

7/22/2019

Edcgov.us Mail - El Dorado Senior Resort CUP18-0009; Legistar 19-0810

PC 7/25/19  
#3  
2 pages



Charlene Tim <charlene.tim@edcgov.us>

---

## El Dorado Senior Resort CUP18-0009; Legistar 19-0810

---

Cheryl.FMR@comcast.net <Cheryl.FMR@comcast.net>

Mon, Jul 22, 2019 at 7:31 AM

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

Commissioners—

I've attached comments regarding the El Dorado Senior Resort project that will come before you on July 25<sup>th</sup>.

Cheryl Langley

Shingle Springs Resident



Senior\_Housing\_CUP18-0009\_P.Commission.pdf  
263K

Commissioners:

The El Dorado Senior Resort Project (CUP18-0009; Legistar # 19-0810) is coming before you on July 25, 2019 for final approval under a **mitigated negative declaration (MND)**, even though it will have significant impacts. These impacts include:

- impacts on traffic: the project shares Koki lane with Union Mine High School and will undoubtedly require access of emergency vehicles—specifically timely ambulance service;
- impacts to the quality of life of residents in the adjacent residential neighborhood: the project includes multiple story buildings with 24-hour lighting, posing both privacy and neighborhood compatibility issues; and
- impacts to the oak woodland: 92.6% to 95.8% of the oak will be removed, including multiple heritage trees (F Staff Report, Exhibit R-Attachments 1-3, pdf page 59 – 60 of 112). (Percentage of woodland removal may vary based on whether a community garden is part of the project, thus the 92.6%/95.8% difference.)

In addition, the discussion over the removal of oaks is especially telling: The applicant claims that “*a significant portion of the woodlands is being retained*” when clearly that is *not* the case when you are removing 92.6% to 95.8% of the existing woodland (F Staff Report, Exhibit R-Attachments 1-3, pdf page 75 of 112). This is a misleading statement and reveals an effort to “sweeten” the project, rather than be objective about its impacts.

F Staff Report, Exhibit R-Attachments 1-3, pdf page 60 of 112 also reveals that the project landscaping plan includes onsite mitigation planting, and yet the project’s Mitigation Monitoring Reporting Program (MMRP) document mentions nothing about the planting of oaks onsite. One can only presume these 24-inch box size trees will *not* be installed, otherwise mention of that mitigation effort would be recorded in the MMRP.

Mitigation planting within the project site will require the establishment of a **deed restriction or conservation easement** to protect replacement trees (see excerpt below). How is that going to work if trees are in fact planted onsite and placed in a pattern *other than* a setting intended to replicate a compact woodland stand? Shouldn’t (or couldn’t) the applicant designate a portion of the project to the retention of existing woodland, and attach a deed restriction to that portion? Why don’t we know what is actually going to happen in regard to the oaks at this site? Are box size trees to be planted or not? Are oaks going to be removed for a community garden, or not?

- The Project landscaping plan identifies the planting of 28 native oaks (24-inch box size). If the Project claimed these as replacement trees under the ORMP, the in-lieu fee could be reduced. The ORMP requires 7 years of monitoring and a deed restriction or conservation easement for replacement trees.

Excerpt Source: F Staff Report, Exhibit R-Attachments 1-3, pdf page 60 of 112

**The project applicant should be required to prepare an EIR.** County staff should be aware that there are dangers in approving this project under an MND, not only because MNDs require all impacts to be mitigated below a level of significance, but because MNDs rarely include sufficient analysis of impacts to justify findings that the project will not have significant impacts. Thus, an MND is easier to challenge in court; it is vulnerable to a challenge called a “fair argument.” MND findings are simply harder to defend.

An advantage—both to the County and to impacted residents—of having the applicant do an EIR is that an EIR requires the applicant to evaluate **alternatives to the project**, a step that is not required under an MND. This gives decision makers *and the public* an opportunity to understand what else could be done, and if the project as proposed is the **best fit for the community**.

Commissioners, please do not approve this project under an MND. Please support the preparation of an EIR. The impacted public deserves a *full* evaluation of the impacts and project alternatives. Landowners adjacent to the project have written many letters in opposition to this project as planned. I support their concerns, and hope you do, too.

Sincerely,  
Cheryl Langley  
Shingle Springs Resident