prepared in accordance with CEQA Guidelines section 15164.

3. **First Bullet – Sidewalks and Bike Lanes on Bass Lake Road.** Sidewalks and bike lanes along Bass Lake Road are not being proposed for deletion from the Specific Plan. They will still be constructed as part of the plan by adjacent development as part of those projects' frontage improvements (i.e. when there is a demand for them). Class 2 bike lanes will be constructed with the segments of Bass Lake Road we are proposing to improve.

4. **Second Bullet – Highway 50 On Ramp/Off Ramp Improvements.** The Highway 50/Bass Lake Road improvements are not being traded for Country Club Drive improvements. These projects are required to make improvements at Highway 50, which are consistent with the original improvements of the Specific Plan traffic study of 1995 and the original EIR. Ramp metering is not being required by Caltrans and the traffic study indicates that ramp meters are not needed at this point. Conditions of approval on each of the maps require: an east-bound 2-lane off-ramp with signalization, adding a second north-bound lane between the off-ramps, and a southbound right trap lane for the west bound on-ramp. With these improvements, the interchange is anticipated to operate at acceptable levels of service through 2035.

5. **Third Bullet – Park Site.** We are proposing to provide in-lieu fees instead of acquiring a park site because the El Dorado Hills Community Services District has already acquired the sports park

site identified in the Specific Plan. The El Dorado Hills Community Services District prefers our payment of fees.

6. **Fourth Bullet – Initial Study Claim Regarding Traffic Conditions.** The comment asserts that traffic conditions have changed on Bass Lake Road. The traffic analysis included in the 2016 Addendum, and supported by technical reports referenced in the 2016 Addendum, describe existing and projected conditions on Bass Lake Road, and the physical environmental effects the proposed project would have on that roadway.

The 2016 Addendum evaluated transportation impacts through a set of environmental thresholds. Those environmental thresholds serve to be the basis for determining whether physical changes to the environment would result from project implementation. A threshold of significance is defined in CEQA Guidelines section 15064.7 as "... an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant."

In the environmental analysis, the 2016 Addendum identifies six thresholds (see page 190 of the Addendum) that were used to evaluate environmental effects of the proposed project. The Addendum's transportation/traffic analysis determined that each of those thresholds/impacts were discussed in previous environmental documents, the proposed project does not involve new significant impacts or substantially more severe impacts, there are no new circumstances involving new significant impacts or substantially more severe impacts, there is no new information of substantial importance, and prior environmental documents' mitigation measures are implemented or address the impacts. The tentative map applications and Conditions of Approval amendments proposed as part of the proposed project are not subject to Measure Y. The properties are the subjects of development agreements that predated the passage of Measure Y. Therefore, they do not need to be evaluated against Measure Y.

Even if Measure Y did apply to the proposed project, it is a procedural standard imposed by the County and is not a significance threshold or environmental standard that must be applied or considered through the CEQA process.

7. **Fifth Bullet – Inclusion of Proposed General Plan Amendment Projects.** Traffic forecasting for the Hawk View, Bell Woods, and Bell Ranch projects accounted for all approved specific plans and background general plan growth. The traffic from proposed general plan amendments, including Dixon Ranch, San Stino, Marble Valley/Lime Rock are not considered. These projects are not reasonably foreseeable as they require a discretionary approval from the Board of Supervisors to advance. Nor would it be good planning practice to design future roads predicated upon an assumption that thousands of new homes south of US 50 before 2035 was a done deal.

The Town Center Apartments are accounted for through increased land use assumptions used to reflect Targeted General Plan Amendment & Zoning Ordinance Update (TGPA-ZOU) when developing the Cumulative 2035 traffic forecasts.

8. **Sixth Bullet – Increased Development Potential from the Zoning Ordinance Update.** The increased development potential has been accounted for in the traffic studies referenced by the EIR addendum and considered by the County when drafting conditions of approval. Traffic studies initiated in 2014 increased the 2035 Travel Demand Model land use assumptions for all of the specific plan areas in anticipation of the Targeted General Plan Amendment & Zoning Ordinance Update (TGPA-ZOU) approved last December. Build-out was assumed for the El Dorado Hills Specific Plan (at its original 4,950 DU's plus commercial), Valley View Specific Plan, Carson Creek Specific Plan, Promontory Specific Plan, and Ridgeview. More than 2,600 dwelling units were added to the 2035 Travel Demand Model land use to insure that the results would be conservative and reasonably account for the TGPA-ZOU once it was approved.

9. **Seventh Bullet – Consideration of Measure Y.** See item #6 above. Measure Y is not applicable to these projects since they have development agreements that were approved prior to approval of Measure Y.

10. **Eighth Bullet, First Sub-bullet – Ministerial Approval of Pad Grading.** The proposed condition eliminates an outdated County policy of having grading plans reviewed by the local supervisor. The County no longer has this requirement. More importantly, the preliminary grading plans for all three projects were previously reviewed and approved by the Planning Commission, when these maps were first heard in 2005. We are not proposing to change any of the grading plans, except to the extent to accommodate the new ball field to be given to the Holy Trinity Church.

11. **Eighth Bullet, Second Sub-bullet – Revised Setback Requirements.** The original conditions of approval for Bell Ranch established a set of yard setbacks, including a side yard setback of five feet. The Hawk View and Bell Woods tentative maps did not have any setbacks in their PD plans. To establish consistency, the Hawk View and Bell Woods conditions have been revised to reflect the same setbacks that are in the Bell Ranch PD plan. The Specific Plan does not establish any setbacks for yards, including side yards, so there is no issue with Specific Plan consistency.

12. **First Paragraph, Second Page.** Cumulative traffic impact analysis was conducted in the traffic studies incorporated by the EIR addendum. Build-out of the BLHSP was assumed by 2035, along with build-out of neighboring Specific Plans as cited in response 8. above. More importantly, the interim-improvements to the Bass Lake interchange are anticipated to operate at an acceptable level-of-service D or better through 2035 when the interchange is scheduled to be replaced, which was a requirement of the EIR.

The attached chart describes interim improvements at the interchange, and compares those improvements to requirements of the original EIR and subsequent planning documents. The proposed improvements are consistent with the EIR requirement that they address anticipated traffic until the

scheduled replacement of the interchange. Proposed near term and cumulative roadway and intersection improvements have been vetted with County staff, and staff concurs with the improvements identified in the traffic studies.

13. **Second Paragraph, Second Page – Serious Misrepresentations.** The comment expresses the unsubstantiated opinion of the author. The comment does not contain or refer to any substantial evidence to support the assertion that circumstances have changed enough to trigger the thresholds cited in CEQA Guidelines section 15162 warranting preparation of a subsequent EIR. CEQA Guidelines section 15384 defines substantial evidence:

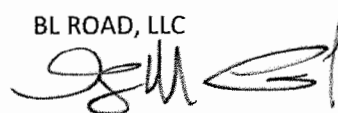
- (a) “Substantial evidence” as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.
- (b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Further, in reviewing the adequacy of the Addendum, the relevant question is whether substantial evidence supports the Addendum’s conclusions. The 2016 Addendum provides substantial evidence through inclusion of technical studies and substantive environmental analysis to support the conclusions that it reached.

14. **Third Paragraph, Second Page.** As indicated above, a Specific Plan amendment is not necessary. The Specific Plan provides for flexibility and the revisions that we are proposing in the condition of approval amendments. Further, as indicated above, the CEQA review provided with these applications is appropriate.

Sincerely,

BL ROAD, LLC



George M. Carpenter, Jr.
Winn Communities

Attach.

Attachment to Letter

Comparison of interim improvements at the Bass Lake Road interchange

	EIR & Addendum	1995 BLHSP	2004 PFFP	2005/2006 TM Conditions	T. Kear Transportation Planning and Management 2014 Recommendation
Westbound on-ramp configuration	1-lane	2-lane	2-lane	2-lane	1-lane
Eastbound off-ramp configuration	1-lane with 3-lane segment	2-lane	2-lane	2-lane with 3-lane segment	1-lane with 2-lane segment
On-ramp metering	Yes, if warranted	Yes, "To maintain LOS on US 50"	Yes	Yes	No (Not required To maintain LOS on US 50, not warranted)
Signalize westbound ramp intersection	If warranted	If warranted	No	No	2035: Yes 2019: No, except for coordination
Signalize eastbound ramp intersection	If warranted	If warranted	No	No	Yes
Signalize (fix) existing Country Club Drive	No	No	No	No	Yes, signalize with protected left turns
Bass Lake Road segment between EB and WB ramps	NB: 2-lanes SB: 1-lane	NB: 1-lane SB: 1-lane	NB: 1-lane SB: 1-lane	NB: 2-lanes SB: 1-lane	NB: 2-lanes SB: 1-lane
Bass Lake Road segment US 50 to existing Country Club Drive	2-lane arterial	2-lane arterial	2-lane arterial	2-lane arterial	4-lane arterial