File Number: P-A24-0002 Receipt No.: 56128

Date Received: 9-17-2024 Amount: $450.00

RECEIVED
SEP 17 2024
EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT

APPEAL FORM

(For more information, see Section 130.52.090 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Concerned Residents of El Dorado Hills Heritage Village (CRHV)

ADDRESS PO Box 4512 El Dorado Hills, CA 95762

DAYTIME TELEPHONE None

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT George Steed, President, CRHV

ADDRESS 3027 Las Palmas Drive, El Dorado Hills, CA 95762

DAYTIME TELEPHONE 916-941-9094

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

FORMAL APPEAL OF SEPTEMBER 4, 2024, ZONING ADMINISTRATOR DECISION ON P22-0009 CARSON CREEK R&D PROJECT IS ATTACHED.

In summary: CRHV pleads for the Board of Supervisors to overturn the decision of the Zoning Administrator in total and, at the discretion of the Board, remand to the Planning Commission to be considered with the pending PA24-0009 Pre-Application/Conceptual Review (J6) for Gateway El Dorado.

The attached appeal lists eight (8) justification for the request to overturn the decision of the Zoning Administrator

DATE OF ACTION BEING APPEALED September 4, 2024

Signature

SEPTEMBER 17, 2024
Date

Sec. 130.52.090 - Appeals.

Any decision by the review authority of original jurisdiction may be appealed by the applicant or any other affected party, as follows:

A. An appeal must be filed within 10 working days from the decision by the review authority by completing the appeal form and submitting said form together with the applicable fee, as established by resolution of the Board, to the Department. The appellant shall clearly identify on the appeal form the specific reasons for the appeal and the relief requested.

B. The hearing body for the appeal shall consider all issues raised by the appellant and may consider other relevant issues related to the project being appealed. The hearing body for the appeal shall be as follows:

   1. All decisions of the Director are appealable to the Commission and then to the Board.

   2. All decisions of the Zoning Administrator and the Commission are appealable to the Board.

   3. All decisions of the Board are final.

C. The hearing on an appeal shall be set no more than 30 days from receipt of a completed appeal form and fee. If the Board meeting is canceled for any reason on the date on which the appeal would normally be heard, the appeal shall be heard on the first available regularly-scheduled meeting following the canceled meeting date. The 30-day time limitation may be extended by mutual consent of the appellant(s), the applicant, if different from the appellant, and the appeals body. Once the date and time for the hearing is established the hearing may be continued only by such mutual consent.

D. In any appeal action brought in compliance with this Section, the appellant(s) may withdraw the appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this Section, the public hearing shall be deemed commenced upon the taking of any evidence, including reports from staff.

E. Upon the filing of an appeal, the Commission or the Board shall render its decision on the appeal within 60 days.

F. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Title until all appeals to the Commission and Board have been first exhausted in compliance with this Section.

Cash Register Receipt

County of El Dorado

Receipt Number
R56128

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			**$450.00**
P-A24-0002 Address: APN:			**$450.00**
APPEALS FEES			$450.00
ALL APPEALS	3720200 0240	0	$450.00
TOTAL FEES PAID BY RECEIPT: R56128			**$450.00**

RECEIVED
SEP 17 2024
EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT

Date Paid: Tuesday, September 17, 2024

Paid By: Concerned Residents of El Dorado Hills Heritage Village

Cashier: JPM3

Pay Method: CHK-PLACERVILLE 124

You can check the status of your case/permit/project using our online portal etrakit https://edc-trk.aspgov.com/etrakit/

Your local Fire District may have its' own series of inspection requirements for your permit/project. Please contact them for further information. Fire District inspections (where required) must be approved prior to calling for a frame and final inspection through the building department.

Printed: Tuesday, September 17, 2024 11:14 AM

SUPERION

APPEAL OF THE SEPTEMBER 4, 2024, ZONING ADMINISTRATOR DECISION ON P22-0009

The Concerned Residents of EDH Heritage Village (CRHV), a 501(c)(3) nonprofit corporation dedicated to the education, protection and defense of the senior-citizen community and the environment, respectfully appeal the September 4, 2024, decision of the EDC Zoning Administrator on P22-0009. To wit, the Zoning Administrator's findings:

(1) Find Tentative Parcel Map P22-0009 Statutorily Exempt under Section 15183 of the CEQA Guidelines; and

(2) Approve Tentative Parcel Map P22-0009, based on the Findings and subject to the Conditions of Approval as presented.

REQUESTED ACTION: CRHV pleads that the Board of Supervisors overturn the decision of the Zoning Administrator in total and, at the discretion of the Board, refer the matter to the Planning Commission for consideration with the pending J6 PA24-0009 Gateway Specific Plan pre-application.

PREFACE ON MITIGATING ISSUES: The Appellants recognize the rights of the landowner to engage in development of its property within El Dorado Hills Business Park consistent with legitimate and updated R&D Zoning. CRHV members have engaged in good faith and constructive discussions with PacTrust representatives joining with EDC elected and appointed officials, representatives of neighboring communities, representatives from EDH APAC, and other interested parties. As a result, many of the discussed components were captured in the mixed-use Gateway El Dorado PA24-0009 Specific Plan pre-application. CRHV is committed to continue working with PacTrust and other parties on the mixed-use rezone that would mutually benefit the developer and the surrounding community. By contrast, the older Carson Creek R&D P22-0009 application is significantly different as the stated purpose of the parcels split is for "industrial wholesale distribution" buildings. Such uses are subject to the Director's Determination - Fulfillment Center/Heavy Distribution/Parcel Hub Uses letter of June 23, 2023, a document that remains in limbo (as discussed later in the appeal). Unfortunately, the Planning staff and Zoning Administrator declined to allow consideration of related information regarding the PA24-0009 Specific Plan pre-application which should incorporate the parcel split. The Zoning Administrator's findings were based exclusively on the obsolete P22-0009 application, devoid of obviously relevant impinging data.

JUSTIFICATIONS IN SUPPORT OF APPEAL

In support, CRHV offers the following evidence, concerns, comments, and unresolved questions.

JUSTIFICATION 1: ZONING ADMINISTRATOR LACK OF JURISDICTION

The submittal of this matter by the Planning Director to the Zoning Administrator is a blatant attempt to bypass the Planning Commission. Director Garner has been aware of that complex issues exist regarding P22-0009 through two years of public comments and meetings attended by two members of the Board of Supervisors, other appointed officials, and members of the community. The EDC website states: "The Zoning Administrator is a designee of the Director of Planning and Building. Sometimes the Zoning Ordinance requires that certain planning projects undergo public review. Often, these hearings go to the Planning Commission, but on occasion, they will go to the Zoning Administrator." The operative words are "on occasion." Further, EDC Code Sec. 130.60.030 states that "The Zoning Administrator may transfer original hearing jurisdiction to the Commission at his/her discretion when it is *deemed necessary because of policy implications, unique or unusual circumstances, or the magnitude of a project*." CRHV contends all three of those conditions exist. By contrast, Sec. 130.60.040 states that the *Planning Commission*, in compliance with Title 2 of the County Code of Ordinances, *shall serve as the hearing body assigned to consider and approve or deny development applications* under this Title and Title 120 of the County Code of Ordinances as either the review authority of original jurisdiction or on appeal, in compliance with Table 130.50.030.A (Review Authority) in Article 5 (Planning Permit Procedures)." The complexity and controversial nature of P22-0009 is beyond the scope of the Zoning Administrator. The role of the Planning Commission has been willfully and inappropriately circumvented.

JUSTIFICATION 2: EDH APAC FINDINGS AND CONCLUSIONS IN OPPOSITION

EDH APAC has articulated concerns and questions regarding the P22-0009 application for over two years. During meetings, senior Planning and DOT officials disclosed that those communications were too robust to be considered by staff. By staff admissions, APAC communications were set aside because they had no code to attribute their time for reviewing these concerns and questions. Despite a lack of feedback, APAC continued to perform and release research. Frustrated by the lack of response on P22-0009, APAC's Environment and Transportation Standing Committees delivered recommendations to the Planning Commission and Board of Supervisors on March 23, 2024, including:

(1) All elements of the Pac Trust proposals be consolidated to allow an analysis of the total project.

(2) The Director of Planning prepare a report for the Board of Supervisors on the adequacy of existing R&D allowable uses applicable to Warehouse and Logistic Facilities and, as appropriate, update the 2023 Determination zoning letter.

(3) The Director of Transportation complete a comprehensive traffic study of the project.

(4) A CEQA Environmental Impact Review be prepared for the entire project.

(5) The EDC Auditor and Controller be requested to conduct a financial benefit to cost analysis as the overall economic impact of wholesale facilities such as this is not clear.

(6) Mitigation measures for impacts on property owners within the Carson Creek Specific and the Valley View Specific Plans resulting from the two buildings currently under construction be identified and required.

(7) The Gateway El Dorado project be referred to the Planning Commission to facilitate public review and comment.

Over the course of two years, APAC has conducted extensive public meetings attended by Supervisors Hidahl and Turnboo and Planning Commissioner Williams. Extensive research by APAC Members was made available to the Planning Department and DOT. APAC assumed that proper review protocol would be followed involving the Planning Commission. APAC was surprised to learn that the matter was relegated to the Zoning Administrator. To add insult to injury, APAC research materials submitted to the Planning Commission and staff were not included in the Zoning Administrator review packet. Realizing this failure to communicate its reports, comments, and questions, EDH Chair John Davey resubmitted the documents as public comments (see attached Exhibit A). These documents were posted for public review on the day of the hearing. The Zoning Administrator failed to acknowledge these documents and there is no evidence they were even considered in the decision. CRHV embraces the work of EDH APAC by reference. The Zoning Administrator erred in not addressing the independent APAC research.

JUSTIFICATION 3: PREJUDICAL PIECEMEAL PROCESS

Two weeks prior to the P22-0009 hearing, the Zoning Administrator reviewed P24-0009 (not to be confused with Pac Trust's new mixed-use PA24-0009 pre-application), by-passing the Planning Commission. A citizen filed an appeal of the Zoning Administrator's decision, which is subject to review by the Board of Supervisors. That appeal identifies issues with "what is known as 'piecemeal development' or 'segmentation,' where a developer might try to avoid environmental review." CRHV endorses that theory as also applicable to our appeal. Rather than restating their salient arguments, we incorporate the P24-0009 appeal reference. We concur with the premise that piecemeal development is improper per the quoted. CRHV contends that the Planning Department has engaged in a pattern of "piecemeal" development review processes. The Zoning Administrator ruling attempts to rubber stamp unsound land use processes.

JUSTIFICATION 4: CEQA ABUSES

A sizable portion of the parcel involves protected Carson Creek wetlands. PA24-0009 acknowledges this sensitive ecosystem through a conservatory dedication and funding. Unfortunately, the action of the Zoning Administrator disregards these sensitive wetlands in approving the Mitigated Negative Environmental Impact. Please consider the fact EDC CEQA contractor HELIX Environmental reported findings in their authored draft Carson Creek

Preserve Long-Term Management Plan confirming the presence of species of interest requiring oversight by the U.S. Corp of Engineers and California Department of Fish and Wildlife. These observations apply to the Carson Creek section on land owned by PacTrust. Among the species of interest substantiated by HELIX in or near this area are the western pond turtle, borrowing owl, white-tailed kite, tricolored blackbird, golden eagle, and migratory birds of prey (including turkey vulture, northern harrier, others). Over a dozen additional species of interest have the potential of being present. In short, this is an ecological treasure that was not identified in previous CEQA studies. This verified presence of endangered and special species and species of interest is so significant that it should have triggered a new CEQA EIR according to the California Environmental Quality Act that states "a new CEQA EIR is required when new information of substantial importance, which was not known."

The P22-0009 parcel split reroutes Carson Crossing Road directly adjacent to the sensitive preserve, yet this fact and its impacts were also ignored. Unfortunately, the Zoning Administrator ruled that P22-0009 is Statutorily Exempt under Section 15183 of the CEQA Guidelines. This conclusion is facially incorrect. Further, the Planning staff indicated during the hearing that PA24-0009 was separate and could not be considered. The Zoning Administrator engaged in a total disregard of CEQA regulations.

JUSTIFICATION 5: BROKEN R&D ZONING MATRIX/DIRECTOR'S DETERMINATION

The Project Frontier controversy underscored significant deficiencies in R&D zoning and matrix. As a result, a letter of Determination Director's Determination - Fulfillment Center/Heavy Distribution/Parcel Hub Uses of June 23, 2023, sought to clarify the applicability of R&D zoning. The Determination letter directly impacts P22-0009's defined purpose for industrial wholesale warehouse distribution. However, objection to the Determination was immediately issued by Winn Ridge Properties, the parcel owner of Project Frontier. A Tolling Agreement was agreed to by EDC and Winn Ridge Properties on September 7, 2023, placing the following restrictions on the County: "During the Tolled Period, County shall not pursue any action to codify or amend the Zoning Code consistent with the Director's Determination, including but not limited to an amendment to the Zoning Code pursuant to Section 130.20.030(AX3)(a) to incorporate the "fulfillment center, heavy distribution, or parcel hub" uses identified in the Director's Determination or uses substantially similar to those described in the Director's Determination. For purposes of this section, "pursuing any action" includes (1) an agendized action before the Planning Commission or Board of Supervisors or (2) the commencement of public environmental review." The agreement alludes to the deficiencies in the Director's Determination letter. As clearly stated in the Agreement, Winn Ridge Properties' George Carpenter confirmed the intent was related to its property. However, that Agreement has been applied to all R&D properties, including land involved in P22-0009. CRHV agrees with Winn Ridge that the Determination letter is flawed but for different reasons. The net impact is not clear whether the Zoning Administrator's findings are based on the flawed R&D matrix or the flawed Determination letter. In either case, the R&D matrix is broken and exposes the County. Until this situation is resolved and the restrictions imposed by the

Tolling Agreement are lifted, R&D zoning approvals or denials must be suspended. This requires a nullification of the Zoning Administrator's findings.

JUSTIFICATION 6: ZONING ADMINISTRATOR REVIEW IS IRREGULAR AND UNNECESSARY

Considering the active engagement of the developer, elected and appointed EDC officials, and community members on PA24-0009, action on P22-0009 is untimely and unnecessary. This was a Planning Department power play to leverage advantage to unfairly color future negotiations and land-use proposals.

JUSTIFICATION 7: EL DORADO HILLS BUSINESS PARK MASTER PLAN INCONSISTENCY

Development with the El Dorado Hills Business Park Design Master Plan (1992) has been hands-off and deviates significantly from the Design Specification established and filed with EDC. As case in point, the land plan designation for many of the parcels involved in P22-0009 were included as a golf course. It is unclear how a golf course has morphed into industrial warehouses, retail, and fast-food facilities. In considering future developments, alignment of the original Business Park Design Specification with current proposals seems appropriate. Regardless, this is outside the scope of the Zoning Administrator.

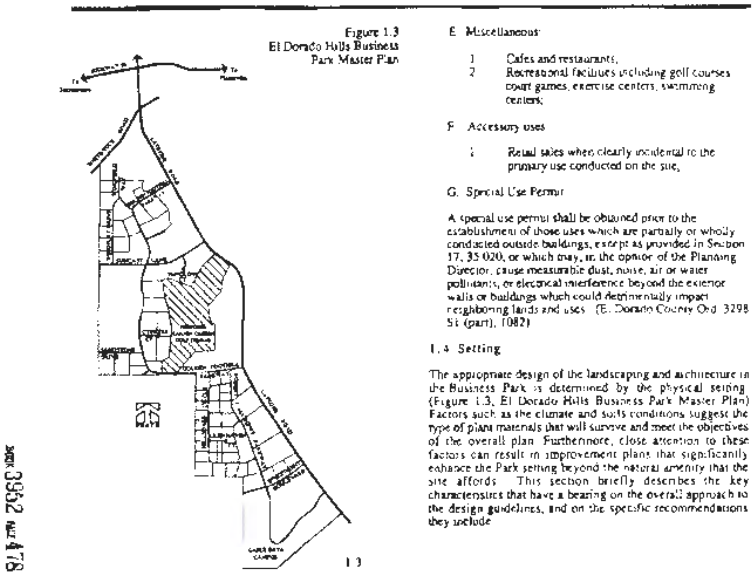

Figure 1.3
El Dorado Hills Business Park Master Plan

E. Miscellaneous:

1. Cafes and restaurants;
2. Recreational facilities including golf courses court games, exercise centers, swimming centers;

F. Accessory uses:

1. Retail sales when clearly incidental to the primary use conducted on the site;

G. Special Use Permit

A special use permit shall be obtained prior to the establishment of those uses which are partially or wholly conducted outside buildings, except as provided in Section 17.35.020, or which may, in the opinion of the Planning Director, cause measurable dust, noise, air or water pollutants, or electrical interference beyond the exterior walls or buildings which could detrimentally impact neighboring lands and uses. (El Dorado County Ord. 3298 §1 (part), 1982)

1.4 Setting

The appropriate design of the landscaping and architecture in the Business Park is determined by the physical setting (Figure 1.3, El Dorado Hills Business Park Master Plan). Factors such as the climate and soils conditions suggest the type of plant materials that will survive and meet the objectives of the overall plan. Furthermore, close attention to these factors can result in improvement plans that significantly enhance the Park setting beyond the natural amenity that the site affords. This section briefly describes the key characteristics that have a bearing on the overall approach to the design guidelines, and on the specific recommendations they include.

1-3

BOOK 3962 PAGE 478

JUSTIFICATION #8: IMPACTS OF AB98

California Assembly Bill 98, "Planning and Zoning: Logistics Use: Truck Routes," approved and pending action by Governor Newsom, would significantly impact the authority of local government's design and approval of warehouses. The Planning Department, Planning Commission, and Board of Supervisors need to appropriately adjust zoning ordinances and

related terms of approval. The DOT will need to integrate the truck routing elements of the legislation.

CONCLUSION

In conclusion, CRHV contends that the Zoning Administrator, Planning Director, and Planning Department grossly erred and that the decision of September 4, 2024, must be overturned.

Given the outrageous failures necessitating this appeal, CRHV also requests that the appeal fees be waived so that this nonprofit can apply the funds to continue its objective of education in the public interest.

This appeal and fees are submitted in a timely fashion on this 17th day of September 2024.

Respectively submitted,

George Steed, President
Concerned Residents of EDH Heritage Village

Attachment A

ATTACHMENT A El Dorado Hills APAC Comments & Reports

ZA 9-4-2024
#1
49 pages

Carson Creek R&D Project (Tentative Parcel Map P22-0009) Zoning Administrator September 4, 2024 Public Hearing

El Dorado Hills Area Planning Advisory Committee <info@edhapac.org>
Mon 9/2/2024 3:04 PM

To:Planning Department <planning@edcgov.us>;Karen L Garner <Karen.L.Garner@edcgov.us>
Cc:Andy Nevis <Andy.Nevis@edcgov.us>;Daniel Harkin <Daniel.Harkin@edcgov.us>;Lexi Boeger <Lexi.Boeger@edcgov.us>;
Brandon Reinhardt <Brandon.Reinhardt@edcgov.us>;Bob Williams <Bob.Williams@edcgov.us>;BOS-District I
<bosone@edcgov.us>;BOS-District II <bostwo@edcgov.us>;BOS-District IV <bosfour@edcgov.us>;BOS-District III
<bosthree@edcgov.us>;BOS-District V <bosfive@edcgov.us>;Rafael Martinez <Rafael.Martinez@edcgov.us>

9 attachments (1 MB)

EDH-APAC-June-7-2023-letter-Carson-Creek-RD-Project.pdf; BOS-Memo-Directors-Interpretation-Ind_R-D-Zones-FINAL (1).pdf; Carson-Creek-R-D-FAQs-002.pdf; EDH-APAC-February-14-2023-Letter-regarding-Fulfullment-Centers.pdf; CA-DOJ-warehouse-best-practices.pdf; APAC-Joint-Committee-Summary-Report-EDC-Letter.pdf; APAC-Joint-Committee-Letter-to-APAC-Officers-March-25-2024.pdf; APAC-Transportation-Review-Gateway-El-Dorado-March-2024.pdf; APAC-Environmental-Review-Gateway-El-Dorado-March-2024.pdf;

Hello,

The El Dorado Hills Area Planning Advisory Committee (EDH APAC) would like to submit the following public comments in advance of the scheduled September 4, 2024 Zoning Administrator public hearing regarding Carson Creek R&D Project (Tentative Parcel Map P22-0009).

Over the past several years, EDH APAC has submitted several letters, regarding our questions about the proposed parcel split. We've also had the benefit of an applicant discussion at our August 2023 EDH APAC public meeting.

Our concerns centered on what EDH APAC, and the public, doesn't know about the parcel split proposal. Clearly a parcel split in the existing R&D zone, keeping the existing R&D zoning and Community Design Review Zoning Overlay should not be perceived as contentious planning event, as long as required review, analysis, and public comment opportunities have been followed. Again - no specific R&D development projects have been submitted for the proposed parcels. However, the recently submitted PA24-0009 Gateway El Dorado Specific Plan Pre-App project adds another point of uncertainty for EDH APAC members.

What has been confusing to EDH APAC is that there have been several initial study data points, and suggested uses for the parcel split since the P22-009 project was submitted. We understand now that the TIS that was posted in TRAKiT with other project documents was computed and posted in error -the suggested traffic referenced in this TIS generated by the parcel split development has been one of the leading concerns in the El Dorado Hills Community. Following this, the applicants published marketing materials suggesting a denser build-out of commercial facilities than what was discussed at our August 2023 EDH APAC Meeting. A subsequent meeting conducted by the applicant, with county decision makers, staff, and area residents, on-site at the project property, has also led to additional questions for EDH APAC - while there were some EDH APAC members in attendance due to their residences being in close proximity to the project site, EDH APAC was not included in the meeting discussion, and we've

heard various versions of what was discussed. Regardless, we appreciate the applicants' efforts to promote engagement in the community.

We also believe that Director Martinez' Transportation Department July 18 2024 Letter to Carson Crossing residents has helped to address many residents' concerns. However, the items addressed in Director Martinez's letter are a "strategy" not a "plan." There is no commitment, funding, or schedule as yet produced.

As to the specifics of this Parcel Split request - EDH APAC offers the following observations:

The Parcel Split application indicates a realignment of the planned Carson Crossing Road connection to Latrobe Road, as well as moving the roadway alignment closer to Carson Creek, yet there is no updated environmental review or analysis of this realignment, nor is there an updated traffic study analysis that informs the public of what possible impacts may or may not result from this modification.

Based on an abundance of caution, EDH APAC is attaching our previous project document comments for inclusion in the public record. While many of the questions and concerns raised in these documents have been addressed in several public meetings, our overriding concern goes unaddressed, and that would be adoption into the County Zoning Ordinance of the June 2023 Director's Determination Letter on Fulfillment Centers. By making the details of the determination letter part of the Zoning Ordinance, many community concerns could be addressed, resulting in a less contentious approval process for proposed development in R&D zones.

We include our previous letters and comments because the connection between the proposed Tentative Parcel Map P22-0009 and the proposed PA24-0009 Gateway El Dorado Specific Plan Pre-App seems ambiguous. Because the community concerns raised about the Tentative Parcel Map P22-0009 cannot be eliminated by citing the potential approvals and land uses of the PA24-0009 Gateway El Dorado Specific Plan Pre-App. There is a litany of project proposals over many years in the El Dorado Hills area that never moved forward - starting with the Applicants' own previously proposed project for the subject property, Carson Creek Village PA20-0002,

PA22-0018 2525 Green Valley Road
PA21-0012 LAKESIDE BOAT and RV STORAGE
Villages At Town Center West SP-R19-0001 PD-R19-0003 PA19-0003 Town Center West Mixed Use Pre-App
PD19-0001 Sophia Parkway Assisted Living Facility
Rancho Tierra PROJ18-0003 Z18-0008 TM18-1537
Quantum Care Place CUP18-0005
P18-0006 Westmont Living
PA18-0001 PD18-0001 FIRST RATE SELF STORAGE
TM17-1532 Sierra Sunrise
Springs Equestrian Center
PA15-0008 Richland TM Pre-App TM97-1342 Verde Vista

EDH APAC is eager to learn the specifics of the applicants' PA24-0009 Gateway El Dorado Specific Plan Pre-App project - elements of the proposal address many needs in the El Dorado Hills community, including a genuine variety of residential housing inventory, potential for workforce housing, market rate rental properties, as well as additional commercial, retail, and other EDH Business Park uses.

However, the connection between the Tentative Parcel Map P22-0009 and the proposed PA24-0009

Gateway El Dorado Specific Plan Pre-App project at the moment seems elusive - does the resultant parcel split of P22-0009 facilitate elements of PA24-0009 Gateway El Dorado Specific Plan?

In the event that PA24-0009 project does not move forward, EDH APAC would like to have our previous public comments regarding the Tentative Parcel Map P22-0009 project submitted for the public record.

Attachments

APAC ENVIRONMENT STANDING COMMITTEE REPORT GATEWAY EL DORADO/CARSON CREEK R&D PROJECT ENVIRONMENTAL REVIEW

APAC TRANSPORTATION STANDING COMMITTEE REPORT GATEWAY EL DORADO/CARSON CREEK R&D PROJECT TRANSPORTATION REVIEW

APAC Joint Committee Letter to APAC Officers March 25 2024

APAC Joint Committee Summary Report – EDC Letter

California Department of Justice Warehouse Best Practices CEQA

EDH APAC February 14 2023 Letter regarding Fulfillment Centers

EDC Planning & Building Department FAQ Sheet – Gateway El Dorado – Carson Creek R&D Project

June 2023 Director's Determination Letter on Fulfillment Centers

EDH APAC June 7 2023 letter Carson Creek RD Project

Respectfully,
John Davey
Chair

El Dorado Hills Area Planning Advisory Committee
1021 Harvard Way
El Dorado Hills CA 95762
https://edhapac.org
info@edhapac.org
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El Dorado Hills Area Planning Advisory Committee

APAC 2023 Officers
John Davey, Chair jdavey@daveygroup.net
John Raslear, Vice Chair jjrazzpub@sbcglobal.net 1021 Harvard Way, El Dorado Hills, CA 95762 Timothy White, Vice Chair jjwhiteid@gmail.com https://edhapac.org Brooke Washburn, Vice Chair Brooke.Washburn@libertymutual.com
Robert Williams, Secretary bobw1800@gmail.com

County of El Dorado Planning Department County
Director: Karen Gardner
Planner: Timothy Pitt
2850 Fairlane Court
Building C
Placerville, CA 95667

June 7, 2023

RE: Carson Creek R & D Project P22-0009 Technical Advisory Committee Meeting, held on May 15, 2023

The El Dorado Hills Area Planning Advisory Committee (EDH APAC) would like to offer the following questions, concerns, and comments on the proposed Carson Creek R & D Project P22-0009 to member agencies and staff resulting from the for May 15, 2023, Technical Advisory Committee (TAC) meeting. Although previously included on TAC distribution lists, EDH APAC Officers did not receive information before the TAC meeting. APAC members must rely entirely on publicly posted documents on the EDC eTRAKiT system. We sincerely appreciate the efforts of staff and member agencies and the continued commitment to transparency and outreach with the El Dorado Hills Community.

We look forward to your responses for review at our EDH APAC regular 21, 2023, meeting at the El Dorado Hills Fire Station 85 Executive Conference Room 6:30 PM.

The Carson Creek R & D Project Application packet project description appears to have two components of interest: (1) the division of four EDHo Business Park parcels into fourteen R&D sites and two open pace/drainage sites, and (2) to obe used for industrial wholesale distribution buildings. EDH APAC 2Comment/Concern/Question List follows:

1. Among the four possible actions scheduled to be taken by TAC on May 15, 2023, which were approved? Please elaborate on specific directives or conditions that were set forth. Please provide a copy of the meeting minutes and available staff notes for public review.
   1.1. EDC eTRAKiT indicates 27 departmental reviews were done on May 1, but none are complete. Have any reviews been forthcoming?

2. EDH APAC members have concerns regarding ministerial approval of the proposed project based on its immense scale and potential for significant impacts in the El Dorado Hills Community. EDH APAC members are concerned about any effort to designate the process as ministerial approval. EDH APAC believes that public review and input are required with the transparency afforded by public hearings where EDC departmental officials can disclose recommendations and the applicant can present its proposal in the light of day. County's code provides that the Planning Commission hears TPMs for commercial and industrial parcels. Please confirm that the Planning Commission will hear this proposal.

3. EDH APAC members have concerns about the utilization of Research and Development zoning designation as the basis of the proposed use within the EDH Business Park for "industrial wholesale distribution buildings."
   3.1. The designation "industrial" by the applicant facially suggests that light or heavy industrial zoning is applicable. How do industrial uses align with R&D defined by EDC codes, zoning matrix, General Plan, and EDH Business Park Specific Plan?
   3.2. The proposed use solely for "wholesale warehouse distribution" functions appears to be facially inconsistent with EDC R&D zoning for the EDH Business Park. EDH APAC is not concerned with permitting the distribution of goods as a part of business functions. The question arises when dedicated wholesale warehouse distribution is a recognized function as R & D.
   3.3. How does the applicant plan to conform to the requirement for a campus-like environment, and what measures will be applied to mitigate against pollution from goods transfers and storage?

4. EDH APAC members have concerns that the application is predicated on the completion of Carson Crossing Road (also referenced by the applicant as Carson Creek Road). The specifications on the roadway appears vague relating to matter including curbs, sidewalks, bike lanes, parcel ingress/egress points, street lighting, landscaping, and maintenacne.No reference is made on construction costs and how these road improvements will be financed. What are the related funding and roadway plans?

5. The Transportation Impact Study Initial Declaration confirms that the EDC DOT requires both a Transportation Impact Study (TIS) AND On-Site Transportation Review (OSTR). What is the status of the TIS and OSTR?

6. TIS form completed by the applicant references the square footage to range from 840,000 to 1,100,000 sq/ft. Are these estimates for the structural footprints? What is the basis for these estimates and the variances? What are the proposed heights of the building(s)? What is the total estimated square footage?

7. What are the building plans? The Project Application Packet does not describe the proposed buildings' number, size, and configuration. EDH APAC is concerned that

this information is essential in evaluating the impact of the uses as defined to be "industrial wholesale distribution." Given the proposed potential 1.1 million square footage facility(ies), the effect could be transformative to the EDH Business Park and surrounding residential communities.

7.1 What is the physical proximity of the proposed buildings to each other?

7.2 What are the building offsets, including landscaping, distance from curbs, relationship to roads, egress and ingress points, sound barriers, parking spots, and signage?

7.3 Given the distribution usage, how many load docks or other functional ramps are anticipated for each building? What types of vehicles will be accommodated by the loading docks and ramps?

8. The applicant submitted Trip Generation Estimates consisting of three raw statistics and graphics pages.These exhibits appear to be extracted from a more extensive traffic study that was not made available. The three pages do not include a narrative to explain the basis, methodology, and conclusions. On its face, the estimates lack sufficient substance. The submission elicits additional questions:

8.1. The first-page graphic appears to indicate 3707 additional trips. Is that correct? The graphics on the other two pages illustrate different numbers without explanation. What is the anticipated number of additional trips for peak and off-peak times? For the proposed distribution businesses, how are peak and off-peak times different or identical to other EDC traffic studies?

8.2. What is the vehicle mix? If other than passenger vehicles, what are the numbers and types of vehicles used to transport goods to/from the distribution businesses?

8.3. How many employees are anticipated to be employed at the businesses, and what means of transportation will they utilize?

8.4. What is the estimated impact by vehicle type on Latrobe, Carson Crossing, Golden Foothills, White Rocks, and nearby roadways?

8.5. What are the personal and truck parking requirements and configurations? Will temporary or permeate trailers be required to load and off-load goods? 8.6. What percentage of the distribution and fulfillment services vehicle traffic generation will be new to El Dorado Hills? That is - trips above existing fulfillment travel that come into El Dorado Hills, compared to the amount of traffic generation for fulfillment trips to other parts of El Dorado County, Amador County, Folsom, Rancho Cordova, and eastern Sacramento County that will be generated **from** El Dorado Hills?

9. The Large Maps_P22-0009.pdf raises concerns, comments, and questions:

9.1. Page 1, Carson Creek Road is identified as connecting at the south end to Carson Crossing Road. Is this a typographical error or a new name for this segment?

9.2. Page 1, Carson Creek Road exits to the north on Latrobe Road and to the south at Golden Foothills, connecting to Carson Crossing Road.

1. What are the planned signals and signage?

2. Are the designated vehicle widths and turn lanes applicable for vehicle types used for distribution functions?

3. What is the traffic impact at the points of egress and ingress?

4. Are turnoff lanes onto Latrobe and Golden Foothills needed?

5. What is the number of trips by passenger and truck anticipated for Carson Creek Road and nearby roadways?

6. What impact is anticipated on pedestrian access across Carson Crossing at current stop signs and vehicle ingress/egress to/from the Heritage and Four Seasons residential communities?

9.3. Page 2 shows secondary roads or alleys connecting most of the proposed lots. Several questions arise:

1. What types of vehicles will be accommodated?

2. What construction materials are planned (include specifications such as weight loads)?

3. The northern point at Lots 12 and 13 shows in exchange at Latrobe Road. What are the specific details? How will this impact traffic flow on Latrobe Road?

4. Is the width of these secondary conveyances sufficient to accommodate the type of large vehicles anticipated to support the distribution functions?

5. Where are the ingress and egress points on each parcel?

6. Are the secondary conveyances support emergency vehicle access? 7. Lot 3 does not appear to have an access point. What is the proposal for this lot?

9.4. Page 3 shows a shift of Carson Crossing Road to the west and north by approximately 150 feet onto Latrobe Road. Carson Crossing Road would be extended to the existing segment of Carson Crossing Road that loops around the Heritage and Four Seasons senior citizens' community and ends at White Rocks Road. The proposal will effectively create a traffic loop. EDH APAC members are concerned that these residential communities' impacts have not been addressed. The increase and nature of the traffic are not forthcoming. Carson Crossing Road width consistency, and sound and pollution mitigation remain open issues.

10. Impacts on LOS at:

10.1. US50 at EDH Blvd/LatrobeRd interchange
10.2. Latrobe Rd - Town Center Blvd intersection
10.3. Latrobe Rd - White Rock Rd intersection
10.4. Latrobe Rd - Monte Verde Dr/Golden Foothill Pkwy (north) intersection
10.5. Latrobe Rd - Suncast Lane intersection
10.6. Latrobe Rd - Clubview Dr/Golden Foothill Parkway (south) intersection
10.7. Latrobe Rd - Larkstone Place intersection
10.8. Latrobe Rd - Investment Blvd intersection

10.9. Latrobe Rd - Royal Oaks Dr intersection
10.10. Latrobe Rd - Wetsel-Oviatt Rd intersection
10.11. US50 at Silva Valley Pkwy/White Rock Rd interchange
10.12. White Rock Rd - Clarksville Crossing intersection
10.13. White Rock Rd - Vine Street/Valley View Pkwy intersection
10.14. White Rock Rd - Keagles Ln intersection
10.15. White Rock Rd - Monte Verde intersection
10.16. White Rock Rd - Post Street intersection
10.17. White Rock Rd - Manchester Dr intersection
10.18. White Rock Rd - Bailey Circle intersection
10.19. White Rock Rd - Stone Briar Dr/4-Season Dr intersection
10.20. White Rock Rd - Florentino Dr intersection
10.21. White Rock Rd - Tera Alta Dr/Carson Crossing Rd intersection

11. Is Vehicle Miles Traveled (VMT) a required consideration/metric in the Traffic Impact Analysis as a new project? If not required, can a VMT analysis be completed that would inform the community and decision-makers on the project's impact in regard to the County's VMT formula?
    11.1. VMT became a standard/metric in CEQA analysis in July 2020, and other area projects proposed and approved in El Dorado Hills before the CEQA VMT implementations have provided VMT analysis

12. EDH APAC members our initial look at the project scope are concerned about the potential environmental impacts to the Carson Creek Preserve. Entitlements stem from which environmental review/approvals?
    12.1. The original El Dorado Hills Business Park circa the 1980s? The 2004 Voter Approved El Dorado County General Plan?
    12.2. Have significant environmental changes since the environmental review(s) were completed in 1980, 2004, or 2015?
    12.3. Do Environmental findings from the recent HELIX Environment Survey for the Carson Creek Preserve have any impacts or significant changes on the Environmental Analysis of the El Dorado Hills Business Park or the project site and its entitlements?

13. EDH APAC members have concerns about the initial noise study. A more rigorous analysis should ensure that the project adheres to County noise ordinances and avoids impacts not only to residential communities adjacent to the project but also to the business uses in the EDH Business Park, including schools, churches, and other uses.

14. EDH APAC members have concerns about impacts on utility infrastructure.
    14.1. Does the project envision an underground electrical service? Will this necessitate additional road construction work to the project to deliver the other electrical service?
    14.2. Does the project envision photovoltaic solar infrastructure at the project site?

14.3. Will vehicle usage at the project site utilize EV/Hybrid vehicles or material handling equipment?
14.4. Does PG&E have adequate electrical transmission infrastructure in the area?
14.5. Does the project envision natural gas utilities being provided for the task? Will this necessitate additional road construction work for the project?
14.6. Does the project envision building additional fiber/data connectivity to the site? Will this necessitate extra road construction work for the project?

15. EDH APAC members have concerns about the impact on public services. For example, the requirements outlined in the February 13, 2023, letter from El Dorado Irrigation District remain open. Additionally, comments from the El Dorado Hills Fire District have not been posted.

16. EDH APAC members believe the proposed additional travel lanes on north and southbound Latrobe Road should be completed before the project's full opening/daily activities.

17. EDH APAC members have concerns about compliance with the General Plan's Traffic Element in relation to LOS levels in the El Dorado Hills Community region at several critical intersections along Latrobe Road, White Rock Road, Carson Crossing, and most significantly at the US50 El Dorado Hills Blvd/Latrobe Interchange. In short, the proposed additional north and south travel lanes on Latrobe Road adjacent to the project are necessary, but EDH APAC has concerns that the other travel lanes will not have any meaningful effect on Latrobe Road north of Golden Foothill Pkwy, or more critically the US50 El Dorado Hills Blvd/Latrobe Road interchange.

18. EDH APAC members are concerned about the potential traffic impacts on White Rock Road from the Sacramento County Line to Latrobe Road. Has any analysis been provided regarding the effect of the planned US50 Empire Ranch Road interchange in Folsom, which will terminate at White Rock Road in Sacramento County, just adjacent to Carson Crossing in El Dorado County?

19. EDC Air Quality Control District provided a waiver on January 13, 2023, to the applicant for an Air Impact Analysis. EDH APAC is concerned that an increase in commercial vehicles would increase air pollution. Impact on health is a primary concern for the sensitive senior populations of Heritage, Four Seasons, and Oakmount of El Dorado Hills. Increased traffic onto Carson Crossing Road and Golden Foothills Parkway would have similar detrimental impacts on local businesses and other residential communities. The Air Quality Impact Analysis waiver was granted without reference to these issues. How does the EDC Air Quality District plan to measure, monitor, and mitigate the increase in commercial vehicle traffic? Has the project proposed any contribution to the El Dorado County Intelligent Traffic System?

20. EDH APAC has significant concerns about the potential public safety impacts of the proposed project on fire/medical emergency response services in El Dorado Hills. We defer to the El Dorado Hills Fire Department to provide their expert analysis of the impact on their agency and the balance of fire/medical emergency response services in El Dorado Hills.

21. EDH APAC members are concerned that all parties of interest and stakeholders fully participate in the approval/review process. Entities providing services should provide input, including schools, fire departments, emergency services/healthcare, utilities, and parks. Additionally, the size and location of the project suggest the information from recognized organizations and citizens' groups, including Blackstone HOA, Heritage HOA, Four Seasons HOA, EDH APAC, EDH South Communities, Four Seasons Civic League, Concerned Residents of EDH Heritage Village, Lennar Homes of California, and EDH Chamber of Commerce. Given the proximity to the Carson Creek Preserve, the approval process should include inputs from the U.S. Corp of Engineers, the California Department of Fish and Wildlife, the preserve manager Golden State Land Conservancy, and the preserve owner Heritage HOA. EDH APAC members offer to facilitate working with these diverse but critically important regional stakeholders.

22. APAC members request additional information in sections of the Environmental Questionnaire: #8, #16, #20, and #27. The responses require further clarification.

EDH APAC appreciates the opportunity to review and provide feedback on proposed development projects to mitigate impacts in our El Dorado Hills Community. Through questions and feedback, we aim to realize the best possible project outcome for our community, the applicants, and El Dorado County.

Respectfully,

Robert Williams
EDH APAC Secretary
El Dorado Hills Area Planning Advisory Committee
"Non-Partisan Volunteers Planning Our Future Since 1981"

Cc George Turnboo, District 2 Supervisor

EL DORADO COUNTY
PLANNING & BUILDING DEPARTMENT

2850 Fairlane Court, Placerville, CA 95667
Phone (530) 621-5355, Fax (530) 642-0508

Date: June 12, 2023

To: Honorable Board of Supervisors

From: Karen L. Garner, Director

Subject: Director's Determination - Fulfillment Center/Heavy Distribution/Parcel Hub Uses

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INTERPRETATION:

The Industrial/Research and Development Zones Use Matrix of the Zoning Ordinance (Table 130.23.020) lists uses for Industrial Low (IL), Industrial High (IH) and Research & Development (R&D) zoning. The matrix notes if a use is Permitted (P), not allowed, or if a special permit is required such as an Administrative (AP) or Conditional use Permit (CUP). Specific uses are further defined in the Definitions of Specialized Terms and Phrases (Section 130.80.020).

There is no use listed in the matrix or defined elsewhere in the zoning code for fulfillment centers, heavy distribution, or parcel hub uses. Although the Industrial / R&D Zones Use Matrix (Ord. Code § 130.23.020) includes a use type "Wholesale Storage and Distribution," that use type does not contemplate the unique needs of fulfillment centers, heavy distribution, or parcel hub uses described in the "Discussion" section below.

Section 130.20.030. of the County Zoning Code authorizes the Planning and Building Director to determine if a use not already listed in the Zoning Code is allowable and if so, what the use type is for determining proper zoning. The Planning and Building Director has determined that fulfillment centers, heavy distribution and parcel hub uses shall be classified as the *Industrial – Specialized* use type. To make this determination, Section 130.20.030.3(a) requires that certain findings are made.

1. *The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;*

The Industrial – Specialized use type is defined as follows: "Establishments engaged in activities that generate noise, vibration, odor, dust, or smoke that may extend beyond the confines of the property boundaries; that involve special safety or public health considerations; or that do not clearly fit within another industrial use classification. It includes, but is not limited to bulk storage of gasoline, propane, or other flammable fuel

sources, and material recovery facilities." Fulfillment centers, heavy distribution, parcel hub uses could have special safety or public health concerns, particularly related to the amount of truck traffic typically generated from such uses similar to the impacts contemplated for the Industrial – Specialized use type. This use type is allowed with approval of a CUP in the IL and IH zones. It is not allowed in the R&D zone. A CUP is a process for reviewing uses and activities that may be appropriate in the applicable zone but the potential for effects on the site and surroundings cannot be determined without a site-specific review. This process will ensure that the characteristics and activities associated with the use are similar to other uses allowed in IL and IH zones and will not involve a greater intensity and is conditioned to address any safety or public health concerns.

2. *The use will be consistent with the purposes of the applicable zone;*

Industrial—Light (IL). The IL zone is applied to lands for manufacturing and associated retail or service activities, wholesaling, and other industrial uses, where the primary activity is conducted within a building or buildings, or in outdoor storage or activity areas. Conditional Use Permits shall be required for those uses which, by their nature, have the potential to produce or emit noise, odor, fumes, dust, smoke, vibrations, glare, heat, electrical interference or waste material beyond the confines of the property boundaries.

Industrial—Heavy (IH). The IH zone is applied to areas which may also be suitable for more intensive industrial uses, including manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking. The uses associated with this district are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions. A Conditional Use permit is required for uses having the potential to pose a safety hazard or produce particulate matter. Heavy industrial districts are unsuitable adjacent to residential districts and some commercial uses. Dwellings, care centers, and certain commercial uses are not allowed. Uses allowed within IL (Light Industrial) districts are allowed, provided that the uses are subordinate to and do not restrict heavy industrial uses in the zone. Activity at heavy industrial sites consists predominantly of trucks, rather than passenger vehicles, and the road system is built to support truck traffic. Provisions for pedestrians are not required.

Fulfillment center, heavy distribution or parcel hub uses are consistent with the IL and IH zones. These uses typically conduct activities within buildings or outdoor storage or activity areas. They do not typically produce or emit noise, odor, fumes, dust, smoke, vibrations, glare, heat, electrical interference, or waste material beyond the confines of the property. These uses may generate truck traffic which is allowed in the IL and IH zones.

3. *The use will be consistent with the General Plan and any applicable specific plan;*

Review of any proposed fulfillment center, heavy distribution or parcel hub use will include a General Plan and specific plan consistency analysis. Generally, IL and IH zones are within Industrial Land Use designations which allow for processing, distribution, and storage.

4. *The use will be compatible with the other uses allowed in the zone.*

Fulfillment center, heavy distribution and parcel hub uses are compatible with other uses allowed in the IL and IH zones. The uses require a CUP and therefore, can be conditioned to include measures that address any potential compatibility issues.

DISCUSSION:

Table 130.23.020 does not currently include a use type for fulfillment centers, heavy distribution, or parcel hub. It is not uncommon for the market to present new types of uses that were not known or contemplated at the time the zoning ordinance was adopted. The last comprehensive update to the County's zoning ordinance was in 2015.

In recent years, the growth of e-commerce has created a use type characterized by facilities primarily involved with receiving and repackaging merchandise and are heavily reliant on logistics and advanced technology to move merchandise quickly and efficiently, typically with the use of automation. The facilities may be "middle mile" delivery that takes products from a factory, port or larger warehouse to a fulfillment center or "last mile" delivery taking products from a fulfillment center to a retail store or customer. The primary "end product" of such facilities are a large volume of parcels that fulfill orders of individual consumers. These facilities are also heavily reliant on vehicles ranging from semi-trucks to vans to move the products and parcels. This use has been determined to be substantially different from any current use types listed in the Industrial and Research and Development Chapter and shall be referred to as fulfillment center, heavy distribution, parcel hub uses. The use type Industrial – Specialized accommodates such uses and is the appropriate zone designation.

Section 130.80.020 defines Industrial – Specialized as:

Establishments engaged in activities that generate noise, vibration, odor, dust, or smoke that may extend beyond the confines of the property boundaries; that involved special safety or public health consideration; *or that do not clearly fit within another industrial use classification*. It includes, but is not limited to bulk storage of gasoline, propane, or other flammable fuel sources, and material recovery facilities.

Although most sections of the definition are likely not applicable to a fulfillment center/heavy distribution/parcel hub use type, this use classification provides for those uses that "do not clearly fit within another industrial use classification."

Section 130.20.030 also notes that the Zoning Ordinance shall be periodically amended to incorporate those uses not listed in this Article which are found to be similar and

compatible. Staff intends to include an update to Chapter 130.23. – Industrial and Research and Development Zones that incorporates this interpretation.

This decision may be appealed in compliance with Section 130.52.090 (Appeals) in Article 5 (Planning Permit Processing) of the Zoning Code.

Should you have any questions, you may contact me via phone or email.

cc: Planning Commission
Tiffany Schmid, Interim CAO
David Livingston, County Counsel
Jefferson Billingsley, Deputy County Counsel

Carson Creek Research & Development Project FAQs (a.k.a. Gateway)

Q: What is currently under construction?

There are currently two buildings under construction. Permit #0361780 (Building 112) is a 69,364 square foot industrial building. Permit #0361781 (Building 113) is a 78,509 square foot industrial building.

Q: Why were Building Permits #0361780 and #0361781 approved without public notification?

The building permits were reviewed for compliance with State and Local County Zoning codes and standards. This process is ministerial, not discretionary. Ministerial review is sometimes also referred to as "by right." The proposed buildings are allowed under the current zoning (R & D) and therefore only require a building permit. Issuance of a building permit is a ministerial action.

Q: What is ministerial development vs discretionary?

Per State CEQA Guideline 15268. Ministerial Projects

(a) Ministerial projects are exempt from the requirements of CEQA. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its implementing regulation or on a case-by-case basis.

(b) In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the following action shall be presumed to be ministerial:

(1) Issuance of building permits.
(2) Issuance of business licenses.
(3) Approval of final subdivision maps.
(4) Approval of individual utility service connections and disconnections

Per State CEQA Guideline 15369. Ministerial

"Ministerial" describes a governmental decision involving little or no personal judgement by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgement in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registration, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid their fee.

Per State CEQA Guidelines 15002.(i) Discretionary Action. CEQA applies in situations where a governmental agency can use its judgment in deciding whether and how to carry out or approve a project. A project subject to such judgmental controls is called a "discretionary project."(See: Section 15357)

Q: What are the allowable uses in the R & D zone?

Section 130.23.020 of the County's Zoning Code lists uses for all Industrial/R&D zoned sites (see last page). This project is zoned R&D. The matrix notes which uses are permitted (P), not allowed (-) or require a permit such as a Conditional Use Permit (CUP). The buildings under construction at this site are designed to accommodate wholesale storage and distribution. This use is permitted per the Industrial/R&D matrix of allowed uses.

Q: What County zoning codes and regulations were used in reviewing the above building permits?

El Dorado County Zoning Ordinance 130.23. – Industrial and Research and Development Zones was referenced for allowed uses and the development standards. A spec (empty shell) building with loading docks is appropriate within the R&D zone as long as the proposed structure(s) are at least 20 feet from the front property line, 0 or 5 foot setbacks from the side property lines depending on fire and building code compliance, at least 10 feet from the rear property line, the building height does not exceed 50 feet, and the floor area ratio (FAR) does not exceed .5 or 50% of the lot. The buildings would also need to demonstrate compliance with the Research and Development Zones design standards.

El Dorado County Zoning Ordinance 130.33. – Landscaping Standards was referenced when determining compliance with the landscaping requirement. The sections also refers to the adopted Community Design Standards for Landscaping and Irrigation Standards as well as the Model Water Efficient Landscape Ordinance.

El Dorado County Zoning Ordinance 130.34. – Outdoor Lighting was refenced for allowed lighting and refers to the adopted Community Design Standards for Outdoor Lighting Standards with the purpose to minimize high intensity lighting and glare. Demonstrating compliance with this section requires a photometric plan and supplemental lighting cut sheets that shows the lighting fixtures are full cutoff and minimize light trespass and glare as well as not exceeding the lighting allowance.

El Dorado County Zoning Ordinance 130.35. – Parking and Loading was referenced as well as the adopted Community Design Standards for Parking and Loading Standards. These items are continuously reviewed as subsequent building permits are applied for to verify the parking lot is still in compliance.

El Dorado County Zoning Ordinance 130.39. – Oak Resources Conservation was referenced, and the appropriate documentation provided by the applicant's arborist was submitted.

Q: Are any other permits or projects for this site currently in process at the County?

Yes, applicant Pacific Realty Associates, LP and Morton & Pitalo, Inc. submitted P22-0009, which is a project processed by Planning. This request is for a Tentative Parcel Map to divide four parcels totaling 64.22 acres into fourteen Research and Development (R & D) parcels to be used for industrial, wholesale distribution buildings and two open space and drainage parcels ranging from 0.73 acres to 13.07 acres in size. This project has been reviewed by all applicable County Departments and Divisions as well as outside agencies. Comments, conditions, or other requirements have been incorporated into the project. Staff is in the process of finalizing staff reports and other documentation before scheduling for a public hearing. It is anticipated that the public hearing will be in April or May.

The tentative parcel map only permits the land to be subdivided. It does not affect or change the allowable uses on the property. By subdividing the property, future R & D buildings will be limited in size

compared to what could be built on the larger parcels that exist today. The current Buildings proposed do not cross property lines and must also adhere to applicable setbacks for the parcel. It is anticipated that future R & D buildings will be similar to the two currently under construction.

Grading Permit #0367354 is for export grading over four (4) parcels.

Building Permit #0368469, is for BLDG 102, which is about 4,857 sqft shell

Building Permit #0368470, is for BLDG 103, which is about 6,171 sqft shell.

Grading Permit #0369859, grading for BLDG 102, 103, and 104(Building permit for BLDG 104 has not been submitted at this time.)

Q: Why was the Community notified about some development in this area and sometimes are not?

The ministerial process, such as building permits for structures consistent with codes and standards, do not require public notification.

Discretionary projects require public noticing, such as a conditional use permit (CUP) and parcel maps (P).

For more information about the type of permit and projects that require public noticing please reference the County Zoning Code Section 130.51.050 – Public Notice Requirements and Procedures. Code of Ordinances | El Dorado County, CA | Municode Library

Q: What's the difference between the names Carson Creek R & D and Gateway?

Both of these names have been used for different applications associated with this site. Both names generally refer to the entire site of 97.7 acres. This includes the Tractor Supply site, the two buildings under construction, two proposed buildings and the vacant land north of these.

Q: Is the Gateway project consistent with the County's traffic model?

The El Dorado County travel demand model estimates traffic trips within the County roadway network based upon approved land uses in discrete areas known as Traffic Analysis Zones (TAZs). The Gateway project falls within County TAZ #164. TAZ #164 comprises the area between Gold Foothill Parkway and Latrobe Road. As of 2018 this area was approximately 1/3 developed and had generated approximately 1/3 of the trips estimated by the travel demand model, confirming the current model's assumptions have been generally correct. The currently proposed Gateway project falls within the uses allowed within the business park and is consistent with the County's traffic modeling assumptions. Any changes to the currently approved uses in this area will be analyzed at the time such changes are proposed and any increases in trip generation need to be mitigated by the project.

El Dorado Hills Area Planning Advisory Committee

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February 14, 2024

RE: Director's Determination - Fulfillment Center/Heavy Distribution/Parcel Hub Uses

The El Dorado Hills Area Planning Advisory Committee (EDH APAC) officers and voting members, along with many members of the community, are curious about the status of the Director's Determination letter regarding Fulfillment Center, Heavy Distribution, and Parcel Hub Uses that you provided in June of 2023. While our community welcomes your findings in respect to the existing Research and Development zone that guides elements of the ongoing development of the El Dorado Hills Business Park, our community would like to understand when the formal implementation of the determination may take effect in a Zoning Ordinance update.

Our concerns center on two items.

One, that while the finding you provided does add some clarity to how R&D zones may continue to develop, it offers no specific metrics to define what Fulfillment Center, Heavy Distribution, or Parcel Hub activities are. Without a clear definition, community members feel that new buildings being proposed for construction in the El Dorado Hills Business Park on speculation, without a specified use, or end user, may in effect be avoiding the intent of your June 2023 determination letter. While we recognize and appreciate your clear intent, without empirical standards and definitions, it leaves room for ambiguity, and misinterpretation. Clearly, it benefits the county, Planning and Building Department staff, property owners/developers, and county residents to have defined standards going forward. Further, many years down the road, a future Director of Planning could avoid the intent of your determination with the simple finding of "I will know a Fulfillment Center when I see it."

Second, recent marketing offerings through commercial building/land marketing companies suggest that parcels owned in the El Dorado Hills Business Park, primarily for the Pac West

parcels north of Golden Foothills Pkwy, and along the future extension of Carson Crossing Drive, combined with a Pac West 2022 application/request for a parcel split of 4 parcels into 14 (Carson Creek R&D Project P22-0009) that calls for 840,000 SF to 1,100,000 SF of Industrial Wholesale Distribution Buildings continues to provoke concern in the El Dorado Hills Community. 840K-1.1 million SF of Industrial Wholesale Distribution space presents a sense of fulfillment center activity, while not as a single project, but a cumulative impact consistent with the old trope 'death by 1.1 million sf of cuts'. (Loopnet marketing materials attached).

While Pac West kindly shared some details for buildings 112 and 113 at our August 2023 EDH APAC meeting, the inclusion of a combined potential of 40-plus loading spaces between the buildings remains a significant concern for the community. Pac West described Buildings 112 and 113 as speculation buildings that 'may or may not' have distribution uses, however potential impacts on the road networks for residents along Latrobe Road, the EDH Blvd-Latrobe RD/US50 interchange, and for Carson Crossing Dr, specifically for residents in the age-restricted Heritage and Four Seasons communities, continues to alarm residents. While recognizing that the County approved these residential uses a quarter of a century ago, in very close proximity to the Business Park R&D use approved in the late 1980s, the El Dorado Hills Community feels that a very focused analysis should be applied to these buildings being built on speculation to ensure that they don't avoid the intent of the Fulfillment Center, Heavy Distribution, and Parcel Hub Uses of your Director's determination of June 2023. With the obvious potential conflicts between residential and Fulfillment Center type uses in mind, our collective approach should be to minimize impact where possible so that we can avoid future conflicts. As an example, the County allowed the inclusion of moving a helicopter landing pad for the Aerometals building expansion to within a few hundred feet of approved Four Seasons residential homes in 2006. The helicopter landing pad was a required disclosure to future Four Seasons property owners, but clearly shows the potential for conflict between residential and commercial uses. While Aerometals is a wonderful success story, and welcomed members of our EDH Community, it left residents wondering in 2006 if it was appropriate to approve a residential land use adjacent to an existing R&D use with such clear conflict.

To avoid future conflict with Industrial Wholesale Distribution development in the R&D zone of the EDH Business Park, EDH APAC would like to suggest that specific definitions and standards be applied so that Planning Staff, developers, and residents can identify with certainty what activities qualify as Fulfillment Center, Heavy Distribution, and Parcel Hub Uses. Such metrics might be:

- A defined Floor Space to Loading Dock/Loading Space ratio.
- ADT estimates not only for large commercial vehicles, but for commercial and independent parcel delivery activities.
- A standardized Transportation Impact Study (TIS) Initial Determination of the project for Transportation Department analysis, along with an ongoing monitoring program to ensure compliance following project approval - so that business growth of the initial user, or an alternate future use, does not later, after project approvals, violate the intent of the

restriction of Fulfillment Center, Heavy Distribution, and Parcel Hub Uses designation in an R&D zone, and become a defacto approved Fulfillment Center use in an R&D zone.

EDH APAC would welcome continued discussion, and embraces the opportunity to help define standards that will benefit the County, developers, and the El Dorado Hills community.

Respectfully,

John Davey
Chair
El Dorado Hills Area Planning Advisory Committee.

El Dorado Hills Area Planning Advisory Committee
"Non-Partisan Volunteers Planning Our Future Since 1981"

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE

Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

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In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)[1] regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies regarding warehouse projects, and in rare cases the Bureau has filed litigation to enforce CEQA.[2] This document builds upon the Bureau's work on warehouse projects, collecting information gained from the Bureau's review of hundreds of warehouse projects across the state.[3] It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.[4] While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, nearly all of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.[5] California, with its ports, population centers, and transportation network, has found itself at the center of this trend. In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade.[6] The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day.[7] Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years.[8] This trend has only accelerated, with e-commerce growing to

[1] https://oag.ca.gov/environment/justice.

[2] https://oag.ca.gov/environment/ceqa; *People of the State of California v. City of Fontana* (Super. Ct. San Bernardino County, No. CIVSB2121829); *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

[3] This September 2022 version revises and replaces the prior March 2021 version of this document.

[4] Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

[5] As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers.

[6] Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units) (2020), https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/ (Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide) (last accessed September 18, 2022).

[7] U.S. Dept. of Transportation, Federal Highway Administration, *FHWA Operations Support – Port Peak Pricing Program Evaluation* (2020), available at https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm (last accessed September 18, 2022).

[8] South Coast Air Qual. Mgmt. Dist., *Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, at 7-8, 41 (May 2021).

13% of all retail sales and 2021 being a second consecutive record year for new warehouse space leased.[9] The latest data and forecasts predict that the next wave of warehouse development will be in the Central Valley.[10]

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.[11] Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.[12] The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts and systemic vulnerability. For example, a comprehensive study by the South Coast Air Quality Management District found that communities located near large warehouses scored far higher on California's environmental justice screening tool, which measures overall pollution and demographic vulnerability.[13] That

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[9] U.S. Census Bureau News, Quarterly Retail E-Commerce Sales 4th Quarter 2021 (February 22, 2022), https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf (last accessed September 18, 2022); CBRE Research, *2022 North America Industrial Big Box Report: Review and Outlook*, at 2-3 (March 2022), *available at* https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report (last accessed September 18, 2022).

[10] CBRE Research, *supra note 9*, at 4, 36; New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), *available* at https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html.

[11] California Air Resources Board, Nitrogen Dioxide & Health, https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health (last accessed September 18, 2022) (NOx); California Air Resources Board, *Summary: Diesel* Particular Matter Health Impacts, https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts (last accessed September 18, 2022); Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf (last accessed September 18, 2022) (DPM).

[12] Noise Sources and Their Effects, https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm (last accessed September 18, 2022) (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

[13] South Coast Air Quality Management District, "Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305" (May 2021), at 4-5.

study concluded that, compared to the South Coast Air Basin averages, communities in the South Coast Air Basin near large warehouses had a substantially higher proportion of people of color; were exposed to more diesel particulate matter; had higher rates of asthma, cardiovascular disease, and low birth weights; and had higher poverty and unemployment rates.[14] Each area has its own unique history, but many of these impacts and vulnerabilities reflect historic redlining practices in these communities, which devalued land and concentrated poverty, racial outgroups, and pollution into designated areas.[15]

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically guide warehouse development, we encourage local governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and direct sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take many forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors[16] can help attract investment while avoiding conflicts between warehouse facilities and residential communities. Transition zones with lighter industrial and commercial land uses may also help minimize conflicts between residential and industrial uses.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related general plan elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help

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[14] *Id.* at 5-7.

[15] Beginning in the 1930s, federal housing policy directed investment away from Black, immigrant, and working-class communities by color-coding neighborhoods according to the purported "riskiness" of loaning to their residents. In California cities where such "redlining" maps were drawn, nearly all of the communities where warehouses are now concentrated were formerly coded "red," signifying the least desirable areas where investment was to be avoided. *See* University of Richmond Digital Scholarship Lab, Mapping Inequality, https://dsl.richmond.edu/panorama/redlining/#loc=12/33.748/-118.272&city=los-angeles-ca (Los Angeles), https://dsl.richmond.edu/panorama/redlining/#loc=13/32.685/-117.132&city=san-diego-ca (San Diego), https://dsl.richmond.edu/panorama/redlining/#loc=11/37.81/-122.38&city=oakland-ca (Oakland), https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca (Stockton), https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca (Fresno) (all last accessed September 18, 2022).

[16] In this document, "sensitive receptors" refers to residences, schools, public recreation facilities, health care facilities, places of worship, daycare facilities, community centers, or incarceration facilities.

jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.[17]

Local ordinances and good neighbor policies that set development standards for all warehouses in the jurisdiction are a critical and increasingly common tool that serve several goals. When well-designed, these ordinances direct investment to local improvements, provide predictability for developers, conserve government resources by streamlining project review processes, and reduce the environmental impacts of industrial development. While many jurisdictions have adopted warehouse-specific development standards, an ordinance in the City of Fontana provides an example to review and build upon.[18] Good neighbor policies in Riverside County and by the Western Riverside Council of Government include additional measures worth consideration.[19]

The Bureau encourages jurisdictions to adopt their own local ordinances that combine the strongest policies from those models with measures discussed in the remainder of this document.

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The

[17] For more information about SB 1000, *see* https://oag.ca.gov/environment/sb1000.

[18] https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf (last accessed September 18, 2022).

[19] For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf (last accessed September 18, 2022) (Riverside County); http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId= (last accessed September 18, 2022) (Western Riverside Council of Governments).

information should be in a format that is easy to navigate and understand for members of the affected community.

- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the affected community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community liaison to the surrounding community.
- Requiring signage in public view at warehouse facilities with contact information for a local designated representative for the facility operator who can receive community complaints, and requiring any complaints to be answered by the facility operator within 48 hours of receipt.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per California Air Resources Board (CARB) guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.[20]
- Providing adequate amounts of on-site parking to prevent trucks and other vehicles from parking or idling on public streets and to reduce demand for off-site truck yards.
- Establishing setbacks from the property line of the nearest sensitive receptor to warehouse dock doors, loading areas, and truck drive aisles, and locating warehouse dock doors, loading areas, and truck drive aisles on the opposite side of the building from the nearest sensitive receptors—e.g., placing dock doors on the north side of the facility if sensitive receptors are near the south side of the facility.
- Placing facility entry and exit points from the public street away from sensitive receptors—e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Ensuring heavy duty trucks abide by the on-site circulation plans by constructing physical barriers to block those trucks from using areas of the project site restricted to light duty vehicles or emergency vehicles only.
- Preventing truck queuing spillover onto surrounding streets by positioning entry gates after a minimum of 140 feet of space for queuing, and increasing the distance by 70 feet for every 20 loading docks beyond 50 docks.
- Locating facility entry and exit points on streets of higher commercial classification that are designed to accommodate heavy duty truck usage.
- Screening the warehouse site perimeter and onsite areas with significant truck traffic (e.g., dock doors and drive aisles) by creating physical, structural, and/or vegetative buffers that prevent or substantially reduce pollutant and noise dispersion from the facility to sensitive receptors.
- Planting exclusively 36-inch box evergreen trees to ensure faster maturity and four-season foliage.
- Requiring all property owners and successors in interest to maintain onsite trees and vegetation for the duration of ownership, including replacing any dead or unhealthy trees and vegetation.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Including signs and drive aisle pavement markings that clearly identify onsite circulation patterns to minimize unnecessary onsite vehicle travel.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

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[20] CARB, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted in some scenarios. CARB, Concept Paper for the Freight Handbook (December 2019), *available at* https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf (last accessed September 18, 2022).

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation.[21]
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.
- Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.

[21] CEQA Guidelines § 15369.

- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be hybrid electric-diesel or zero-emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring all heavy-duty vehicles engaged in drayage[22] to or from the project site to be zero-emission beginning in 2030.

[22] "Drayage" refers generally to transport of cargo to or from a seaport or intermodal railyard.

- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of

trucks.

- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound

pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

- Disclosing and considering the significance of short-term noise levels associated with all aspects of project operation (i.e. both on-site noise generation and off-site truck noise). Considering only average noise levels may mask noise impacts sensitive receptors would consider significant—for example, the repeated but short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Planning and enforcing truck routes that avoid passing sensitive receptors.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring preparation and approval of a truck routing plan describing the facility's hours of operation, types of items to be stored, and truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors. The plan should include measures for preventing truck queuing, circling, stopping, and parking on public streets, such as signage, pavement markings, and queuing analysis and enforcement. The plan should hold facility operators responsible for violations of the truck routing plan, and a revised plan should be required from any new tenant that occupies the property before a business license

is issued. The approving agency should retain discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.

- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.
- Using full cut-off light shields and/or anti-glare lighting.
- Requiring submission of a property maintenance program for agency review and approval providing for the regular maintenance of all building structures, landscaping, and paved surfaces.
- Using cool pavement to reduce heat island effects.

- Planting trees in parking areas to provide at least 35% shade cover of parking areas within fifteen years to reduce heat island impacts.
- Using light colored roofing materials with a solar reflective index of 78 or greater.
- Including on-site amenities, such as a truck operator lounge with restrooms, vending machines, and air conditioning, to reduce the need for truck operators to idle or travel offsite.
- Designing skylights to provide natural light to interior worker areas.
- Installing climate control and air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

El Dorado Hills Area Planning & Advisory Committee

March 26, 2024

Board of Supervisors, El Dorado County

Planning Commission, El Dorado County

Tiffany Schmidt, Chief Administrative Officer

Karen Garner, Director Department of Planning and Building

Rafael Martinez, Director Department of Transportation

JOINT SUMMARY REPORT OF THE STANDING ENVIRONMENT AND TRANSPORTATION COMMITTEES

RE: El Dorado Hills Business Park, Gateway El Dorado / Carson Creek R&D Project

BACKGROUND:

The EDH APAC Standing Committees on Transportation and Environment have reviewed the scant public information available for Gateway El Dorado, the "Industrial R&D Park" currently marketed by PacTrust and its subsidiary Pacific Realty Associates. This new warehouse development is identified as "Industrial Wholesale Distribution buildings" comprising six warehouses ranging from 60,000 to 87,000 sq ft GFA, three retail pads, a completed retail building occupied by Tractor Supply, and four other parcels/sites/areas earmarked for future development. Grading and building permits have been issued for two of the warehouses identified as Gateway El Dorado Phase 1, and a J6 pre-approval application was submitted and withdrawn for Gateway El Dorado – Retail with the three retail buildings including two drive-through facilities. Under project number P22-0009, Phase II would include an additional total of 1.1 million square/feet of buildings.

FINDING AND CONCLUSIONS:

After reviewing the potential and likely impacts of this warehouse complex, the consensus of members of both committees is they cannot support this project absent the necessary Transportation Impact Study and Environmental Impact Report from El Dorado County Planning and Building and Department of Transportation staff, and appropriate review and public hearings by the Planning Commissioners and Board of Supervisors.

Foremost in our concern is for this Industrial Wholesale Distribution facility to receive the appropriate assessment required under CEQA. The September 2022 CA DOJ report Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act notably states that *"In general, new warehouse developments are not ministerial under CEQA because they involve public officials personal judgement as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation."*

> **CEQA Guidelines § 15369. MINISTERIAL**
>
> "Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee.
>
> **Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21080(b)(1), Public Resources Code; *Johnson v. State of California*, 69 Cal. 2d 782; *Day v. City of Glendale*, 51 Cal. App. 3d 817.

As a DESCRETIONARY project, Gateway El Dorado must receive full assessment under CEQA statutes. The Environmental Committee is particularly concerned by the lack of any New, Subsequent or Supplemental Impact Reports for projects approved since the creation of the Carson Creek Preserve in 2016. The presence of endangered and threatened species identified by the California Department of Fish and Wildlife is new and significant information not previously included in EIRs completed for projects within the Carson Creek watershed. The impacts of this project must be assessed as Carson Creek and its associated wetlands run through this property and flow downstream into the Carson Creek Preserve.

Committee Members are also concerned that Gateway El Dorado is piecemealed and segmented. As a result, the total scope of the Gateway El Dorado project is not receiving appropriate attention and assessment. The CEQA Guidelines identify that "An EIR must be prepared if the cumulative impact may be significant, and the project's incremental effect, though individually limited, is cumulatively considerable." This is particularly significant when assessing the impacts of emissions and traffic on surrounding businesses and residents.

The El Dorado Hills Transportation Circulation Plan will be significantly impacted by the traffic from this project. The assessment of the cumulative impact must include those projects currently approved, but not completed (Montano Master Plan – Mixed Use, Valley View East Village, Carson Creek Village 11), as well as those likely to be approved in the foreseeable future (Creekside Village, EDH52, Town and Country, EDH SP Mixed-Use Revision, Community for Health, and Independence). Committee members recommend that DOT consider defining specific truck routes to reduce the impact on the surrounding residents.

The Transportation Committee recommends a joint review and planning session with the developer, EDC Planning, and DOT to ensure clear and complete communications.

Similarly, proceeding with the recommended EIR with a scoping meeting to include the developer, EDC Planning, DOT and AQMD, APAC members, and the public will also ensure a clear understanding of the project and facilitate communications.

Accordingly, we recommend the following specific steps:

1. All elements of the PacTrust proposals be consolidated to allow an analysis of the total project.
2. The Director of Planning prepare a report for the Board of Supervisors on the adequacy of existing R&D allowable uses applicable to Warehouse and Logistic Facilities and, as appropriate, update the 2023 Determination zoning letter.
3. The Director of Transportation complete a comprehensive traffic study of the project.
4. A CEQA Environmental Impact Review be prepared for the entire project.
5. The EDC Auditor and Controller be requested to conduct a financial benefit to cost analysis as the overall economic impact of wholesale facilities such as this is not clear.
6. Mitigation measures for impacts on property owners within the Carson Creek Specific and the Valley View Specific Plans resulting from the two buildings currently under construction be identified and required.
7. The Gateway El Dorado project be referred to the Planning Commission to facilitate public review and comment.

Respectfully Submitted,

Bill Jamaca, Chair – APAC Transportation Standing Committee

George Steed, Chair-APAC Environment Standing Committee

El Dorado Hills Area Planning & Advisory Committee

March 25, 2024

John Davey, EDH APAC Chair

John Raslear, EDH APAC Vice Chair

Tim White, EDH APAC Vice Chair

Brooke Washburn, EDH APAC Vice Chair

Robert Williams, Secretary

STANDING ENVIRONMENT AND TRANSPORTATION COMMITTEES REPORTS

RE: El Dorado Hills Business Park, Gateway El Dorado / Carson Creek R&D Project

BACKGROUND:

The EDH APAC Standing Committees on Transportation and Environment have reviewed the scant public information available for Gateway El Dorado, the "Industrial R&D Park" currently marketed by PacTrust and its subsidiary Pacific Realty Associates. This new warehouse development is identified as "Industrial Wholesale Distribution buildings" comprising six warehouses ranging from 60,000 to 87,000 sq ft GFA, three retail pads, a completed retail building occupied by Tractor Supply, and four other parcels/sites/areas earmarked for future development. Grading and building permits have been issued for two of the warehouses identified as Gateway El Dorado Phase 1, and a J6 pre-approval application was submitted and withdrawn for Gateway El Dorado – Retail with the three retail buildings including two drive-through facilities. Under project number P22-0009, Phase II would include an additional total of 1.1 million square/feet of buildings.

FINDING AND CONCLUSIONS:

After reviewing the potential and likely impacts of this warehouse complex, the consensus of members of both committees is they cannot support this project absent the necessary Transportation Impact Study and Environmental Impact Report from El Dorado County Planning and Building and Department of Transportation staff, and appropriate review and public hearings by the Planning Commissioners and/or Board of Supervisors.

As Chairs of the Standing Environment and Transportation Committees, we respectfully submit the attached reports of our respective committees' review and offer our recommendations regarding the Gateway El Dorado Project.

RECOMMENDATIONS:

Open discussions between APAC members and EDC Planning and Transportation are critical to ensure clear understanding of EDC policies, codes and regulations, and also issues, concerns and recommendations of the public. In addition to the ongoing quarterly meetings with the EDC department directors and committee chairs, we recommend joint meetings with the applicant/developer, EDC Planning, and DOT to ensure clear and complete communications, and facilitate an understanding or concerns and issues among all involved.

The attached draft letter containing our Joint Summary Report and the following recommendations regarding the Gateway El Dorado / Carson Creek R&D Project be sent to county officials.

We recommend the following specific actions by County agencies:

1. All elements of the PacTrust proposals be consolidated to allow an analysis of the total project.
2. The Director of Planning prepare a report for the Board of Supervisors on the adequacy of existing R&D allowable uses applicable to Warehouse and Logistic Facilities and, as appropriate, update the 2023 Determination zoning letter.
3. The Director of Transportation complete a comprehensive traffic study of the project.
4. A CEQA Environmental Impact Review be prepared for the entire project.
5. The EDC Auditor and Controller be requested to conduct a financial benefit to cost analysis as the overall economic impact of wholesale facilities such as this is not clear.
6. Mitigation measures for impacts on property owners within the Carson Creek Specific and the Valley View Specific Plans resulting from the two buildings currently under construction be identified and required.
7. The Gateway El Dorado project be referred to the Planning Commission to facilitate public review and comment.

Respectfully Submitted,

Bill Jamaca, Chair – APAC Transportation Standing Committee

George Steed, Chair – APAC Environment Standing Committee

24-1513 Public Comment
ZA Rcvd 09-03-24

APAC TRANSPORTATION STANDING COMMITTEE REPORT
GATEWAY PROJECT TRAFFIC REVIEW – March 2024
Principal Contributors: Bill Jamaca, Jeff Lewis, John Raslear, George Steed, Roger Bailey

APAC Transportation Standing Committee offers the following preliminary analysis, comments, and questions on the *Gateway Projects (Phases 1 and 2).*

PREFACE: Project Scope and Process

The proposed Gateway El Dorado project is a massive Industrial Warehouse Distribution complex in the El Dorado Hills Business Park by PacTrust, a commercial real estate owner and developer headquartered in Portland, Oregon. The potential scope and scale of this distribution project eclipses that of Project Frontier and threaten to bring far more trucks, traffic, and pollution than even the worst-case scenario of an Amazon distribution center.

The full scale of Gateway El Dorado, including the two buildings under construction, will be 1.6M gross square feet of floor area with over 350 loading docks. Project Frontier planned only 152 loading docks to serve 4.8M gross square feet of floor area. Based on the composition of the building this warehouse project apparently will function as a *highly trafficked/high-velocity distribution center* resulting in approximately 3,700 daily vehicle trips. This daily vehicle trip (DVT) number is triple the projection for Project Frontier.

Name	Bldg	# bldg	sq ft	docks	DVT	Road improvements
Gateway	2 story	2 + 4	1.1M	350	3,700	Unknown timing and funding for Carsin Crossing
						No Latrobe Rd widening/improvement
proposed						
						Traffic noise impacts to adjacent properties
area						
Frontier	4 story		2	4.8M	152	1,200 widen Latrobe to 6 lanes/HWY 50 south to
development						

This traffic will initially be forced one of three paths to and from the warehouses, one east to the already impacted Golden Foothill Pkwy/Latrobe Rd intersection (LOS "D") and north to Hwy 50, West on Golden Foothill to Winfield Way/White Rock Road, and third south on the residential collector Carson Crossing Rd. to White Rock Road (which is already perilous and accident-prone intersection). The Carson Crossing route is especially problematic as it bisects and borders Age Restricted Communities.

An extension of Carson Crossing to Latrobe is contemplated, but the timing and funding are unclear. This additional load and intersection will have a significant impact on already impacted Latrobe Rd.

Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas (IE: higher % of senior residents), school zones, or other places where pedestrians are common. The schools in the area and the proposed adjacent fast-food outlets will exacerbate the safety issue.

APAC Preliminary Analysis, Comments and Questions

Increased Traffic Load must be verified and measured

– The developer estimated 3700 Average Daily Trips. This number is consistent with APAC's analysis based on project specifications (attached trip generation doc for reference). This additional load will have significant impact on already impacted Latrobe Rd.

- What is the breakdown of trucks, delivery vans, passenger cars?
- What are the expected hours of operation/shift changes?
- What is the projected growth rate of the facility with respect to the number over the next 5 years or more after completion?
- Will EDC DOT provide current and complete Traffic network LOS study for primary and secondary routes and a "trip destination analysis"?
- How do current EDC CIP projects factor into this project?
    - IE: effect the upcoming Caltrans-EDH HWY 50/Latrobe Interchange project and its LOS design, planned improvements to Latrobe Rd/Golden Foothill, etc.

Traffic Routing must be optimized for flow and safety

- When will Carson Crossing be extended to Latrobe? Phase I or II?
- Who is funding the improvements?
- Will truck traffic be allowed on the Residential Connector Carson Crossing between Golden Foothill and White Rock Road?

Traffic Safety must be addressed through roadway improvements, signage, designated flows, and speed limits

- What proactive mitigations will be put in place to address safety concerns of increased truck traffic?

  Examples:
  - Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and off residential connector roads.
  - Installing signs in residential areas noting that truck and employee parking is prohibited.
  - Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.

- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as traffic calming measures, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that are not currently impacted.
- Restricting the turns trucks can make entering and exiting the facility.
- Constructing roadway improvements to improve traffic flow.
    - E.G. Interconnecting all traffic signals on Latrobe Road for better "free flow" of traffic.

- What will be the impact of the CHP, Sheriff, EDHFD in terms of response and costs?

Truck, and other vehicle, parking must be addressed through roadway improvements and enforceable parking restrictions

- Warehouse/Distribution facilities have a chronic parking issue that affects surrounding areas. There must be restrictions on location, hours, and noise for parked vehicles.

APAC TRANSPORTATION STANDING COMMITTEE CONCLUSIONS

The EDHAPAC Transportation Standing Committee does not support the Gateway EDH project as defined due to significant Traffic load, congestion, routing, parking, and safety concerns.

As there are many open questions that need to be addressed by both the developer and the county, the EDHAPAC Standing Committee on Traffic recommends a joint review and planning session with the Committee, the developer, and EDC Planning and DOT departments to ensure clear and complete communication.

APAC ENVIRONMENT STANDING COMMITTEE REPORT

GATEWAY EL DORADO/CARSON CREEK R&D PROJECT ENVIRONMENTAL REVIEW

Principal Reviewers: Janet Kuenzi, Melinda Peak, George Steed, David Yin, plus anonymous contributors

PROJECT APPLICATION INCONSISTENCY WITH BASE-LEVEL CEQA REQUIREMENTS

The Gateway El Dorado/Carson Creek R&D project in El Dorado Hills proposes to build at least 1.25 million square feet of Industrial Wholesale Distribution buildings in a new logistics facility located along the west side of Latrobe Road and the north side of Golden Foothills Parkway. This e-commerce center includes six other parcels, one with two warehouse/distribution buildings totaling just under 150,000 square feet at Golden Foothill Pkwy and Carson Crossing Dr under construction now. Four other parcels include a completed large retail hardware supply store, a second retail building and two drive-through restaurant buildings, all sharing a single access driveway just 200 feet from the congested Robert J Mathews Pkwy/Latrobe Rd intersections.

Trip generation estimates provided by the developer identify 3,700 daily vehicle trips to and from the warehouse and, therefore, a large quantity of emissions. Among other pollutants, diesel trucks and other motor vehicles emit nitrogen oxides (which are primary precursors to smog and a significant factor in developing respiratory problems like asthma, bronchitis, and lung irritation) and toxic diesel particulate matter (which contributes to cancer, heart disease, respiratory illnesses, and premature deaths).

These warehouses are located within one mile of seventeen parks/recreation/exercise facilities, twelve schools, three churches, two senior care facilities, and two senior communities totaling over 2,000 residents, all of which the State of California identifies as "sensitive receptors". Within a wider two-mile radius is a population of over 6,000 residents, and current development proposals identify over 6,000 new homes with over 13,000 residents.

CEQA BASELINE: Environmental Impact Review (EIR) is not being pursued for approval. As stated in the El Dorado County Planning Permit Procedures Code Title 130 Article 5 Section 130.52.021 B 1: "The approval of a Conditional Use Permit is a discretionary project and is subject to the requirements and procedures of CEQA." EDH APAC examined the consistency of the applicant's assertion with the requirements of CEQA Guidelines Section 15162. "The County must determine whether the proposed changes to the proposed project trigger the need for a subsequent EIR." Specifically, "a new CEQA EIR is required when new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete." Additionally, the California Department of Justice states in the September 2022 *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* that "new warehouse developments are not ministerial under CEQA [Guidelines § 15369] because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation."

As a discretionary project, the Gateway El Dorado/Carson Creek R&D project applicant must conduct studies to inform decision-makers and the public whether the project results in significant environmental impacts. With the heavy-duty truck trips and their associated diesel exhausts, a

project of this scale is known to have significant environmental impacts that cannot be mitigated (https://www2.arb.ca.gov/resources/overview diesel-exhaust-and-health).

Based on the review and additional information sources identified herein, these findings are new and significant and require a New, Subsequent or Supplemental Impact Report under CEQA Sections § 15162, 15163, and 21166. The GATEWAY EL DORADO project, a new warehouse project as defined by the State of California, Department of Justice, is not ministerial under CEQA Guidelines § 15369.

BIOLOGICAL FINDINGS REVIEW

BACKGROUND: EDH Business Park development relies on 25+ year-old negative environmental impact findings. Carson Creek flows through the Gateway El Dorado project and into the Carson Creek Preserve created on May 16, 2016, by the US Army Corps of Engineers and California State Department of Fish and Wildlife Permits and Agreements. To date, EDC has not reviewed the environmental impact of any El Dorado Hills Business Park project on this Federal and State protected wetlands Preserve.

This review uses the draft Carson Creek Preserve Long-term Management Plan written by HELIX Environmental (June 15, 2021). The US Army Corps of Engineers and the California Department of Fish and Wildlife required long-term monitoring and management of the wetlands in response to unauthorized streambed alteration and later mitigation by the project developer, Lennar. This Plan identifies Significant Species, Rare Species, and Species of Special Concern that inhabit the Preserve and within the surrounding five-mile radius. The Heritage El Dorado Hills Master Association has succeeded Lennar as owner of the designation Preserve and surrounding Open Space Parcels, and Golden State Land Conservancy will assume Management of the Preserve under the terms of the Conservation Easement. HELIX is a respected and credible expert that EDC has historically used. None of the parties responsible for authorizing or executing the Plan (including the California Department of Fish and Wildlife) the Preserve Biological Resources identified by Helix, and those findings are the primary basis of this APAC review and conclusions.

Among the methods used were field survey observations, a review of data from the California Natural Diversity Database (CNDDB), a review of endangered and threatened plant species provided by the California Native Plant Society (CNPS), and a review of endangered and threatened species information maintained by the USFWS.

The HELIX Environmental report was provided to an EDC senior planner on January 6, 2022, with a confirmed receipt that the study was under review on January 22, 2022. Earlier studies conducted by HELIX (under its previous name Foothills Associates) were reviewed by APAC to determine consistency. The El Dorado County Planning Department has possession of these same documents. EDC Planning has not taken any action beyond acknowledging receipt of this information. A secondary source of information is the findings authored by ESA for the withdrawn Project Frontier proposal (CUP22-0016). The biological study also verifies the presence of special status species within a radius that includes the EDH Business Park.

BIOLOGICAL FINDINGS:

HELIX substantiated the field observation of special species within the Carson Creek Preserve and nearby locations within a five-mile radius, including the GATEWAY EL DORADO site. HELIX confirmed the presence of targeted species, including the burrowing owl, white-tailed kite, tricolored blackbird, and western pond turtle; observed migratory birds, including the northern mockingbird, mourning dove, turkey vulture, cliff swallow, morning harrier, red-winged blackbird, and western scrub-jay as well as various plant species and dozens more within five miles. In short, the Carson Creek Preserve is a rich environment that deserves all protection measures. The study concluded that there is a significant impact and strict mitigation measures need to be followed. THE CONFIRMED PRESENCE OF ANY OF THESE SPECIES REQUIRE A SUBSEQUENT OR SUPPLEMENTAL IMPACT REPORT IN ACCORDANCE WITH CEQA GUIDELINES.

The ESA study concludes that thirteen special status species had a high to medium potential to occur in the project site. Specific mitigation actions were suggested to limit impacts on migrating birds and other species.

OTHER BIOLOGICAL ENVIRONMENTAL ISSUES

In addition to the biological findings, the following summarizes other issues that should be considered in denial of the GATEWAY EL DORADO project until a new, subsequent, or supplemental CEQA EIR is concluded:

ISSUE 1: ADJACENT BIOLOGICAL SYSTEMS:

EDH Business Park GATEWAY EL DORADO project is immediately upstream from the federal and state-protected Carson Creek Preserve.

ISSUE 2: GENRAL WILDLIFE IMPACT

In addition to special status species, the GATEWAY EL DORADO project is the home for other wildlife such as beavers, coyotes, foxes, mice, squirrels, bobcats, and skunks are present and many non-manual species. Grasslands, wetlands, and trees like protected Oak Trees are present on the site. No assessment of impact nor provisions for mitigation have been identified or published.

ISSUE 3: WATER RUNOFF, SPILLS and PHYSICAL POLLUTION

In addition to these biological findings, the scale of GATEWAY EL DORADO project and impervious parking and roadway surfaces, will increase the water runoff affecting the downstream watershed of Carson Creek Preserve. This runoff presents a significant risk of erosion and sedimentation, identified expticitly as concerns requiring ongoing monitoring and maintenance by the Carson Creek Preserve Owner (the Heritage El Dorado Hills Master Association) and Manager.

The high volume of truck trips will significantly increase the potential for water runoff from the site to carry diesel fuel, motor oil, hydraulic fluid residue, and particulate matter from vehicle exhaust and tires beyond that foreseen for other allowed uses of the site. Paper and plastic trash remnants, including bags, wrapping, and packing materials resulting from the unloading, unpacking, repacking, and loading of goods, have the potential to be carried by wind and water into the Preserve. These short- and long-term environmental impacts must

be assessed, and measures identified to mitigate the effects on the ecologically sensitive Carson Creek Preserve.

ISSUE 4: FAILURE TO ENGAGE CARSON CREEK PRESERVE PARTIES OF INTEREST

The applicant has not consulted any of the stakeholders responsible for preserving regional biological integrity. GATEWAY EL DORADO parcels lie just across Golden Foothill Pkwy from the designated Carson Creek Preserve and Carson Creek flows through the GATEWAY EL DORADO project. Those are also protected wetlands of Carson Creek. The landowner of the Preserve is the Heritage El Dorado Hills Master Association. This senior community association is bound to take the measures necessary to protect the integrity of these wetlands. The Golden State Land Conservancy is designated as the Carson Creek Preserve manager. The U.S. Army Corp of Engineers has jurisdictional oversight as a designated federal government waterway. The California Department of Fish and Wildlife protects these wetlands and species of special interest,

AIR QUALITY ANALYSIS DEFICIENCIES AND REQUIRED STEPS

When analyzing cumulative impacts, the Gateway El Dorado project should thoroughly consider its incremental impact in combination with the past and current conditions (a US Clean Air Act requirement) and reasonably foreseeable future projects in the areas other than its own warehouses, even if the project's individual impacts alone do not exceed the applicable significance thresholds.

The steps to establish the past and current conditions include:

1. The past and current air quality measurement data for gaseous and particle pollutants, such as nitrogen oxides, ozone, and speciated particulate matter (to show past and present pollution levels) for at least five consecutive years. Ideally, these measurements should be done in the adjacent communities with the US Environmental Protection Agency-certified instrumentation and meet the measurement site requirements.
2. A survey of current and future air pollutants and their precursors' emissions in the areas including the vehicle miles traveled from motor vehicles/trucks to the warehouses operations by calculating trip length based on likely destinations.
3. Multiple-year local meteorological data, observational and model generated, site-specific for the project area.

The project needs to prepare quantitative air quality studies to demonstrate the pollution levels once warehouses are built and fully operational. These studies should include, but not be limited to:

1. State-of-the-art dispersion modeling of diesel particulate matter and other pollutant hotspots due to the project.
2. State-of-the-art chemical transport modeling to demonstrate National Ambient Air Quality Standards for criteria pollutants will not be violated due to this project.

NOISE IMPACTS ANALYSIS AND MITIGATION

Noise associated with logistics facilities (diesel truck movement, rooftop air conditioning units), exacerbated by 24/7 operations, can be most intrusive to nearby sensitive receptors. A noise impact analysis considering all reasonably foreseeable noise including short-term noise and off-site truck generation is needed as well as assessment of the cumulative impact above ambient noise levels. Considering only average noise levels may mask the true impact of short-term noise on nearby receptors, particularly that occurring at night.

HEALTH RISK ANALYSIS BASELINE AND DIESEL DEATH ZONES

The Gateway El Dorado/Carson Creek R&D project needs to prepare a quantitative health risk assessment in accordance with the California Office of Environmental Health Hazard Assessment. It should include, but not limited to:

1. Cancer risk due to the project in El Dorado Hills and nearby communities and schools.
2. Cardiopulmonary disease risk attributed to the project.
3. Asthma attacks and other hospitalizations are attributed to the project.

The project needs to incorporate the public health costs based on the quantitative health risk assessment into its economics analysis to give a full picture of the project's economic impacts.

CULTURAL RESOURCES REVIEW

CEQA requires assessment for archeological and historical sites. Places along Carson Creek have previously been identified as culturally significant locations. Previous assessments or surveys should have been included as public records of previous actions to create the El Dorado Hills Business Park and for subsequent actions to establish General Plans, and establish zoning of those sites, including the parcels identified in the Carson Crossing R&D proposal, and the parcel for the two warehouses currently under construction.

The Environmental Questionnaire submitted by the applicant identified no knowledge of such artifacts. What research has been done or is planned to be done to confirm that assessment? In particular, the applicant notes the site was previously graded. Permits for that grading should have included CEQA required assessment and documentation. Was that assessment conducted, recorded, and kept as a public record?

Correspondence with the North Central Information Center of the California Historical Resources Information System in 1982 identified the area included in the then proposed Business Park to range in sensitivity from moderate to high in sensitivity for both prehistoric and historic resources, and drainage areas adjacent to White Rock and Latrobe roads (Carson Creek) highest in such sensitivity.

A site survey conducted in 1983 for the proposed EDH Business Park found evidence of Native American habitation in an area described as proposed for a golf course. Exhibit B of the recorded CCRs for the EDH Business Park (the Design Guidelines) shows a golf course on the parcels identified for the PacTrust Gateway El Dorado Project.

A CEQA Impact Review must, at a minimum, include assessment of ALL previous investigations and surveys and should evidence of artifacts be found, a full survey of the property must be conducted with consultation with Native American representatives, as required by law.

CITIZEN AND AGENCY ENGAGEMENT

The project should actively engage the community via meetings, posts, etc., and allow ample opportunities for residents to provide suggestions and address concerns. Reliance on public access to the County's eTRAKiT system is not adequate to engage and inform community residents. The Gateway El Dorado Industrial Wholesale Distribution warehouse project has such scale and broad impact to El Dorado County that only an open and transparent approval process affording citizens the ability to review, and comment is acceptable.

The Planning Director's June 12, 2023, Determination – Fulfillment Center/Heavy Distribution/Parcel Hub Uses must be revisited to incorporate the CA DOJ September 2022 *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*. As noted in this document, e-commerce/logistics warehousing facilities cannot be approved ministerially, but require CEQA assessment of impacts that includes an approval process that provides a FULL, OPEN PROCESS FOR PUBLIC REVIEW AND COMMENT. An INTERPRETATION of the El Dorado County Zoning Ordinance is not adequate to correct the gaps in zoning and uses for these facilities..