COMMUNITY DEVELOPMENT AGENCY

DEVELOPMENT SERVICES DIVISION

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TO: Board of Supervisors   Agenda of: June 10, 2014

FROM: Roger Trout
             Development Services Division Director

DATE: June 9, 2014

RE: **Development Agreement DA13-0001/Alto LLC Tentative Map DA; Public Comment Analysis**

In response to twelve public comments between June 3 and June 5, 2014, Community Development Agency, Development Services Division has the following analysis:

Comment 1: The public comments claim that circumstances under which the Alto Project was conditionally approved in 2009 have changed and that CEQA Guidelines Section 15162 requires an updated environmental study.

Response to Comment 1: This is a misunderstanding of the project and the CEQA Guidelines. The project is a Development Agreement that does not change the approved Tentative Map. No new lots, no new physical improvements, and no new environmental impacts will result from the Development Agreement. The Development Agreement only grants additional time for the project completion. The $30,000 provided to the County to pursue road improvements in the area is not earmarked for any particular improvement, but such improvements would be subject to separate environmental review. CEQA Guidelines Section 15162 states that once CEQA has been done on a project, no further CEQA review is required, unless the County "determines on the basis of substantial evidence in the light of the whole record" that a substantial change has occurred that requires review. The public comment misinterprets the provisions of the CEQA Guidelines stating that simply "circumstances" have changed. This same section of CEQA also states that "Once a project is approved, the lead agency's role in the Project is completed, unless further discretionary approval on that project is required." In the case of the Alto LLC Development Agreement, the process to approve the Development Agreement is discretionary, but there are no new environmental impacts from the Development Agreement. CEQA goes on to state: "Information appearing after an approval does not require reopening of that approval."

Staff recommends that the Board find that there are no substantial changes or new information triggering the need for additional CEQA review for the Development Agreement, because there are no physical impacts created from approval of the Development Agreement.

Comment 2: Some of the public comments make statements about current traffic issues and one letter cites three points of information to support the claim that the Alto Project's circumstances of approval have changed:

> o **Point 1:** Highway 50 is at capacity (LOS F).

> o **Point 2:** Green Valley Road/Silva Valley Parkway is at LOS F.

> o **Point 3:** Option B (payment of in-lieu fees) through the Oak Woodland Management Plan

Response to Comment 2:

Point 1: *US Highway 50 is at LOS F.* The Transportation Division agrees that Caltrans did report a Level of Service F condition for the segment of US 50 from the County Line to El Dorado Hills Boulevard in the peak hour. Caltrans and the County agree that this is due to westbound on-ramp traffic merging into the mainline freeway that is impacting the free flow of traffic on US 50. However, the report was made prior to construction of the US 50 HOV Lanes and the El Dorado Hills Boulevard interchange improvements (Phase 0 County CIP number 53124) which contain features (Ramp Metering) that will resolve this issue. US 50 is expected to return to LOS E when the project is completed this summer (2014).

Point 2: *Green Valley Road / Silva Valley Parkway intersection is at LOS F.* The County facts do not support the public comments. Recent traffic analysis completed for several pending projects in the area indicate this intersection is currently operating at LOS C, and will operate at acceptable levels beyond the 2025 planning horizon. Staff considered that the public comment was meant for Green Valley Road / Salmon Falls / El Dorado Hills Boulevard intersection which is at LOS E and has been discussed as needing improvements to address future growth. The traffic analysis completed for the Alto project (TM06-1408) indicated that fewer than 10 trips will be added in the peak hour to the Green Valley Road / Salmon Falls / El Dorado Hills Boulevard Intersection. Therefore, the project was, and still is, consistent with General Plan Policies for traffic impacts (Policies TC-Xe and TC-Xf). This project is included in the 5 year CIP, is currently under design, and is referenced as CIP project number 73151.

Point 3: *Oak Tree Option B fees are not available.* The Board adopted the Oak Woodland Management Plan on May 6 2008, which allowed for both Option A and Option B of Policy 7.4.4.4 to be used to address impacts to oak trees. The Alto LLC Tentative Map was approved in 2009 with the analysis and conditions of approval for both Policy 7.4.4.4 Option A and Option B for removal of oak trees. The Board rescinded the Oak Woodland Management Plan on September 4, 2012, based on Appellate Court decision. The Board action and Appellate Court action did not retroactively affect projects approved under the Oak Woodland Management Plan

before it was rescinded. Therefore the Alto LLC Tentative Map may address oak impacts through on-site retention (Option A) and/or in-lieu fees (Option B). In February of 2014 the Alto LLC paid fees to address the Option B fees to the amount of approximately $27,000.

In conclusion, staff recommends that the Board find that there are no substantial changes or new information triggering the need for additional CEQA review for the Development Agreement, because there are no physical impacts created from approval of the Development Agreement.