

1/11/2018

Edcgov.us Mail - Re: Vine and Town Center development plans

Planning and Building Department
Planning Division
2850 Fairlane Court
Placerville, CA 95667
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Rommel (Mel) Pabalinas, Principal Planner
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Char Tim
Clerk of the Planning Commission

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1/12/2018

Edcgov.us Mail - Fwd: Public comment for El Dorado Hills Apartments

PC 1/11/18

(Distributed at hearing)

#5

6 pages

Charlene Tim <charlene.tim@edcgov.us>



Fwd: Public comment for El Dorado Hills Apartments

Char Tim <charlene.tim@edcgov.us>

Thu, Jan 11, 2018 at 7:31 AM

To: Serena Carter <serena.carter@edcgov.us>, Debra Ercolini <debra.ercolini@edcgov.us>

Cc: Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Serena/Debbie,

Please copy & distribute this email and attachment for today's hearing. I will upload after the meeting. Thanks!

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

From: **SOC admin** <edcsoc@live.com>

Date: Thu, Jan 11, 2018 at 7:28 AM

Subject: Public comment for El Dorado Hills Apartments

To: "mel.pabalinas@edcgov.us" <mel.pabalinas@edcgov.us>, "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>

Please attach these comments to the public record for the El Dorado Hills Apartments.

Thank you,

Save Our County

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Char Tim

Clerk of the Planning Commission

County of El Dorado

Planning and Building Department

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Save Our County comments 1-11-18 Planning Commission EDH Apartments.pdf

221K

January 11, 2018

Mel Pabalinas, Associate Planner
County of El Dorado Development Services Division
2850 Fairlane Court
Placerville, CA 95667
via email: Mel.Pabalinas@edcgov.us

Subject: Comments on El Dorado Hills Apartments

Dear Mel,

Below are several of the many issues concerning this project.

Measure E:

The Final EIR states that Measure E applies to this project, specifically the December 2017 version updated with Judge Stracener's decision. Policies especially pertinent to this project are:

- TC-Xa1: Traffic from residential development projects of 5 or more units cannot result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the County.
- TC-Xa2: The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.
- TC-Xa7: Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

The FEIR states on page 2.0-14 that the intersection of El Dorado Hills Boulevard/Saratoga Way/Park Drive would operate at LOS F prior to the addition of project traffic, and that project traffic would worsen intersection operations (by adding more than 10 peak hour trips), resulting in a potentially significant impact at this location. The FEIR further states that this intersection can be improved when the Saratoga Way Extension Phase 2 project is completed. TC-Xa7 requires that the project complies with TC-Xa1 through TC-Xa6 before giving approval. Since this project does not comply with TC-Xa1, the project must be denied.

The FEIR goes on to state that data for 5 intersections changed when it was learned that two new projects are planned in the area: John Adams Academy and Montano De El Dorado Phase II. With the addition of the two projects, the LOS suspiciously improved. How is that possible?

Table 4.8-15
Long-Term Cumulative Conditions – Study Intersection LOS Summary

Intersection	Intersection Control	Peak Hour	Cumulative No Project Conditions		Cumulative Plus Project Conditions	
			Avg Delay ²	LOS ³	Avg Delay ²	LOS ³
1. El Dorado Hills Boulevard/Park Drive/Saratoga Way	Signal	AM	37 38	D	37 45	D
		PM	48 52	D	60 51	D
2. El Dorado Hills Boulevard/U.S. 50 WB Ramps	Signal	AM	34 33	C	47	D
		PM	43 43	D	48 40	D
3. Latrobe Road/U.S. 50 EB Ramps	Signal	AM	34 14	C B	34 26	D C
		PM	22 23	C	48 22	B C
4. Latrobe Road/Town Center Boulevard	Signal	AM	36 22	D C	42 25	D C
		PM	66 50	E	76 22	E
5. Latrobe Road/White Rock Road	Signal	AM	60 41	E D	67 45	E D
		PM	51 47	D	80 55	E
6. White Rock Road/Winfield Way	Signal	AM	12	B	12	B
		PM	35	D	36	D
7. White Rock Road/Post Street	Signal	AM	15	B	15	B
		PM	17	B	18	B
8. White Rock Road/Vine Street/Valley View Drive	Signal	AM	20	B	19	B
		PM	29	C	31	C
9. Town Center Boulevard/Post Street ¹	AWSC	AM	13	B	14	B
		PM	73	F	82	F
10. Silva Valley Parkway/U.S. 50 WB Ramps	Signal	AM	10	A	10	A
		PM	20	C	20	C
11. Silva Valley Parkway/U.S. 50 EB Ramps	Signal	AM	3	A	3	A
		PM	11	B	11	B

Source: Feir & Fees, 2017.

Notes: AWSC = all-way stop control

¹The Town Center Boulevard/ Post Street intersection is private (i.e., not a County facility).

²The average delay is measured in seconds per vehicle. For signalized and AWSC intersections, the delay shown is the average control delay for the overall intersection. For side-street stop controlled intersections, the LOS and control delay for the worst movement is shown. Intersection LOS and delay is calculated based on the procedures and methodology contained in the HCM 2010 (TRB, 2010).

Intersections 6-11 were analyzed by Synchro 9. Intersections 1-5 were analyzed in SunTraffic.

TGPA/ZOU lawsuit:

There are nexus points between El Dorado Hills Apartments and pending lawsuits - This project relies on [allegedly] flawed aspects of the General Plan as it was amended in 2015 under the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU). Should the County approve El Dorado Hills Apartments before the resolution of the pending TGPA/ZOU suit, they are committing county resources to yet another potential lawsuit as well as jeopardizing the project's approval.

Note too, that the General Plan update under the TGPA/ZOU began in 2010. It was publicly noticed. Many project applicants actively participated in the project and were well aware of proposed changes, including the applicant for El Dorado Hills Apartments. Many applicants delayed their projects in order to take advantage of the new Travel Demand Model, which this project does.

Nexus point-

The Travel Demand Model used in the El Dorado Hills Apartments traffic analysis is alleged under the TGPA/ZOU lawsuit to exacerbate inconsistencies between development potential of the Land Use Element and level of service requirements of the General Plan's Circulation Element (See RCU v. El Dorado, PC 20160024, filed Jan. 13, 2016, El Dorado County Superior Court, Dept. 9, p. 26-27, para.63.)

Inconsistencies between Caltrans and DOT determination of LOS

Projects cannot be properly mitigated and Measure E cannot be fully implemented until the inconsistencies between Caltrans and DOT determination of LOS is resolved.

As explained at the August 30, 2016 Board meeting, the County staff is misusing the Highway Capacity Manual by excluding speed and density of traffic when determining LOS. The Highway Capacity Manual (HCM) clearly states that the Highway Capacity Software (HCS) will not work accurately when the highway conditions are oversaturated. When traffic is backed up with both lanes of Highway 50 creeping along at 11 mph, it is clear that the capacity of the highway cannot accommodate the number of cars that are trying to use it. Caltrans uses speed and density to calculate LOS and therefore acknowledges that Highway 50 is at LOS F. DOT does not include speed and density in their calculation and therefore deny that Highway 50 is at LOS F.

Table 13 from the Caltrans Transportation Concept Report and Corridor System Management Plan shows that segments 8 and 9, which are the two segments inside the County line in El Dorado Hills, are both at LOS F while the Concept LOS is E.

TABLE 13: US 50 BASIC SYSTEM OPERATIONS															
Seg. #	County	Post Miles	Distance (Miles)	Average Annual Daily Traffic			Level of Service (LOS)				Vehicle Miles Traveled (VMT)			Delay	
				Base Year (BY)*	No Build (Horizon Year (HY))*	Build (HY)	B Y	No Build (HY)	Build (HY)	Concept LOS	BY	No Build (HY)	Build (HY)	Daily Vehicle Hours of Delay	Daily Person Hours of Delay
1	YOL	0.00/3.16	3.16	176,000	206,000	210,000	E	F	F	E	337,274	394,000	402,000	228	310
2	SAC	10.00/L2.48(R0.00)	2.48	246,000	279,000	300,000	F	F	F	E	452,373	513,000	552,000	1,697	2,309
3		0.00/R5.34	5.34	206,000	249,000	265,000	F	F	F	E	959,231	1,158,000	1,235,000	1,708	2,323
4		R5.34/R10.92	5.58	171,000	226,000	234,000	F	F	F	E	660,438	873,000	905,000	509	692
5		R10.92/12.50	1.58	141,000	196,000	204,000	E	F	F	E	194,349	271,000	281,000	204	276
6		12.50/17.01	4.51	117,000	160,000	161,000	F	F	F	E	630,648	862,000	866,000	565	768
7		17.01/23.14	6.13	91,000	113,000	132,000	F	F	F	E	521,760	645,000	759,000	158	215
8		0.00/0.86	0.86	91,000	100,000	110,000	F	F	F	E	81,060	89,000	98,000	59	80
9	0.86/R3.23	2.37	70,000	94,000	105,000	E	F	F	E	127,860	171,000	191,000	10	13	
10	R3.23/6.57	3.34	61,000	86,000	84,000	D	F	D	E	207,994	294,000	286,000	51	70	
11	6.57/R8.56	1.99	61,000	73,000	77,000	D	E	D	E	170,099	203,000	216,000	15	20	
12	R8.56/R15.06	6.5	52,000	67,000	71,000	C	D	C	E	307,233	396,000	420,000	16	21	
13	R15.06/17.25	2.19	49,500	59,000	67,000	D	D	E	E	129,242	153,000	176,000	6	9	
14	17.25/18.11	0.86	52,000	59,000	58,000	C	C	C	D	37,604	43,000	42,000	132	179	

Absence of Comment by Caltrans:

The County has not received comments from Caltrans since the NOP was submitted, therefore it is difficult to determine if the issues brought up by Caltrans were addressed by the Applicant. Given the controversy regarding the traffic levels surrounding the El Dorado Hills Interchange and Highway 50 at the County line, obtaining these comments are critical for the decision makers prior to moving forward.

Banning Ranch Court Ruling – must review process of other agencies:

While its specific context is limited, the lessons learned and guidance gleaned from the Supreme Court’s decision are certainly valuable ones for lead agencies and developers navigating the land use and environmental review processes in California.

The Court wrote:

CEQA sets out a fundamental policy requiring local agencies to “integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively.” (§ 21003, subd. (a).) The CEQA guidelines similarly specify that “[t]o the extent possible, the EIR process should be combined with the existing planning, review, and project approval process used by each public agency.” (Guidelines, § 15080.)

Since Caltrans did not submit comments on the EIR as it promised to do in its NOP comment, the County could not and did not integrate Caltrans' project approval process into the FEIR.

On these grounds, the FEIR should not be certified and sent back to staff to get comments from Caltrans on this project.

Respectfully,

Sue Taylor
Save Our County

(Distributed at hearing)

PC 1/11/18

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3 pages

Opposition to El Dorado Hills Town Center Apartments

Name	Street Address (optional)	City	Phone (optional)	Email (optional)
Gail Flood	1130 White Rock Rd #73 EDH.		916-939-1402	
Jim Martella	1130 White Rock Rd #69 EDH.		916-939-8779	
Carol J. Kearney	1130 White Rock #8 EDH.		916-812-5972	
Lynn O'Donnell	1130 W.R.R. #9 EDH		916-939-6823	
John & Borge	1130 W Rock Rd #75 EDH		916-933-3671	
Marge Cordes	1130 White Rock Rd #77 EDH		916 939-4021	
Dale Smith	1130 White Rock Rd #79 EDH		530 409-7403	
Ken Dwyer	1130 White Rock Rd #80 EDH		916-939-5030	Hickey197234@yahoo.com
Sue Martin	1130 White Rock Rd #81 EDH		530-210-6475	
Veron Kempin	1130 White Rock Rd #81 EDH		916 584-7584	
Mary Cullen	1130 White Rock Rd #82 EDH		916-933-1157	
Bob Sponzo	1130 WHITE ROCK RD. #84 EDH		916-990-5197	
Uma R. Nelson	1130 White Rock Rd #85		916 804-7968	
Laura Freeman	1130 White Rock Rd #85 EDH		916 801-8287	
James Freeman	1130 White Rock Sp #85 EDH		916 221 0287	
Cody Powers	1130 White Rock Rd #64 EDH		916-878-9506	Codywpowers@yahoo.com
Doug Rowe	1130 White Rock Rd # 62		707-717-6475	
Julie Merriner	1130 White Rock Rd # 56		916-425-4193	
Kathryn Stewart	1130 White Rock Rd #70		916-941-7436	
Sue Martland	1130 White Rock Rd 106		916-933-4733	
Alien Phipps	1130 White Rock Rd # 107		916-849-2558	
Uma J	1120 White Rock Rd #108 EDH		5305588079	
AL Silva	1130 White Rock Rd # 109		916-933-5006	
Karen M. Silva	1130 White Rock Rd # 109		916-790-4919	
Tai Dettman	1120 White Rock Rd # 110		916-939-1905	
AVIS DAKINS	1130 WHITE ROCK RD #112		916 504-0351	

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Opposition to El Dorado Hills Town Center Apartments

Name	Street Address (optional)	City	Phone (optional)	Email (optional)
John Doe	1130 White Rock #93 EDH	EDH		
John Doe	1130 White Rock #92 EDH	EDH		
Joan Darby	1130 White Rock #90 EDH	EDH		jdarby@134@yahoo.com
Susan Sam...	1130 White Rock #91 EDH	EDH		
BEN VAN GRAAFE LAUT	1136 White Rock RD 95	EDH		
JES L...	1130 White Rock Rd.	EDH		
ROSA TUTTLE	1130 White Rock #79	EDH		ROSA TUTTLE PETA@gmail.com
Desmond Thomas	1130 White Rock #83	EDH		
Rory O'Connell	1130 White Rock Rd #2	EDH		
Stephanie Mistle	1130 White Rock Rd #1	EDH		smistle@gmail.com
Janet...	1130 White Rock Rd #28	EDH		
Candice Shaw	1130 White Rock Rd #30	EDH		candice-ray@att.net
Anita Saxton	1130 White Rock Rd #27	EDH		Saxton Anita@yahoo.com
CRAIG ROY	1130 White Rock Rd #25	EDH		
STEPHANIE SHAPIRO	1130 White Rock Rd #38	EDH		
Susan Stapleton	1130 White Rock #35	EDH		
Debra Roberts	1130 White Rock Rd #36	EDH		roberts-m@att.net
Mark L. Roberts	1130 White Rock Rd #36	EDH		" " "
Mark L. Roberts	1130 White Rock Rd #36	EDH		
Quinn Williams	1130 White Rock Rd #18	EDH		none
Melanie Hovert	1130 White Rock rd spc-22	EDH		none
Arnon Hovert	1130 White Rock rd spc-22	EDH		none
Alexei Barnes	1130 White Rock rd spc 37,	EDH		

Opposition to El Dorado Hills Town Center Apartments

Name	Street Address (optional)	City	Phone (optional)	Email (optional)
Sherril Murphy	1130 White Rock Rd #72	EDH	530 558 8022	murphy.mess@gmail.com
Chris Wolff	1130 White Rock Rd #68	EDH	(916) 835-6464	
Angela	1130 White Rock Rd #114		(916) 939-4104	
Susie Brodsky	1130 White Rock Rd #48	EDH, CA	(916) 358-5485	
Rose Marie Allen	1130 White Rock Rd #47		(916) 933-7406	
Glen R Lewis	1130 White Rock Rd #46		916 960-7647	
Mae Darling	1130 White Rock Rd #54		530-417-4300	
Kristen Darling	1130 White Rock Rd #54		530-417-0884	
Grace Thurgood	1130 White Rock Rd #43		(916) 939-6182	
Barney Butteson	1130 White Rock #56		916-365-3430	
Carol Sarrasin	1130 White Rock #42		(916) 933-9520	
Mario Zuppa - C.			(916) 332-7734	
Margaret Northam	1130 White Rock Rd #40		916 939-0868	MMN51@att.net
Debbie Mondo	1130 White Rock Rd Sp 123		916 835 8584	
Nicole Mondo	1130 White Rock Rd Sp 123		916 835 8584	
Sara Lombardi	1130 White Rock Road #122		916 939-5338	
Dena Love	1130 White Rock Rd #120		916-757-0488	
Rick Love	1130 White Rock Rd #120		916-757-0488	
Janyal Chingite	1130 White Rock Rd #118		916-939-5444	
Janet	1130 White Rock Rd #71		916-939-0771	
John	5335 SOLE DR COMPTON PARK	CA 95682	530-677-5822	
John	5335 SOLE DR COMPTON PARK	CA 95682	530-677-5822	
CHRIS BERRY	3712 PARK DR, EL DORADO HILLS	95762		buster.berry@sbjgbd.net

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FINDINGS FOR DENIAL

General Plan Amendment A11-0006/Rezone Z11-0008/Planned Development PD11-0006/Tentative Map TM11-1505/Development Agreement DA14-0001/Dixon Ranch

1.0 FINDINGS

The Dixon Ranch project: General Plan Amendment A11-0006, Rezone Z11-0008, Planned Development PD11-0006, Tentative Map TM11-1505, and Development Agreement DA14-0001 (the "Project") came before the El Dorado County Board of Supervisors at a duly noticed public hearing on February 14, 2017. Upon conclusion of the public hearing, the Board of Supervisors voted to conceptually deny the Project, subject to the adoption of findings of fact. Accordingly, based on its review and analysis of the evidence in the public record, the Board of Supervisors makes the following findings of fact in support of its action to deny the Project:

2.0 GENERAL PLAN FINDINGS

The Project is inconsistent with other General Plan goals, including, but not limited to, those goals concerning the provision of jobs, generation of sales taxes, and creation of moderate income housing.

- 2.1. The Project is inconsistent with Policy 2.2.5.21, which requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.
- 2.2. The Project is inconsistent with the objectives of the Economic Element of the General Plan, including: Business Retention and Expansion (Objective 10.1.5), Capture of Retail and Tourism Dollars (Objective 10.1.6), Jobs-Housing Relationship (Objective 10.1.9), Equitable Financing Methods for Public Improvements (Objective 10.2.2), New Development Fiscal Effects (Objective 10.2.5), and Fiscal Effects of Government Reorganization (Objective 10.2.6).

3.0 TENTATIVE MAP FINDINGS

The Tentative Map is required to comply with the General Plan pursuant to the Subdivision Map Act 66474(a) "A legislative body of a city or county shall deny approval of a tentative map, or a parcel map, for which a tentative map was not required, if it makes any of the following findings: (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451."

Section 120.12.030 of the El Dorado County Code similarly requires that "The Planning Commission shall deny approval of a tentative subdivision map if it makes any of the following findings: A. That the proposed map is not consistent with the applicable general and specific plans."

The Board of Supervisors denied the General Plan Amendment (A11-0006) to change the general plan land use designation from 278.99 acres of Low Density Residential and 1.28 acres of Open Space to 186.26 acres High Density Residential, 21.40 acres Medium Density Residential, 5.02 acres Low Density Residential, and 67.59 acres Open Space. Consequently, the Project's proposed tentative map is not consistent with the Low Density Residential designation because the tentative map proposed 605 single family lots but the Low Density Residential land use designation allows a maximum of one dwelling unit per 5 acres, or a maximum of 56 residential lots.

Therefore, the Tentative Map is denied based on inconsistency with the adopted General Plan.

4.0 PLANNED DEVELOPMENT FINDINGS

There are no state requirements for Planned Developments. Section 130.52.040(E) of the El Dorado County Code requires that when approving a request for a Development Plan Permit, the review authority must make the following finding: "The proposed development plan is consistent with the General Plan, any applicable specific plan, and Chapter 28 (Planned Development (-PD) Combining Zone) of this Title."

The Board of Supervisors denied the General Plan Amendment (A11-0006) to change the general plan land use designation from 278.99 acres of Low Density Residential and 1.28 acres of Open Space to 186.26 acres High Density Residential, 21.40 acres Medium Density Residential, 5.02 acres Low Density Residential, and 67.59 acres Open Space. The Project' proposed Planned Development is inconsistent with the General Plan designation of Low Density Residential because the Planned Development proposed 605 single family lots but the Low Density Residential land use designation allows a maximum of one dwelling unit per 5 acres, or a maximum of 56 residential lots.

Therefore, the Planned Development is denied based on inconsistency with the adopted General Plan.

5.0 CEQA FINDINGS

Since the Board denied the legislative acts, including General Plan Amendment, Rezoning, and Development Agreement, consequently resulting in denial of the Tentative Map and Development Plan, no further CEQA documentation is required. Pursuant to Section 15270 of the CEQA Guidelines, CEQA is not required for projects that are denied.

(Distributed at hearing)

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Citizens for Sensible Development in El Dorado Hills

January 11, 2018

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

RE: A16-0001/Z16-0004/SP86-0002-R-3/PD94-0004-R-3/El Dorado Hills Apartments

Dear Planning Commissioners,

We strongly recommend that the Planning Commission deny this project as proposed.

We represent residents nearby and throughout the County who have concerns about the proposed El Dorado Hills Apartments project. We are also concerned regarding the precedent this would set if this project were to be approved.

A number of objections have arisen regarding the proposed El Dorado Hills Apartments, leading to recommendations for denial from the El Dorado Hills Area Planning Advisory Committee (APAC) and others. APAC gave the proposed project a great deal of focused evaluation and public review in concluding to deny the project.

The California Environmental Quality Act (CEQA) should serve as a tool for the deciding agency and impacted residents to determine impacts of a project and then decide if there are mitigation measures that will remove those impacts, or reduce them to be insignificant. If the impacts cannot be mitigated to such a level then the deciding agency should make the determination to deny the project. This is the legal CEQA process, but there should also be a moral component for the deciding agency to primarily serve the public and to honor agreements that were made when the original entitlements were given for this property within the El Dorado Hills Specific Plan.

The process for this apartment project has been flawed. That this project continues to move forward as it has, with County Planning's recommendation for support, shows a disconnect between County Planning and the residents that should be served by the County. If residents cannot rely on zoning, a General plan, specific plans, mandatory design standards within a specific plan, then what can a resident rely on in the way of certainty for protection of property and therefore their expected quality of life.

Of major concern is the blatant disregard of the public's input by El Dorado County. The CEQA process in this case has been used by the County as merely a back and forth "process" of the public's comments without any true regard of the public's input. Not only are the responses to the comments avoiding discussion and deflecting the

comments, many are misleading and assumptive, which will be addressed in our formal "CEQA" comments.

Many of the County's responses expect the public information to not be based on personal observations but instead paid consultant studies. The public that has historical knowledge should be considered even more so than the information from an outside consultant that is usually not connected to the community. I ask that the Planning Commission and other agencies that will be considering entitlements for this project put a lot of weight on the public's information and impacts that the public experiences living in this area day to day.

I. The following are reasons the Planning Commission should not to approve the El Dorado Hills Apartments project.

First, the proposed plan is inconsistent with the El Dorado Hills Specific Plan and zoning that was agreed to and established by Ordinance #3849 on July 18, 1988. This alone should cause a denial of this project as proposed.

Second, if the County does moves forward, specifically for this developer, to violate this agreement and amend the General Plan and El Dorado Hills Specific Plan by changing the zoning to Multi-Unit Residential (RM) as is being proposed, the amendment is unlawful and causes the El Dorado County General Plan to be inconsistent.

Increasing the maximum density is inconsistent with the current General Plan. The current General Plan Policy 2.2.1.2 states:

"Policy 2.2.1.2:

To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established and defined.

Multifamily Residential (MFR): This land use designation identifies those areas suitable for high-density, single family and multifamily design concepts such as apartments, single-family attached dwelling units (i.e., air-space condominiums, townhouses and multiplexes), and small-lot single-family detached dwellings subject to the standards set for in the Zoning Ordinance and which meet the minimum allowable density. Mobile home parks, as well as existing and proposed manufactured home parks, shall also be permitted under this designation. Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public facilities. Mixed use development within *Community Regions and Rural Centers which combine commercial and residential uses* shall be permitted. **The minimum allowable density is five dwelling units per acre, with a maximum density of 24 dwelling units per acre.** Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers."

The proposed amendment states:

“Policy 2.2.6.6:

Within Village T as shown in the El Dorado Hills Specific Plan, the development and implementation of extensive commercial, residential and office development provides a unique opportunity to serve the needs of residential uses sited within a short enough distance to allow biking, walking and other alternative modes of transportation to avail themselves of goods and services. This Specific Policy designates the approximately ±4.565 acre site comprised of Parcels 1, 2 and 3 as shown on parcel map for Town Center East, Parcel 3.4 filed September 29, 2008 in Book 50 of Parcel Maps at page 44, Official Records of El Dorado County, California (APN Nos. 121-290-60, 61 and 62) as ‘Urban Infill Residential Area’. This area, because of its proximity to extensive commercial, retail, office and similar development in the balance of the El Dorado Hills Town Center, is deemed to be appropriate for dense infill development. The density of development allowed in this area may exceed the density of development set forth in other sections of this General Plan or zoning regulations up to a density of 47 units per acre upon the approval of a PD Development Plan approval and findings that the requested level of development is appropriate. Notwithstanding any other provisions of this General Plan or the El Dorado Hills Specific Plan or the zoning ordinance, the development restrictions and standards to apply in the Urban Infill Residential Area, including height limits, shall be those out in the approved PD Development Plan.”

The proposed Policy 2.2.6.6 is inconsistent with the 2004 voter approved General Plan Policy 2.2.1.2, which clearly states that maximum density allowed for Multi-Family residential is 24. It should be also noted that the residential and urban infill language in new policy 2.2.6.6 is also being added to the El Dorado Hills Specific Plan in order to justify the changes, otherwise this project as designed would not be allowed.

Under rules of the General Plan “USING THE PLAN” states: “In implementing the General Plan, it must be applied comprehensively. No single component (map, goal, objective, policy, or map) can stand alone in the review and evaluation of a development project. Conversely, the absence of a specific policy enabling a particular aspect of a project (exclusive of basic density consistency) is not to be grounds for a finding of General Plan inconsistency. Projects inherently raise policy issues. It is the task of the decision makers, consistent with State law, to weigh project benefits and consequences up against the General Plan as a whole. The merits of a project should ultimately be determined by its consistency with goals, objectives, and policies of all the elements and the land use map. Development standards as set forth in the Zoning Ordinance and other County policies must be consistent with the standards in this Plan. The Plan standards represent a careful balancing of competing economic, social, and environmental interests. Background information concerning the planning issues addressed in the Plan is contained in the Environmental Impact Report certified by the Board of Supervisors in connection with adopting the Plan. Exclusive of specific plans, community plans, and planned developments, these policies shall not be implemented in a manner that will effectively shift the balance further in the direction of any one set of interests, except where the applicant for a land use approval advocates more environmental protection than required by the General Plan policies.”

Also if the applicant was expecting to use the Mixed Use concept as mentioned throughout their submittals, they would also be violating the density allowed for Mixed Use which is 20 dwelling units per acre, and 20 units is only if there is adequate infrastructure in which we contest that there is NOT appropriate infrastructure for the required levels of service expected in this area.

“Policy 2.1.1.3 Mixed use developments which combine commercial and residential uses in a single project are permissible and encouraged within Community Regions. Within Community Regions, the mixed-uses may occur vertically and/or horizontally. In mixed use projects, the maximum residential density shall be 20 dwelling units per acre within Community Regions. The residential component of a mixed use project may include a full range of single and/or multi family design concepts. The maximum residential density of 20 dwelling units per acre may only be achieved where adequate infrastructure, such as water, sewer and roadway are available or can be provided concurrent with development.”

The County’s Findings state, *“If mixed-use development is being proposed, the development conforms to the standards in Section 130.40.180 (Mixed Use Development)”*. As stated above this is false since the project allows more than double the allowed density of 20 dwelling units per acre for mixed use.

Allowing this applicant to rewrite the density policies specifically for this specific project creates an inconsistency between existing policies 2.2.1.2, 2.1.1.3 and the new policy 2.2.6.6 within the General Plan and according to “Using the Plan” changing the density is an unlawful violation of the El Dorado County General Plan. This project must therefore be denied.

Third, the El Dorado Hills Specific Plan seems out of conformity with the El Dorado County General Plan. The documents must be brought into conformity before any further project approvals in the plan area.

Fourth, the rezoning of the property violates the El Dorado County General Plan, the El Dorado Hills Specific Plan, and the 1995 Town Center East project. These impact analyses need to be updated prior to any approval of the El Dorado Hills Apartments, and any amendments to the El Dorado Hills Specific Plan.

Fifth, the Planning Department would have been wise to have directed Planning Staff to work collaboratively with the project proponent and concerned citizens to modify the proposed El Dorado Hills Apartments project to better address the concerns raised by the APAC and concerned citizens. This should take place prior to any entitlements are given to the applicant.

Sixth, in the last paragraph of General Plan Finding 2.1, the report states that the residential development has been designed to match and complement the existing architectural theme and features in the Town Center East. This statement is false. In fact, **new** design guidelines and development standards are being submitted with the

project since the project is not consistent with the **existing** Town Center East Development Plan and Design Standards. It is interesting to note that the Design Standards have been changed to Design Guidelines, which lack enforceability. The County's Findings for this project state, *"Implementation of the project requires revisions to existing TCE Development Standards including minimum building setbacks and maximum building height to accommodate the proposed residential density. The revised standards are justified by the design of the project."* **THE REVISED STANDARDS ARE JUSTIFIED BY THE DESIGN OF THE PROJECT!** Please let that sink in. Why have any standards if desired projects will now be driving the standards?

Seventh, if the County deems that amending the El Dorado Hills Specific Plan follows the intent of the General Plan by allowing for residential development, this must be done prior to allowing this project rather than concurrently. There is no reason that the project applicant cannot conform to the El Dorado County's General Plan for residential density, or first seek a revised specific plan which would be consistent with the current General Plan, and the project applicant should and can conform to the **existing** Town Center East Development Plan and Design Standards. If the project applicant is not willing to conform to El Dorado County policies, rules and standards, then the project must be denied.

II. The El Dorado Hills Specific Plan is not consistent with the 2004 General Plan.

The 2004 General Plan sits atop the land use hierarchy as the constitution for local land use. Virtually all other County land use decisions must be consistent with the 2004 General Plan. (California Native Plant Society v. City of Rancho Cordova (App. 3 Dist. 2009) 172 Cal.App.4th 603.) These decisions include, specific plan amendments, rezones, and planned development amendments like the ones needed for the proposed project. (See for example, Government Code, Section 65454, regarding specific plans.) Because a specific plan holds a subsidiary position relative to a general plan, a specific plan must be reviewed and amended to make it consistent with any changes in a county general plan. (Government Code, Section 65359.)

After approval of the 1987 El Dorado Hills Specific Plan, El Dorado County completed three comprehensive general plan updates in 1996, 2004, and 2015. However, there is no evidence in the record to indicate that this specific plan was ever modified to conform to the 2004 General Plan. Similarly, there are no findings of fact that demonstrate that the El Dorado Hills Specific Plan conforms to the 2004 General Plan. To the contrary, the record does reflect inconsistencies between the two plans.

For example, the road system contemplated to serve the intense development in the El Dorado Hills Specific Plan is not the same as the road system contemplated by the 2004 General Plan. The El Dorado Hills Specific Plan calls for a road system in 2010 that includes a divided 6-lane portion of Green Valley Road, a divided 4 lane Bass Lake Road, and divided 6-lane White Rock Road west of the project. (Exhibit 1: El Dorado Hills Specific Plan Final EIR, Figure 7-21, page 2-2.) The Circulation Map for the 2004 General Plan reflects less road expansion for the specific plan area, and defers its development later in time. The 2004 General Plan, figure TC-1, depicts no portion of

Green Valley Road with 6 lanes, Bass Lake Road as undivided with 4-lanes, and the aforementioned section of White Rock Road as 4 lanes. It is now 2018, the roads in the plan area have still not expanded as called for in the specific plan, and as a result cannot provide free flowing and safe traffic for the existing level of development in the specific plan area. Thus, this lack of consistency between the specific plan and the general plan is a source of traffic impacts in the area. Since the traffic impacts associated with the proposed El Dorado Hills Apartments have been repeatedly voiced as a critical concern of neighbors and advisory bodies, there is a direct nexus between the proposed project and the lack of consistency between the plans.

We strongly recommend that the Planning Commission direct the Planning Department to compare each provision (maps and text) of the El Dorado Hills Specific Plan, its conditions of approval, its EIR, its mitigation measures, and any associated development agreements to the provisions of the 2004 General Plan, its EIR, and its mitigation measures. The Planning Department analysis should identify the areas of consistency and inconsistency. Where inconsistencies exist, the Planning Department should bring forth recommendations for resolving these inconsistencies. This analysis should be reviewed by the Area Planning Advisory Committee and the Planning Commission, prior to being acted on by the Board of Supervisors. The County critically needs this analysis and action to form the lawful planning foundation for future Board of Supervisor approvals of the El Dorado Hills Apartments.

III. Responses to the County's responses to our comments

The response 5-1 and 5-2 to our comments regarding consistency with the approved plans was partly deflected due to the misunderstanding of who compiled the historical information. We stand corrected that the document was prepared by the County who is the lead agency rather than the applicant. The point of the comment was to establish the past entitlements with conditions in which this project was initially approved and to show how this plan violates these past approvals within the El Dorado Hills Specific Plan and also violates the El Dorado County General Plan, the El Dorado Hills Town Center East Development plan and the El Dorado Hills Town Center East Design Guidelines. The County did not respond to these infractions but instead stated that it's up to the Board of Supervisors whether or not the El Dorado Hills Apartments are consistent with those plans:

"The determination whether the proposed project is consistent with applicable local land use plans ultimately rests with the decision makers who have authority to approve the project. Here, the County Board of Supervisors will make that determination. Under state law (Court of Appeal decisional authority):"

How are the decision makers going to determine if the El Dorado Hills Apartments are consistent with the County's plans if there is little if any information provided from the Planning staff that shows how the project is in conflict? It's inconceivable that a project this massive and this conflicting with existing plans has hardly any data showing impact or conflict. The County's analysis is short on real substance.

Also 5-1 stated that the project is in violation to the 2016 Voter Approve Measure E. The project creates LOS F at Town Center Boulevard and the Post Street Intersection, among other areas that are also impacted. The Traffic Study prepared for this project states that *“Although this section includes analysis of the private Town Center Boulevard/Post Street intersection for informational purposes, Policy TC-Xa(3) only applies to “highways, arterial roads and their intersections” and does not apply to private roads and their intersections. For this reason, the Town Center Boulevard/Post Street intersection is not subject to the requirements of this Measure E analysis.”*

Actually Policy TC-Xa(3) states: *“Developer paid traffic impact fees combined with any other available funds shall fully pay for building **all** necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development upon **any** highways, **arterial roads and their intersections** during weekday, peak-hour periods in unincorporated areas of the county.”* Also Policy TC-Xa(1) requires *“Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods **on any** highway, **road, interchange or intersection** in the unincorporated areas of the county.”* There is nothing in the policies that exclude private roads, especially when they are open and heavily used by the general public.

Furthermore the county references two cases that exempts these policies from applying on private roads. After reading the two cases they really do not apply in the application of this project. In the first case the County states that, *“increased traffic contained within a private development is generally not considered an adverse impact on the environment under CEQA. (See, e.g., Walters v. City of Redondo Beach (2016) 1 Cal.App.5th 809 (“The Guidelines and case law clarify that traffic impacts for CEQA purposes relate to the flow of vehicles in public spaces.”);”* This case was due to the traffic within a parcel with a carwash, in which they were accused of violating the city’s traffic policies due to the cars lined up for the car wash. In this case the traffic in question was related to internal traffic confined to the actual parcel, not external traffic on the road way generated by the project. The second case *“(Parker Shattuck Neighbors v. Berkeley City Council (2013) 222 Cal.App.4th 768, 782 [“In general, CEQA does not regulate environmental changes that do not affect the public at large”].)”* has to do with one specific group of people that would live within the same housing project or specific school children impacted by a school project rather than the public in general being impacted. The intersection in question is not on a **confined** private parcel nor is access limited by a specific group of people, but instead the intersection is accessible to the general public. Therefore neither of these cases apply to this project.

Lastly the County states that, *“the County cannot approve such a condition at this private intersection without the project applicant’s consent.”* This is not true. The County has eminent domain powers that it repeatedly applies to conditions of approvals for developers to acquire private property due to conditions applied requiring them to make road improvements.

We contend that Comment 5-1 and 5-2 has not been adequately addressed.

The response 5-3 to our comments regarding loss of inventory of commercial land use was deflected by stating that the residential use will benefit the surrounding commercial uses. This does not address the actual loss of commercial land use which is inconsistent with many of the General Plan goals previously discussed. It also does not address the increasing jobs to housing imbalance in the county. The County again mentions compliance with all the plans that have been revised so they therefore claim the project is consistent with the plans. In reality since the County is revising all of the Town Center's design standards this project will not be compatible with the existing architectural style of the existing structures that were built and designed based on different requirements. The project is a boiler plate apartment design commonly used by this developer and which the standards have been revised to conform to this commonly built project.

We contend that Comment 5-3 has not been adequately addressed.

The response 5-4 to our comments regarding being inconsistent with the objectives of the Economic Element of the General Plan. The county states that this is not required by CEQA, yet the county also states that the project complies with the goals and objectives of the General Plan. These statements are in conflict. The County also makes numerous assumptions as to why the commercial use is not worth preserving. If the County took this stand on every designated use in the County then what use is a General Plan? They state that it's not likely that manufacturing would take place here, yet light manufacturing is currently allowed on this parcel. Even though capturing retail dollars has been one of the County's primary goals in which millions of dollars have been spent to accommodate, the County states that losing this opportunity here is not a substantial loss. The County also states that this property could not be used to promote tourism nor is there any existing tourist commercial operations located on or near the project site. Yet the California Welcome Center advertises the Town Center as a tourist destination.



CALIFORNIA WELCOME CENTER

To grasp California's true gold, you can escape to the foothills for outdoor recreation! Experience the magic at Lake Tahoe, surrounded by world famous ski-resorts with legendary snow in winter, with arts, music, and festivals in summer. Hike to a swimming hole, four wheel on the Rubicon, or [shop in El Dorado Hills Town Center](#) - this region has everything to make your California visit unforgettable.

The California Welcome Center in El Dorado Hills is conveniently located right off of US Highway 50 in Town Center. The friendly staff can help you find local restaurants, book hotel rooms near and far and provide your furry friend a respite in our pet friendly location.

2085 Vine Street, Suite 105
El Dorado Hills, CA 95762

[Site Map #14](#)

Website

(916) 358-3700

Mon-Fri: 9:30am-5pm
Sat & Sun: 10am-4pm

[-- BACK TO TRAVEL & TOURISM](#)



The County has gone beyond bending policies in order to accommodate this development. We contend that these responses to 5-4 in regards to the inconsistencies of the project to the Economic Element of the General Plan borders on deceptive behavior on the part of the County.

Re: Response 5-5 and 5-6. We disagree that the impact of converting the land use does not require the need for mitigation.

Re: Response 5-8 and 5-9. We agree that as revised TC-Xa3 does not require the improvements to be in place prior to approval of a discretionary project, but we disagree with the County analysis regarding Policy TC-Xf. As the policy has been revised the County has the option to (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP. In the way the response was written it does not seem the County has determined the action that is the greatest benefit for the County, but instead has chosen the best option for the developer. It is not certain that the voluntary action of the applicant to possibly install a signal at Town Center Blvd and Post Street at some unknown time will actually mitigate the cumulative traffic being generated by this project.

Re: Response 5-11. We disagree with the County's responses. We disagree with the understanding of the response from Caltrans since we have real time data that shows LOS F from Caltrans at Highway 50 in El Dorado Hills along with the letter from Caltrans to the County in 2015. Also the County is misinterpreting the letter that is referenced from October 2016. Caltrans was agreeing with the methodology but there were issues in the system. With all the additional projects that have been entitled since these

analysis were done, we are confident that the LOS has not improved. The county continues to disregard this impact.

EXHIBIT F 8-30-16

Re: Project 14-1054 (5B 30 of 30)

This analysis replicates Caltrans' original analysis precisely, including their volume number and assumed peak direction, using the HCS 2010 Release 6.5 (whereas Caltrans used Release 6.1). The results from the two Release versions are identical

HCS 2010: Basic Freeway Segments Release 6.50

Phone: Fax:

E-mail:

Operational

Analysis

Analyst: NKP replicating Jas

Agency or Company: CDA

Date Performed: 8/4/16

Analysis Time Period:

Freeway/Direction: US 50

From/To: SEG 8R

Jurisdiction: ED County

Analysis Year: 2012 Base

Description: CSMP/TCR 50

Flow Inputs and

Adjustments

Volume, V 4590 veh/h

Peak-hour factor, PHF 0.94

Peak 15-min volume, v15 1221 v

Trucks and buses 4 %

Recreational vehicles 0 %

Terrain type: Rolling

Grade - %

Segment length - mi

Trucks and buses PCE, ET 2.5

Recreational vehicle PCE, ER 2.0

Heavy vehicle adjustment, fHV 0.943

Driver population factor, fp 1.00

Flow rate, vp 2588 pc/h/ln

Speed Inputs and

Adjustments

Lane width - ft

Right-side lateral clearance - ft

Total ramp density, TRD - ramps/mi

Number of lanes, N 2

Free-flow speed: Measured

FFS or BFFS 70.0 mi/h

Lane width adjustment, fLW - mi/h

Lateral clearance adjustment, fLC - mi/h

TRD adjustment - mi/h

Free-flow speed, FFS 70.0 mi/h

LOS and Performance

Measures

Flow rate, v_p 2588 pc/h/ln
Free-flow speed, FFS 70.0 mi/h
Average passenger-car speed, S 47.7 mi/h
Number of lanes, N 2
Density, D 54.3 pc/mi/ln
Level of service, LOS F

.From a 3-16-15 letter received from Caltrans to the County:

- Table 3.9-13 (pages 3.9-53-3.9-57) shows the current and future scenario LOS of ED County roadways. We reject many of the LOS values shown for US 50 for, specifically those segments that differ substantially from the values documented the 2014 Corridor System Management Plan (CSMP)/Transportation Concept Report (TCR) (for base and future years) and California Performance Measurement System (PeMS) for existing values. **The segment between the county line and El Dorado Hills Boulevard/Latrobe Road currently operates at LOS F according to both the US 50 CSMP/TCR and PeMS and will operate at LOS F in the future,** without significant capacity increasing or operational improvements and/or reduction in demand. However, according to Table 3.9-13, this segment currently operates at LOS B and C and will operate at LOS D in the future. This LOS calculation implies that 2035 travel demand on this segment will reduce to lower levels than current demand even with the build-out of the general plan. Even with the parallel capacity increases, a 2035 projection LOS D for the US 50 segment between the county line and El Dorado Hills Boulevard/Latrobe Road is highly infeasible.

Considering the TGPA-ZOU build-out projections, the project will have a significant impact on multiple segments of US 50 between the county line and Missouri Flat Rd. Please note, while using the county's own TDM, Caltrans projects LOS F in 2035 for multiple segments on US 50. The PRDEIR should be revised to reflect the correct LOS calculations and any necessary mitigations included.

Re: Response 5-12, 5-15 and 5-16. This project will require an enormous amount of water resources which are limited in this area during a drought. As we have seen with the recent drought, Folsom Lake was reduced to a mud hole putting El Dorado Hills in jeopardy of being provided water service. If this project exasperates the need for El Dorado County Irrigation District to supply water to the residents of El Dorado Hills during a drought, they would be required to tap from the water source coming from the east part of the County and they would first cut off supplies to agriculture in order to accommodate these residential dwelling units. This impact to Agriculture needs to be studied prior to moving forward especially with this project that requires a large volume of water and sewer service and may be facing another drought year. Continuing to allow projects to move forward based on first come first serve in spite of existing ministerial enticements is irresponsible on the part of the County. There are numbers of so called units available, but there is reality when the water supply is reduce to a mud hole.

Re: Response 5-13. We disagree with the response. See Comment I(Second) beginning on page 2.

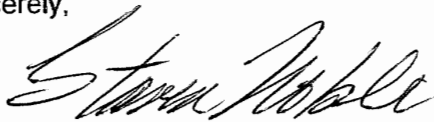
Re: **Response 5-14.** We disagree with the response. See Response 5-3. Also the existing standards require setbacks to be taken from the right of way 0 to 15 feet where the new standards go from the road 0 to 4 feet. The setback on the creek is 75 feet from the centerline of the creek and the new plans state 30 feet from the Central Creek Corridor Property Line. The existing max height is 50 feet. The new standards are allowing up to 75 feet. There were many other standards which will no longer apply and the new "guidelines" are merely suggestive and with that, many of the new policies conflict with the plan that has already been designed for approval.

This is the end of responding to the comments, but we reserve the right to add our comments on 5-7, 5-10, 5-17 through 5-42 should this project be approved by the Commission.

The County states that Alternative 2 to retain the existing zoning would not meet the project's objective, but it **would** meet the County's General Plan's goals and objectives. The report also state that this alternative "*would not integrate pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.*" This statement is assumptive. It is unknown, if the property was to retain its commercial zoning, whether or not these amenities would be provided.

We advise the Planning Commission to deny this project and suggest that the applicant work with the public to create a project more conducive to the surrounding Town Center development and community.

Sincerely,



for
Citizens for Sensible Development in El Dorado Hills

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