

1/26/2017

Edcgov.us Mail - Bass Lake North - January 26, 2017 Planning Commission Item 3.



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Bass Lake North - January 26, 2017 Planning Commission Item 3.

deeanne gillick <wogillick@att.net>

Thu, Jan 26, 2017 at 6:35 AM

Reply-To: deeanne gillick <wogillick@att.net>

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Cc: DeeAnne Gillick <wogillick@att.net>

Dear Honorable Planning Commissioners and County staff:

We submit the attached letter for the record related to today's planning commission hearing. If there are any questions we can be contacted at 209-470-8591. We also intend to be at the hearing today.

Thank you.

DeeAnne and Bill Gillick



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January 26, 2017

El Dorado County Planning Commission
El Dorado County Planning Staff
Attn: Mel Pabalinas
2850 Fairlane Court
Placerville, CA 95667

Sent via email to all Planning Commissioners and planning@edcgov.us

Re: January 26, 2017 Planning Commission Agenda Item 3. Bass Lake North Project
Rezone/Planned Development/Tentative Subdivision Map

Dear Honorable Planning Commissioners and El Dorado County Planning Staff:

We are residents of Bridlewood Canyon and our property currently borders the oak grove and grassland that will be directly west of Lot 35 of the proposed tentative map before the Commission for consideration. We previously submitted a letter dated January 24, 2017 and now submit this additional letter for the record.

We have been in contact this week with planner Mel Pabalinas who has assisted us with addressing some of our concerns related to the project. It is our understanding that staff is recommending at least two additional conditions of approval related to the project to include:

1. Single story homes along the ridgeline parcels 38 through 29.
2. The current tentative map does not include a trail with public access within Lot E along the ridgeline adjacent to our property which is behind proposed lots 38-29. In the event a trail with public access is proposed in this area, an amendment to the subdivision map will be required.

Our letter dated January 24, 2017 also requests that the new subdivision will be responsible for the costs of installation and maintenance of the common fence boundary between our private properties within the Bridlewood subdivision and the proposed subdivision along Lot E.

We submit that these conditions are necessary in order to make the development consistent with the surrounding and existing uses of the property and to allow the development to be suitable for approval due to the physical conditions of the property and the proposed density of the project. As our January 24, 2017 letter indicates due to the topography of the project land and the location of our home it is essential that there is an adequate buffer along the hillside. It is unfortunate that the subdivision does not provide the 250 foot of buffer which was represented to us by the developer would exist. This would have more adequately addressed

our concerns and allow the proposed use to be better suitable due to the existing conditions. Single story homes and the absence of a trail assist to address our concerns. We appreciate staffs efforts to assist in addressing our concerns and to support reasonable conditions related to our concerns.

Our January 24, 2017 letter also raises concerns that the proposed subdivision is not consistent with the Bass Lake Hills Specific Plans. The Specific Plan requires the Oak Grove along the ridge behind our home to be preserved as open space, and not developed as depicted in Figure 5-5 of the Specific Plan. The Specific Plan at page 59 states that:

“In addition to open space shown on the Land Use Diagram, Plan policies relative to oak tree preservation may result in additional open space; however, such open space would not be available for public access unless dedicated for such use by the property owner and accepted by the CSD.”

In addition, page 87 of the Specific Plan requires an open space management plan to be approved by the planning commission. It does not appear that the proposed subdivision provides adequate open space protections in this area related to the oak grove nor is it in compliance with the requirements of the Specific Plan related to an open space management plan.

We are concerned that the proposed Addendum for this project which relies on a 22 year old EIR is not appropriate or legally defensible. Even if this approach is legally defensible, the County should be concerned that the 22 year old document does not adequately address changed circumstances, changes in the law, and allow for adequate public participation based on current conditions.

CEQA Guidelines section 15164(a) requires that an addendum to an EIR may be appropriate “if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.” A subsequent EIR is required only if the changes would result in new or substantially more severe significant impacts, compared with the impacts identified in the original EIR. An addendum is the appropriate document if the changes would not result in new or substantially more severe significant impacts. Public Resources Code section 21166 and Section 15162 provide the framework for analysis of the adequacy of prior environmental review of a subsequent project. The prior EIR cannot be relied upon if the proposed changes to the project involve new significant impacts. Pursuant to Section 15162(a)(1) of the CEQA Guidelines, an Addendum is not appropriate if the changes represented by the current project result in new significant impacts that have not already been considered and mitigated by the prior environmental review or a substantial increase in the severity of a previously identified significant impact. The proposed project requires new mitigation measures as indicated throughout The Addendum and Initial Study for the Project attached to the Planning Commission staff report as Exhibit H.

Furthermore an Addendum is not adequate and legally defensible if there are any new circumstances involving new impacts. Pursuant to Section 15162(a)(2) of the CEQA Guidelines, an Addendum is not defensible if there been changes to the project site or vicinity (circumstances under which the project is undertaken) which have occurred subsequent to the prior environmental document, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental document or that substantially increase the severity of a previously identified impact. Finally an Addendum is not adequate if there is any new information requiring new analysis or verification pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines. An addendum is not adequate if there is 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 environmental document were adopted as complete that is now available requiring an update to the analysis of the previous environmental document to verify that the environmental conclusions and mitigations remain valid. We submit that the Addendum discussion and proposed new mitigation measures demonstrate that there are substantial changes to the project that require new analysis and new mitigation measures. The Addendum discusses new effects that should properly be deemed as significant effects and which are not discussed in the prior environmental documents and includes significant effects not previously examined.

The Addendum's additional analysis identifies environmental impacts which we submit are new or substantially more severe, and which require additional mitigation. The evidence in the record does not substantially support the conclusions of the Addendum that the changed circumstances are not substantial. Attachment 1 of the Addendum includes mitigation measures that demonstrate the substantial change in the project.

The proposed project eliminates a portion of the oak grove that is designated in the specific plan as required to be preserved as open space. The Addendum does not address or discuss this change in circumstances from the original EIR prepared 22 years ago when the Specific Plan was approved. The Addendum does not discuss or address the elimination of a portion of the oak grove and the impacts and substantial changed circumstances due to this project from what was analyzed in 1995. It certainly does not adequately discuss or address mitigation measures due to the elimination of a portion of the oak grove which was required for protection in the Specific Plan. A review of Exhibit J to the Planning Commission material depicting the oak grove and oak trees that will be eliminated due to this project along the ridge and due to parcels 28 through 49 demonstrate these unreasonable and significant new impacts. The development proposes preserving only a portion of the oak grove. The oak grove is not adequately analyzed in the Addendum. The Addendum notes that approximately 66 trees will be removed due to this project that are within the Oakland area on the eastern portion of the property. There is no analysis as to why this is required or why this is consistent with the Specific Plan. This is not adequately discussed or mitigated and is inconsistent with the requirements of the Specific Plan. The Addendum on Page 50 notes that the Specific Plan "includes policies intended to minimize tree loss and provide for the planting of new trees." However, the Addendum falls short as it does not analyze that the Oak grove was required to

be protected by the Specific Plan and this development clearly removes a large portion of the oak grove and the Addendum does not address this significant environmental impact.

The Addendum indicates that the prior Specific Plan environmental analysis requires protection of the oak woodland and shall include "avoidance of oak tree groves and woodland habitat through project planning and design, and replacement of compensation trees where avoidance is not feasible." Page 51. There is not substantial evidence in the record that the project design considered avoidance of the oak tree groves and that avoidance was not feasible. Rather a portion of the oak grove will be eliminated due to proposed parcels 28-48. This is due to the developers desire for more lots, there is no adequate evidence in the record which is included in the information provided to the Planning Commission in which this decision is based upon that avoidance was considered and deemed not feasible. The new mitigation measures provided on page 52-53 are significant, and fall short. This is a significant change in the project with significant environmental effects in which the Addendum did not adequately address nor is an Addendum a legally defensible document for these types of significant environmental affects and changes.

The significant air quality discussion in the Addendum and the significant change in the law related to air quality impacts demonstrate the significance in the changes related to air quality. The prior EIR analysis is not adequate related to air quality and the changes are substantial requiring a new environmental analysis with adequate mitigation measures rather than the proposed Addendum. The prior Specific Plan and its associated environmental review do not address these air quality impacts and due to the changed circumstances since 1995 the addendum is neither appropriate nor defensible.

We are still concerned that the current subdivision as proposed is inconsistent with the required findings due to our concerns related to the lack of adequate buffer, the limited open space area, the infringement on the oak grove, along the eastern border of the proposed development and our environmental objections. We respectfully request that the Planning Commission condition the approval of the proposed project to adequately address these significant and potentially avoidable impacts.

Very Truly Yours,

Bill Gillick
DeeAnne Gillick, Attorney at Law