



PC 2-13-20
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Planning Department <planning@edcgov.us>

46 pages

Central El Dorado Hills Specific Plan Project File Nos. A14-0003, SP12-0002, Z14-0005, SP86-0002-R, PD14-0004, TM14-1516, DA14-0003

1 message

Wayne Haug <whaug@yahoo.com>

Wed, Feb 12, 2020 at 12:20 PM

To: "planning@edcgov.us" <planning@edcgov.us>, "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>

Planning Department/Commission and Board of Supervisors - Attached is a PDF of Thomas P. Infusino, Esq.'s comments relating to the inadequate responses on the CEDHSP DEIR. Also, I would incorporate by reference the El Dorado Hills Area Planning Advisory Committee's response dated January 6, 2020 to the CEDHSP. A copy is also attached.

These documents, along with the other comments you have received requesting denial (I also incorporate them by reference), support the denial of the subject project. These comments contain adequate findings of fact to overwhelmingly show that the CEDHSP is not consistent with the general plan. The environmental impacts can not be mitigated and the overriding considerations are inadequate.

If the applicant, Serrano Associates, wants to show good faith in negotiating the sale of the old El Dorado Hills Golf Course portion of the CEDHSP to the El Dorado Hills CSD, then they should withdraw the subject application.

SOS EDH - Save Open Space in El Dorado Hills - Wayne Haug

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2 attachments

Parks not Parker Comments on the CEDHSP DEIR.pdf
895K

APAC Denial of CEDHSP.pdf
401K

To: El Dorado County Board of Supervisors

From: Thomas P. Infusino, Esq.

Re: Inadequate Responses to Comments on the CEDHSP DEIR

Date: 11/21/19

I. Background

Parks not Parker 2.0 made a detailed comment on the DEIR for the Central El Dorado Hills Specific Plan in February of 2016: over three and a half years ago. That comment covered a number of specific issues of great concern to people who live and work in El Dorado Hills. Recently the County released a Final EIR in which the County, at long last, responds to those comments. Below we identify the County's inadequate responses to those comments. Below we remind the Board of Supervisors that the failure to properly respond to comments on the DEIR, in and of itself, is a serious violation of the California Environmental Quality Act (CEQA). In addition, by failing to fix the flaws in the DEIR pointed out by the comments, the County is choosing to leave in place those additional CEQA violations. **Please review all the responses to comments prepared by your planning staff and consultants, and correct the inadequate responses.**

II. Written responses to comments must meet standards.

CEQA has clear requirements for responding to comments on a DEIR. (CEQA Guidelines, sec. 15088.) "The lead agency shall respond to comments raising significant environmental issues received..." "The written response **shall describe the disposition of significant environmental issues raised.**" "[W]hen the lead agency's position is at variance with recommendations and objections raised in the comments" the response "must be addressed in detail **giving reasons why specific comments and suggestions were not accepted.** (*Ibid.*; see also *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918.) When provided with examples of mitigation measures implemented elsewhere, an agency must either implement them or explain why not. (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1173.) **There must be good faith, reasoned analysis in response. Conclusory statements unsupported by**

factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment.” “The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR.” (CEQA Guidelines, sec. 15088.)

From its earliest days to the present, over four decades of CEQA case law has noted the importance placed on adequate responses to comments. Where comments cause concern that the agency may not have fully evaluated the project and its alternatives, these comments may not simply be ignored. “There must be good faith, reasoned analysis in response.” (*People v. County of Kern* (1974) 39 Cal.App.3d 830, 841-842.)

CDF’s response to a comment regarding the efficacy of a mitigation measure was inadequate where it contained no analysis of the issues, contained no specific information justifying the rejection of the concern, and referenced a report that was unavailable. (*Environmental Protection Information Center, Inc. v. Johnson* (1985) 170 Cal.App.3d 604.) “In keeping with the statute and guidelines, an adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible. (*San Francisco Ecology Center v. City and County of San Francisco* (1975) 48 Cal.App.3d 584, 596 [122 Cal.Rptr. 100]; *Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist.*, supra, 24 Cal.App.4th at pp. 841-842.) While the response need not be exhaustive, it should evince good faith and a reasoned analysis. (*San Francisco Ecology Center*, supra, 48 Cal.App.3d at p. 596; Guidelines, § 15088, subd. (b).)” (*Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029.)

Ignoring non-duplicative public comments is prejudicial error. (*Environmental Protection and Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.App.4th 459.) An inadequate response to even one substantive comment can be enough to justify a writ of mandate remanding the decision to the lead agency. (*Gallegos v. California State Board of Forestry* (1978) 76 Cal.App.3d 945, 952-955.)

The requirements can be summarized as follows. First, **there must be a response** to the comment. Second, **the response must be in writing** in the EIR. Third, the response must **describe the disposition of the issue** raised. Fourth, a detailed comment must have a response **at the same level of detail**. Fifth, the response must include **reasons when suggestions in the comments were not accepted**. Sixth, there must be **good faith, reasoned analysis** in response. Conclusory statements not **supported by factual information** will not suffice. Below we identify a partial list of the responses to comments on the CEDH DEIR that do not meet CEQA standards.

III. Partial List of Inadequate Responses.

Response I-11-5: The response fails to correct the aesthetics analysis. The analysis indicates that the impact is not significant, because the degraded views of the development in the project will look similar to the other degraded views of surrounding developments. That is the wrong analysis. The correct question to ask is will the existing view of the vegetation on the former golf-course be significantly degraded by the development. This impact is greater because there are so few expanses of vegetated open space remaining in the area. This impact is greater because the adjacent residents who view the area chose to live in the area in part because it provides a view of vegetated open space.

Response I-11-7: This response dismisses the comment as addressing community character. Actually, the comment goes to the significance of the aesthetic impact. Economic effects can be used to evaluate the significance of a physical impact. (CEQA Guidelines, 15131.) The commenter's point is that people have paid a premium to live in the Serrano planned community based in part upon the proximity to the vegetated open space, whether it is operated as a golf course or not. The Final EIR should have considered whether the declines in value associated with the loss of this open space are sufficient to characterize the aesthetic impact as significant.

Response I-11-9: The response refuses to acknowledge CEQA case law rejecting the notion that additional impacts cannot be discounted simply because the area is already highly impacted. In fact, the concerns raised by people in the community make it clear that the opposite is true. The

existing aesthetic degradation makes the additional degradation from the proposed project more significant.

Response I-11-13: The response is not responsive to the comment. The comment asked what analysis supported the notion that there was sufficient mature vegetation to aid in reducing glare along Panela Way, where aerial views distinctly reveal a lack of mature vegetation to reduce glare. The response did not answer that question. The response is general in nature, and does not reflect the level of detail in the comment.

Response I-11-23 & I-11-24: These responses fail to provide the evidence of mitigation effectiveness requested in the comment, but do not explain why. Response I-11-23 says that air quality management “is assumed to be effective.” Response I-11-24 says that mere initial approval of the County’s air quality plan by ARB demonstrates that it has performed adequately, but that is not logical. Initial approval of a plan does not guarantee its effective implementation over time. The response to I-1-18 references a program that includes at least one onsite inspection followed by random inspections and “dust patrol”. Presumably, those inspectors could provide insight on the effectiveness of the mitigation efforts. Are contractors diligent in meeting standards, or does diligence vary. Are applicants accurate in the documentation of compliance they self-provide to the AQMD? Is the documentation verified for accuracy? Are fines issued for violations, and do they result in future compliance? What is the volume of complaints, and have they increased or decreased over time? However, the response provides no such factual information about the application or effectiveness of the air quality mitigation measures in practice.

Response I-11-26: The response is not at the level of detail of the comment. The comment is concerned about the validity of the monitoring data, and asks for the location of the specific monitoring stations that produced it. Rather than answering the question, the response is evasive: “the closest monitoring stations to the project that are representative of conditions at the site.” This is not a good faith response.

Response I-11-27: The comment asks for evidence regarding the past effectiveness of local asbestos control mitigation. The response refers to Mater Response 3 and to Response to Comment I-7-3. Response I-7-3 indicates that the existing rule has been in place since 2005, and that prior policies and ordinances were in place since 1997 and 2004. The Master Response provides examples of how the local rule is stricter than other similar rules. However, despite all the experience implementing local rules and policies for over two decades, from 1997 to 2019, there is not a single reference to any factual information documenting the effectiveness of these mitigation measures. Do inspections demonstrate that best management practices are uniformly implemented or not? Have some contractors been fined for violations or not? Have fines resulted in subsequent corrections or not? This critical information about the potential air pollution impact of the project is conspicuous by its absence. No local government can make a valid and meaningful finding regarding the air pollution impact of the proposed project without this critical information regarding the effectiveness of this mitigation. The County's omission of this information from the EIR is a prejudicial abuse of discretion.

I-11-30: The response does not respond to the comment. Also, because it is factually incorrect, and based upon faulty logic, the response is not in good faith. The comment claims that the project does not contribute wastewater treatment plant odors because it produces domestic wastewater. There is no evidence presented, nor could there be, that sewage effluent from El Dorado Hills has no odor. Actually, the opposite is true. The project will contribute to WWTP odors because it will be contributing additional wastewater to the plant. Thus, the impact needs to be assessed under CEQA, and the substantial contribution to the significant impacts will need to be mitigated. The County can and should not allow construction of the affected buildings until the odor reduction improvements are in place.

The County can and should require the project applicant to enter into an agreement with EID to complete the odor reduction improvements by a time certain consistent with the phased development of the project. This is no different than routinely applied project conditions requiring agreements between developers and utilities to ensure the timely availability of water and sewer service to a development project.

Also, the comment asked for the timing of the odor reduction improvements relative to the buildout of the development. The response claims that the timing of the odor reduction measures “is not relevant to the analysis of the proposed project.” Actually, the timing of the odor reduction improvements relative to the buildout of the project is critical to its effectiveness in reducing the odors experienced by residents. If the residences are built and occupied before the odor reduction measures are in place, the residents will experience the offensive odors.

Response I-11-42 (also by reference I-11-92): Because this response does not give a proper explanation for rejecting an alternative, it is not in good faith. The comment asked for an alternative that eliminated the 50,000 square feet of C-LC “Civic-Limited Commercial” designation.

First, the response quibbles with the notion that a retail component might be involved. That is not responsive to the comment requesting consideration of an alternative.

Second, the response suggests that the burden is on the commenter to produce data that the suggested alternative would substantially reduce significant impacts. This is incorrect. As the DEIR makes clear, the significant air quality and traffic impacts of the project are a direct result of the amount of development. Reducing the amount of development would reduce the amount of impact. The burden rests with the County to provide facts and reasons why a proposed alternative need not be evaluated in the EIR. The response does not provide those facts and reasons.

Response I-11-45: The response indicates that the fugitive dust and NOA plans will be prepared in accordance with AQMD rules when the exact location of construction activities are known. The plans will apply a selection of Best Management Practices, and be implemented at the time of construction. However, the response goes on to note that, “there is no requirement that these plans be submitted to the public for review.” This is incorrect.

"The CEQA process demands that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena." (*Oro Fino Gold Mining Corporation v. County of El Dorado* (3d Dist. 1990) 225 Cal.App.3d 872, 884-885.) While the proposed dust control plan meets other criteria

justifying deferral of the mitigation plan, it fails to ensure that the key environmental decision (which air pollution mitigation measures actually get applied to the project) is actually made in an accountable arena. A plan approved by staff, behind closed doors, without public notice and comment, is not “made in an accountable arena.” The County can and should provide public notice of the proposed dust control plan, and allow for public comment on the plan, prior to AQMD approval of the plan. It is feasible for the County to make such an agreement with the AQMD, as the County Board of Supervisors the AQMD Board are composed of the same people.

The response also makes the conclusory statement that there is no demonstrated need for posting a bond to ensure performance of the BMPs. The County provides no evidence to support this statement. The commenter repeatedly requested evidence explaining the reliability of implementation and the effectiveness of BMP’s based upon the County’s decades of experience implementing them. However, the County has repeatedly refused to provide such evidence. In the absence of such evidence, some other assurances are needed that the BMPs will be implemented. A performance bond is feasible. Performance bonds are the typical way that developments receive final approvals in advance of the performance of necessary conditions such as the installation of required infrastructure.

Response I-11-47: The response is not responsive to the question. The comment asked about the record of compliance with Fugitive Dust Control Plan requirements by the project applicant in its other local developments. Rather than respond to the question, the County states that no dust control plans have been applied for with regard to the proposed project. Again, the County refuses to provide relevant information about the past effectiveness of its mitigation program, and the past compliance by the applicant in question. It is a prejudicial abuse of discretion to withhold this information from decisionmakers and the public.

Response I-11-61: The response is conclusory. It concludes that mitigation will reduce the impacts of blasting to a level of insignificance without any study to support this conclusion. The site-specific study can be deferred until a construction plan is in place. The mitigation plan can be deferred until the study is complete. However, prior to the study and the mitigation plan, it is

premature to conclude that the impact of blasting in a residential area at 8 am on weekends will be mitigated to a level of insignificance.

Response I-11-66: The response does not respond to the comment, and distorts the impact analysis to minimize the impact. This is not a good faith response. The comment properly refers the impact in question, which is the significance of the increased population growth for the already highly populated El Dorado Hills area. The response does not evaluate the effect of the increase in population in the El Dorado Hills area. Instead, it evaluates the increase in population relative to population growth countywide. This deceptively minimizes the cumulative impact of additional population growth in the already highly populated El Dorado Hills area.

Response I-11-73: The response does not explain why the suggestions in the comment were not accepted. The comment notes both traffic safety and traffic circulation problems that could be relieved with a better intersection design. The response indicates that the safety issue is not supported by evidence, since the final design would have to meet County safety standards. The response does not explain why the proposed modifications suggested by the commenter would be infeasible.

Response I-11-76: The response does not respond to the detailed issues presented by the comment. The response does not address the need for safe pedestrian and bicycle travel in the parking lot which will have its internal circulation system converted into a through traffic connecting road to the new development. The response does not address the question of who will pay for the circulation “improvement” in the shopping center parking lot, and if the owners of the shopping center have agreed to the “improvements.” This is important information that must be disclosed in the EIR to demonstrate the feasibility and effectiveness of the County’s proposed mitigation measures.

El Dorado Hills Area Planning Advisory Committee



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January 6, 2020

El Dorado Hills Area Planning Advisory Committee 2019 Central El Dorado Hills Specific Plan Subcommittee Report

Volunteer members of the El Dorado Hills Area Planning Advisory Committee Central El Dorado Hills Specific Plan Subcommittee (EDHAPAC Subcommittee) offer this report of our review of the Central El Dorado Hills Specific Plan project (CEDHSP) submitted by Serrano Associates LLC.

El Dorado County Project Numbers:

General Plan Amendment **A14-0003**
Specific Plan Amendment **SP12-0002**
Rezone **Z14-0005**
Specific Plan Amendment **SP86-0002-R**
Planned Development **PD14-0004**
Tentative Subdivision Map **TM14-1516**
Development Agreement **DA14-0003** Central El Dorado Hills Specific Plan

The El Dorado Hills Area Planning Advisory Committee (EDHAPAC) would like to thank the project applicants for their continued dialog, and commitment to informing and educating the El Dorado Hills Community about their proposed project.

EDHAPAC would also like to thank the El Dorado County Planning and Building Department, and the El Dorado County Planning Commission for their kind assistance as we reviewed thousands of pages of project documents dating from 2012 to 2020.

From the County of El Dorado Planning Commission Legistar File 19-1670 :

Request to consider General Plan Amendment A14-0003/Specific Plan Amendment SP12-0002/Rezone Z14-0005/Specific Plan Amendment SP86-0002-R/Planned Development PD14-0004/Tentative Subdivision Map TM14-1516/Development Agreement DA14-0003/Central El Dorado Hills Specific Plan submitted by Serrano Associates, LLC for the proposed Central El Dorado Hills Specific Plan (CEDHSP) consisting of the development of Serrano Westside planning (234 acres) and Pedregal planning areas (102 acres). The project is based on the following entitlement requests:

(A) General Plan Amendments:

(1) An amendment to the County General Plan Land Use Map designation of subject lands in the CEDHSP from High Density Residential, Multifamily Residential, Commercial, Open Space, and Adopted Plan-El Dorado Hills Specific Plan (AP-EDHSP) to Adopted Plan-Central El Dorado Hills Specific Plan (AP-CEDHSP) and CEDHSP land use designations Village Residential-Low, Village Residential-High, Village Residential Medium-High, Village Residential Medium-Low, Civic-Limited Commercial, Open Space, and Community Park; and

(2) An amendment to the County General Plan Land Use Map designation of transferred lands approximately 136 acres in AP-EDHSP as Open Space in CEDHSP;

(B) El Dorado Hills Specific Plan (EDHSP) Amendments:

(1) An amendment to the EDHSP to transfer approximately 142 acres (currently within Serrano Village D-1, Lots C and D and a portion of open space by Village D2) affecting portions of Assessor's Parcel Numbers 121-040-20, 121-040-29, 121-040-31, and 121-120-24 from the EDHSP area to the CEDHSP area; and

(2) An amendment to the EDHSP to transfer a total of approximately 0.50 acre affecting a portion of Assessor's Parcel Number 121-160-05 from the former Executive Golf Course area to the EDHSP area;

(C) Specific Plan Adoption:

Adoption and implementation of a comprehensive plan (CEDHSP) regulating the development and management of up to 1,000 dwelling units, 11 acres of civic-limited commercial use, approximately 15 acres of public community park, one acre of neighborhood park, and approximately 174 acres of natural open space. The CEDHSP adoption includes adoption of its Public Facilities Financing Plan;

(D) Rezone:

(1) Rezone existing zoning districts from Single Unit Residential, Single Unit Residential-Planned Development, Multi Residential, Recreational Facility, High Intensity, and Open Space to CEDHSP zone districts Multi-family Residential-Planned Development Medium Density and High Density, Single-Family Residential-Planned Development, Civic-Limited Commercial-Planned Development, Community Park, and Open Space-Planned Development; and

(2) Rezone existing zoning district of transferred lands in AP-EDHSP as Open Space-Planned Development;

(E) Large Lot Tentative Subdivision Map:

Division of the CEDHSP plan area into six large lots for purposes of sale, lease, or financing of the development within the specific plan area;

(F) Planned Development Permit: Establishment of a Development Plan for the proposed CEDHSP development that includes construction of up to 1,000 dwelling units if age-restricted housing is provided, up to 50,000 square foot of limited commercial or civic uses, and establishment of approximately 51 percent of the site for open space area and park uses; and

(G) Development Agreement: Enter and execute a Development Agreement between the County of El Dorado and Serrano Associates, LLC for the CEDHSP.

The property, identified by Assessor's Parcel Numbers 121-160-005, 121-040-020, 121-040-029, 121-040-031, 120-050-001, 120-050-005, 121-120-024(portion), consisting of 336 acres, is located in the El Dorado Hills Community Region and is adjacent to El Dorado Hills Boulevard north of US 50. The proposed Serrano Westside planning area is east of the El Dorado Hills Boulevard and Serrano Parkway intersection. The proposed Pedregal planning area is west of El Dorado Hills Boulevard between Wilson Boulevard and Olson Lane, adjacent to the Ridgeview subdivision, Supervisorial District 1.

General Plan Consistency Findings, plus CEQA Findings of Fact and Statement of Overriding Consideration

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee has serious concerns regarding the General Plan Consistency Analysis ([Legistar I – Attachment 6-General Plan Consistency Analysis PC 11-14-19](#)). Many elements of the analysis seem to selectively cite individual portions of specific elements, policies, and goals of the General Plan, while ignoring other elements, policies, and goals that the project fails to be consistent with. A majority of these findings of consistency appear to be rather subjective. In one particular instance, the finding that the proposed CEDHSP is an "infill project" is pointedly inconsistent with General Plan Land Use Element Policy 2.4.1.5

Policy 2.4.1.5

The County shall implement a program to promote infill development in existing communities.

A. Projects site must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

B. Project sites may not be more than five acres in size and must demonstrate substantially development has occurred on 2 or more sides of the site.

C. Project site has no value as habitat for endangered, rare or threatened species.

D. Approval of a project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

E. The site can be adequately served by all required utilities and public services.

The CEDHSP is a 336 acre project - as such, it is over 67 times larger than the General Plan definition of an infill project being no more than 5 acres. Even if divided into two separate projects, both the Pedregal Planning Area and Serrano Westside Planning Area, at 102 acres, and 234 acres, exceed the General Plan definition that infill "*project sites **MAY NOT** be more than 5 acres in size*".

In Legistar file [K - Attachment 8-CEQA Findings of Fact and Statement of Overriding Considerations](#), **Section 4 Significant Effects that Cannot be Mitigated to a Less-than-Significant Level**, cites air quality, cultural resources, and greenhouse gas emissions as impacts that cannot be mitigated, which is in conflict with the specific language of General Plan Land Use Element Policy 2.4.1.5 D for Infill Development.

Volunteering as a member of the EDHAPAC Subcommittee, El Dorado Hills resident John Richard submitted his public comments to the El Dorado Planning Commission on December 6, 2019 via email [Re: Objection to CEDHSP, General Plan Amendment, Zoning Change](#), which the EDHAPAC Subcommittee incorporates by reference (attached as 2Exhibit_JRichard_CEDHSP Objections.pdf)

Additionally El Dorado Hills resident, and EDHAPAC Subcommittee volunteer member Nancy Kniffin-Jennings has submitted a very thorough review of the CEDHSP that finds significant shortcomings with the General Plan Consistency Findings. The EDHAPAC Subcommittee also incorporates by reference her review (attached as 3Exhibit_NKniffin-Jennings_CEDHSP.pdf)

The EDHAPAC Subcommittee finds shortcomings and inconsistencies of the CEDHSP with many policies and goals of the 2004 Adopted General Plan:

Goal 2.1 Land Use

Objective 2.1.1 Community Regions

Policy 2.2.5.3

- i) Capacity of serving elementary and high school
- ii) Existing Land use patterns

Goal 2.3 Natural Landscape Features: Maintain the characteristic natural landscape features unique to each area of the County

Goal 2.4 Existing Community Identity

- i) Inconsistent in regards to Measure E Advisory Vote

Policy 2.4.1.2 The County shall develop community design guidelines in concert with members of each community which will detail specific qualities and features unique to the community...

- i) Ignoring the Measure E Advisory vote to deny rezone of the Executive Golf Course

Policy 2.4.1.5 The County shall implement a program to promote infill development in existing communities.

- i) Infill is described in the General Plan Land Use policy as 5 acres or less
- ii) Approval of a project would not result in any significant effects relating to traffic, noise, air quality, or water quality

Goal 2.5 Community Identity: The CEDHSP is not consistent with Goal 2.5. Development at Village D-1 Lots C and D will have minimal impact on the visual elements which enhance and maintain the rural character and promote a sense of community, due to location in the view sheds in the area. Additionally, in respects to Village D1 Lots C and D, this development is already considered in the 2004 Adopted General Plan, and is incorporated in the land use map. In contrast, development on currently designated recreational - open space, and other open space in the CEDHSP plan area will have a significant impact that will negatively affect the rural character and open space that defines the community of El Dorado Hills.

General Plan Housing Element

Policy HO-1.9 The County shall work with local community, neighborhood, and special interest groups in order to integrate affordable workforce housing into a community and to minimize opposition to increasing housing densities.

Policy HO-1.25 The County shall encourage programs that will result in improved levels of service on existing roadways and allow for focused reductions in the Traffic Impact Mitigation (TIM) Fee

Policy HO-4.1 The development of affordable housing for seniors, including congregate care facilities, shall be encouraged.

General Plan Conservation and Open Space Element

Goal 7.6 Open Space Conservation - Only consistent with a narrow focus on Objective 7.6.1.1.E

Objective 7.6.1 Importance of Open Space - Findings ignore all but subsection E

Parks and Recreation Element

Goal 9.1 Park Acquisition and Development

Policy 9.1.1.1 Guidelines for parkland per 1000 population

Land Use

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee believes that combining the Serrano Westside Planning Area and the Pedregal Planning Area into a single Specific Plan project is ill advised. The plan areas are not contiguous, are mainly separated by El Dorado Hills Boulevard - with the sole conceivable connectivity at the intersection of Wilson Boulevard and El Dorado Hills Boulevard, or at the southern boundary of the El Dorado Hills Bowman Archery Range property. Not only do the individual plan areas lack connectivity, they also lack similar terrain features. One of the purported purposes of the higher density specific plan is to provide a walkable community, with accessibility to services and shopping; however the Pedregal Planning Area lacks any accessibility to these amenities, the closest being almost a mile away on El Dorado Hills Boulevard, and remains somewhat isolated from any amenities.

The one purpose that has occurred to the EDHAPAC Subcommittee to include both of these Planning Areas in the proposed Specific Plan is to combine historical approved or planned densities in both plan areas, to facilitate the moving of cumulative plan area densities between both plan areas to arrive a similar overall density, which might make the project more palatable to the community in terms of marketing for public approval, and to County decision makers.

The applicant has shared that the Pedregal Planning Area has historical approved densities of 624 dwelling units - the EDHAPAC Subcommittee is unable to locate these previously approved project(s) in available El Dorado County Planning Records

In the Serrano Westside Planning Area, the applicant currently has approvals for 135 dwelling units (Serrano Village D1 Lots C and D).

This suggests an approved total of 759 dwelling units, inclusive of both planning areas.

The CEDHSP provides for a range of densities:

Pedregal Planning Area: 137 to 242 dwelling units

Serrano Westside Planning Area: 600 to 758 dwelling units

This results in a proposed total of 737 to 1000 dwelling units between the two planning areas.

The EDHAPAC Subcommittee finds that these planning areas should be considered as separate projects, and each planning area considered on its individual merits.

Large Lot Tentative Map

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee requests clarity on details of Lot 6 as proposed in TM14-1516. The CEDHSP TM14-1516 Large Lot Tentative Map offers the division of the CEDHSP plan area into six large lots for purposes of sale, lease, or financing of the development within the specific plan area (Lots 1 through 6).

In regards to Lot 6 (APN 121-120-24), the tentative map exhibit found in M - Staff Report Exhibits A-K, page 4, indicates that Lot 6 is found on the southeast section of the Serrano Westside Planning Area, on the south boundary of the existing Serrano Village D2 Unit 3, wrapping around outside of the CEDHSP Plan Area boundary to the east, then north between Serrano Village D2 Units 3 and 2 on the west, and Silva Valley Parkway on the east, falling between US50 to the south, and Serrano Parkway to the north. Since the largest portion of Lot 6 falls outside the CEDHSP Plan Area, will Lot 6 be subdivided? Or will the entire area of Lot 6 be made available for sale, lease, or financing of the development? Are portions of Lots that are only partially inside a Specific Plan area typically included in Large Lot Tentative Maps? Is there potential for development of these areas of LOT 6 that fall outside of the CEDHSP boundary? Lot 6 is currently zoned as Open Space. From the project documents, it is unclear if the project applicant is seeking to rezone the entirety of Lot 6 from open space, or only partially. If, as TM14-1516 proposes, only a portion of Lot 6 is being moved to AP-EDHSP, and being rezoned AP-EDHSP as Open Space-Planned Development, is it possible to provide with more specificity precisely which portions of Lot 6 are being included in the Large Lot Tentative Map? Is the intent that these 'remnant' portions of Lot 6 remain open space? If so, how would the sale or lease of Lot 6 facilitate the financing of the CEDHSP?

Land Use Definitions/Designations

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee observes that the applicant has included their own descriptors of designated residential densities, continuing a pattern that EDHAPAC has seen in numerous development project proposals in many Specific Plans. In this project the CEDHSP defines the following: "Village Residential - High" (VRH), "Village Residential - Low" (VRL), "Village Residential -Medium-high" (VRM-H), and "Village Residential -Medium-low" (VRM-L). These designations confuse the public as to what is proposed. The EDHAPAC Subcommittee suggests that projects use density descriptors established in El Dorado County residential zoning ordinances:

CHAPTER 130.24. - RESIDENTIAL ZONES

Sec. 130.24.010 - Zones Established Applicability

MFR

Multi-unit Residential (RM)

HDR

Single-unit Residential (R)/(R1-R20K)

MDR

One-acre Residential (R1A)

Two-acre Residential (R2A)

Three-acre Residential (R3A)

Low Density

Residential Estate (RE)

Low density and rural residential development at a range of densities to include one dwelling unit per five acres and one dwelling per 10 acres.

If additional descriptions are needed to provide additional clarity, they can be used to augment the zones as specified in El Dorado County residential ordinance Sec. 130.24.010.

Environmental:

Air & Soil

Youngdahl Letter Report A DEIR - 2015-2012a (Pedregal Plan Area) NOA Assessment Dated August 2, 2012

*As of the present date, the findings of this report are valid for the property studied. With the passage of time, changes in the conditions of a property can occur whether they are due to natural processes or to the works of man on this or adjacent properties. Legislation or the broadening of knowledge may result in changes in applicable standards. Changes outside of our control may cause this report to be invalid, wholly or partially. **Therefore, this report should not be relied upon after a period of three years without our review** nor should it be used or is it applicable for any properties other than those studied.*

EDHAPAC Subcommittee Finding

Has this Report had any subsequent review after the 2012-2015 time period of the original submission? Is there evidence of this updated review available? Are there any significantly different results?

In 2017 The California Air Resources Board issued an updated Implementation Guidance Document: [Air Resources Board Test Method 435 Determination of Asbestos Content of Serpentine Aggregate](#) - While not a regulatory guidance document, it is suggested as the base guideline for the collection, processing, and analysis of potential asbestos-containing samples. The EDHAPAC Subcommittee is curious to know if the August 2012 Yongdahl Report (2015-2012a) referenced above is determined to require an update, if new samples would be

collected utilizing this updated CAL ARB Guidance document.

The same concerns are found in the Youngdahl Letter Report B DEIR regarding the Serrano Westside Plan Area:

**Youngdahl Letter Report B DEIR - 2015-2012b (Serrano Westside Plan Area) NOA Assessment
Dated August 2, 2012**

*As of the present date, the findings of this report are valid for the property studied. With the passage of time, changes in the conditions of a property can occur whether they are due to natural processes or to the works of man on this or adjacent properties. Legislation or the broadening of knowledge may result in changes in applicable standards. Changes outside of our control may cause this report to be invalid, wholly or partially. **Therefore, this report should not be relied upon after a period of three years without our review nor should it be used or is it applicable for any properties other than those studied.***

EDHAPAC Subcommittee Finding

As with the Youngdahl Letter Report A DEIR regarding the Pedregal Plan Area, the EDHAPAC Subcommittee asks, has this Report had any subsequent review after the 2012-2015 time period of the original submission? Is there evidence of this updated review available? Are there any significantly different results?

In 2017 The California Air Resources Board issued an updated Implementation Guidance Document: [Air Resources Board Test Method 435 Determination of Asbestos Content of Serpentine Aggregate](#) - While not a regulatory guidance document, it is suggested as the base guideline for for the collection, processing, and analysis of potential asbestos-containing samples. The EDHAPAC Subcommittee is curious to know if the August 2012 Yongdahl Report (2015-2012b) referenced above is determined to require an update, if new samples would be collected utilizing this updated CAL ARB Guidance document.

Water

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee believes that there remains a lack of considered study of impacts to the springs, and seeps that exist in the Pedregal Planning Area. Many area residents have expressed considerable concerns about groundwater, springs, and seeps in the Pedregal Planning Area. Additionally, it has been suggested to the EDHAPAC Subcommittee that there was previously a reservoir inside the boundaries of the Pedregal Planning Area. Do the analyses for the project, conducted in previous drought years in the 2012-2015 time frame, provide a complete picture of the impacts to the naturally occurring springs and seeps in the

Pedregal Planning Area? Several residents have discussed with the EDH APAC Subcommittee that the water resources on site are plainly visible from existing informal trails that cross the property.

The EDHAPAC Subcommittee is also concerned about the impacts on the wetlands in the Serrano Westside Planning Area, particularly adjacent to the proposed Country Club Drive extension between El Dorado Hills Boulevard and Silva Valley Parkway both within the boundaries of the Plan Area, and to the east of the Plan Area boundaries, along the proposed Country Club Drive alignment. Until the actual design and planning of the project is completed, the wetland impacts cannot not be known or evaluated.

Open Space

FEIR Response I-11-6

The commenter indicates that the removal of a historic golf course along a scenic highway would be a significant impact. As noted in response to comment I-7-2, the former Executive Golf Course designed by Robert Trent Jones ceased operation in 2007, and natural vegetation has reestablished throughout the area. It is not a playable golf course, and as such lacks integrity, and therefore is not a historic resource. As stated on page 3.1-3 in the Draft EIR, which references the California Department of Transportation State Scenic Highways program), US 50 is not a state designated scenic highway in the El Dorado Hills area. It becomes a scenic highway east of Placerville. Because the project would not destroy a historic golf course along a scenic highway, there would be no impact, and no analysis is required.

EDHAPAC Subcommittee Finding

While this concern did not merit a response in the FEIR due to the determination of the EIR Consultant and El Dorado County Planning Staff that the Executive Golf Course is not a historic resource, the EDHAPAC Subcommittee counters that the course itself had been the primary identify of El Dorado Hills as a community since 1964, and defined the community of El Dorado Hills. The Executive Golf Course therefore does qualify as a historic resource, by defining the identity of our community. The open space and viewshed offered by the course being located in the heart of the community is what defined El Dorado Hills for nearly half a century. This identity, the community, and geography around the Executive Course, is also partly responsible for drawing nearly four thousand home buyers in the adjacent Serrano El Dorado Community. In fact, the Executive Course was presented as an important amenity by the applicant when marketing their Serrano El Dorado development in the late 1990s and early 2000s (citation https://www.youtube.com/watch?v=c_0MIOq0Ejc - at the 2 minute 19 second mark)

FEIR Response I-11-91

Maintain characteristics of natural landscape. The CSD Advisory Measure E Alternative would

allow future development of Lots C and D, resulting in the loss of natural landscape.

Minimize impacts on oak woodlands. Existing oak woodlands on Lots C and D would be available for development under the CSD Advisory Measure E Alternative. While the County oak tree ordinance would preserve some of these trees, this alternative would result in the loss of trees that would otherwise be preserved in open space under the project.

EDHAPAC Subcommittee Finding

This appears to be Circular Logic - leaving the Executive Golf Course Property as recreational open space, as it has been zoned for nearly half a century, and allowing already approved development of Village D1 Lots C & D, results in preserving more contiguous recreational - open space than the CEDHSP provides.

The oak woodlands in Village D1 Lots C & D are already approved for development - Trading approved development areas from the 1988 EDHSP to the CEDHSP does not provide public benefit, but does provide the applicant a cost savings from building on hillside lots, and from potential NOA mitigation/abatement expenses.

FEIR Response I-11-91 (continued)

The suggested CSD Advisory Measure E Alternative is rejected for detailed analysis in the EIR because it would not meet many of the project objectives. No further analysis is required.

EDHAPAC Subcommittee Finding

FEIR Response I-11-91 is predicated on the 2015 CSD Advisory Measure E not meeting **the CEDHSP project's objectives**. Ignored in this response are the Community's objectives: the El Dorado Hills Community's desire to maintain the current recreational - open space zoning of the Executive Course, as demonstrated in the 2015 Measure E Advisory vote result.

Additionally, the voter approved 2004 Adopted General Plan also has objectives and goals that are counter to the CEDHSP project's objective: the importance of recreational - open space, fostered via the existing land use zoning of the Executive Golf Course.

While the applicant acquired the Executive Golf Course property concurrent with their purchase of the 1988 EDHSP properties, the Executive Golf Course Property was never a part of the 1988 EDHSP. The Applicant insisted that the Executive Golf Course property be included in their purchase of the 1988 EDHSP plan area properties, as an associated amenity of the EDHSP. The previous ownership of both the 1988 EDHSP properties, and the Executive Golf Course property have stated at multiple public events (a Clarksville Region Historical Society presentation in 2016, and at an El Dorado Hills APAC Meeting in March 2018) that they did not intend to sell the Executive Golf Course property, and that they regretted the sale. However they were asked to include the Executive Golf Course property to facilitate the purchase of the 1988 EDHSP properties.

The EDHAPAC Subcommittee finds that the El Dorado Hills Community should not be required to bear the burden of the impact of a zoning change, to benefit the applicant's project. This recreational open space zoning existed prior to the 1988 EDHSP and was one of the defining objectives in the original development of our community: the availability and benefit of open space and recreational open space to offset the loss of natural landscape and open space from residential and commercial development in the El Dorado Hills Community.

The EDHAPAC Subcommittee finds that the applicant and County Planning Staff are ignoring a potential project alternative, required for consideration by CEQA, by rejecting the CSD Advisory Measure E Alternative.

FEIR Response I-11-91 (continued)

The second alternative, entitled the "Measure E Reserve Alternative," would establish the old golf course as a reserve area to be left undeveloped until the El Dorado Hills CSD has the opportunity to purchase the site at its fair market value. The suggested CSD Advisory Measure E Reserve Alternative would provide that the developer and county enter into a development agreement stipulating that if the CSD or some other community-based group did not purchase the property by 2035, then it "would revert to the development levels defined in the proposed CEDHSP." All other parts of the proposed project would remain the same.

A development agreement is a voluntary contract entered into by a city or county and a developer for the purposes of establishing defined vested development rights (Government Code Section 65864 et seq.). It may be entered into for any period of time and describes the development rights that are being vested (Government Code Section 65865.2). The project proponent has proposed to develop portions of the old golf course and has not indicated that they would be willing to forgo those development plans for up to nearly 20 years. Further, precluding development of the old golf course would make infeasible the proposed Class 1 bicycle path and bicycle/pedestrian overcrossing of US 50 needed for north-south non-motorized connections. The project proponent is very unlikely to enter into a development agreement with this provision. This alternative is rejected from analysis because it is not feasible.

EDHAPAC Subcommittee Finding

Class 1 bicycle/pedestrian paths could be developed outside the auspices of this project. So too, could a bicycle/pedestrian overcrossing of US 50.

Has the need for a north - south non-motorized connection been established, or is it simply a desire? If a Pedestrian Overcrossing is a need, why hasn't it been identified in the El Dorado County Capital Improvement Program? If it has been established as a defined need, where does that need fall in terms of other transportation/circulation priorities in the El Dorado Hills area? Wouldn't completing the existing pedestrian and bicycle connectivity between the north and south sides of US50 along El Dorado Hills Boulevard / Latrobe Road provide a more

affordable, and more obtainable result? The proposed bicycle/pedestrian overcrossing, via its location inside the Serrano Westside Planning area seems to provide the most benefit to those future residents inside the planning area, without much benefit derived for existing residents in the immediate surrounding communities along El Dorado Hills Boulevard, nor any tangible benefit for the majority of the El Dorado Hills Community.

FEIR Response I-11-91 (continued)

It should be noted that even though the former golf course is currently designated by the County as open space – recreational facilities, the golf course that formerly occupied this site was a private and not a public recreational use. This land use designation does not reflect a public designation, but a recreational and open space land use designation.

EDHAPAC Subcommittee Finding

It appears that the Applicant, EIR Consultant, and Planning Staff, consider the current Executive Golf Course zoning as primarily open space, and secondarily recreational, or ignore the recreational aspect totally - but the zoning has historically been primarily recreational, and open space secondarily. By adopting and promoting this view point, the proponents seem to be intending to minimize or confuse the issue of the the value to the El Dorado Hills Community of the recreational - open space designation.

Will all of the open space provided in the CEDHSP plan areas be publicly accessible? Is there quantifiable value in open space that is publicly accessible vs. not publicly accessible? Does that degree in the difference of open space value (accessible vs not accessible) merit the rezoning of existing and beneficial recreational - open space land use designation of the Executive Golf Course portion of the project property? It can be considered that only a small percentage of residents/the public would take advantage of a golf course - or a playing field for any other specific sport - on any privately owned property zoned recreational - open space, but of that small percentage of public use, there is still value in terms of open space viewsheds to the public that doesn't participate in golf activities, or participate in other potential recreational activities that could be made available via the current recreational open space zoning. Open space, accessible or not, has an intrinsic value in terms of wildlife, viewshed, and other natural elements, to the public, regardless of the ability to access it for a specific recreational activity, or due to a fee required to access it. The EDHAPAC Subcommittee feels that the recreational - open space zoning provides more Community benefit than just generic open space zoning. Further, the EDHAPAC Subcommittee finds that 16 acres of park space is not an adequate offset for the permanent loss of 99 acres of recreational - open space: significantly so, in consideration that 11 to 13 acres of the proposed parkland dedication is a Quimby requirement of the project (based on proposed densities) - this is not a net-positive bonus for the El Dorado Hills Community, it is in fact, a net-loss for the Community. Open Space and Recreational Open Space are significant and important policies and goals of the Voter Approved 2004 El Dorado

County Adopted General Plan. Curiously, no significant park facilities are offered in the Pedregal Plan Area.

FEIR Response I-14-1

The commenter also indicates that the former golf course is historical and is part of the County's cultural heritage. The term "cultural heritage" when discussing cultural resources and environmental impacts generally refers to generations of a social or ethnic group and sites associated with cultural heritage are usually the locations of ongoing activities or ceremonies central to the group's identity. Although the former golf course is more than 50 years old and was designed by a well-known designer, it does not retain integrity because it has not been maintained and is currently annual grassland, and is not considered a significant cultural resource under CEQA.

*The commenter expresses an opinion that the project should not be approved. The commenter's opinion is noted and **will be considered by the Board of Supervisors during the decision-making process**. No further response is required in the EIR.*

EDHAPAC Subcommittee Finding

A generation is generally defined as 25 years - the Executive golf course existed for almost 50 years, that is, for two generations.

A community is a social group.

For nearly half of a century, the EDH Executive Golf Course was the identifying and defining feature of the El Dorado Hills Community.

Due to these facts, and the perceived public sentiment supporting this conclusion, the EDHAPAC Subcommittee considers that the Executive Golf Course, is a cultural and valuable historic resource of the El Dorado Hills Community.

To that end, to make a determination of significant cultural or historic resource under CEQA - who is better positioned to make the determination, the Community that defines the value, or planners from outside the community?

The EDHAPAC Subcommittee further questions FEIR Response I-14-1, specifically the statement that mentions "...does not retain integrity because it has not been maintained and is currently annual grassland..." This justification suggests that because something has not been maintained, it therefore loses any claim as a significant cultural resource? The EDHAPAC Subcommittee asks "*why has the Golf Course **not been maintained**?*" Many historical and cultural resources in El Dorado County have not been maintained since the years following the California Gold Rush beginning in 1848 - mines, buildings, locations of historic and cultural

significance, private property - even though many of those resources were not maintained, they still merit consideration as significant cultural and historic resources.

Parkland Dedication

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee is concerned that by rezoning the executive golf course's 99 acres of zoned recreational - open space to an alternate use, the loss of recreational - open space is not sufficiently mitigated by the inclusion of 16 acres of parkland dedication provided by the project. It is true that the Executive Golf Course has been closed since 2006-07, however by rezoning the entire 99 acres it removes the **potential** of realizing any future recreational-open space use in the core of El Dorado Hills. In fact, the opposite is true, by rezoning the property in question, the opportunity for any recreational-open space use of the 99 acres is removed permanently, and 16 acres of parkland seems an inadequate offset for this loss. Where else is 99 acres of contiguous recreational - open space available? The existence of this recreational open space zoning dates to 1964, and was a featured amenity of the El Dorado Hills Community. Eventually, it came to define the community. The loss of this large contiguous recreational - open space land use can not be mitigated by the trade for 16 acres of parkland space: of which 11-13 acres **is required as a Quimby obligation**. Open space, and recreational-open space remains a critical component of the County's Voter Approved 2004 Adopted General Plan, as provided in General Plan Objective 7.6.1 (Importance of Open Space).

County of El Dorado 2004 Adopted General Plan

Objective 7.6.1 IMPORTANCE OF OPEN SPACE

Consideration of open space as an important factor in the County's quality of life.

Policy 7.6.1.1 *The General Plan land use map shall include an Open Space land use designation. The purpose of this designation is to implement the goals and Policy 7.6.1.1 The General Plan land use map shall include an Open Space land use designation. The purpose of this designation is to implement the goals and objectives of the Land Use and the Conservation and Open Space Elements by serving one or more of the purposes stated below. In addition, the designations on the land use map for Rural Residential and Natural Resource areas are also intended to implement said goals and objectives. Primary purposes of open space include:*

C. *Maintaining areas of importance for outdoor recreation including areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes including those providing access to lake shores, beaches and rivers and streams; and areas which serve as links between major*

recreation and open space reservations including utility easements, banks of rivers and streams, trails and scenic highway corridors;

***D.** Delineating open space for public health and safety including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality;*
and

***E.** Providing for open spaces to create buffers which may be landscaped to minimize the adverse impact of one land use on another.*

Policy 7.6.1.2: *The County will provide for Open Space lands through*

***A.** The designation of land as Open Space;*

***B.** The designation of land for low-intensity land uses as provided in the Rural Residential and Natural Resource land use designations;*

***C.** Local implementation of the Federal Emergency Management Agency's National Flood Insurance Program;*

***D.** Local implementation of the State Land Conservation Act Program;*
and

***E.** Open space land set aside through Planned Developments (PDs).*

Policy 7.6.1.3 *The County shall implement Policy 7.6.1.1 through zoning regulations and the administration thereof. It is intended that certain districts and certain requirements in zoning regulations carry out the purposes set forth in Policy 7.6.1.1 as follows:*

***A.** The Open Space (OS) Zoning District is consistent with and shall implement the Open Space designation of the General Plan land use map and all other land use designations.*

***D.** Zoning regulations shall provide for maintenance of permanent open space in residential, commercial, industrial, agricultural, and residential agricultural zone districts based on standards established in those provisions of the County Code. The regulations shall minimize impacts on wetlands, flood plains, streams, lakes, rivers, canals, and slopes in excess of 30 percent and shall maintain Purposes A, B, C, and D in Policy 7.6.1.1.*

***E.** Landscaping requirements in zoning regulations shall provide for vegetative buffers between incompatible land uses in order to maintain Purpose E in Policy 7.6.1.1.*

The EDHAPAC Subcommittee finds that the parkland dedication as provided in the CEDHSP

and the accompanying Development Agreement is not a sufficient justification to grant a rezone of the 99 acre Executive Golf Course Property from recreational - open space to residential. The EDHAPAC Subcommittee finds that the proposed parkland dedication meets the Quimby requirements of the project (depending upon the amount of space required for construction of the proposed US50 Pedestrian Overcrossing) but does not provide additional, or "bonus" community benefits. If 11 to 13 acres of parkland dedication is a requirement of the project, the excess 5 or 3 acres (depending on Quimby requirements based on number of dwelling units) of "Bonus" Parkland dedication is not an adequate offset for the loss of 99 acres of recreational - open space. Further, it is our finding that the 1 acre park space allocation along El Dorado Hills Boulevard at Serrano Parkway can be considered merely entrance landscaping, and not usable park space. Additionally, the EDHAPAC Subcommittee is very concerned that no park facilities are included in the Pedregal Plan Area.

Traffic & Circulation:

FEIR Responses:

FEIR Response I-17-7

The commenter notes the traffic impacts reprinted in this comment at the El Dorado Hills Boulevard/Park Drive/Saratoga Way intersection, which as the commenter correctly notes, would be significant based on the original traffic analysis. A revised traffic analysis was prepared in 2017 to include improvements that had been completed since the circulation of the Draft EIR, to be consistent with the County's 2016 Capital Improvement Program, and to recognize the opening of the new Silva Valley Parkway Interchange. The 2017 updated traffic analysis, however, indicates that the project impacts at the El Dorado Hills Boulevard/Park Drive/Saratoga Way intersection would be less than significant, and no mitigation would be required.

EDHAPAC Subcommittee Finding

On its face, this seems improbable - existing conditions result in significant queuing and stacking in left turn lanes on both northbound and southbound El Dorado Hills Blvd during peak AM and PM hours. With the imminent opening of the Saratoga Way connection to Iron Point Road in Folsom, and the build out of the Saratoga Estates residential development project, it seems inconceivable that the CEDHSP project would result in less than significant impacts at the El Dorado Hills Boulevard/Park Drive/Saratoga Way intersection. This finding flies in the face of reason, and of current conditions as observed by El Dorado Hills residents.

FEIR Response I-22-3

The commenter is concerned about cut-through traffic at the Raley's shopping center. Cut-through traffic is not anticipated due to its inefficiency. Park Drive, which provides access to the Raley's shopping center, is a public (i.e., County) road. The Park Drive extension, which is a

County CIP project, would be a 2-lane roadway built to County standards. The extension would reach the existing Park Drive, approximately 350 feet from the El Dorado Hills Boulevard intersection. Cutting through the parking lot would require stopping at six stop signs prior to the intersection of Park Drive/El Dorado Hills Blvd/US Highway 50 westbound on-ramp. This route would take longer and result in more delays to the driver than using El Dorado Hills Boulevard. Therefore, it is unlikely to attract cut-through traffic. The facility will be designed to applicable County design standards and will accommodate all travel modes and users.

EDHAPAC Subcommittee Finding

This response indicates that due to the presence of 6 (six) stop signs in the Raleys shopping center parking lot, that access to the southern Park Drive signalized intersection at El Dorado Hills Boulevard and US50, makes it unlikely to attract cut-through traffic. There is a current route through the Raleys Shopping Center Parking Lot that would limit the number of stop signs encountered to 2 (two) stop signs by traveling at the western edge of the parking lot, instead of directly along the store-fronts.

In an analytical exercise such as an FEIR, citing an example such as the 6 (six) stop signs seems common sense - however in practical, real world conditions, most commuters intrinsically know that traffic, like water, will find the path of least resistance: 6 (six) stop signs or not. If drivers feel that the shopping center parking lot, with 6 (six) stop signs [or only two], will allow them to access the El Dorado Hills Boulevard/Park Drive/US 50 intersection more quickly than using the Park Drive/Saratoga Way/El Dorado Hills Boulevard intersection, then they will opt for the parking lot cut-through.

Additionally, some questions remain regarding the internal circulation behind the Raley's Shopping Center - labeled as "Saratoga Way" on the El Dorado County Assessor's GIS Map - a remnant of the previous Saratoga Way alignment prior to the WB US50 El Dorado Hills Blvd interchange improvements. Since no specific alignment or design is suggested in the CEDHSP project documents east of the Raley's Shopping Center, it remains unclear if the existing internal circulation roadway on the east side of the property will be incorporated as part of the Park Drive modification/extension. This will provide another internal route on the east and south sides of the Raley's Shopping Center main building, with a connection to the southern Park Drive/ WB US50 El Dorado Hills Boulevard Interchange. This provides the potential for additional cut-through-traffic to travel behind the Raley's between the Park Drive extension and the southern Park Drive/ WB US50 El Dorado Hills Boulevard Interchange.

Intersection Impacts

EDHAPAC Subcommittee Finding

El Dorado Hills Boulevard/Saratoga Way/Park Drive intersection

The EDHAPAC Subcommittee feels that it is incomprehensible that the project results in less than significant impacts at the El Dorado Hills Boulevard/Saratoga Way/Park Drive intersection.

With the imminent connection of Saratoga Way in El Dorado Hills to Iron Point Road and access to the City of Folsom, the EDHAPAC Subcommittee believes that the actual impacts to the intersection cannot be known. Add to that, the unknown impacts of connecting Country Club Drive from Silva Valley Parkway to Park Drive. The traffic impacts from residential communities in the Silva Valley Parkway area of El Dorado Hills to the El Dorado Hills/Saratoga Way/Park Drive intersection are unknown, as Country Club Drive is envisioned as a parallel capacity roadway along US50.

From the perspective of the CEDHSP, no significant study has been made as to the impact of the proposed Park Drive extension from the other three Country Club Drive extension projects in the 2018 El Dorado County CIP from Bass Lake Road to El Dorado Hills Boulevard. This segment of Park Drive on the east side of El Dorado Hills Boulevard, is currently configured as an interior parking lot circulation roadway. The suggested designs for extending Park Drive appear to be not much more than that - a narrow roadway, constrained by two existing shopping centers. From a satellite map, the approximate distance from the realigned Park Drive to the northeast corner of the Raley's Shopping center building seems to be less than 30 feet - is this adequate for a parallel capacity roadway for US50? Will a roadway this narrow, with an alignment this convoluted, meet that purpose? What are the envisioned design speeds on this parallel capacity roadway? There seems to be no provision to ever be able to expand the Park Drive extension - as a parallel capacity roadway, increased traffic counts and growth are inevitable - Park Drive between the Raley's Shopping Center and the La Borgota Shopping Center begins as an already physically constrained segment due to the proximity of existing buildings and facilities to the roadway - is this really the best solution for a parallel capacity roadway?

Additionally, from a satellite map measuring tool, the first stop sign at Park Drive inside the Raley's Shopping Center parking lot appears to be less than 60 feet away from the proposed Park Drive alignment - that only allows stacking for approximately less than three cars. Similarly, the driveway entrance to the building housing Lyons Real Estate, and Vitek Mortgage in the Raley's Shopping Center (3900 Park Drive), are less than 20 feet from Park Drive now. Will left turn movements into and out of this small separate parking lot be restricted? Will a right out-only restriction force drivers into the main Raley's Shopping Center parking lot, and then onto the southern Park Drive intersection at El Dorado Hills Boulevard? Or will it force vehicles exiting the 3900 Park Drive parking lot into the La Borgota parking lot to turn around to continue west onto Park Drive?

The current El Dorado Hills Boulevard - Park Drive - intersection configuration inside the Raley's Shopping Center is also a curve on a fairly significant grade. The entire concept of providing a parallel capacity roadway to US50 through this haphazard road segment seems ill conceived, and poorly planned.

Pointedly, when considering the El Dorado Hills Boulevard/Saratoga Way/Park Drive

intersection, traffic impact analyses from multiple projects reviewed by EDH APAC over the past several years, including Saratoga Estates, El Dorado Hills Apartments at Town Center, and Saratoga Retail Phase II, all proposed and studied in roughly a similar time frame, generally had inconsistent details and data between them about this intersection, traffic volumes, and turn movements - the exception being the final analysis result for each of the projects of less than significant impacts, or less than significant impacts with minor mitigation. This project as well seems to provide an almost engineered finding of a less than significant impact result - it seems to offer a desired conclusion.

The left turn movement from northbound El Dorado Hills Boulevard to westbound Saratoga Way experiences stacking and queuing issues in the current peak PM hour.

Similarly, the left turn movement from southbound El Dorado Hills Boulevard to eastbound Park Drive experiences stacking and queuing issues in current peak AM hour, as well as other times of high traffic volume on El Dorado Hills Boulevard.

This will only be exacerbated with the buildout of Saratoga Estates, and the very imminent connection of Saratoga Way to Iron Point Road in Folsom.

The proximity of the Park Drive/Saratoga Way intersection at El Dorado Hills Boulevard to the US50 interchange causes concern to the EDHAPAC Subcommittee. In comparison, the current close proximity of the existing Country Club Drive/Bass Lake Road intersection to the Bass Lake Road US50 Interchange in El Dorado Hills has forced the very expensive reconstruction and realignment of Country Club Drive approximately 1700 feet to the north of its current alignment. In comparison, the Saratoga Way/Park Drive/ El Dorado Hills Boulevard intersection is approximately 975 feet north of the US50 westbound on and off ramp/southern Park Drive/El Dorado Hills Boulevard intersection. The El Dorado Hills Boulevard/US50 roadway segment carries significantly higher traffic volumes than the Bass Lake Road/US50 interchange: an order of magnitude higher - is 975 feet an adequate distance for a parallel capacity roadway to intersect at El Dorado Hills Boulevard? Additionally, The US50 eastbound on and off ramp is located within 1700 feet of the Saratoga Way/Park Drive/El Dorado Hills intersection. Even with the addition of a shared onramp/through lane, is this enough capacity for current conditions, or the cumulative impacts of this project and other projects?

The EDHAPAC Subcommittee asks: Has any consideration been made instead for configuring the Country Club Drive extension from Silva Valley Parkway to El Dorado Hills Blvd to using an alternate alignment? Perhaps abandoning the Park Drive alignment in favor of an alignment bypassing Park Drive and connecting to Serrano Parkway near the Executive Golf Course Clubhouse, thereby moving the parallel capacity roadway traffic volume to a larger capacity roadway- Serrano Parkway - and moving the traffic volume further away from the US50/El Dorado Hills Boulevard interchange.

Understanding the County's desire to make the proposed Country Club Drive extension to Saratoga Way a contiguous parallel capacity roadway into Folsom, has any consideration been given that the Country Club Drive Extension to Silva Valley Parkway could connect to White Rock Road - via either Clarksville Crossing, or the Silva Valley Parkway US50 Overpass itself? White Rock Road is an existing roadway, slated to be expanded to four lanes and connect through to the Cities of Folsom, Rancho Cordova, and Elk Grove as part of the Capital Southeast Connector JPA - wouldn't a parallel capacity Country Club Drive crossing US50 at Silva Valley Parkway (either over or under US50) to the already constructed White Rock Road, with its imminent expansion, be a better, and more cost-effective investment in the County's Roadway System? This would move the traffic and circulation impacts of the rather convoluted Country Club Drive to Park Drive/ Saratoga Way alignment from El Dorado Hills Boulevard near US50 to to an existing larger roadway segment, White Rock Road.

Additionally, the EDHAPAC Subcommittee considers that a parallel capacity routing from Country Club Drive at Silva Valley Parkway to White Rock Road would be a lower cost solution, with more capacity at inception, and would allow for future capacity increases. Using White Rock Road, which is already scheduled for expansion to four lanes - in plain terms, a planned expressway - makes significantly more sense in comparison to the circulation challenges of the narrow and twisting Country Club Drive/Park Drive/Saratoga Way alignment, which passes through an existing wetlands, two shopping centers, in close proximity to the US50 El Dorado Hills Boulevard/Latrobe Road interchange, and further through the narrow curving section of Saratoga Way between El Dorado Hills Boulevard and Arrowhead Drive, before continuing onto the City of Folsom.

Irrespective of the final routing of the proposed Country Club Drive extension, will an EIR be performed to determine its potential impacts? A Supplemental Final EIR was performed for the southern extension of Silver Springs Parkway to Bass Lake Road - https://www.edcgov.us/government/dot/ceqa/documents/ssp-blr_fseir.pdf - the potential traffic impacts for the Country Club Drive connection to El Dorado Hills Boulevard would appear to be much more significant to the community, to adjacent roadways, and to two US50 Interchanges, than the impacts of the Silver Springs Parkway connection to Bass Lake Road, which did merit a supplemental EIR. If an EIR is to be performed, and the suggested routing per the CEDHSP Development Agreement cannot be constructed as anticipated due to the EIR Findings, or additional modifications beyond the scope described in the Development Agreement it would considerably alter the CEDHSP project as proposed in terms of project impacts, traffic and circulation impacts, proposed mitigations, mitigation costs, various project and mitigation triggers, Development Agreement fees/contributions, and more.

Unanalyzed intersections
EDHAPAC Subcommittee Finding

With the connection of Country Club Drive from El Dorado Hills Boulevard to Silva Valley Parkway being provided by this project, has any study been made on the traffic and circulation impacts of this project via this new Country Club Drive segment to existing Silva Valley Parkway, the Silva Valley Parkway-US50 Interchange, or White Rock Road intersections? Did the Traffic Impact Analysis consider just the project impacts to these intersections, but not the impacts to these intersections via the proposed extension of Country Club Drive between El Dorado Hills Boulevard and Silva Valley Parkway?

Significantly, these intersections include:

Silva Valley Parkway/Serrano Parkway
Silva Valley Parkway/Entrada Drive
Silva Valley Parkway/Oak Meadow Elementary School Driveway
Silva Valley Parkway/Clarksville Crossing (north and south connections)
Silva Valley Parkway/Tong Road
Silva Valley Parkway/US50 Interchange
White Rock Road/Valley View Parkway/Vine Street
White Rock Road/Hidden River Way
White Rock Road/Keagles Lane
White Rock Road/Monte Verde Drive
White Rock Road/Post Street

Additional Traffic Impact Analysis

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee shares many concerns with the findings and issues identified in the public comments submitted to the County of El Dorado Planning Commission by Peter Eakland on December 11, 2019: 19-1670 - Public Comment Rcvd 12-11-19 PC 12-12-19 - <https://eldorado.legistar.com/View.ashx?M=F&ID=7954801&GUID=6221ED19-5F03-4253-8782-4333C90DCF26> .

Of particular concern are the issues surrounding the Park Drive reconfiguration and extension, and its impacts on the El Dorado Hills Boulevard - Saratoga Way - Park Drive intersection, and the Raleys and La Borgota Shopping Centers. Mr. Eakland, via his professional expertise and experience, provides much more technical insight to turn movements, pedestrian movements, and lane capacity than the volunteer EDHAPAC Subcommittee members can detail. Most concerning are Mr. Eakland's determination that the Level of Service findings via the 2017 Measure E summary of SimTraffic Post-Processor analyses in regards to pedestrian crossings not being considered, which provides that "... concerns already exist and will likely experience cycle failures with moderate additions of traffic." Further, he concludes "...that cycle failures are likely to occur frequently with appropriate signal controller settings for 2025 with project conditions."

Mr. Eakland's Public Comments are incorporated by reference - attached as 4Exhibit_19-1670 - Public Comment Rcvd 12-11-19 PC 12-12-19.pdf

Reported Project Benefits:

FEIR Responses:

FEIR Response I-17-10

Assist in meeting future Regional Housing Needs Allocations (RHNA) needs. The housing built in the County has historically not met the RHNA for very-low and low-income residents. This project, by providing apartments, offers the potential to improve the County's performance in meeting this aspect of the RHNA.

Broaden the housing stock in El Dorado Hills. El Dorado Hills housing stock is primarily composed of single-family residences. The project would provide additional high- and medium density residential housing to the area.

EDHAPAC Subcommittee Finding

Will this project provide apartments in the Serrano Westside Planning Area? If so, will these apartments, or the apartments designated for the Pedregal Planning area, meet the very-low, and low-income metric? If not, then this project goal will not help the County meet existing or future RHNA targets, and this stated benefit is not obtainable - it simply confuses very-low, and low income targets with other housing types. RHNA needs for very-low, and low income residents will remain unmet, and in fact, will have the exact opposite effect.

The applicant suggests that a homeowner association will maintain and fund various ongoing mitigations of the project (open spaces, trails, etc) - will these high and medium density homes be members of a home owner association? Will there be any offered rental housing in the Serrano Westside Planning Area? Will potential rental units fall under a master homeowner association?

Will the homeowner association be a new entity, or be incorporated into the existing Serrano Owners Association? Will the Serrano Westside Planning Area residents be eligible to access existing Serrano El Dorado amenities?

Will the homes in the Pedregal Planning Area have a separate homeowner association? Will they have access to Serrano El Dorado amenities?

With the anticipated significant CFD assessments required to finance many aspects of the project infrastructure, and to mitigate the CEDHSP project's net negative financial impacts to El Dorado County, it seems improbable that the project can support even moderate income

housing designations.

If a homeowner association will include the majority of the project dwelling units, how can the project meet any realistic lower income metrics as defined by RHNA? Do very-low, and low income housing units as defined by El Dorado County's RHNA matrix typically participate in homeowner associations? Regardless, even though contributing to RHNA goals it is a suggested a project benefit, the Applicant has stated publicly that there will be no dwelling units that meet the low, or very low income designations required.

It is established that RHNA metrics are comprised of more than just housing types, and densities - that it primarily addresses needs for housing types based on income level designations. This project does not meet any needs for very-low, or low income types. Further, at our November 2019 EDH APAC meeting, in their project presentation, in response to community questions regarding low, or very-low housing units, and again at the December 2019 County of El Dorado Planning Commission hearing, the project applicant has confirmed that providing low or very-low housing variety via this project is unachievable.

Additionally, the County has a significant, almost insurmountable, Jobs to Housing imbalance. This project would further inflate that imbalance.

This project proposes a significant amount of single family residences. Without subdivision tentative maps, can the configuration of housing types be known? By relying only on general land use designations, and suggested densities that can be tailored to market conditions, and builder preferences, how can this project meet these specific RHNA goals? The EDHAPAC Subcommittee finds that the project's suggested benefits of meeting RHNA goals via medium and high density land use zoning is not much more than stretching for justification for project approval - that actual required RHNA income needs for moderate, low, and very low income designations will remain unmet.

Development Agreement:

1. EDHAPAC Subcommittee volunteer member Nancy Kniffin-Jennings has submitted a very thorough review of the CEDHSP that details significant shortcomings with the Draft Development Agreement. The EDHAPAC Subcommittee incorporates by reference her review (attached as 3Exhibit_NKniffin-Jennings_CEDHSP.pdf)
2. EDHAPAC Subcommittee volunteer member John Richard submitted his public comments to the El Dorado Planning Commission on December 6, 2019 via email Re: Objection to CEDHSP, General Plan Amendment, Zoning Change, which the EDHAPAC Subcommittee incorporates by reference (attached as 2Exhibit_JRichard_CEDHSP Objections.pdf). This review contains several concerns regarding the proposed Draft

Development Agreement

Recitals:

Item D

The Project includes the design and construction of a key element in the County's transportation plan (CIP Project #72377) consisting of the installation of the segment of Country Club Drive from Silva Valley Parkway to El Dorado Hills Boulevard. ("Country Club Drive Improvements"). These improvements will provide increased connectivity and parallel capacity to Highway 50. The Project also includes certain improvements to parks, open space, trails and a contribution toward a pedestrian overcrossing (the "Recreational Improvements"). Additionally, the Project includes the payment to the County of a community benefit fee in connection with each building permit (the "Community Benefit Fee") and a property transfer fee in connection with each future property transfer (the "Property Transfer Fee"), the proceeds from each of which shall be utilized to enhance community amenities and services, as more fully described hereinafter. The parties enter into this agreement in part to provide assurances as to the timing of construction of the Country Club Drive Improvements and the Recreational Improvements and the means of financing such construction, and to establish the mechanisms by which the Community Benefit Fee and Property Transfer Fee shall be paid and allocated.

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee will address our findings regarding the parks, open space, trails and a contribution toward a pedestrian overcrossing (the "Recreational Improvements") below. But we seek clarification - is the proposed US50 pedestrian overcrossing considered a recreational element, or a traffic and circulation element?

The Community Benefit Fee, and the Property Transfer Fee are described as being utilized to enhance Community amenities and services. Yet "Community" remains undefined. The EDHAPAC Subcommittee finds that "Community" should be defined as El Dorado Hills, via the means of an official designation - for example TIM Fee Zone 8, or the 95762 zip code. The concern among El Dorado Hills residents is that these fees are intended to fall to the General Fund, to be utilized at the discretion of the Board of Supervisors, outside of the El Dorado Hills Community - the Community that the CEDHSP directly impacts. The EDHAPAC Subcommittee believes that the Community suffering the brunt of the impacts should be the beneficiary of any Community Benefit fee. The Transfer fee, being viewed as a function of County administration could be considered with more latitude, however the preference is that "fees" collected to mitigate Community impacts, should be provisioned for usages in the El Dorado Hills Community.

Item E

The Project will provide neighborhood, community and County-wide benefits, as more fully detailed in this Agreement, including:

1. Fiscally neutral impacts on County services (Section 3.9 and FIA);

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee requests clarification on section 3.9 Protection Against Negative Fiscal Impacts:

SECTION 3.9. - OBLIGATIONS OF THE PARTIES

3.2.2. Protection Against Negative Fiscal Impacts

...The FIA determined that the proposed project would have... a net negative fiscal impact upon the County General Fund and County Road Fund. Developer and County shall form a community facilities district ("CFD") or other mutually acceptable financing mechanism to generate annual revenues to the County sufficient to eliminate the identified negative fiscal impact to both the County General Fund and the County Road Fund. ...

What mechanism of the proposed CFD protects the County from Negative Fiscal Impacts if the initial Fiscal Analysis contains incorrect assumptions, or the developer later modifies the CEDHSP to reduce densities that may (or may not) alter the calculations of projected Fiscal Impacts? Will the project have a net negative fiscal impact for the County in perpetuity, or will the net negative fiscal impact exist only through project build out, or a defined time period? Will project residents/property owners be burdened with the CFD assessment to satisfy this net negative fiscal impact forever, or will there be a defined end period for the CFD?

The EDHAPAC Subcommittee finds that an updated Fiscal Analysis should be required prior to the Development Agreement being adopted, or language added that any fees, contributions, or CFDs be established after a current Fiscal Analysis has been completed. Further, The EDHAPAC Subcommittee believes that due to the significant impacts and transformational nature of the CEDHSP on the El Dorado Hills Community, no County resources should be spared in a thorough and detailed review of the Fiscal Analysis - that a staff review, while a fair starting point, should also be augmented by a review of an updated Fiscal Analysis by the County's Auditor Controller's office, drawing on his office's expertise.

2. Fiscally neutral impacts on EDHCSD and EDHFIRE (Section 3.9 and FIA);

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee finds that both the EDHCSD and EDHFIRE should provide updated analyses of the CEDHSP costs to their agencies based on 2019/2020 fee schedules.

3. Community Benefit Fee of \$6,000.00 per unit (Section 3.2.4);

EDHAPAC Subcommittee Finding

It is unclear to the EDHAPAC Subcommittee how a nexus can be established for this fee - it

appears to be merely an extraction offered to El Dorado County. The EDHAPAC Subcommittee finds that this Community Benefit Fee, if legal, should be applied to the benefit of the defined El Dorado Hills Community, and not used outside of the El Dorado Hills area. Further, while a considerable sum in 2019 dollars, projected to be between \$4.5 and \$6 million based on final build out numbers - the collection of the Community Benefit Fee, over the 20 year term of the proposed Development Agreement, diminishes over subsequent years, due in part to inflation. In simple terms, collectively seeming to be a significant up-front dollar amount, the dollars are not in reality upfront, or tangible until a significant balance has accrued over the life of the plan buildout, or the term of the 20 year Development Agreement. When considered against average project costs, such as a mile of Class A Bicycle path, or a simple traffic signal, which currently fall in the \$1 million range, these dollars will be worth less with each passing year. Additionally, because the Community Benefit Fee is collected at the issuance of a building permit, and project timelines are subject to market conditions, projected revenue cannot not be adequately forecasted for effective budgeting. The EDHAPAC Subcommittee also finds that the Community Benefit Fee should not be treated as "replacement" funding in place of other currently existing funding sources in the El Dorado Hills area. It should augment what already exists, not be treated as an alternate funding source for community projects. It should not serve to diminish existing funding levels, but instead, bolster them.

4. Property Transfer Fees to County in perpetuity (Section 3.2.5);

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee finds this simply to be an extraction offered to El Dorado County. It is unclear to the EDHAPAC Subcommittee how a nexus for this fee can be justified. The EDHAPAC Subcommittee has no illusion that this Property Transfer Fee will ever be used as a benefit to the El Dorado Hills Community, but is likely to be utilized via the El Dorado County General Fund, at the discretion of the Board of Supervisors, in other areas of the County. As such, no direct benefit to the El Dorado Hills Community is expected, and we find this does not merit a General Plan Amendment, or justify a rezone of the recreational - open space Executive Golf Course property.

5. Dedication of parkland in excess of requirement (Section 3.2.6);

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee finds that this is subjective determination, based on several factors:

- a.) The 1 acre parkland identified for the project entrance along El Dorado Hills Boulevard is not much more than entrance landscaping/open space, and doesn't serve an actual parkland function.
- b.) The 15.3 acre parkland site identified along the southern plan area border and US50, while flat, and subject to less concern over the impacts of lighted playfields, is not a preferred aesthetic location for parkland, or a desired location for residents in the sensitive receptors population (primarily the young, or seniors) along a major highway.

- c) Further, this 15 acre site will be encumbered by the proposed US50 Pedestrian overcrossing - without a proposed pedestrian overcrossing design, the actual impact on the amount of land required from the 15 acre park site cannot be known.
- d) Additionally, requiring usage of a portion of the proposed 15 acre parkland site parking facilities to provide the required park-and-ride capacity obligation of the CEDHSP, places additional encumbrances on the park site.

With these concerns considered, the parkland dedication may just meet required Quimby obligations. In that case, the parkland dedication is only meeting requirements of the project itself, and is not providing additional community benefits, and should not be construed as providing additional benefits.

Additionally, the EDHAPAC Subcommittee is alarmed that encumbrances on the offered 15.3 acres of parkland dedication are proposed - the CEDHSP FEIR, and several years of public discussions of the community benefit of the offered parkland have been based on the offer of 15.3 contiguous acres, while the Development Agreement, **section 3.2.6** provides for uncertainty:

*3.2.6 Dedication to CSD of Parkland in Excess of Obligation. Developer hereby commits to provide to EDHCS D and the community, in full satisfaction of any and all Quimby parkland dedication obligations, 16.3 acres of parkland, comprised of 15.3 acres of dedicated, active, Community Park and a privately owned and maintained 1-acre neighborhood park. Based upon the EDHCS D's Quimby Ordinance, and **assuming full build-out of the potential 1,000 Project dwelling units, the maximum required acreage would be 13.3 acres.** Developer anticipates that actual buildout will result in fewer than seven hundred fifty (750) units, which results in 11.58 acres of required parkland. Notwithstanding the significant excess parkland included within the Project, **Developer shall dedicate the entire 15.3 acres of Community Park to EDHCS D, so long as the approved Project includes a minimum of 700 units.** If the approved Project contains less than 700 units, the required dedication acreage shall be adjusted downward to meet Quimby Act requirements. Dedication timing shall be as set forth in Section 3.2.9 and the Park Dedication Agreement prepared by EDHCS D and attached as Exhibit ___ hereto. Developer shall be required to pay applicable EDHCS D park development impact fees (exclusive of any portion of the fee attributable to open space, which Developer has satisfied in kind), and Developer shall be required to dedicate the entire park parcel on or before the issuance of the one hundredth (100th) building permit within the Project. The Community Park design shall accommodate the planned pedestrian overcrossing and related trail connections. Developer will commence construction of the 1-acre park prior to issuance of the one hundred fiftieth (150th) building permit within the Project and north of Serrano Parkway. The parties intend that the Community Park be maintained in perpetuity as a public park. Consistent with that*

intent, the Grant Deed conveying the Community Park property shall include a reversionary interest retained by Developer, which shall provide that in the event the EDHCSD ceases to maintain the property for park purposes or attempts to transfer ownership thereof, the property shall, at the option of Developer, revert to Developer.

EDHAPAC Subcommittee Finding

If the CEDHSP project is approved, the EDHAPAC Subcommittee, consistent with our stated finding that the 15.3 acre parkland dedication is not a sufficient benefit in lieu of the potential loss of 99 acres of recreational - open space, believes that **a 15.3 acre parkland dedication - touted as a community benefit - is the minimum required parkland dedication, and should not be adjusted downwards, regardless of the final number of units** at project build out. Further, the EDHAPAC Subcommittee finds that a 40 acre parkland dedication would be a better balanced alternative, in lieu of the loss of 99 acres of recreational - open space.

6. Establishment of park maintenance funding mechanisms (Section 3.2.9);

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee finds that this is not a benefit, but a requirement of providing the parkland obligations of the project.

7. Dedication/restriction of public open space and construction of publicly-accessible trails (Section 3.2.8);

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee finds that in evaluating the current usage of the public trails system available in the Serrano El Dorado development, users have commented that the trail system is difficult to access, lightly used, and primarily only used by Serrano El Dorado residents.

In considering the suggested CEDHSP trail areas, access points, and terrain, and based on feedback from trail users in the El Dorado Hills Community, the EDHAPAC Subcommittee finds that the proposed CEDHSP trail systems would be more difficult to access, and be significantly more challenging to use than the current Serrano El Dorado Trail system. In this case, a difficult to access and use trail system, more located for use by project residents, would not be a significant public benefit to the El Dorado Hills Community. Questions still remain on how usable the trail system would be when considering the potential of NOA, documented in the area.

8. Establishment of open space and trail maintenance mechanism (Section 3.2.8);

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee finds that this element should be a requirement to maintain an amenity offered to the community as a project benefit.

9. *Voluntary, no-cost dedication of Country Club Drive right-of-way (Section 3.2.1);*

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee questions the alignment of the County's Country Club Drive CIP Project No: 72377 / 36105007. Providing a parallel capacity connector roadway to US50 through the narrow and constrained Park Drive facility between the Raleys and La Borgota Shopping Centers brings considerable impacts beyond just the scope of the CEDHSP project. While the County's CIP Project No: 72377 / 36105007 has a Project initiation date of 09/12/05, this preceded the closure of the Executive Golf Course in 2006/07, it seems that the County is seeking to leverage aspects of the CEDHSP project to achieve a County desired result. This in turn makes the County a defacto advocate for the project. The EDHAPAC Subcommittee strenuously suggests that the CEDHSP be considered on its own merits, and not utilized to achieve a desired result for CIP Project No: 72377 / 36105007 - which hasn't had any expenditures on design, planning, or environmental review since project inception in 2005: According to the 2018 CIP, expenditures for Planning, design, and environmental review are not even considered until Fiscal Year 2020/21 - which coincides with the projected approval schedule for the CEDHSP project. It seems that CIP Project No: 72377 / 36105007 has been planned all along to utilize facilities of the proposed CEDHSP. With no current existing design, planning or environmental reviews, how can the impacts of CIP Project No: 72377 / 36105007 be known and considered? To that end, how can the impacts of CIP Project No: 72377 / 36105007 in conjunction with, and implemented through the approval of, the CEDHSP, be known, or adequately studied?

Further, the EDHAPAC Subcommittee is concerned that Phase 1 of the proposed Country Club Drive extension from El Dorado Hills Boulevard at Park Drive, to the Serrano Westside planning area eastern project boundary is being provided reimbursement via TIM Fee credits or other mechanisms. Phase 1 of the proposed Country Club Drive extension is required to serve the CEDHSP Serrano Westside Planning Area project, regardless of the full extension of Country Club Drive to Silva Valley Parkway in Phase 2. The Draft Development Agreement section 3.2.2 provides with specificity the distinction between the two phases of construction of Country Club Drive: Phase 2 is not necessary to serve the project, which implies that Phase 1 **is** necessary to serve the project:

SECTION 3. - OBLIGATIONS OF THE PARTIES

3.2.2. Construction of Country Club Drive

...Construction of Phase 2, which is not necessary to serve the Project but which provides very important parallel capacity and connectivity ...

The costs of project access via Construction of Country Club Drive Phase 1 should be borne by the developer, not by County residents.

10. *Advanced construction of Country Club Drive (Section 3.2.2);*

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee is concerned about the timing of the triggers for construction of Country Club Drive.

Why is the primary trigger for Phase 1 construction tied to building permits issued south of Serrano Parkway, if it is agreed that the parallel capacity is an urgent current need?

SECTION 3. - OBLIGATIONS OF THE PARTIES

3.2.2. Construction of Country Club Drive

...Construction of Phase 1 shall be commenced prior to the first building permit issued south of Serrano Parkway, exclusive of model homes. ...

Why is development of the Pedregal Planning Area prevented until Phase 2 of the Construction of Country Club Drive?

SECTION 3. - OBLIGATIONS OF THE PARTIES

3.2.2. Construction of Country Club Drive

...Developer shall be limited to five hundred (500) building permits within the Project and no construction activity shall occur on the portion of the Project west of El Dorado Hills Boulevard (Pedregal) unless and until Developer has commenced construction of Phase 2 of Country Club Drive. ...

Of the two planning areas, the Pedregal Planning area appears to provide the least amount of impact(s) that would justify the proposed Country Club Drive extension project.

11. Voluntary, no-cost dedication to the County of an 11-acre civic/limited commercial parcel fronting El Dorado Hills Blvd. (Section 3.2.7);

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee believes that due to the challenges of development on this 11 acre parcel (primarily grade challenges), that no encumbrances or restrictions on the offer should be included. The offer should not be encumbered with a condition that returns ownership of the property to the applicant within a specified time frame. This should either be offered without restriction, or be included as part of the planning area.

12. Significant monetary contribution toward environmental review and permitting of the trail-connected El Dorado Hills Blvd. freeway pedestrian overcrossing (Section 3.2.10);

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee questions several issues regarding the proposed US50 Pedestrian Overcrossing:

a) The EDHAPAC Subcommittee believes that it would be more cost effective to complete pedestrian facilities along El Dorado Hills Boulevard and Latrobe Road. A US50 overcrossing

appears significantly more complicated and costly to construct.

b) Who will use the proposed US50 Pedestrian Overcrossing? Its northern terminus inside the CEDHSP plan area is isolated from the majority of residents in the core of El Dorado Hills. As such, it will more than likely only serve residents of the Serrano Westside plan area, without a significant benefit to other El Dorado Hills residents. Conversely, a fully realized pedestrian facility along El Dorado Hills Boulevard and Latrobe Road would be used by significantly more residents, and is more compatible with public transportation facilities and circulation.

c) Who owns/controls the landing area on the south side of US50 in Town Center East for the proposed US50 Pedestrian Overcrossing? Is there an agreement in place for the right of way in Town Center East, to accommodate the Pedestrian Overcrossing?

d) The Development Agreement specifies that the applicant will fund design and planning of the proposed US50 Pedestrian Overcrossing, while the construction obligations and costs fall to the County. The County Transportation Department is suggesting that adequate grant funding exists that could facilitate construction of the proposed US50 Pedestrian Overcrossing - and that may be true in 2019/20. But will that grant funding exist in future years past 2020 when the project design is finalized, and ready for construction? The County Transportation Department previously assured County Decision Makers that there would be adequate grant funding to provide credits/offsets to the County TIM Fee program in recent years, but now in 2019 that projected grant funding has evaporated, resulting in the TIM Fee Program being underfunded, creating a condition of crisis for the Transportation Department to reassess TIM Fee Schedules, and creating an uncertain environment for the Development Community in El Dorado County. If the County was incorrect in Grant Funding assumptions in the recent past, how can residents be confident that similar Grant Funding assumptions are correct for this major project?

The EDHAPAC Subcommittee finds that the proposed US50 Pedestrian Overcrossing is not a sufficient public benefit to justify a General Plan Amendment or the proposed rezone of existing recreational - open space.

13. The opportunity for a range of housing types and densities;

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee believes that a project that provides a variety of housing types and densities, while a worthwhile goal, doesn't provide any significant benefit to the Community unless these housing types and densities can accommodate a variety of income level designations as specified in the County's RHNA requirements - specifically low and very-low income designations. As such, suggesting that a RHNA requirement benefit is provided by the proposed CEDHSP project is meaningless without meeting a variety of RHNA income designation needs. In fact any other project, can meet the Above Moderate, and Moderate income designations, just as the CEDHSP purports to do. Meeting the Low, and Very-Low income designations is where the County has had difficulty in meeting RHNA requirements.

Without a portion of the CEDHSP project meeting the Low or Very-Low income designation, there is no significant RHNA benefit to the Community or to the County, and as such the EDHAPAC Subcommittee doesn't believe that the project as proposed based on RHNA objectives that cannot be met justifies a rezone of existing recreational - open space property, or merits a General Plan Amendment entitlement.

14. Direct roadway and pedestrian/bicycle connections between housing and adjacent office/retail/services;

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee finds that the proposed pedestrian and bicycle connections will primarily serve the Planning Area residents, and not the balance of the El Dorado Hills Community.

15. Significant County TIM Fee contributions without triggering any new roadway improvements.

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee is concerned that the full scope of traffic impacts have not been sufficiently analyzed - with additional concerns about the impacts to existing roads by the proposed connection of Country Club Drive between El Dorado Hills Boulevard and Silva Valley Parkway. Concerns center on the El Dorado Hills - Saratoga Way/Park Drive Intersection, and the proposed new Country Club Drive at Silva Valley Parkway Intersection, as well as impacts to the US50 interchanges at El Dorado Hills Boulevard/Latrobe Road, and Silva Valley Parkway.

16. Consistency with SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy.

EDHAPAC Subcommittee Finding - no significant finding

17. Contribution to the County's Affordable Housing Fund (Section 3.11).

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee finds that while this contribution is generous, and laudable, there is no immediate measurable community benefit of this contribution that justifies a General Plan Amendment. Any project could offer a similar contribution, without requiring a General Plan Amendment. Additionally, since the Contribution is offered per dwelling unit, at the time of building permit issuance, over the development agreement term of twenty years, the actual dollars collected will be diluted in value over time. In short, fees will not amass to a meaningful balance until late in the project term. The EDHAPAC Subcommittee also asks: Will this contribution to the County's Affordable Housing Fund be a requirement of ALL future development projects in the County, or only a requirement of the CEDHSP?

18. Contribution to the County's Intelligent Transportation System project (Section 3.12).

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee sees significant value in the proposed Intelligent Transportation System (ITS). The initial estimate of the CEDHSP project's fair share contribution is suggested

to be approximately \$500 per unit - this would generate between \$368,500 to \$500,000 based on ultimate buildout levels. Unspecified in the Development Agreement is when this contribution will be available to the County - since the calculation is based on a proposed per-unit fee, and the final buildout numbers will be unknown until potentially the end of the twenty year term of the Development Agreement, will the ITS contribution be provided in a fashion similar to the proposed Contribution to the County's Affordable Housing Fund -at building permit issuance? If so, it will take many years for the contribution to accumulate to a usable balance.

Also of concern, is that the ultimate ITS project cost is estimated to be \$5.2 million - this suggests that a significant number of development projects will be required to raise enough funding to even get to a level to qualify for matching State Funding (if available) - in this scenario, 1000 dwelling units would generate \$500,000, less than 10% of the ITS costs. This suggests that voluntary contributions from 5000 dwelling units would be required to generate under half of the costs of the ITS in 2019 dollars.

Another consideration is that contributions to the ITS are *voluntary* - other projects may not choose to participate. An ITS solution based on enormous amounts of additional development is concerning to the EDHAPAC Subcommittee - this suggests that future projects will not be evaluated with full neutrality - that projects willing to voluntarily contribute to the ITS will either be looked upon with favoritism, or will appear to be 'purchasing' elements of approval. Also concerning is the provision for the proposed CEDHSP contribution to be returned to the Applicant if the ITS is not constructed, or only partly constructed. Do other projects that have agreed to the voluntary contribution to the ITS have the same encumbrance?

Because of these concerns, the EDHAPAC Subcommittee does not believe that the proposed ITS contribution is of significant value to justify a General Plan Amendment, or a rezone of the recreational - open space Executive Golf Course property. It is simply an extraction.

19. Significant net positive contribution to County's TIM Fee Program (\$20,000,000.00 plus)
EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee hesitates to attempt to validate this claim, based on a number of conditions, issues, and assumptions surrounding the current state of the TIM Fee program, and the lack of adequate documentation or data to confirm this statement. We do question the \$20 million number based on the amount of TIM Fee credits and reimbursements that the applicant proposes to utilize from their construction of Phase 1 of the Country Club Drive extension, as well as their planned property acquisition and construction of Phase 2 of the Country Club Drive extension.

Item F

To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risks of development, the Legislature

of the State of California adopted Sections 65865 et seq. of the California Government Code enabling a County and an applicant for a development project to enter into a development agreement establishing with certainty what zoning standards and land use regulations of the County will govern the construction and implementation of the development project from beginning to completion.

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee observes that the Development Agreement is a function of California Government Code, and that in the language provided in Item F that the applicant and the County cites specifically the adopted Sections 65865 to establish "*with certainty what zoning standards and land use regulations of the County will govern the construction and implementation of the development project.*" However, the EDHAPAC Subcommittee cannot find in the body of the Development Agreement what zoning standards and land use regulations of El Dorado County will govern the construction and implementation of the project.

Further, a reading of CA Government Code section 65865.2 reveals:

"65865.2 A development agreement **shall specify** the duration of the agreement, the permitted uses of the property, the density or intensity of use, **the maximum height and size of proposed buildings**, and provisions for reservation or dedication of land for public purposes..."

The EDHAPAC Subcommittee asks where these statutorily required items are specified in the Draft Development Agreement?

SECTION 2. - DEVELOPMENT OF THE PROPERTY

2.5. Revisions to Project Approvals.

Developer may apply, in writing, to revise the Project Approvals. If the Director of Planning and Building Department, or his/her designee, determines, in his sole discretion, that the requested revision is (1) a minor change to the Project considered as a whole; (2) does not increase the density or intensity of the use approved in the Project Approvals; (3) is consistent with this Agreement; (4) is consistent with the Applicable General Plan; and (5) does not change the analysis contained in the EIR, the Director of Planning and Building Department or his/her designee may approve the requested revision without public hearing. The notice and appeal process for such a revision shall be the same process as for any other Director of Planning and Building Department approval at the time of the action requested. If the Director of Planning and Building Department determines the application does not comply with the above, then it shall be processed with all applicable public hearing and notice provisions then in effect.

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee, based on prior experiences of dissatisfaction with modification requests to previous Specific Plans, Planned Development overlays, and other projects that provided for a determination by the Director of Planning and Building Department, prefers that instead of placing the determination authority with a single County employee, that a subcommittee be established for these ministerial determinations. Our suggestion would be that this conceptual Subcommittee could be comprised of:

- The Director of the Planning and Building Department: serving as subcommittee chair
- The Director of Transportation
- The Chair of the Planning Commission, or another Planning Commissioner designated by the Planning Commission
- A senior member of the CAO's office
- A senior member of the County Auditor Controller's office

For the sake of transparency, this would provide County residents with assurances that modification requests are evaluated and thoughtfully reviewed by multiple County departments, and lessens the potential for critical review considerations to be overlooked or missed. It still provides the developer the flexibility to modify the CEDHSP to meet market conditions, and market opportunities, and keep the modification process to a ministerial level.

SECTION 4. - ANNUAL REVIEW

4.1. Annual Review. During the term of this Agreement, the County shall, once every calendar year, review the extent of good faith compliance by Developer with the terms of this Agreement. Such periodic review shall be limited in scope to compliance with the terms and conditions of this Agreement pursuant to California Government Code section 65865.1. This review shall be conducted pursuant to Section 130.58 of the County Ordinance Code. Upon not less than thirty (30) days' written notice by the Director of the Planning and Building Department, Developer shall provide such information as may be reasonably requested by the Director and deemed by the Director to be required in order to ascertain compliance with this Agreement. Developer's failure to provide the requested information within thirty (30) days of the Director's request shall constitute a default of this Agreement in accordance with Section 5 herein.

EDHAPAC Subcommittee Finding

The EDHAPAC Subcommittee believes that for full transparency, that a specific date should be established for each calendar year for the annual review to be published upon the County of El Dorado's website for availability to residents of El Dorado County. The EDHAPAC Subcommittee notes that a similar annual review requirement of the 1988 EDHSP was not conducted with consistency, resulting in several years without an annual review.

EDH CSD Measure E:

Perhaps the overriding community concern regarding the proposed CEDHSP is El Dorado Hills resident reaction to the question of rezoning the 99 acre Executive Golf Course.

The 2015 Measure E advisory ballot measure results should not, and cannot be ignored. In a high turn-out vote, in an off-year election, the El Dorado Hills Community spoke with a near unanimous preference - 91% in favor of preserving the recreational-open space zoning of the El Dorado Hills Executive Golf Course. A 91% vote to preserve the current recreational - open space zoning is so compelling, that it should hold significant consideration in evaluating this project for decision makers at the Planning Commission level, as well as for the Board of Supervisors.

Interestingly, the EDHAPAC Subcommittee notes several recent informal polls conducted by various community members and local organizations, with resident response rates ranging from 500 participants to over 1000 participants, resulting in similar conclusions. Those local independent polls consistently show results of 89% to 91% of participating residents favor no rezone of the Executive Golf Course property, preferring to keep the property zoned as recreational - open space.

Conclusion:

Based on on the number of concerns detailed in this subcommittee report, on items ranging from General Plan Consistency findings, combining two separate planning areas into a single proposed specific plan, land use concerns, environmental impacts, traffic and circulation impacts, and recreational - open space impacts, resulting in cumulative negative impacts to the El Dorado Hills Community, the EDHAPAC Subcommittee finds that the Central El Dorado Hills Specific Plan project, as proposed, and inclusive of its associated Development Agreement, does not provide adequate benefits to El Dorado Hills, or to El Dorado County, to merit a General Plan Amendment, or to justify the rezone of the old Executive Golf Course Property.

The El Dorado Hills Area Planning Advisory Committee Central El Dorado Hills Specific Plan Subcommittee recommends non-support of the project as presented.