



Fw: Board of Supervisors January 19, 2010 Agenda Item # ____; La Canada Development Project Rezone Z08-0001, Planned Development PD08-0003, Phased Tentative Map TM08-1463

Charlene M Tim to: Cynthia C Johnson
Cc: Pierre Rivas, Michael C Baron

01/13/2010 02:51 PM

CJ,

Please post this public comment submitted for Z08-0001/PD08-0003/TM08-1463/La Canada Subdivision that is scheduled for the January 19, 2010 BOS meeting. Thank you.

Char Tim
Clerk of the Planning Commission
El Dorado County Development Services
(530) 621-5351

****Please note my new e-mail address: charlene.tim@edcgov.us**

— Forwarded by Charlene M Tim/PV/EDC on 01/13/2010 02:49 PM —

Michael C Baron/PV/EDC

01/13/2010 02:46 PM

To Charlene M Tim/PV/EDC@TCP

cc

Subject Fw: Board of Supervisors January 19, 2010 Agenda Item # ____; La Canada Development Project Rezone Z08-0001, Planned Development PD08-0003, Phased Tentative Map TM08-1463

Hi Char,

Can you please add this public comment to the BOS packets for La Canada?

— Forwarded by Michael C Baron/PV/EDC on 01/13/10 02:45 PM —



"William Neasham"
<WNeasham@neashamlaw.com>

01/13/10 01:37 PM

To <rtrout@co.el-dorado.ca.us>, <privas@co.el-dorado.ca.us>, <mbaron@co.el-dorado.ca.us>, <eileen.crawford@edcgov.us>, "Paula Frantz" <pfrantz@co.el-dorado.ca.us>

cc <jkorotkin@korotkin.biz>, <dcrosariol@ctaes.net>, <osciorelli@ctaes.net>, <bosone@edcgov.us>, <bostwo@edcgov.us>, <bosthree@edcgov.us>, <bosfour@edcgov.us>, <bosfive@edcgov.us>

Subject Board of Supervisors January 19, 2010 Agenda Item # ____; La Canada Development Project Rezone Z08-0001, Planned Development PD08-0003, Phased Tentative Map TM08-1463

Michael Baron
County of El Dorado

Planning Department

Eileen Crawford
County of El Dorado
Department of Transportation

Dear Michael and Eileen:

As you know this office represents Alto LLC, the owner of the property immediately adjacent to and east of the proposed La Canada subdivision. Alto does not object to the La Canada development overall. We have, however, expressed our strong objections to the proposed phasing plan providing a +/-2900 linear feet dead-end road where only one access to Salmon Falls road as a public road is provided and the second access connector road which is of critical importance to the Malcolm Dixon Area Traffic Circulation Plan ("MDA Circulation Plan) is deferred until some indefinite and uncertain time as the developer proceeds with Phase II.

In our view the most appropriate phasing plan, given the County approved and implemented MDA Circulation Plan, is to require the applicant to develop the central section with the ABC connector road as Phase I (vice what has been proposed by the applicant to be Phase II). Otherwise, and with a particular understanding that the law on allowable future map extensions and an eye to other adverse economic circumstances which exist and may turn worse in the future, it may well be a very long time into the future-approaching ten (10) years or more, if ever-that the connector road and the MDA Circulation Plan is achieved despite that road segment is essential to the underlying CEQA analysis. The County should not put itself and the public in the position of saying as has been all too often the case in the past-"This project should have been conditioned better..." Now is the time that the County exercises its discretion and it should be done with vigorous care to ensure matters are done correctly.

For ease of reference, we have attached a Circulation Exhibit prepared by CTA, the applicant's engineer, showing the connector road segment in issue from Salmon Falls to Alto (ABC segment). Ms. Sciorelli has indicated in an email memorandum dated January 6, 2010 that CTA's calculations of length for the proposed internal La Canada Phase I road are "The length from Salmon Falls to the end of the Cul-de-sac is 2338 l.f. The length from the intersection of A and C Drive to the end of Phase I improvements (around lot 3) is 568 l.f." Given that the rezone to RA 5 PD results in all 22 of the proposed Phase I parcels are less than 4.99 acres (not 5 acres to 19.99 acres), the applicable "Dead End Roads" analysis would result in allowed a cul-de-sac of only 1320 l.f. of dead-end road, a far cry from the +/- 2900 linear feet to be approved by the staff's recommendation.

For these and other reasons, we will urge the Board of Supervisors to recognize there are significant public policy considerations that compel a redesignating the Phasing Plan submitted and modification of the staff recommended conditions of approval. Contrary to the misleading notion that this is just the developers arguing over roads, there are legitimate public issues and concerns about ensuring the County approved regional MDA Circulation Plan is implemented

since the project Mitigated Negative Declaration is predicated upon the MDA Circulation Plan. There has been no analysis or discussion of the not improbable and fairly arguable or foreseeable circumstance of the applicant developing Phase I and the remainder phases are never completed. There is little discussion as to any alternative to the requested phasing plan from a public interests perspective, and little or no discussion of waiving the County regulations as to 2 points of access to a public street or the design standards for such a potentially long period of time.

It is our opinion that if the current recommendations are adopted, the project approvals will be contrary to the County regulations, in particular Sections (2) Access, (9) and (12) of the County's Design & Improvements Standards Manual, section 1273.09 of the County's SRA Fire Safe Regulations, and applicable provisions of the California Environmental Quality Act.

After reviewing the proposed La Canada Conditions of Approval; however, it further appears that several of the proposed Conditions of Approval are vague and ambiguous, and should be amended to state more clearly what is being required. We have also proposed an additional condition for security to ensure the construction of the Salmon Falls connector road is actually constructed by requiring a set aside as lots are sold from Phase I if approved. Due to the immediate pendency of the Board's hearing these matters on January 19, 2010, we submit the following for your staff review and consideration:

Condition of Approval #30 should be amended to provide that the ABC connector road and related lots and parcels are designated Phase I of the La Canada development.

Condition of Approval #34 should be amended as follows:

“34. Multi-Project Area of Benefit: *The County intends to form and implement, at the applicant's expense, a public improvement financing district for funding or reimbursement of the costs of off-site public improvements to be constructed as identified in the Exhibit L entitled Malcolm Dixon Area Traffic Circulation Plan. If and when requested by the County, the applicant shall prepare, and/or assist and cooperate in the preparation as may be appropriate, and thereafter submit for County's approval and adoption a proposed Area of Benefit and supporting Engineer's Estimate and Report for the purpose of financing and reimbursement of required off-site land acquisition, widening and (re-) construction of public improvements as may be appropriate. The proposed Area of Benefit shall include but not be limited to parcels APN: 110-020-12, 126-100-18, 19, 23, & 24. The County has determined that this project is within the proposed public financing district Area of Benefit, and that the project will derive benefit from the public improvements to be constructed as part of the Malcolm Dixon Area Traffic Circulation Plan. Prior to the approval or filing of any Final Map for the project or any phase of the project, the County shall require consent by the land owner to the public financing district and participation in the funding or reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of approval. The Area of Benefit Engineer's Report shall be prepared and submitted and the proposed public financing district formed prior to the filing of the*

Final Map for the project or any phase of the project. ”

Condition of Approval #39 should be amended as follows:

39. Secondary Access: The applicant shall provide at least two connections with an existing improved public street for the project *in accordance with the County Design & Improvements Standards Manual, Sections (2) Access, (9) and (12)*. The accesses shall adhere to the provisions described in Table 1. The second connection with an existing improved public street *shall* be provided by way of the Malcolm Dixon connector road in accordance with County approved design standards shown on the Malcolm Dixon Area Traffic Circulation Plan. The improvements shall be substantially completed the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map *for the project or any phase or portion of the project* .

Assuming that the applicant proposed Phasing Plan is approved, add an additional Condition of Approval as follows

“ . *Additional Security for MDA Traffic Circulation Plan Improvements.*

Prior to the filing of a Final Map or map amendment for any phase or portion of the property, the applicant shall prepare and submit to the Department of Transportation for its approval an Engineer’s Estimate for the full construction costs of the east-west connector road from Salmon Falls Road to the westerly boundary of the Alto property and improvements which lie outside the boundaries of Phase I. The Engineer’s Estimate shall be updated annually from the date of initial approval by the Department of Transportation.

Contemporaneously with the filing of a Final Map for Phase I, the applicant shall cause to be created a “due on sale” first-priority lien upon each parcel within Phase I designated for residential development in an amount equal to 1/24th of the applicable Engineer’s Estimate for the full costs of construction of the east-west connector road. If a large parcel map is filed for all of Phase I, the lien shall be in an amount equal to the number of residential lots within such parcel times an amount equal to 1/24th of the Engineer’s Estimate for the full costs of construction of the east-west connector road described above. Upon the sale of each such parcel, the funds shall be deposited into an interest bearing escrow account which may only be withdrawn with the approval of the County and in accordance with the below provisions.

In the event the applicant or successor-in-interest constructs the east-west connector road outside the boundaries of Phase I, upon approval of such road construction by the Department of Transportation, said funds may be released as reimbursement to the applicant or his successor-in-interest. In the event that a 3rd party funds and constructs the construction of any portion or all of the east-west connector road, upon approval of such road construction by the Department of Transportation, said funds shall be

released to the third party funding and constructing said road as reimbursement for the costs of construction prior to any funds being released to the applicant or his successor-in-interest.

This requirement for additional security and the applicant's compliance with such shall not be considered in any way or for any purpose to constitute the full compliance with any obligation of the applicant to construct improvements required under the Conditions of Approval. The additional security required under this provision shall be in addition to any obligations under the Conditions of Approval, or other bonding or sureties otherwise required by the County. ”

Condition of Approval #40 should be amended as follows:

*“40. **Reciprocal Access Agreement:** The applicant shall provide a reciprocal access agreement, signed by the adjoining property owners, *together with recorded easements allowing the use of the MDA Circulation Plan connector road through La Canada for access Salmon Falls Road* , guaranteeing access for this site to use the proposed off-site roadways from this project to Malcolm Dixon Road, prior to the filing of *the Final Map or map amendment for any phase, specifically including Phase I, or portion of the property .”**

Condition of Approval #74 should be amended as follows:

“74. The applicant shall process a request for annexation into the El Dorado Irrigation District for public water, and upon LAFCO approval of such annexation, thereafter annex and obtain a commitment of public water supply from El Dorado Irrigation District prior to filing a the Final Map for any parcel .”

Condition of Approval #75 as follows:

“75. The applicant shall process a request for annexation into the El Dorado Hills Fire District for fire protection services, and upon LAFCO approval of such annexation, thereafter annex and obtain a commitment for fire protection services from El Dorado Hills Fire Protection District prior to filing the Final Map for any parcel .”

I would be happy to meet or discuss the specifics of the foregoing proposed amendments to the Conditions of Approval or the reasons for seeking them. Please ensure that this memorandum and exhibit are included in the Board of Supervisors' packet materials for the January 19, 2010 hearing.

Thank you for your time and attention to these matters.

Sam Neasham

Neasham & Kramer LLP

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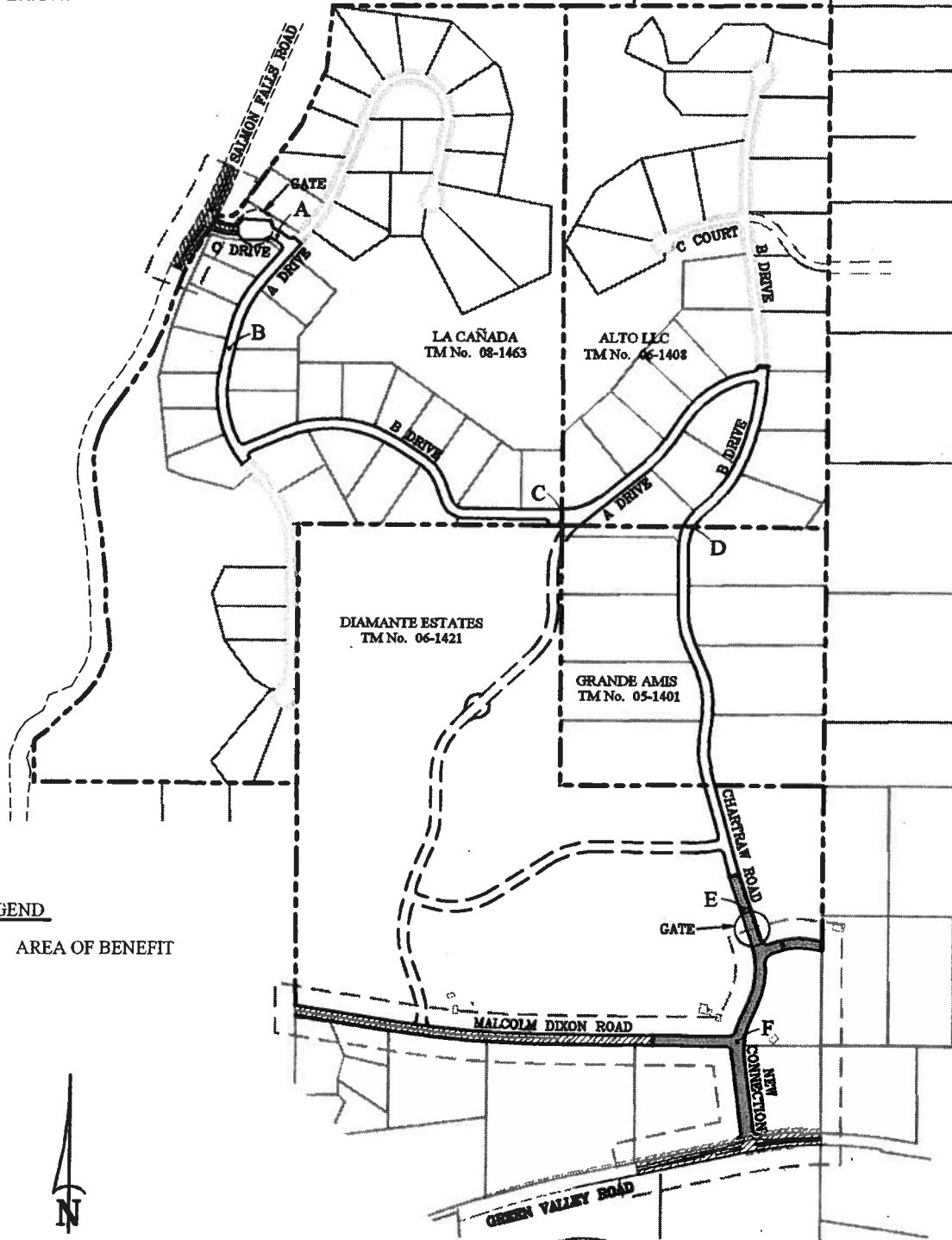
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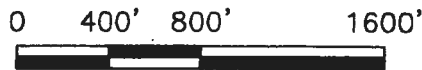
Circulation Map Exhibit Y 121009 .pdf

ALTO LLC / LA CAÑADA
CIRCULATION EXHIBIT Y
 EL DORADO COUNTY, CALIFORNIA
 DECEMBER, 2009



LEGEND

--- AREA OF BENEFIT



SCALE: 1" = 800'

cta Engineering & Surveying

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