

Public Comment for Board of Supervisors Meeting 6/10/14
DA13-0001/Alto LLC Tentative Map DA

June 3, 2014

Dear Supervisors:

The circumstances under which the Alto project was conditionally approved in 2009 have changed: **Pursuant to CEQA guidelines section 15162, you cannot approve a Development Agreement for the Alto subdivision that extends the map without an updated environmental study.**

1. In September 2013, Caltrans submitted a letter to Planning Services stating that Hwy50 is at capacity (LOS F) Letter excerpt attached. ***This is a significant change.***
 - a. The 2006 traffic study for the approved project did not consider that Hwy50 was impacted, and did not include Hwy50 in the analysis (see Environmental Checklist Pg 29, attached)
 - b. The project impact does not meet the exemptions under General Plan policy TC-Xe of less than 100 daily trips, or less than 10 peak hour trips.
2. The Green Valley Rd/Silva Valley Pkwy intersection is currently operating at LOS F according to County records. ***This is a significant change.***
 - a. The approved staff report projected that this intersection would operate at LOS B with the 2006 completion of the traffic signal and turn lanes. (see Environmental Checklist pg30, attached) This work has now been completed and the intersection is operating at LOS F *without including* the added impact of this project.
3. In September 2012, Option B of the Oak Woodland Management Plan was rescinded by court order. ***This is a significant change.***
 - a. The Alto project utilizes both Option A: retention, and Option B: offsite mitigation fees (see Conditions of Approval, no3 on page 7, attached)

In addition, the proposed Development Agreement as written would allow the original project MND (Mitigated Negative Declaration) to be used for all future discretionary approvals needed for the project *over the next 15 years, and without public review.* In light of the significant changes listed above, no further consideration of this proposal should be given.

You must require an environmental analysis that addresses current conditions prior to approving the proposed Development Agreement on this project.

Ellen Van Dyke
Rescue Resident

References attached:

Caltrans letter (excerpt) 9/25/13, pg 2
Environmental Checklist, Page 29 (p55/65 of the staff report)
Environmental Checklist, Page 30 (56/65 of the staff report)
Conditions of Approval, page 7 no. 3
CEQA Section 15162 Subsequent EIR's and Negative Declarations
'VanDyke' Public Comments to Planning Commission 4/24/14

Attached References:

Caltrans response letter to Kim Kerr dated 9/25/14:

3. *What has Caltrans determined the LOS to be along U.S. Highway 50 within El Dorado County? Specifically, what is LOS determined to be from the West County line on U.S. Highway 50 to Cameron Park Drive?*

As part of the Caltrans System Planning Program, every State Highway System route is analyzed on a segment by segment basis based on the Highway Capacity Manual 2010 freeway analysis and plans for the route are summarized in documents entitled "transportation concept reports" (TCRs) and "Corridor System Management Plans (CSMPs)". Route segmentation for both the CSMPs and TCRs is based on political boundaries, geometric changes in the route facility and significant changes in traffic volumes.

The LOS on US 50 for the segment between the Sacramento/El Dorado County Line and Cameron Park Drive is currently operating at LOS E. However, the portion of the segment from the County Line to the El Dorado Hills Blvd. Interchange operates at LOS F during the peak hour.

Page 29 of the Environmental Checklist (p55/65 of the Alto staff report):

- b. According to the traffic analysis, once fully occupied the proposed development would generate 239 total daily trips, with 19 trips occurring in the AM peak hour, and 25 trips occurring within the PM peak hour. These estimates are based on the Institute of Transportation Engineers *Trip Generation Manual 7th Edition*.

The County's level of service standard specifies the following:

"Level of Service (LOS) for County-maintained roads and State highways within the unincorporated areas of the County shall not be worse than LOS E in the Community Regions." (Policy TC-Xd) The proposed project would be within the Cameron Park Community Region.

"If a project causes the peak hour level of service or volume/capacity ratio on a County road or State highway that would otherwise meet the County standards (without the project) to exceed the (given) values, then the impact shall be considered significant."

Analysis of existing traffic conditions at the study intersections were based on peak-hour traffic counts conducted in January 2006 and also August 2008 for five adjacent projects. The following study intersections were included in the traffic analysis:

1. Salmon Falls Road at Malcolm-Dixon Road (two way stop control)
2. Green Valley Road at Allegheny Road/Silva Valley Parkway (two way stop control)
3. Green Valley Road at Malcolm-Dixon Road (two way stop control)
4. Salmon Falls Road at La Canada Access
5. Green Valley Road at Chartraw Road
6. Malcom Dixon at Western Diamonte Estates Access
7. Malcom Dixon Road at Chartraw Road (South "T")
8. Malcom Dixon Road at Chartraw Road (North "T")

Attached References, continued:

Page 30 of the Environmental Checklist (p56/65 of the staff report):

Existing plus Project Conditions: Peak-hour traffic associated with the proposed project was added to the existing traffic volumes and levels of service were determined at the study intersections. Table X provides a summary of the intersection analysis.

The El Dorado County Department of Transportation has indicated that the Green Valley Road intersection with Allegheny Road/Silva Valley Parkway is scheduled for traffic signal installation and the addition of turn lanes in mid-2006. These improvements would increase the LOS at this intersection to LOS B for both the AM and PM peak hours.

Findings/Conditions of Approval, page 7:

Project Conditions of Approval

Planning Services

3. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (Total 27.36 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees. (Reference PD06-0006)

Attached References, continued:

CEQA Reference:

Section 15162. Subsequent EIRs and Negative Declarations.

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

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In accordance with CEQA section 15162 (a)(3)(b),

Attached References, continued - Public Comment submitted to Planning Commission 4/24/14

Dear Commissioners:

I vehemently oppose a 15 year map extension via this Development Agreement (DA) without a new environmental analysis. The original discretionary approval for Alto is now 5 years old, the MND (Mitigated Negative Declaration) is 8 years old, and the data it was based upon is at least 9 years old. Conditions have changed a lot in El Dorado County over the past 9-10 years.

Additionally:

1. The staff report indicates the money received from the developer in exchange for this time extension would be used for traffic analysis and design to benefit the Green Valley corridor. However, the DA language says that the money may be used for *anything* of 'public benefit' (Article 4, p16/44, 'Contribution for Community Benefit').
2. Traffic conditions have changed, with evidence that Measure Y constraints must be considered, *and* the oak ordinance utilized in the MND is out of date due to court ordered changes. You cannot legally move forward to utilize this outdated environmental document for a new project. As proposed by the DA, *the 2009 MND will be used for all future subsequent project approvals needed for the project over the next 15 years* (Section 3.10 (16/44) 'Environmental Mitigation').
3. There are so many issues with the original oak impact analysis, there should be no consideration whatsoever to extending the tentative map using the outdated reports.
 - a. The original report is 10 years old; that's ten years of growth on the oak canopy.
 - b. There is NO mention in the MND that this parcel is within Important Oak Woodland Habitat (map attached)
 - c. The oak removal estimates did not include the buildable area for each lot shown on the tentative map, as was claimed in the staff report. It also does not include the areas cleared for fire safe requirements in the conditions of approval, or the septic field areas.
 - d. No 'envelopes' were conditioned to limit oak removal, and there is not adequate open area on site for buyers to provide oak tree replacement on their parcels. Note that the in lieu fee option has since been thrown out in court.
4. The DA appears to set the amount of the project impact fees back to the level they were at the time of the original 2009 approval (DA Article 5, section C, p17/44, 'Impact Fees')
5. DA Article 3, section 3.02 (p12/44) indicates the DA "*shall prevail over any County law or policy that is enacted or imposed by a citizen-sponsored initiative or referendum, or by the County Board of Supervisors...*" I am not an attorney - is it standard for the Board to give up this control?
6. Per section 3.03 'Applicable County Law', (p13&14/44), wraps up with item 7 saying the only new county laws that would apply to the project would be those accepted in writing by the developer at its sole discretion. Again, is that typical?
7. Section 3.11 (p16/44) states that the developer "in its sole and absolute discretion may terminate this Agreement" with written notice. A DA typically requires dissolution by both parties.
8. The annual periodic review under Section 9.04 is at the cost of the county, and a report not completed is deemed 'a finding of good faith compliance'. This is not in the taxpayers, or county residents, best interest.
9. As written, the DA allows the director of Development Services to enter into amendments to the Agreement *without notice or public hearing* (Section 10.08, p24/44, 'Amendments'). This promotes backroom deals in an era where public trust is already an issue.

If the developer would like a map extension, ***a new environmental analysis should be provided.*** Period.

Ellen Van Dyke, Rescue Resident
(page 1 of 2)

Important Oak Woodland Habitat

(BOS 6/25/07)

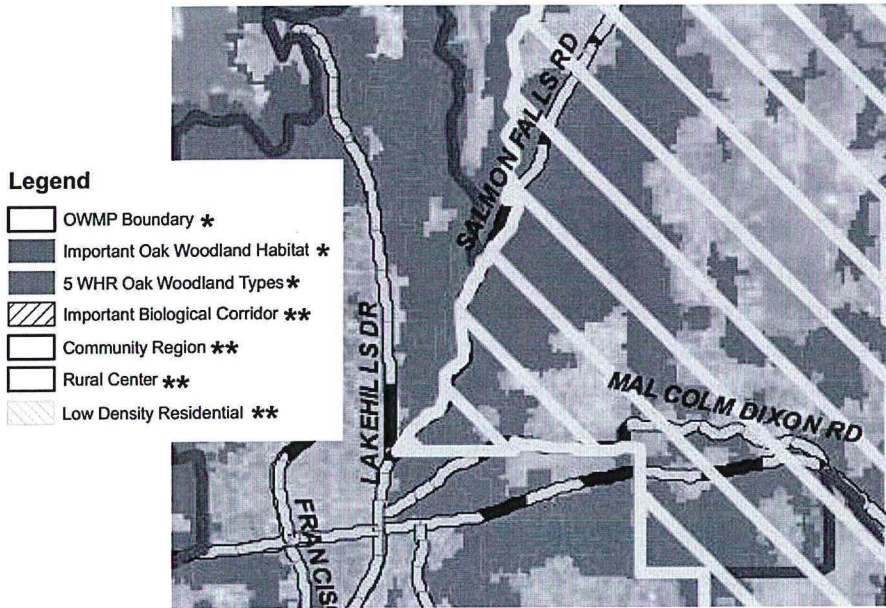
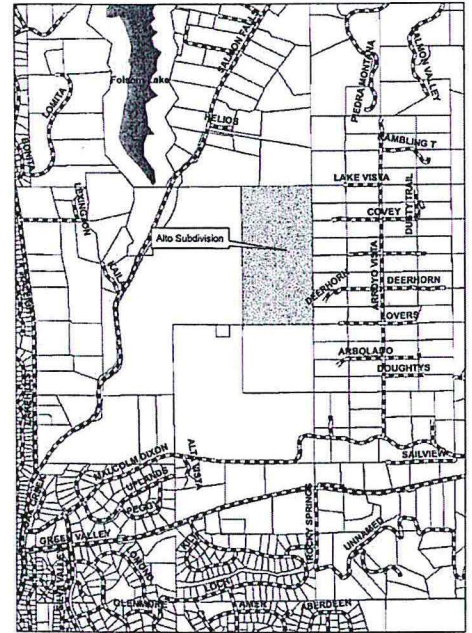


EXHIBIT A: VICINITY MAP



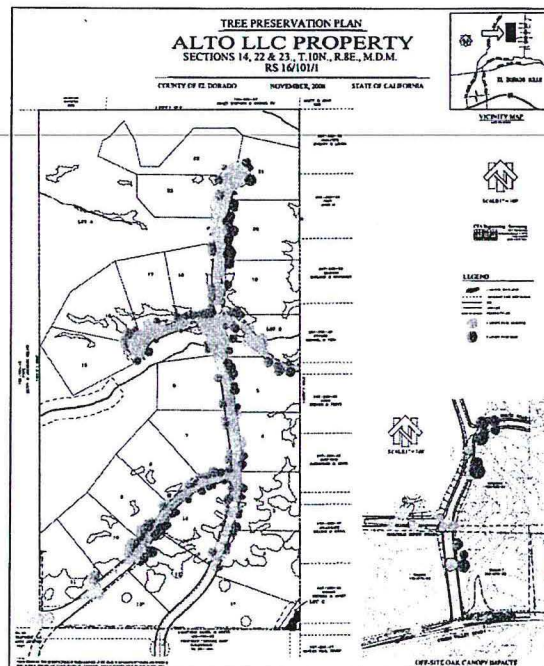
Prepared By: Michael C. Baron
Dorado County Planning Services

Approved staff report, March 2009

From pg9: "Development envelopes with potential driveway locations were initially analyzed in order to determine the extent of oak impacts as a result of infrastructure improvements and due to future residential development of the project."

In actuality, only the roadway was taken into account (see H1).

Exhibit H1: Oak Canopy Exhibit





EDC COB <edc.cob@edcgov.us>

Comment on 6/10/14 BOS Agenda, Alto map extension & Development Agreement

1 message

Robert Smolarski <bobsmo@sbcglobal.net>

Wed, Jun 4, 2014 at 7:34 AM

Reply-To: Robert Smolarski <bobsmo@sbcglobal.net>

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Board of Supervisors,

Please do not approve the Development Agreement to extend the tentative map without first requiring a supplemental environmental analysis, as required by the California Environmental Quality Act (CEQA).

Salmon Falls road is already too dangerous and congested, we have a least one accident at the corner of Salmon Falls and Village Center every six weeks, we don't need more traffic.

I appreciate your consideration.

Thank you,

Robert Smolarski

EDH, CA



EDC COB <edc.cob@edcgov.us>

June 10th Board Agenda Item, Alto map extension & Development Agreement

1 message

George and Elena Kucera <gkucera@hotmail.com>

Wed, Jun 4, 2014 at 8:28 AM

To: "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>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Hello Supervisors,

While many of us cannot attend this meeting in person, we do hope you have our best interests at heart and ask these developers, who certainly are all spending as much face time with you as they can, to provide a supplemental environmental analysis, as required by the California Environmental Quality Act (CEQA), on their plans before proceeding. The situation and information available regarding the traffic congestion (and pending increase in congestion with no remedy for years) has considerably worsened since these plans were submitted.

Thank You,

George Kucera

Rescue, CA 95672



EDC COB <edc.cob@edcgov.us>

Comment on 6/10/14 BOS Agenda, Alto map extension & Development Agreement

1 message

catherine Taylor <catherineetaylor@comcast.net>
To: bosone@edcgov.us

Wed, Jun 4, 2014 at 8:34 AM

Dear Board of Supervisors,

Please do not approve the Development Agreement to extend the tentative map without first requiring a supplemental environmental analysis, as required by the California Environmental Quality Act (CEQA).

Thank you,

Catherine E. Taylor

El Dorado Hills, CA 95762



EDC COB <edc.cob@edcgov.us>

Fwd: Alto Subdivision in El Dorado Hills

1 message

The BOSONE <bosone@edcgov.us>
To: EDC COB <edc.cob@edcgov.us>

Wed, Jun 4, 2014 at 2:14 PM

----- Forwarded message -----

From: **Larry Keenan** <lobbythis@comcast.net>

Date: Wed, Jun 4, 2014 at 1:07 PM

Subject: Alto Subdivision in El Dorado Hills

To: Supervisor 1 <bosone@edcgov.us>, Supervisor 2 <bostwo@edcgov.us>, Supervisor 3 <bosthree@edcgov.us>, Supervisor 4 <bosfour@edcgov.us>, Supervisor 5 <bosfive@edcgov.us>

Dear Supervisors,

If the Alto subdivision off Salmon Falls Road is not compliant with Measure "Y" the EIR needs to be redone. The fact that the planning commission is recommending approval anyway is wrong. Also, the data is not available to review online. That needs to be fixed. We are entitled to review the information before the June 10th hearing.

Respectfully,

Larry Keenan

El Dorado Hills, CA 95762