(Roud at hearing)

ZA 8-21-2024 #1 6 pagls

Sierra Crossing Homeowners Association Resolution 24-0001 in Opposition to Proposed SB 330 Bass Lake Apartments PA24-0009 August 19, 2024

Whereas The Sierra Crossing Homeowner Association Board of Directors, representing 137 members, has been informed of the proposed housing development, known as "SB 330 Bass Lake Apartments PA24-0009" and has discussed this project in an open meeting of the association, on August 19, 2024, and

Whereas this proposed project will have a negative impact on the Sierra Crossing community thru *increased traffic on residential streets* that were originally designed and approved by El Dorado County to be contained within a gated community, but are not, and which were never designed to handle higher volumes of traffic from such a high-density housing project, and

Whereas this proposed project will result in an increase in calls for service to Law Enforcement, Fire Departments and EMS, and

Whereas this proposed project will inherently reduce constitutionally guaranteed rights to a Safe School, for students and staff, and

Whereas after discussion the Sierra Crossing Homeowners Association Board of Directors heard comments from the membership and subsequently voted after discussion to oppose this project at this location, and

BE IT RESOLVED THAT

The Sierra Crossing Board of Directors hereby approves that its formal opposition to this proposed project be forwarded to and registered with the County of El Dorado via the El Dorado County Zoning Administrator, the Planning Commission and the Board of Supervisors in written form,

BE IT FURTHER RESOLVED THAT

The Sierra Crossing HOA Board's "Legal Committee", in part or whole, is authorized to represent the Sierra Crossing Board of Directors at all meetings with respect to this project to present the Board's position.

Resolution read and adopted on August 19, 2024

_ Keith Prostler, Sierra Crossing Board President

Melissa Bell, Community Association Manager

c/o The Management Trust Attn: Melissa Bell, Community Association Manager PO Box 1459 Folsom, Ca. 95763

Sierra Crossing Homeowners Association Response to "SB330 Bass Lake Apartments PA24-0009" August 21, 2024

The items below are being presented in support of Resolution #24-0001 by The Sierra Crossing Homeowners Association Board of Directors, on behalf of its 137 members, to express our strong opposition to this proposed project.

- Request for a full Denial of this project due to inadequate Staff Reports and heavy reliance on incomplete and contradictory statements. While Staff declares this project is exempt from CEQA review, it is very important to note that Staff fails to take into account the Applicant's application contradicts Staff exhibits [see below] and one can only ask what else is not accurate/incomplete?
- The proposed project will also be adjacent to the community of Sierra Crossing, a community of 137 single family residences in ½ acre (minimum) lots ("aka Pioneer Place 1-2-3") and is located immediately across Foxmore Lane (a narrow residential street) from Green Valley Elementary School. It should also be noted that Vollmar [Exhibit G] refers to this parcel as located in the "Town of Skinners", yet the USPS as well as County maps list it as "Rescue".
- Staff Report Exhibit G, a June 2023 study by Vollmar, entitled "Biological Resources Evaluation Report" is incomplete on its face, with respect to the scope of this project and cannot be relied upon by Staff nor the Zoning Administrator. Exhibit G as posted on the County's Legistar site is missing pages 5-6 & 13-14. According to the Table of Contents the missing pages should address "substrates" and "plant communities", as well as "the Nuttail's Woodpecker", "Migratory and nesting birds", as well as "Special Status Plant Species" and "Oak Woodland". On Vollmar's report, Exhibit G, Page 4, Section 4.1 the last sentence of the first paragraph refers to "... Section 4.1.4", which is oddly missing and prevents an accurate review of this report. It appears the person/persons submitting Exhibit G are depriving Staff and the public from conducting a review of this Exhibit G, and therefore Staff cannot use it as it is either edited or is otherwise incomplete.
- In addition, this evaluation report by Vollmar is further exceedingly limited in scope based on the fact it only addresses a portion of the total 5.682-acres parcel that the applicant seeks to divide. The report identifies on page 1 [Paragraph 2.0] that "The Study Area was selected to cover the entirety of the 5.27-acres parcel." Clearly, this report's study area excludes 0.4-acres and fails to describe why this exclusion occurred. Of greater interest is the location of the area excluded from the study and how this area missing from the study impacts the Staff's interpretation of this proposal the possible inference is the missing acreage missing from therein is important and was perhaps intentionally excluded.
- Vollmar identifies this proposed development will clear cut almost 5 acres of Oak trees and denies that they conducted a wetland study at Item 4.2.1 of their report. The Applicant denied the presence of wetlands as defined by the US Fish and Wildlife Service Manual [Applicant's application Item 12a -ii]. Yet, County Planning staff identify the

"Remainder Parcel" will not be developed "...due to wetlands". Despite the lack of being surveyed by Vollmar, and being contradicted by the County Staff Analysis, this project will disrupt the local ecosystem including flora and fauna and would possibly disrupt current wetlands. However, as noted above, many of the pages to the report relating to these issues are missing from the report as posted and relied upon/included by staff. The study was authored over a year ago by Vollmar [June 2023].

- We noted a last-minute posting of "Updated Staff Report Exhibit F" [map revision by "BKF] was posted on 8-20-2024. There is also a second Exhibit F "Technical Memorandum by Glenn Lukos Associates [GLA]. Therein we found several items that contradict the Applicant's application as submitted where it refers to "no wetlands". YET the updated map - Exhibit F not only contains an enlargement of the "Proposed Remainder Parcel" but also includes notes to the effect that the Remainder Parcel contains wetlands as defined in the United States Fish and Wildlife Service Manual. It is indeed odd if not outright convenient that Update Exhibit F, drawn on 8/20/2024 by BKF Engineers FAILS to reference or identify the source that determined the enlarged wetland area that resulted in an enlarged Remainder Parcel, nor when this site visit occurred. This Staff Exhibit is called into question based on the above - who was qualified to enhance the area of the Remainder Parcel? The Updated Exhibit F was found to contain the note. "Approximate limits of Artificial Wetland Channel as Delineated by Vollmar NLC". The late modification of Exhibit F indicates that the missing pages from Staff Exhibit G were found - again contradicting the Application as submitted. Despite Vollmar's denial of a study for wetlands [at least on the viewable pages] GLA states Vollmar found wetlands, under Item II-A. We further note that the enhanced Remainder Parcel would probably affect the Applicant's placement of "Building A on the Conceptual Plan" - and we therefore request that all updates to the Application be made available for review as clearly, they may not
- With the understanding that this is at a preliminary stage, it is noted that Staff addresses numerous issues by frequently using the statement that potentially negative items of impact "would require reports" reports that are not part of Staff's recommendations to the Zoning Administrator. This preliminary stage is the appropriate time to be able to identify the content of such reports as later will be too late. With all due respect, we request copies of all such reports.

Safety concerns

Hazardous traffic conditions already exist for pedestrians (our school children and their parents) in an already congested area on the north side of Green Valley School at the Kindergarten drop off point. This school has no street parking along Bass Lake Road (the front/East side of the school) and poor, at best, ingress and egress from the small parking lot of Green Valley Elementary School opposite Parkdale Lane. Drivers approaching the school by driving Eastbound from Mayfield Drive often encounter/experience visual obstructions caused by the presence of multiple large school buses in a loading zone just West of where the proposed entrance to the project is depicted. Buses can only serve the

Green Valley School by approaching from Mayfield Drive to Eastbound Foxmore Lane. Additionally, many pedestrians (adults and students) cross Foxmore Lane without using the crosswalk at Bass Lake Road to reach parked cars on the North shoulder of Foxmore Lane – this means pedestrians may emerge from between parked cars, trucks, and buses. Foxmore Lane (32 feet wide roadway) can barely accommodate vehicles trying to navigate in and out of the Sierra Crossing community via Foxmore Lane with vehicles parked on both sides of the street awaiting students entering and exiting the one and only side entrance into the school.

- The addition of a 127-unit dwelling project with a planned 170 parking spaces would only have negative impacts on both adults and school aged students (pedestrians) and vehicle traffic, causing safety concerns as there are no sidewalks in the Sierra Crossing community, except for the South shoulder of Foxmore Lane from Bass Lake Road to the intersection of Mayfield Drive. Any increase in daily vehicle trips through the Sierra Crossing community is not acceptable as there are no sidewalks anywhere else within the community as these roads were not originally intended to be open to the public as per County DOT standards that were originally approved in the early 1980s-1990s. This means pedestrians must walk in the public roadways going to and from school [by County design]. Some roadways within Sierra Crossing are but 22 feet in width. This fails to support a "Safe Walk to School Route" [https://www.saferoutespartnership.org/].
- High density housing will also cause an increase in calls for service for law enforcement, emergency medical service and the fire department responses. Law enforcement (El Dorado Sheriff's Office and the California Highway Patrol) already have extended response times due to staffing and equipment issues. With a multi-dwelling housing complex this will only increase the disruptive nature of emergency lights and sirens to the school and residents in this area. Responding emergency equipment and personnel as well as residents, and school buses will be impeded by each other in an emergency and especially during school hours.
- The applicant's past history with respect to similar projects in Southern California has been negatively documented in television news stories after negative elements/individuals were housed in these projects due in part to the use of a independent third-party entity to screen housing applicants. Residents of a low- or no-income household at this location will be within 50 feet or less of a K-6 school that has been in place for 30 years. This creates additional concerns relating to the presence of users of illicit drugs, possession of firearms, the presence of Megan's Law registrants, etc. in proximity to Green Valley School. There are already laws controlling drugs, guns, and predators in/near schools but this only creates a severe strain for and relies on law enforcement to solve the root problems when these issues can be avoided by not approving this proposal as this location is not appropriate.
- The construction phase alone will interrupt traffic flow, negatively affect student safety, and create noise disruptions during the school day. Construction for such a large project would interfere with access to the school for parents, buses, etc. along Foxmore Lane. Based on the size of the roadway, large construction vehicles would be delayed due to the

roadway width combined with parked parents' vehicles, school buses, and pre-existing average daily trips in the area.

Infrastructure issues

• El Dorado County's DOT Transportation Impact Study Guidelines [2014] requires a traffic study for proposed projects and has several thresholds that would trigger a Transportation Impact Study [TIS], which includes potential increases in traffic during peak am/pm or daily period by two percent or more; the project has the potential to add 100 or more daily trips; an increase of 10 or more trips during the weekday am/pm peak hours. The TIS report would normally be prepared and submitted by the applicant at or before the time of submission of a proposed project. Has this been prepared? Presently, the Staff Report does not address the impact of traffic increase, nor does it address potential traffic mitigation. If not — why not? This was not found under Staff Exhibits - please provide a copy of the report if it exists.

Legal issues

- Under the California State Constitution Article 1, Section 28(c) "all students and staff of primary, elementary, junior high school and senior high school have an inalienable right to attend campuses that are safe, secure and peaceful".
- There is also case law supporting the denial of these projects in particular locations such as this. See California Renter's Legal Advocacy and Education Fund v. City of San Mateo et al. First Appellate District Division for cases A159320 and A159658. This case was argued/defended by Attorney General Rob Bonta's Office. While the outcome of this case was ultimately decided against City of San Mateo, the Appellate Court found the Housing Accountability Act (HAA) states exceptions do exist when it commented "municipalities can deny a project that would have an unavoidable adverse impact on health and safety". The proximity of this proposed project to Green Valley School would clearly create just such an adverse impact as is articulated in this holding case as such it is within the purview of a local body (ie County of El Dorado) to deny such a project even under an SB330 application. Clearly this project is not a good fit for this location, and it would certainly interfere with all students and staff's constitutional rights to a Safe School and should therefore be denied.
- The applicant has also requested a bonus density factor for this project and due to the concerns expressed herein by the Sierra Crossing Homeowners Association we strongly request the Zoning Administrator and Board of Supervisors deny this request as well.

In closing, the Sierra Crossing Homeowners Association and it's 137 homeowners while sensitive to the need to provide housing for residents of our county, urge the Zoning Administrator and the Board of Supervisors to deny this proposal at this site and based on our concerns identified above

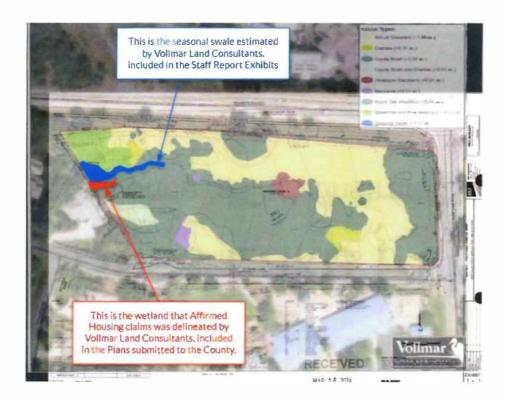
and look to provide a better location for this project to protect the peace, tranquility and most importantly the safety of our school and community.			

(Revd at hearing)

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Bass Lake Public Hearing

Evidence to Demonstrate Undersizing of Wetland



Overlay of the submitted preliminary application plans compared to the submitted Biological Resources Evaluation Report.

a should they be able to build on top of a seasonal smale?

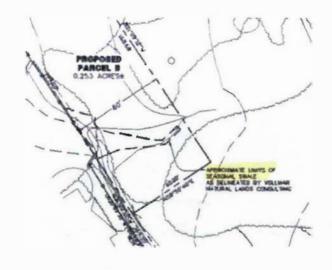


Aquatic Resource
Delineation May
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Leaend
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Delineation Date Plant
Manual Local Read
Delineation College Plant
Manual Local Read
Delineation College Plant
Delineation (1982 Fall)
Delineation (1982 Fall)
Delineation (1983 Fall)
Deli

Here is the map from the Aquatic Resources Delineation Report, which offers a different depiction of the wetlands on-site. However, the report's accuracy is concerning, as it is based on an Aquatic Delineation rather than a Wetlands Delineation. This broader approach may not fully capture the extent of the wetlands, raising questions about the potential for underestimating their size and significance.

"location of creek bed studged with brish

ushy are boths 'westernes' not factored in to the partel map



PARCEL 8 -- PARCEL 8 IS NOT PROPOSED FOR DEVELOPMENT AND CONTAINS WETLANDS AS DEFINED IN THE UNITED STATES FISH AND WILDLIFE SERVICE WANUAL, PART 660 FW 2 (AME 21, 1803) AS DETERMINED BY VOLLMAR NATURAL LANDS CONSULTING. GLA DONCLIRS WITH VOLLMAR'S ASSESSMENT. BE PROPOSED PROJECT WILL BE LOCATED ON PARCEL 8 ACCORDINGLY, THE PROPOSED PROJECT IS NOT LOCATED ON A SITE THAT IS WETLANDS, AS DEFINED IN THE UNITED STATES FISH AND WILDLIFE SERVICE MANUAL PART 660 PW 2 (JUNE 21, 1983). THE SEPARATION OF THE PARCELS ALSO ENSURES THAT THE WETLAND WILL BE FULLY AVOIDED.

4.2.1 Wetlands or Waters of the U.S. and State of California

A formal wetland delineation was not conducted as part of this field survey. Geomorphic indicators of potential seasonal wetland habitat were observed during the site reconnaissance visit within the season swale that drains towards the western edge of the Study Area. While these features are unlikely to fall under federal jurisdiction by the ACOE through Section 404 of the Clean Water Act they may be subject to State jurisdiction by the Regional Water Quality Control Board (RWQCB), and/or the California Department of Fish and Wildlife (CDFW) through State regulations.

Screenshots from the submitted plans, which depict the 'approximate limits of the seasonal swale as delineated by Vollmar Natural Lands Consulting.' The notes state that this parcel is not proposed for development due to the presence of wetlands as defined by SB330 and AB2011. However, Vollmar's report indicates that they did not perform a formal wetland delineation during this field study. Instead, an aquatic resources and biological resource report was completed, which is not equivalent to a formal wetlands delineation.





Existing drainage ditch that receives seasonal flows and shows evidence of erosion. Although not confirmed to have a small spring, the water observed in portions of the ditch through the summer appears substantial, likely indicating more than just drainage runoff. I believe this to be a spring as there are several within the Sierra Crossing community.

Where is the drainage easement?





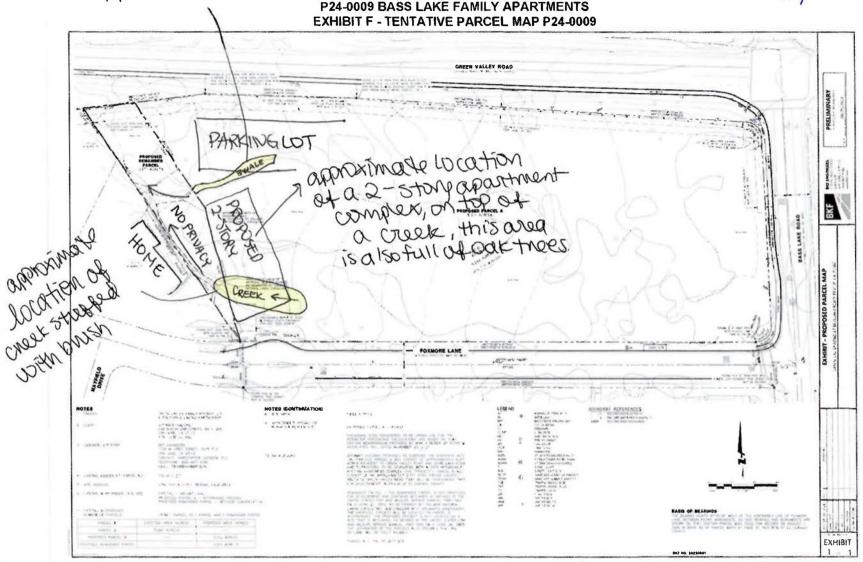
One of the creeks, which has been illegally stuffed with brush, is not shown on either of the submitted plans.

difficult to see in photos butch added lines to show the approximate topography of the chetbed

Approximate limits of seasonal swall

(Royd atheoring)

ZA 8-2+2024 #1



please make sure that they still implement privacy measures, if approved, as this will be built about grade of the adiacent home owner

24-1414 B Updated 1 of 1



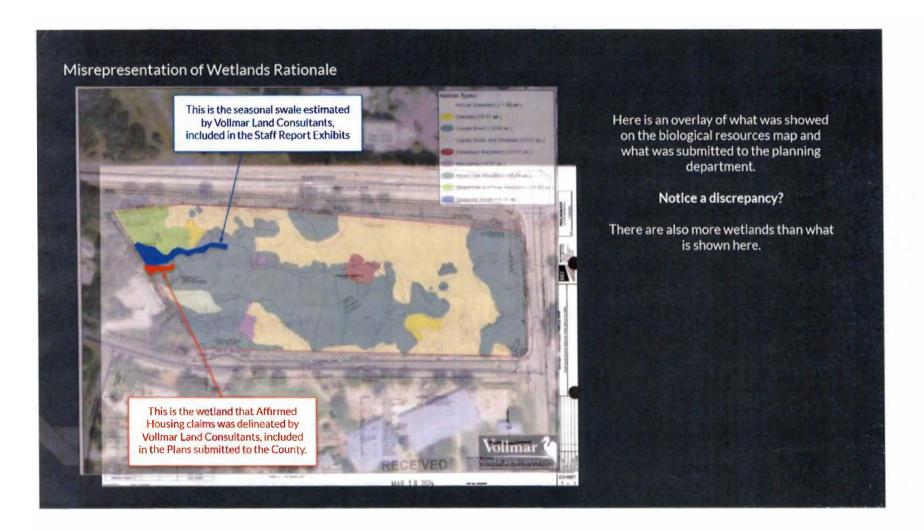
7A8-21-2024 #1

Relevant AB2011 and Associated Language for Legal Context

AB2011 Language: "65912.111. A development project shall **not** be subject to the streamlined, ministerial review process provided by Section 65912.114 unless the development is proposed to be located on a site that satisfies all of the following criteria: ... (e) It satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 [see below for referenced section].

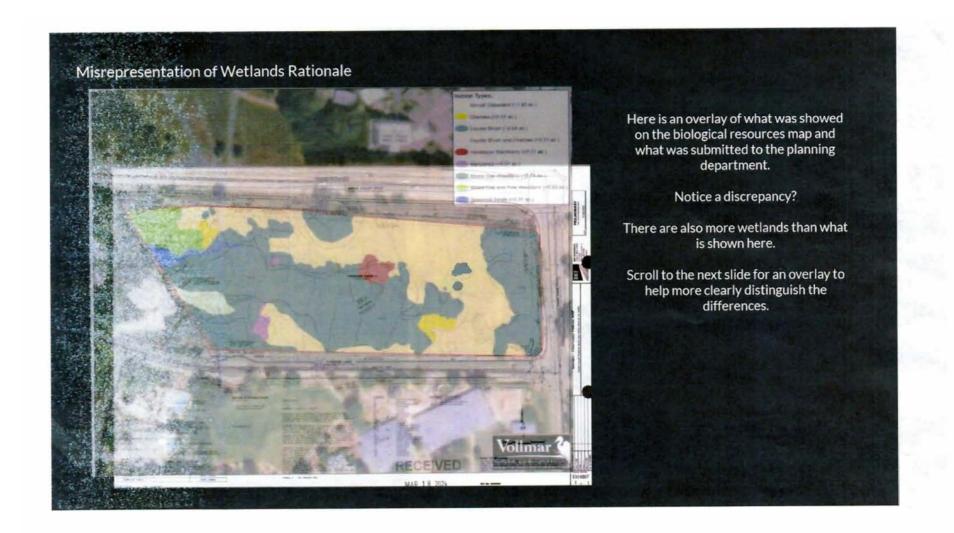
Referenced Section 65913.4 Language: "(a) Except as provided in subdivision (r), a development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (c) and is not subject to a conditional use permit or any other nonlegislative discretionary approval if the development complies with subdivision (b) and satisfies all of the following objective planning standards: ... (6) The development is not located on a site that is any of the following: ... (C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). [included below]... (J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code)."

United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993) Definition of a Wetland: "A. Wetlands. Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes (plants specifically adapted to live in wetlands); (2) the substrate is predominantly undrained hydric (wetland) soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year."



(Rovd at Hearing)

ZA 8-21-20-24 # 1 2 pages







EA 08/21/24 Item # 1 3 pages

Date:

August 21, 2024

To:

Jose Lujano

From:

Alan Canivel

Subject:

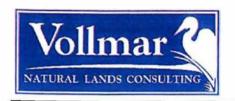
Green Valley & Bass Lake - Wetland Survey

Mr. Lujano,

The limits of the Seasonal Wetland Swale (SWS-1) and Artificial Wetland Channel (ACW-1) as shown in the Parcel Map Exhibit dated 8/21/2024, were surveyed in the field and directly based on the exact stake locations provided by Vollmar Natural Lands Consulting.

Respectfully,

Alan Canivel Project Manager



SACRAMENTO OFFICE 2401 Capitol Avenue, Ste. 301 Sacramento, CA 95816 Phone: 916/758-6928 Fax: 510/559-9605 www.volimarconsulting.com

August 21, 2024

José J. Lujano Project Manager Affirmed Housing jose@affirmedhousing.com 408-823-5801

Dear Mr. Lujano,

I am writing in regard to the Green Valley Road project site, a 5.27-acre parcel along Green Valley Road in the town of Skinners, El Dorado County, California. Vollmar Natural Lands Consulting conducted an aquatic resources delineation of the project site in September 2023. You provided me with maps showing a proposed modification to the parcel boundary of the project site. The modification, as displayed in the Proposed Parcel Map dated 8/21/2024 excludes all potentially jurisdictional wetlands and waters from the project parcel. Based on the results of our aquatic resources delineation, the modification would ensure that the Proposed Parcel A does not include any wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

Please feel free to contact me at esmith@vollmarconsulting.com if you have questions. Thank you.

Sincerely,

Eric Smith Senior Ecologist

Eur Sitts

Vollmar Natural Lands Consulting

not a formal westiands delineation by a qualified biologist

