

5/23/2019

Edcgov.us Mail - Re: CUP18-0009/EI Dorado Senior Resort

PC 5/23/19



*Received after meeting*

*#4  
9 pages*

Charlene Tim <charlene.tim@edcgov.us>

---

**Re: CUP18-0009/EI Dorado Senior Resort**

---

Sue Taylor <sue-taylor@comcast.net>

Thu, May 23, 2019 at 7:28 AM

Reply-To: Sue Taylor <sue-taylor@comcast.net>

To: charlene.tim@edcgov.us, jvegna@edcgov.us, gary.miller@edcgov.us, jeff.hansen@edcgov.us, james.williams@edcgov.us, brian.shinault@edcgov.us

Dear Planning Commissioners,

Please consider our attached comments on the the Initial Study and Mitigated Negative Declaration for the El Dorado Senior Resort.

Thank you,

Sue Taylor for

Save Our County

---

 5-22-19\_EI Dorado Senior Resort CEQA comments.pdf  
490K

5-23-19

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

Re: CUP18-0009/El Dorado Senior Resort

Dear Planning Commissioners:

We appreciate the opportunity to provide the following comments on behalf of Save Our County ("SOC") regarding the above-reference project.

As explained below, the Initial Study and Mitigated Negative Declaration (referred together herein as "MND") for the Project does not comply with the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) in certain essential respects. **An Environmental Impact Report ("EIR") must be prepared for the Project.**

An overarching concern in this case is the fact that the MND ignores potentially significant adverse impacts with little justification and almost no documentation.

After review of the MND, we firmly believe that the environmental review has been truncated by avoiding full disclosure of the Project's impacts, and also relying upon future regulatory action to fully "mitigate" impacts, with little or no analysis. This is a violation of CEQA especially in light of the unanimous recent decision of the California Supreme Court in the Banning Ranch Conservancy case.

**Transportation and Traffic:**

The MND does not show how the traffic mitigation measures will alleviate traffic from Highway 49 and Pleasant Valley Road to acceptable traffic levels. There is no reference in the traffic study regarding the impact this project will have at the Missouri Flat Interchange at Highway 50, except for the reference to inadequate queue length at the Interchange with project conditions. No mention was made for required mitigation and there was no mention of the requirement to comply with Measure E.

Per Measure E, TC-Xa1, "Traffic from residential development projects of five or more units or parcels of land or 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."

Since this project will "worsen" the level of service F this project must be denied unless it can show how that traffic will be improved to less than the already documented LOS F at SR49 and Pleasant Valley Road. The report states that this is a significant impact and the mitigation is to install a traffic signal at SR49 and Pleasant Valley Road. The ability to implement mitigation is questionable based on; it is not clear who will be responsible for the installation of the signal and the road is not under the jurisdiction of the County but under Caltrans. This mitigation relies upon future determination and regulatory action. **This violates CEQA and therefore a full EIR is necessary in order to fully comply with transportation mitigation.** Policy TC-Xa1 does not mention mitigation to be allowed at some future date. It clearly states that traffic from residential development projects of five or more units or parcels of land **shall not result in, or worsen, Level of Service F.** This is not only a conflict with CEQA, but also a law adopted by the County through the voter approved initiative process. The County really does not have any other choice than to comply with the law and deny the proposed density of this project which allows the traffic to worsen beyond LOS F.

Policy TC-Xa7 is also mandated by law to be enforced by the County. "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." Which includes TC-Xa1 – TCXa6.

**Given that this project does not comply with TC-Xa1, TC-Xa2 or TC-Xa3 the County "shall not approve the project".**

#### **Aesthetics:**

For staff to determine that aesthetics resulting from the project is anticipated to be less than significant is incomprehensible when you consider this is a very intense commercial/high density residential project being placed in the center of a small residential area. In one statement staff claims the project is consistent with a commercial project, then admits to a change in character to the surrounding neighborhood. The Zoning and General Plan shows what would be compatible multi-family and commercial, but the actual built setting and community is improved single-family residential. These two uses are extremely incompatible. See chart below:

**Surrounding Land Uses and Setting:**

	Zoning	General Plan	Land Use/Improvements
Site	Multi-unit Residential (RM)/ Commercial Main Street (CM) Design Review Community (-DC)	Multifamily Residential (MFR)/ Commercial (C)	Undeveloped
North	Commercial Main Street (CM)/ Multi-unit Residential (RM)	Multifamily Residential (MFR)/ Commercial (C)	Improved/ single-family residential
South	Single-unit Residential (R1)	High-Density Residential (HDR)	Improved/ single-family residential
East	Commercial Main Street(CM)	Commercial (C)	Undeveloped
West	Multi-unit Residential (RM)	Multifamily Residential (MFR)	Improved/ single-family residential

Given that the neighbors are going from enjoying a dark sky to being flooded with a massive lighted project, that one will be able to see in the far distance, this is an impact that is not at all mitigated by the minimal conditions of approval. With the amount of required lighting, hard surface, removal of all the trees and massiveness of this project the aesthesis will be a significant impact as testified by the numerous comments by neighbors. **Without information showing the actual amount of open space and dimensions and heights of the buildings it is difficult to determine if the project is truly meeting any standard requirements. (30% Open Space on 8.2 acres would require 2.46 acres). It is not clear where that is being provided.** This project will also have a significant impact on Highway 49 which is eligible to be designated as a scenic corridor as explained below. **Therefore this project requires an EIR. Notice the required setbacks for open space:**

**Table 130.25.030 – Special Purpose Zone Development Standards**

	RFL	RFH	TC	OS
Minimum Lot Size	5 acres	20,000 sq. ft.	None	None
Setbacks: (in feet)				
Front and secondary front	50	50	None	50
Sides	50	50	None	50
Rear	50	50	None	50
Maximum Height (in feet)	35	35	None	25
<sup>1</sup> Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones				

The Staff report states that "The project site is not adjacent to or visible from a State Scenic Highway", yet the project is using Highway 49 for egress. In response to the question, "*Would the project have the potential to substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*"

On December 13, 2001, David Mihalic, Superintendent, Yosemite National Park, National Park Service, before the subcommittee on National Parks, recreation, and public lands, of the house resources committee, concerning H.R. 3425, asked to authorize the secretary of the interior to study the suitability and feasibility of establishing highway 49 in California, known as the 'Golden Chain Highway', as a national heritage corridor. One section states, "*The area along Highway 49 retains many Gold Rush-era resources, including two National Historic Landmark Districts in the towns of Columbia and Coloma, and numerous properties and districts that are included on the National Register of Historic Places. The State of California has recognized the significance of this area through the establishment of several State Historic Parks and mining museums, and designation of Highway 49 as a State heritage corridor and a State scenic highway. Many of the towns along Highway 49 retain much of their historic integrity, and have sought to preserve and promote their Gold Rush history.*"

According to General Plan policy 2.6.1.1, "A Scenic Corridor Ordinance shall be prepared and adopted for the purpose of establishing standards for the protection of identified scenic local roads and State highways.

The ordinance shall incorporate standards that address at a minimum the following:

- A. Mapped inventory of sensitive views and view sheds within the entire County;
  - B. Criteria for designations of scenic corridors;
  - C. State Scenic Highway criteria;
  - D. Limitations on incompatible land uses;
  - E. Design guidelines for project site review, with the exception of single family residential and agricultural uses;
  - F. Identification of foreground and background;
  - G. Long distance view sheds with the built environment;
  - H. Placement of public utility distribution and transmission facilities and wireless communication structures;
  - I. A program for visual resource management for various landscape types, including guidelines for and restrictions on ridgeline development;
  - J. Residential setbacks established at the 60 CNEL noise contour line along State highways, the local County scenic roads, and along the roads within the Gold Rush Parkway and Action Program;
  - K. Restrict sound walls within the foreground area of a scenic corridor;
- and

L. Grading and earthmoving standards for the foreground area.

**Policy 2.6.1.2 states, "Until such time as the Scenic Corridor Ordinance is adopted, the County shall review all projects within designated State Scenic Highway corridors for compliance with State criteria."**

**Policy 2.6.1.3 states, "Discretionary projects reviewed prior to the adoption of the Scenic Corridor Ordinance, that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established."**

Policy 2.6.1.6 states, "A Scenic Corridor (-SC) Combining Zone District shall be applied to all lands within an identified scenic corridor. (Community participation shall be encouraged in identifying those corridors and developing the regulations." Policy 2.6.1.8 states, "**In addition to the items referenced in Policy 2.6.1.1, the Scenic Corridor Ordinance shall consider those portions of Highway 49 through El Dorado County that are appropriate for scenic highway designation and pursue nomination for designation as such by Caltrans.**"

In regards to the Implementation Program of the General Plan the Board of Supervisors were to implement the following measures;

**Measure LU-I** - to inventory potential scenic corridors and prepare a Scenic Corridor Ordinance, which should include development standards, provisions for avoidance of ridgeline development, and off-premise sign amortization. [Policies 2.6.1.1 through 2.6.1.7] This was to be implemented immediately following the General Plan adoption and an ordinance was to be adopted within 18 months.

**Measure LU-J** - If segments of State Route 49 are identified as appropriate for State Scenic Highway status during preparation of the Scenic Corridor Ordinance (see Measure LU-I above), prepare documentation in support of having those segments of State Route 49 identified as a State Scenic Highway [Policy 2.6.1.8]. This was to be implemented within 3 years of adopting the General Plan.

**Measure LU-K** - Develop and maintain an inventory of vacant lands within each Community Region and Rural Center. Work with community groups to identify appropriate uses for such parcels, including residential development and establishment of community amenities. This was to be ongoing.

#### **Community Identity:**

Goal 2.4 of the General Plan is in regards to Existing Community Identity which states, "Maintain and enhance the character of existing rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents." Within this section there are many policies to be implemented in creating community design guidelines in concert with members of the community, precluded strip mall development in favor of clustered

contiguous facilities, and identifying, maintaining, and enhancing of the unique identity of each existing community.

Goal 2.5 of the General Plan is in regards to Community Identity which states, "Carefully planned communities incorporating visual elements which **enhance and maintain the rural character and promote a sense of community.**"

Within this section there are many policies to be implemented which deal with setbacks, greenbelts, buffers, developing policies to transfer development rights in order to create community facilities, avoiding new strip mall locations, clustering of services, and developing design features for new commercial and mixed use developments.

**Measure LU-F** – Create and adopt Community Design Review standards and guidelines and identify new Community Design Review Districts. This would include working with community groups to develop standards. (Policies 2.4.1.1, 2.4.1.2, and 2.4.1.4).

On 1/11/2007, Senior Planner, Lillian MacLeod made a presentation to the Planning Commission in regards to the designation of the Scenic Corridor as per the requirements of the adopted General Plan. There was much work done on this, yet the Planning Commission took no action on that day and to date I have not seen any action taken by the Board of Supervisors to adopt or discuss the Scenic Corridor of Highway 49. On numerous occasions members of the community have made a request to the Board of Supervisors to implement a program to establish a scenic or historical overlay on Highway 49. Having no response confirms the Board of Supervisors intent to avoid the issue allowing build out to take place without regard to the historic and scenic gold rush history and culture. The elements from the General Plan need to be included in the environmental study.

Besides avoiding designation of scenic corridors, the Board of Supervisors has also neglected to follow through with "required" Design Standards for the Missouri Flat Area. A consultant was hired to start this process, but was stopped short of completing standards that could be followed by planning staff or community design members. Thus the Missouri Flat area is becoming a hodge podge of design features not fitting in with the cultural or historic nature of the surrounding area.

**Cultural Resources:**

The county has yet to do much of the work in identifying our agricultural, historical, cultural and natural resources. The county has yet to identify historical sites and landmarks. SB18 states that the county is required to **consult our native local tribes** whenever they adopt a General Plan amendment. It is not clear if this has been done.

According to the Staff report: No significant cultural resources have been identified on the project site. As a result, this project would be anticipated to

have a less than significant impact within the Cultural Resources category. We disagree with this conclusion. The area was once heavily populated with native tribes. A better examination should take place and effort to contact the local tribe to verify possible loss of cultural resource before the back hoe comes in.

SB18 also requires the county to work with the native local tribes in order to identify sacred cultural sites and set them aside for preservation. In speaking with the local native Miwoks their sites are being destroyed without any consideration by the county. The county has yet to determine locations for parks, civic centers, and recreational activities. The county has yet to designate our historic landmarks, roads and districts.

More work needs to be done before allowing more development that will permanently affect the County's Historic, Scenic and Cultural resources. Without implementation of elements of the General Plan vital to the historic nature and the community's sense of place, it will cause a permanent and lasting impact of the historic towns of Diamond Springs and El Dorado. California planning law requires this Project to conform to the enumerated County General Plan policies, and clearly this project as drafted does not. . Therefore this project requires an EIR

### **Oak Woodlands:**

All conditions of approval **must** be met prior to the removal of **any** oak trees. It would be a travesty to blight this property then not be able to acquire the entitlement to develop the property such as other projects that have scraped the land, then failed to be able to develop.

There are approvals of this project based on a Court action against the Board's approval of the County's Oak Woodland Management Plan. Appeals have been filed on that decision.

According to the law, this appeal puts a stay on the previous actions of the Board. The Board must comply with the requirement for retention of the Oak Trees.

Therefore the appeal has put a restraint on the Planning Commission from moving forward to approve this project as proposed. We ask that the Planning Commission deny this project.

### **Project Location and Surrounding Land Uses:**

Looking at the plan the project is not complying with the State and Local El Dorado County Fire Code requirement for 30' setbacks. (The 9 Single Family Residential units do not meet the 30' setbacks. One of the units goes through the 20' wide non-exclusive road easement. Commercial Building #2 does not meet the 30' required setback on 2 sides.) This project needs to be reconfigured



in order to comply, otherwise it must be denied as proposed. **The proposed amount of square footage would need to be reduced in order to comply with the 30' setbacks from all the property lines** as required by the Diamond Springs/ El Dorado Fire Protection District Fire Prevention Division #63 condition of approval. **"63. Setbacks: Any parcels greater than one acre shall conform to State Fire Safe Regulations requirements for setbacks (minimum 30' setback for buildings and accessory buildings from all property lines), unless otherwise reduced by the Fire Department."**

**SB35:**

Staff suggests that the applicant take advantage of streamlining the project based on SB35. If Staff took the time to read the measure, staff would realize that SB35 does not apply to El Dorado County. The population of the county would need to be over 8 million and also be surrounded by incorporated cities. The intent of SB35 is to allow infill in urban communities of which El Dorado County does not meet that definition.

**Other concerns:**

Those familiar with the area know that the town of El Dorado is known to flood quite often which was made worse when all of the hard surface was created with the addition of Union Mine School. This project will add to that flooding condition in the town of El Dorado. It is not clear how retaining the water on site will be managed once the water is maxed out on the blue roofs and retention ponds. Also putting a parking garage underground in this high flood area sounds like a disaster in the making. The project is really too massive for the site conditions and should be reduced in size to match the surrounding community so that the impacts could be better managed on site. Also putting a fire egress circle in close proximity to the buildings within a tight community would put fire personal in danger if a fire were to break out in these facilities not to mention that ability to exit the residents in that condition. This really is an oversized project on an undersized lot.

**IV. Conclusion**

Because of the issues raised above, we believe that the MND fails to meet the requirements of the California Environmental Quality Act and the Project is inconsistent with the General Plan and its approval will violate the planning laws. For these reasons, we believe the document should be withdrawn and a revised environmental document, a full EIR, should be prepared.

Sue Taylor /s for  
Save Our County