

FINAL
Environmental Impact Report
Creekside Plaza
El Dorado County, California

State Clearinghouse Number 2011092017

Prepared for:
El Dorado County
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Placerville, CA 95667
530.621.5355

Contact: Rommel Pabalinas, Senior Planner

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Rocklin, CA 95765

Contact: Janna Waligorski, Project Manager
Mary Bean, Project Director

Date: April 25, 2018

EXHIBIT W

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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of El Dorado has evaluated the comments received on the Creskide Plaza Draft Environmental Impact Report (EIR). The responses to the comments and errata, which are included in this document, together with the Mitigation Monitoring and Reporting Program, form the Final EIR for use by the County of El Dorado in its review.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR in writing or verbally at the January 25, 2018 Planning Commission Workshop. Copies of all letters received and transcripts of comments provided regarding the Draft EIR and responses thereto are included in this section.
- **Section 3—Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Initial Study (provided under separate cover)
- Draft EIR (provided under separate cover)
- Draft EIR appendices (provided under separate cover)
- Responses to Comments on the Draft EIR and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: RESPONSES TO COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

State Agencies

Central Valley Regional Water Quality Control BoardRWQCB

Local Agencies

Diamond Springs-El Dorado Community Advisory Committee DSEDCAC

Herbert C. Green Middle School HGMS

Mother Lode Union School District MLUSD

El Dorado County Planning Commission EDCPC

Individuals

Richard Boylan, Ph.D. BOYLAN

Bob SmartSMART

Sue Taylor TAYLOR-1

Sue Taylor TAYLOR-2

Chuck Wolfe.....WOLFE

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of El Dorado, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2011092017) for the Creekside Plaza project and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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RECEIVED

JAN 25 2018

EL DORADO COUNTY
DEVELOPMENT SERVICES DEPT



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

RWQCB
Page 1 of 7

19 January 2018

Rommel Pabalinas
El Dorado County
2850 Fairlane Court
Placerville, CA 95667

CERTIFIED MAIL
91 7199 9991 7036 7026 4078

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL
IMPACT REPORT, CREEKSIDE PLAZA (Z10-0009/PD10-0005/P10-0012 PROJECT,
SCH# 2011092017, EL DORADO COUNTY**

Pursuant to the State Clearinghouse's 12 December 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Creekside Plaza (Z10-0009/PD10-0005/P10-0012) Project, located in El Dorado County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

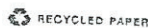
I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER
11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

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(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

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Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

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For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

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¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

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If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

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Waste Discharge Requirements (WDRs)

Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

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Land Disposal of Dredge Material

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

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Local Agency Oversight

Pursuant to the State Water Board’s Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency’s management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board’s website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf

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For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

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Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

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For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other

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action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

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Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

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For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

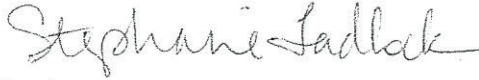
If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

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For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or
Stephanie.Tadlock@waterboards.ca.gov.

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Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

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State Agencies

Central Valley Regional Water Quality Control Board (RWQCB)

Response to RWQCB-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to RWQCB-2

The agency provided standard language about the Basin Plan, its required contents, and the procedures for amendment if necessary. For this project, the applicable Basin Plan is the Water Quality Control Plan for the Sacramento and San Joaquin River Basins. The agency made no comments regarding the Basin Plan that were specific to the project or to its potential impacts.

Response to RWQCB-3

The agency provided standard language about the need for wastewater discharges to comply with the State's Antidegradation Policy and the Antidegradation Implementation Policy contained in the Basin Plan. The agency made no comments regarding the Antidegradation Policy that were specific to the project or to its potential impacts. Draft EIR Section 7.2.14 notes that the project proposes to connect to the existing EID sewer facilities. The EID's sewer facilities are required to operate in accordance with Waste Discharge Requirements issued by the RWQCB, which are designed to prevent degradation of water resources. The El Dorado Irrigation District Facility Improvement Letter prepared for the project indicated that the existing infrastructure would have adequate capacity to serve the project.

The agency stated that the environmental review document should evaluate potential impacts to both surface water and groundwater. Draft EIR Section 7.2.7 discussed potential project impacts to both surface water and groundwater. The analysis concluded that the project would not have a significant impact on these waters or on water quality.

Response to RWQCB-4

The agency provided standard language about the Construction Storm Water General Permit and its requirements. The agency made no comments regarding the Construction Storm Water General Permit that were specific to the project or to its potential impacts. The Draft EIR states that the project is conditioned to require compliance with the County's Grading, Erosion Control and Sediment Ordinance; Erosion and Sediment Control Ordinance; Stormwater Quality Ordinance; the Storm Water Management Plan (SWMP) for the West Slope; the California Stormwater Pollution Prevention Plan issued by the State Water Resources Control Board; and any applicable requirements of the RWQCB.

Response to RWQCB-5

The agency provided standard language about Phase I and II MS4 Permits. The project is not in an area covered by a Phase I MS4 Permit; however, it is in an area covered by the Diamond Springs CDP Phase II MS4 Permit. The project would comply with all provisions associated with the Phase II MS4 Permit. Draft EIR Section 7.2.14 notes that the project would collect stormwater through a series of pipes and convey it to the northerly portion of the site, where it would be filtered through a filtering device. Construction of stormwater infrastructure would be required to abide by all applicable

mitigation measures identified for the project. All drainage facilities would be constructed in compliance with standards contained in the County of El Dorado Drainage Manual.

Response to RWQCB-6

The agency provided standard language about the Industrial Storm Water General Permit. The project does not propose the construction and operation of any industrial activities; therefore, the project would not require an Industrial Storm Water General Permit.

Response to RWQCB-7

The agency provided standard language about the Clean Water Act Section 404 Permit. The agency made no comments regarding the Section 404 Permit that were specific to the project or to its potential impacts. Draft EIR Section 7.2.3 states that any potential impacts to the creek from the alteration of drainage patterns, or the extension of the sewer line or other improvements, would be addressed through the USACE Section 404 permitting process and the Lake and Streambed Alteration Agreement, as set forth in MM BIO-2 and MM BIO-3.

Response to RWQCB-8

The agency provided standard language about the Section 401 Water Quality Certification. The agency made no comments regarding the Section 401 certification that were specific to the project or to its potential impacts. As noted in Draft EIR Section 7.2.3, since the project would be required to comply with the Section 404 permitting process under MM BIO-3, it would also be required to obtain Section 401 certification, as set forth in MM BIO-4.

Response to RWQCB-9

The agency provided standard language about Waste Discharge Requirements (WDRs). The agency made no comments regarding WDRs that were specific to the project or to its potential impacts. As discussed in the Response to RWQCB-3, the project proposes to connect to the existing EID sewer facilities, which are required to operate in accordance with WDRs issued by the RWQCB.

Response to RWQCB-10

The agency notes requirements for land disposal of dredge material. The project does not propose dredging; therefore, these disposal requirements would not apply.

Response to RWQCB-11

The agency provided standard language about local agency oversight of septic tank and leach field systems. As discussed in the Response to RWQCB-3, the project proposes to connect to the existing EID sewer facilities. No septic tank or leach field systems would be used.

Response to RWQCB-12

The agency provided a source for more information on WDR and Water Quality Certification processes. No response is necessary.

Response to RWQCB-13

The agency provided standard language about dewatering permits. The agency made no comments regarding dewatering that were specific to the project or to its potential impacts. As noted in Draft EIR Section 7.2.7, the County Environmental Health Division reviewed the project proposal and

found no evidence that the project would substantially reduce or alter the quantity of groundwater in the vicinity. Dewatering is not expected to be part of project construction.

Response to RWQCB-14

The agency provided a description of regulatory compliance for commercially irrigated agriculture. The project is a proposed retail/office development. No agricultural activities would occur on the project site; therefore, regulatory compliance requirements for commercially irrigated agriculture would not apply to the project.

Response to RWQCB-15

The agency noted that the project would require a NPDES Permit if it includes construction dewatering and it is necessary to discharge the groundwater to Waters of the U.S. As discussed in the Response to RWQCB-13, dewatering is not expected to be part of project construction. Therefore, a NPDES Permit pertaining to dewatering would not be required for the project.

Response to RWQCB-16

The agency noted that the project would require a NPDES Permit if the project discharges waste, other than into a community sewer system, that could affect the quality of waters of the State. As discussed in the Response to RWQCB-3, the project proposes to connect to the existing EID sewer facilities, which are required to operate in accordance with WDRs issued by the RWQCB. Therefore, the project would not require a separate NPDES Permit for its waste discharges. The project would obtain a NPDES permit for stormwater as needed.

Response to RWQCB-17

The agency provided contact information for questions on its comments. No response is necessary.

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Committee Members

Carl Hillendahl
Joann Horton
Larry Patterson
Randy Pesses
Erik Peterson
Bob Smart
Meredith Stirling



DIAMOND SPRINGS - EL DORADO
COMMUNITY
ADVISORY COMMITTEE

Diamond Springs Fire Station
501 Main Street
Diamond Springs, CA 95619

February 1, 2018

Community Development Services Planning and Building Department,
Attention: Rommel (Mel) Pabalinas,
2850 Fairlane Court, Placerville, CA 95667

Re: Creekside Plaza Project, PD 10 00015

Dear Mr. Pabalinas,

It appears our letter of 11-18-11 on Creekside was somehow missed in the staff turbulence the County experienced since our letter was submitted. As previously stated in that earlier letter, we are addressing three (3) areas of the Creekside Plaza Project; the need for a bus stop, the traffic, and the need for a bike/pedestrian trail from the new bike trail ending on Missouri Flat Road to Herbert Green School. Many of our original suggestions have been modified due to the changing conditions in the intervening seven years.

1. Bus Stop - We believe that a bus stop on Missouri Flat Road is needed to facilitate rapid trips to Placerville and beyond. Locating a bus stop as part of this project appears improbable (Mindy Jackson, El Dorado Transit, safety issues). We continue to see a need for a bus stop in this area to allow short walks from K-Mart and Safeway to catch buses to Placerville. This committee strongly recommends an alternative bus stop(s) be identified and pursued.

2. Traffic - The committee believes that student safety is a priority in the area of this project, and would like better assurance that student safety is identified and addressed by providing sidewalks and crosswalks, as appropriate. The Mother Lode School District is doing improvements to their site and this committee recommends the developer of Creekside Plaza work proac-

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tively with the school district to coordinate the installation of sidewalks and place crosswalk(s), as appropriate, at the Forni Road and Golden Center Drive intersection.

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Herbert Green School is across the street from the Creekside Plaza project, and will be implementing a traffic flow and parking area improvement plan the summer of 2018. That plan will improve vehicle flows during peak hours but currently does not identify sidewalks in front of the school, along Forni Road and Golden Center. Heavy pedestrian traffic from the school is expected. The omission of new sidewalks concerns our committee.

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3. Bike Trail -A bike route from the new bike trail ending on Missouri Flat Road needs to be planned and implemented to connect with Herbert Green School. Refer to map 4 of 6, El Dorado County Bicycle Transportation Plan, adopted November 9, 2010. This route should be compatible with the purposes of the Missouri Flat Master Circulation Plan. The Creekside Project may be able to help in locating the route.

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Sincerely,

Robert A. Smart Jr.
Chairperson

Local Agencies

Diamond Springs-El Dorado Community Advisory Committee (DSEDCAC)

Response to DSEDCAC-1

The author noted that it submitted a previous letter in 2011 identifying three issues related to the project: a bus stop, traffic, and a bike/pedestrian trail. Draft EIR Section 3.2, Transportation, analyzed potential impacts of the project on both vehicular and non-vehicular traffic and facilities both on and in the vicinity of the project site.

Response to DSEDCAC-2

The author stated that a bus stop on Missouri Flat Road is needed as part of the project, but recognized that it may be infeasible due to safety issues. Comment noted. However, El Dorado Transit did not submit a formal comment on the Draft EIR identifying the need for a bus stop.

Response to DSEDCAC-3

The author expressed concern about student pedestrian safety in the area and requested that sidewalks and crosswalks be provided. Draft EIR Section 3.2, Transportation, Impact TRANS-5 evaluated the potential transportation hazards of the project related to pedestrian circulation. MM TRANS-5a would require a speed survey to be conducted by County staff to identify an appropriate speed limit along Forni Road in the project vicinity. This would result in a posted, reduced speed on Forni Road and increased roadway and pedestrian safety. In addition, site improvements—including crosswalks, sidewalks, and a no parking zone on the project site—are included in MM TRANS-5a, which would ensure that pedestrian/vehicle conflicts would be minimized at the Forni Road driveway. Specifically, MM TRANS-5a requires the installation of a crosswalk along the north side of the Forni Road/Golden Center Drive/Project intersection to indicate the preferred crossing location for pedestrians. As indicated in MM TRANS 5a, the installation of a crosswalk on the north side will reduce the number of potential pedestrian conflicts with motor vehicles, as most vehicles at this intersection travel between Missouri Flat Road and Forni Road. In addition, MM TRANS-5b requires the installation of on-site crosswalks, a stop sign, and appropriate sight lines to accommodate on-site circulation, including the on-site drive-through, which would further ensure on-site pedestrian safety.

Response to DSEDCAC-4

The author expressed concern about the omission of new sidewalks in the vicinity of Herbert C. Green Middle School. As noted in Response to DSEDCAC-3, MM TRANS-5a would require the installation of sidewalks and other improvements along the project's frontage on Forni Road.

Response to DSEDCAC-5

The author stated that a bike route from the new bike trail ending on Missouri Flat Road needs to be implemented to connect with Herbert Green Middle School, with a reference to the El Dorado County Bicycle Transportation Plan Map 4 of 6. The project would not interfere with implementation of the County Bicycle Transportation Plan. A Class II bike lane is currently present along the project's Missouri Flat Road frontage. The project would not change this existing condition.

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Herbert C. Green Middle School

3781 Forni Road • Placerville • CA 95667
(530) 622-4668 • Fax (530) 622-4680

Marcy Guthrie, Ed.D., Superintendent • Mother Lode Union School District
Leslie Redkey, Principal

Sent via Email Rommel.pabalinas@edcgov.us

February 8, 2018

Rommel Pabalinas
2850 Fairlane Court
Placerville, CA 95667

RE: Draft Environmental Impact Report for The Creekside Plaza Project (State Clearinghouse No. 2011092017)

Dear Mr. Rommel Pabalinas:

This letter is written in response to the Draft Environmental Impact Report for the Proposed Creekside Plaza Project on behalf of Herbert Green Middle School. Herbert Green Middle School is not opposed to growth and development as we know we can and do benefit from both. With that said, my priority as a site administrator is to ensure safety of students and that includes coming to and going home from school. I believe more can and should be done to ensure the **safety** of our students as this project is developed.

1

We know that Herbert C. Green Middle School students will be attracted to and generate revenue for these establishments and we also know that there is nothing in the DEIR to address the safe pedestrian access from the south side of Forni Road at Golden Center Drive. There is currently a crosswalk running from the corner of the campus across Golden Center Drive. This is already a dangerous crosswalk and it doesn't cross the curvy Forni Rd. We have had to position an adult on this corner to make sure students are able to safely cross the street as drivers do not always pay attention.

2

We ask that you please take the safety of our students into consideration as you develop this center. The following are the things that are of utmost importance to our site:

1. The Developer must include in their plans and at their cost the construction of a sidewalk on the south side of Forni Road from the school entrance driveway to Golden Center Drive.
2. The Developer must include in their plans and at their cost a crosswalk with the raised flashing reflectors and "Pedestrian Crossing" signage from the southeast corner of Forni Road and Golden Center Drive.

3

4



Herbert C. Green Middle School

3781 Forni Road • Placerville • CA 95667
(530) 622-4668 • Fax (530) 622-4680

Marcy Guthrie, Ed.D., Superintendent • Mother Lode Union School District
Leslie Redkey, Principal

3. The Developer must include in their construction plans and at their cost a sidewalk for pedestrians to access the shopping center after crossing Forni Road at Golden Center Drive. | 5
4. The Developer must carefully scrutinize and thoughtfully consider the tenants that occupy the buildings so that they are *conducive for students*. | 6
5. El Dorado County Department of Transportation must install 25 MPH School Zone signage on both sides of Forni Road between Missouri Flat Road and Golden Center Drive. | 7
6. El Dorado County Department of Transportation must monitor and adjust the traffic signals at Missouri Flat and Forni Roads. | 8

Respectfully,

Leslie Redkey
Principal
Herbert Green Middle School

Herbert C. Green Middle School (HGMS)

Response to HGMS-1

The author noted that the school is not opposed to growth and development, but expressed concern about the safety of students as the project is developed. The author is more explicit about safety concerns in the following paragraphs of the comment letter, which are addressed in Responses to HGMS-1 through HGMS-8 below.

Response to HGMS-2

The author stated that the Draft EIR does not address safe pedestrian access between the project site and the school. Refer to Response to DSEDCAC-3.

Response to HGMS-3

The author requested a sidewalk on the south (east) side of Forni Road from the school entrance driveway to Golden Center Drive. Request noted. However, the project is not responsible for such an improvement because of its location off-site and the lack of significant impact nexus.

Response to HGMS-4

The author requested a crosswalk with raised flashing reflectors and signage at the southeast corner of Forni Road and Golden Center Drive. MM TRANS-5a requires the installation of a crosswalk along the north side of the Forni Road/Golden Center Drive/Project intersection to indicate the preferred crossing location for pedestrians. As indicated in MM TRANS 5a, the installation of a crosswalk on the north side will reduce the number of potential pedestrian conflicts with motor vehicles, as most vehicles at this intersection travel between Missouri Flat Road and Forni Road. Therefore, installation of a crosswalk along the south side of the intersection is less desirable and would increase pedestrian/vehicle interaction.

Response to HGMS-5

The author requested a sidewalk to access the shopping center after crossing Forni Road at Golden Center Drive. MM TRANS-5a requires the installation of a sidewalk along the entire project frontage on Forni Road.

Response to HGMS-6

The author requested that the project developer consider the tenants that occupy the proposed development so that they are “conducive for students.” Land uses on a site are governed by the County zoning of the site. As specified in the provisions of the County Zoning Ordinance, the zoning will allow some land uses by right, while others would require a use permit or other approval. Still other land uses would not be allowed. For all proposed land uses on the project site, the County would determine if its ordinances would allow or prohibit the land use, or if a use permit would be required. Use permits require environmental review and a public hearing. The uses proposed as part of the project are consistent with the allowable uses under the County Zoning Ordinance.

Response to HGMS-7

The author requested a 25 MPH School Zone speed limit signs be installed on both sides of Forni Road between Missouri Flat Road and Golden Center Drive. A 25 MPH School Zone speed limit is already present on Forni Road south of the Golden Center Drive intersection. Furthermore, as noted in Response to HGMS-2, MM TRANS-5a would require a speed survey to be conducted by County

staff to identify an appropriate speed limit along Forni Road in the project vicinity, which would result in a reduced speed on Forni Road and increased pedestrian safety.

Response to HGMS-8

The author stated that the County must monitor and adjust traffic signals at Missouri Flat and Forni Roads. As noted in Response to HGMS-2, MM TRANS-5a and TRANS-5b would require the installation of features designed to enhance pedestrian safety, as well as require a speed study by the County to identify an appropriate speed limit along Forni Road in the project vicinity. As indicated in Draft EIR Section 3.2, Transportation, the traffic study prepared for the project did not identify the need to adjust the traffic signal at Missouri Flat and Forni Road as a result of project implementation.



Mother Lode Union School District

3783 Forni Road * Placerville CA 95667 * (530) 622-6464 * Fax (530) 622-6163

Marcy M. Guthrie Ed.D., Superintendent

Board of Trustees

Janet VanderLinden, President

Cathy Wilson., Clerk

Gene Bist Sr., Member

John Parker, Member

Chuck Wolfe, Member

Sent vis U.S. Mail and Email Rommel.pabalinas@edcgov.us

February 8, 2018

Rommel Pabalinas
2850 Fairlane Court
Placerville, CA 95667

RE: Draft Environmental Impact Report For The Creekside Plaza Project (State Clearinghouse No. 2011092017)

Dear Mr. Rommel Pabalinas:

This letter is written in response to the Draft Environmental Impact Report for the Proposed Creekside Plaza Project on behalf of the Mother Lode Union School District. Mother Lode Union School District is not opposed to growth and development as we know we can and do benefit from both. With that said, I believe much more can be done to ensure the safety of our students who attend Herbert C. Green Middle School.

1

By *intended* design, this project will attract consumers who will patronize the numerous commercial establishments generating economic resources to the owners. We know that Herbert C. Green Middle School students will be attracted to and generate revenue for these establishments and there is nothing in the DEIR to address the safe pedestrian access from the south side of Forni Road at Golden Center Drive.

2

What must be done to ensure safe pedestrian access from the south side of Forni Road at Golden Center Drive for the Herbert C. Green Middle School students who will most certainly be some of the Creekside Plaza Projects best patrons?

3

- | | |
|---|-----------|
| 1. The Developer must include in their plans and at their cost the construction of a sidewalk on the south side of Forni Road from the school entrance driveway to Golden Center Drive. | 3
cont |
| 2. The Developer must include in their plans and at their cost a crosswalk with the raised flashing reflectors and "Pedestrian Crossing" signage from the southeast corner of Forni Road and Golden Center Drive. | 4 |
| 3. The Developer must include in their construction plans and at their cost a sidewalk for pedestrians to access the shopping center after crossing Forni Road at Golden Center Drive. | 5 |
| 4. The Developer must carefully scrutinize and thoughtfully consider the tenants that occupy the buildings so that they are <i>conducive for students</i> . | 6 |
| 5. El Dorado County Department of Transportation must widen Forni Road minimally from Missouri Flat Road past Golden Center Drive to the end of the Mother Lode Union School District property line. The planned 0.22-acre portion of Forni Road Right of Way is not sufficient and would create a greater public safety concern than currently exists. | 7 |
| 6. El Dorado County Department of Transportation must install 25 MPH School Zone signage on both sides of Forni Road between Missouri Flat Road and Golden Center Drive. | 8 |
| 7. El Dorado County Department of Transportation must monitor and adjust the traffic signals at Missouri Flat and Forni Roads. | 9 |

Respectfully,



Marcy Guthrie, Ed.D.
Superintendent

CC: MLUSD Board of Trustees
Shiva Frentzen, El Dorado County Board of Supervisor District 2
Brian Veerkamp, El Dorado County Board of Supervisor District 3

Attachments (3) *Letter to Robert Peters February 27, 2017*
Letter to Board of Supervisors February 23, 2012
Letter to EDC Board of Supervisors February 27, 2012



-MOTHER LODGE UNION School District.

3783 Forni Road * Placerville CA 95667 * (530) 622-6464 * Fax (530) 622-6163

Marcy M. Guthrie Ed.D., Superintendent

Board of Trustees

John Parker, President

Gene Bist Sr., Clerk

Janet VanderLinden, Member

Cathy Wilson, Member

Chuck Wolfe, Member

Via electronic mail to Robert.Peters@cde.gov.us

February 27, 2017

Robert Peters, Associate Planner
County of El Dorado Development Services Division
2850 Fairlane Court
Placerville, CA 95667

RE: Notice of Preparation of a Draft Environmental Impact Report for the Proposed Creekside Plaza Project (Z10-0009/PD10-0005/P10-0012)

Dear Mr. Robert Peters:

This letter is written regarding the Preparation of a Draft Environmental Impact Report for the Proposed Creekside Plaza Project (CPP) on behalf of the Mother Lode Union School District (MLUSD). MLUSD acknowledges the CCP has been in various stages of development since 2010 with concerns raised by my predecessor, retired superintendent Tim Smith (attachment 1), attorney Marsha A. Burch representing The Friends of Herbert Green Middle School Neighborhood (attachment 2) and numerous others who expressed concerns in 2012.

10

MLUSD also acknowledges that the current proposed plans have addressed some of the concerns raised in 2012. However, MLUSD continues to have concerns relative to student safety, traffic and transportation, air quality greenhouse gas emissions and respectfully requests the EIR be completed to address all of these continuing concerns.

11

Safety

Herbert C. Green Middle School, formerly Mother Lode Union School, located at 3781 Forni Road has served our children and community for 61 years. Much relative to local development, including the General Plan (GP) and Zoning has changed in 61 years, some for the good and some for the not-so-good. MLUSD's concern for student safety is first as foremost. Parents and community members entrust us to ensure we keep their children safe and secure while providing a high quality education. The CCP brings increased traffic, especially at Missouri Flat and Forni Roads, but also at Gold Center Drive and Forni Road. This compromises our ability to meet our parent and community expectations as children and adults frequently walk in and around these intersections.

12

There has already been a considerable amount of development around our school. Consider all of the development that has been added around Mother Lode Union School and Herbert C. Green Middle School since 1956:

13

The Mission of the Mother Lode Union School District is the successful education of every student.

- 1) Gold Country Assisted Living complex and facilities
- 2) Schools Credit Union, various dental-orthodontic and other offices & numerous restaurants both dine-in, take-out and fast-food (Taqueria El Carnival, Grand China, Subway, McDonalds, et al.)
- 3) WalMart and Panda Express
- 4) Walgreen's and Goodwill

13
cont

Traffic and Transportation

According to the DEIR document, "... the [CPP] project will generate 1,645 net new trips including 106 in the AM peak hours and 198 in PM peak hours. This increase in traffic could adversely impact roadways and intersections in the area. As such, traffic modeling will be conducted to quantify potential impacts, which will be analyzed and addressed in the EIR."

14

The two (2) ways into the CPP are off of Forni and Missouri Flat Roads. MLUSD sees this as a significant concern even with the ".22-acre portion of Forni Road right of way" (DEIR). The fast-food restaurant proposed is positioned to be very close to the Forni Road entrance. Based upon what we know and have experienced with similar drive-thru fast-food restaurants (i.e., McDonalds on Missouri Flat Road) during peak AM and PM hours, it would take four cars in the drive thru cue to create a back-up on Forni Road. The CPP requires an EIR on Traffic and Circulation (attachment 2 p.

15

In June of 2016, MLUSD taxpayers supported Measure C and we have plans to mitigate the traffic congestion, improve safety and circulation in the Herbert C. Green and District Office parking lot. MLUSD is concerned that the use our general obligation bond Measure C funds, a promise to our taxpayers, intended to mitigate traffic congestion and improve safety and circulation on Missouri Flat and Forni Roads will be wasted as a result of this project.

16

Air Quality & Greenhouse Gas Emissions

According to the DEIR, "The air basin in which the project is located is in non-attainment for ozone and particulate matter (PM₁₀ and PM_{2.5}). Construction and operation of the project would contribute to an increase in these pollutants and could exacerbate non-attainment status."

17

The CPP requires an EIR on Air Quality (attachment 2 p. 3-6), and Greenhouse Gas Emissions (attachment 2, p.10).

18

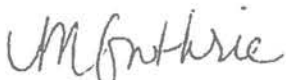
Our students, staff and community will be subject to compromised air quality and exposure to an increase in greenhouse gas emissions. The Journal of Thoracic Disease published *The impact of PM2.5 on the human respiratory system* on Jan. 18, 2016 (see link) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740125/>

19

MLUSD is not opposed to growth and development as we know we can and do benefit from both. MLUSD wishes to honor the expectations of parents and community members who entrust us to ensure we keep their children safe and secure while providing a high quality education.

20

Respectfully,



Marcy M. Guthrie, Ed.D.
Superintendent

Attachments (2)

The Mission of the Mother Lode Union School District is the successful education of every student.

Attachment 2



MOTHER LODGE UNION School District

3783 Forni Road * Placerville CA 95667
Tim Smith, Superintendent
(530) 622-6464 * Fax (530) 622-6163

DATE: 2/27/12
DISTRIBUTION

Board of Trustees
John Parker, President
Gene Bist, Clerk
Shaun Verner, Member
James Haynie, Member
Janet VanderLinden, Member

2012 FEB 27 AM 10:42
EL DORADO COUNTY

February 23, 2012

Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville, CA 95667

Re Creekside Plaza (Project), Rezone Z10-0009/Planned Development PD10-0005/Parcel Map, P10-0012
Creekside Plaza

Dear Supervisors,

I am writing this letter regarding the Creekside Plaza Project (CPP) on behalf of the Mother Lode Union School District (MLUSD). Since learning of the CCP, the MLUSD has had concerns relative to student safety and traffic congestion, both of which will be impacted as a result of the proposed development. I am requesting the Board of Supervisors consider the MLUSD concerns and requests before taking action to approve the CPP. I want to start by stating that the MLUSD is not opposed to development, and that in fact is supportive of development. The District recognizes the positive effects developments have on schools and the community in general, thus we are not suggesting or advocating the termination of the CPP.

21

The MLUSD began to consider the impact of the project in the spring of 2011 when we met with Tom Dougherty, Project Planner. Since then, we have attended meetings and public hearings held by the El Dorado County Planning Commission to communicate the MLUSD concerns regarding student safety and traffic congestion related to the CPP.

22

The following are the primary concerns of the MLUSD:

1. Risk of students being injured and traffic accidents due to increased traffic and congestion related to the CPP. 23
2. A left hand turn lane into the CPP on Forni Road with two vehicle stacking capacity, which will not mitigate traffic congestion related to the development. 24
3. A lack of specificity on the improvements to the school frontage on Forni Road, as stated in the mitigation plan. 25
4. A thirty foot retaining wall behind the development, without a specific plan to mitigate potential safety hazards related to the wall. 26

The MLUSD is requesting the following to address the above mentioned concerns: 27

1. Utilize the 50 foot right-of-way on Forni Road to assist in the mitigation of the traffic congestion related to the CPP. | 27
cont
2. Clearly state what improvements will be made to the school frontage on Forni Road. The MLUSD proposes a side walk and a right hand turn lane into the school parking lot on Forni Road. | 28
3. Include a barrier fence on the retaining wall behind the CPP. | 29

I have personally witnessed the daily traffic congestion, near accidents, and several accidents involving vehicles on Forni Road for years. We are fortunate that no students have been injured as a result of accidents, to date. The traffic related to the school site has been significantly impacted by the multitude of surrounding developments on Missouri Flat and Golden Center Drive. Adding additional traffic to Forni Road without utilizing the County right-of-way to mitigate the problem is not a good decision for the MLUSD or the community. It is the opinion of the MLUSD that any development with an entrance on Forni Road will require the 50 foot right-of-way to mitigate traffic to an already congested roadway. | 30

Due to the potentially significant impacts to the students and stakeholders of the MLUSD, I am requesting the Board of Supervisors table the CPP development plan until the above concerns have been addressed. | 31

Respectfully,



Tim Smith
Superintendent
Mother Lode Union School District

Attachment 3

25

MARSHA A. BURCH
ATTORNEY AT LAW

LATE DISTRIBUTION
Date 8:17 pm, Feb 27, 2012

131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411
Facsimile:
(530) 272-9411

mburchlaw@gmail.com

February 27, 2012

Via electronic mail
edc.cob@edcgov.us

El Dorado County Board of Supervisors
Suzanne Allen de Sanchez, Clerk
330 Fairlane Court
Placerville, CA 95667

Re: Mitigated Negative Declaration for the Creekside Plaza Project
Rezone Z10-0009/Planned Development PD10-0005/Parcel Map,
P10-0012 Creekside Plaza
State Clearinghouse # 2011092017

Dear Supervisors:

We appreciate the opportunity to provide the following comments on behalf of Friends of the Herbert Green Middle School Neighborhood ("Friends") regarding the above-reference project. These comments are intended to supplement comments submitted previously by other concerned citizens and agencies.

As explained below, the Initial Study and Mitigated Negative Declaration (referred to together herein as "MND") for the Project does not comply with the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) in certain essential respects. An Environmental Impact Report ("EIR") must be prepared for the Project.

An overarching concern in this case is the fact that the MND ignores potentially significant adverse impacts with little justification and almost no documentation. After review of the MND, we firmly believe that the environmental review has been truncated by avoiding full disclosure of the Project's impacts, and also relying upon future regulatory action to fully "mitigate" impacts, with little or no analysis.

It is especially surprising that the MND does not include traffic as a potentially significant effect on the environment. (MND, p. 3.) Information in the record, including the traffic analyses done for the Project show that the Project will indeed have

32

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significant impacts, and the County pretends that this is not an issue, relying heavily on impact fees that may or may not ever result in the necessary improvements being constructed. This fatal flaw in the MND is set forth in the traffic section of this letter.

The Project also deviates from various General Plan ("GP") policies, and County staff is recommending that these deviations be allowed, based upon conclusory analyses. The Project will violate the prohibition of development on slopes greater than 30% and will also violate the 50-foot wetland setback requirements, and these deviations alone are evidence that the Project may have a significant environmental impact. The County may be able to satisfy itself with respect to the criteria used to determine whether a waiver should be granted, but this does not satisfy CEQA.

There are several areas of impact where substantial evidence in the record supports a fair argument that the Project may have a significant environmental impact and that a full EIR is required.

In a recent development in the administrative process, the applicant is now seeking a reasonable use determination in order to avoid mitigating impacts to oak woodlands. This issue is discussed in some detail below. In summary, if the County determines that mitigation for impacts to the oak canopy is infeasible, it may only do so after preparation of an EIR and a finding of overriding considerations. This simply drives home the fact that this Project may not be approved with a MND.

I. Standard for use of a Negative Declaration

The standard in reviewing an agency's decision not to prepare an EIR for a project is subject to the "fair argument test" and is *not* reviewed under the substantial evidence test that governs review of agency determinations under Public Resources Code sections 21168 and 21168.5. The "substantial evidence test" that generally applies to review of an agency's compliance with CEQA provides that if any substantial evidence in the record supports the agency's determination, then the determination will remain undisturbed.

In stark contrast, an agency's decision to omit the preparation of an EIR will not stand if *any* substantial evidence in the record would support a fair argument that the Project *may* have a significant effect on the environment. (*No Oil, Inc. v. city of Los Angeles* (1974) 13 Cal.3d 68, 75; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1000-1003; Pub. Resources Code § 21151.)

There is substantial evidence to support a fair argument that each of the Project impacts discussed below *may* be significant. A full EIR should be prepared for other reasons as well. The cumulative impacts of the Project are significant. Where a project's impacts are cumulatively considerable, adoption of a mitigated negative declaration is inappropriate unless the evidence in the record demonstrates that the mitigation measures will reduce all impacts to a level of insignificance. (See *San Bernardino Valley Audubon Society v. Metropolitan Water District* (1999) 71 Cal.App.4th 382, 391.) In this case it does not. Finally, the Initial Study simply does not contain enough information to fulfill its purpose as an informational document.

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II. The Project Description is Insufficient

"An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." (*County of Inyo v. County of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) A complete project description is necessary to ensure that all of the project's environmental impacts are considered. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1450.)

The MND does not provide a complete, consistent project description sufficient to support environmental analysis.

The Project description in the MND describes the surrounding land uses, and omits any mention of the Herbert Green Middle School ("School"). (MND, p. 4.) The Staff Report lists the "Project Issues" and there is no mention of the School, nor any reference to the traffic congestion and safety issues resulting from heavy traffic during times of the day when students are coming to and leaving the School. (December 8, 2011 Revised Staff Report, p. 5.) The maps and diagrams associated with the Project do not include the School. The environmental analysis avoids the issue of the School directly across the road from the Project, and does so because the traffic and safety impacts around the School will be tremendous, and there is no way for the County to justify its decision to certify the MND when a full EIR is so obviously required.

34

During a public Board meeting on May 10, 2010, Supervisor Jack Sweeney addressed the terrible traffic problems in front of the School, and made an argument that children should be walking to school to alleviate the problem. The fact is, children will not be walking to school, and this may be due in part to the obvious danger to pedestrians in the area. We request that the relevant portion of the tape and/or transcript of the May 10, 2010, meeting be included in the record of proceedings for the Project. (Public Res. Code § 21167.6(e).)

III. The Direct Impacts of the Project are Not Adequately Addressed

The MND does not adequately address the Project's potential significant impacts, attempting to avoid the analysis by pointing to various regulatory programs, or by simply ignoring the facts.

35

A. Air Quality

The MND concludes that the Project's air quality impacts will be less than significant. The MND offers two bases for this conclusion: (1) so long as all of the air quality regulations are followed, impacts will be insignificant; and (2) the 2004 General Plan EIR ("GP EIR") considered air quality impacts and "mitigation in the form of General Plan policies have been developed to mitigate impacts to less than significant levels." (MND, p. 11.)

36

1. MND is inappropriately "tiered" from the 2004 GP EIR

Where a lead agency intends to rely on an earlier environmental document for its analysis of a project's impact, the Initial Study, at the very least, should summarize,

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with supporting citations, the specific relevant conclusions of the existing documents. Only then can the public determine whether the agency's reliance on extant data is in fact proper. (See *Emmington v. Solano County Redevelopment Agency* (1987) 195 Cal.App.3rd 491, 501-503.)

Public Resources Code section 21068.5 defines "tiering" as:

[T]he coverage of general matters and environmental effects in an environmental impact report prepared for a policy, plan, program or ordinance followed by narrower or site-specific **environmental impact reports** which incorporate by reference the discussion in any prior environmental impact report and which concentrate on the environmental effects which (a) are *capable of being mitigated*, or (b) were *not analyzed as significant effects on the environment in the prior environmental impact report*. (Emphasis added.)

The 2004 GP EIR was adopted with a statement of overriding considerations because there were multiple areas of impact found to be significant and unavoidable, including impacts to air quality. Where a programmatic or master EIR is approved with a statement of overriding considerations, a lead agency **may not** tier from that document with a negative declaration or a mitigated negative declaration. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 124-125.)

Accordingly, the County's attempt to tier a mitigated negative declaration from an EIR that was approved with a statement of overriding considerations is a violation of CEQA.

2. Impact analyses and mitigation measures are insufficient

The El Dorado County Air Quality Management District ("AQMD") CEQA Guide¹ covers the issue of cumulative impacts, and a Project that proposes to change zoning to a use that will increase pollutant emissions is considered by the AQMD to have a significant impact. (AQMD CEQA Guide, Chapt. 8, p. 2.) The AQMD recently commented on the proposed Tilden Park Project and described this aspect of their CEQA Guide. (We request that all of the comment letters submitted to the County on the Tilden Park project be included in the record of proceedings for this Project, including the September 3, 2010, letter from the AQMD. These comment letters are relevant to this Project because it will also involve a zoning change and the issues raised are similar [Pub. Res. Code § 21167.6(e)(10)].)

The County claims that if the Project is held to various AQMD requirements, then the impacts will be mitigated to a level of insignificance. (MND, pp. 10-12.) There is no evidence whatsoever to support this conclusion. And, "[i]f there is a disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and prepare an EIR." (CEQA Guidelines § 15064(g).) The experts at the AQMD have developed standards that conclude that the Project will have a significant impact, and the MND does not

¹ http://www.edc.gov.us/Government/AirQualityManagement/Guide_to_Air_Quality_Assessment.aspx

36
cont

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even discuss those standards.

Despite the potentially significant impacts, the MND concludes that if future development in the Project area is held to compliance with requirements of the AQMD, then any air quality impacts will have been reduced to a level of insignificance. (MND, p. 12.) There is no evidence that the County went through any of the analyses required by the AQMD in order to make this finding.

It bears noting here that the County did not do any modeling or develop any data with respect to the pollution emissions that the Project will generate. The El Dorado County AQMD CEQA Guide describes the level of analysis necessary with respect to various types of emissions. With respect to ROG and NO_x, the AQMD indicates that if the Project can demonstrate consistency with the AQAP for ROG and NO_x emissions, the Project may be categorized as not having a cumulative air quality impact with respect to ozone. This requires being able to say that the Project does not require a change in the existing land use designation and projected emissions. That is a statement that *cannot* be made with respect to the Project.

For other pollutants, including CO, PM₁₀, SO₂, NO₂ and TACs, there is no applicable air quality plan containing growth elements. (AQMD CEQA Guide, Chapter 8, p. 2.) For CO, if there exists the possibility of CO "hotspots" caused by the proposed project in conjunction with other nearby projects, "for example, modeling will ordinarily be required if the proposed project and one or more other large projects jointly change traffic density levels to service level E or lower on the same roadway links..." (*Id.* at 2.) The Project *does* lower the level of service to E at area intersections. (December 8, 2011, Revised Staff Report, p. 12.) There was no modeling done for the Project. There is simply not enough analysis of this impact to support the conclusion that it has been mitigated to a level of insignificance.

For PM₁₀, SO₂ and NO₂, the Mountain Counties are in non-attainment for state standards. The impacts of PM₁₀ emissions can be significant cumulatively even where the project-specific emissions are not. The AQMD requires, at a minimum, dispersion modeling in order to determine whether a project will result in significant emissions of these constituents. (AQMD CEQA Guide, Chapter 8, p. 3.) There is no evidence of any dispersion modeling or other data collected for the Project.

The AQMD describes in detail what is required for an adequate CEQA analysis of air quality impacts. (AQMD CEQA Guide, Chapter 8, pp. 3-6.) The adequate cumulative impacts analysis begins as follows:

1. Either one of the following two elements:
 - a. A list of past, present, and reasonably anticipated future projects producing related or cumulative impacts, including those projects outside the control of the agency, or
 - b. A summary of projections contained in an adopted general plan or related planning document that is designed to evaluate regional or area-wide conditions;
2. A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that

36
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- information is available; and
- 3. An analysis of the cumulative impacts of the relevant projects. (AQMD CEQA Guide, Chapter 8, p. 4.)

The County did not even begin to meet these requirements for the air quality cumulative impacts analysis. The MND simply acknowledges that this is a potentially significant impact, but fails to follow through by concluding that compliance with standard regulations will mitigate the impacts to a less than significant level.

The conclusion is not based on substantial evidence, and also defers the development and adoption of mitigation measures to the future. The deferral of analysis and development of mitigation measures for air quality impacts is a violation of CEQA, as the MND does not meet the standards for any exception to the rule. In *Gentry v. City of Murrieta* the court of appeal explained that CEQA's normal requirement that mitigation be adopted prior to project approval may be met if an agency prepares a draft EIR that (1) analyzes the "whole" of the project; (2) identifies and disclosed with particularity the project's potentially significant impacts; (3) establishes measurable performance standards that will clearly reduce all of the identified impacts to less-than-significant levels; and (4) describes a range of particularized mitigation measures that, when taken in combination, are able to meet the specified performance standards. (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394-1395, comparing and contrasting *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011 with *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.) The *Gentry* court further explained that promises by a lead agency to implement future recommendations that other agencies might make after project approval is not sufficient to find that a proposed project's potentially significant effects have been mitigated to less-than-significant levels. (*Id.*)

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The MND's air quality section is insufficient under all applicable legal authority.

B. Biological Resources

The MND concludes that the Project's impacts to biological resources will be less than significant with mitigation measures, and does so in the face of the fact that the Project will destroy 300 feet of stream channel and will be excused from the required 50-foot setbacks, in addition to developing on a greater than 30% slope and removing oak woodlands.

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The evidence in the record is clear; the Project will have significant impacts to wetlands and oak woodland. These potentially significant impacts require the preparation of an EIR.

1. Impacts to wetlands

Despite the County's attempt to bury its head in the sand, there is substantial evidence showing that the Project may have significant impacts on biological resources. The MND acknowledges that the Project will "affect the bed, bank, and channel of a stream, including the adjacent riparian habitat. The project as proposed will affect 0.5 acre of riparian habitat, including nearly 300 linear feet of stream channel. This impact

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is considered significant." (MND, p. 14.) The "mitigation" for these impacts is compliance with a "permit" to be issued from the California Department of Fish and Game ("CDFG"). (*Id.*) It is illegal to rely upon conditions that may or may not be imposed by another agency to support a conclusion that an impact will be insignificant. (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394-1395.)

The potentially significant impacts to wetlands and riparian habitat trigger the requirement for a full EIR. The threshold for requiring an EIR is extremely low because to end the environmental inquiry at this point precludes evaluating alternatives to the Project that could avoid some or all of the impacts. Additionally, relying on another agency to enforce terms of a permit or agreement is improper.

Similarly, the MND acknowledges that the Project will impact wetlands, and concludes the impact will be insignificant by claiming "[t]he area of Corps jurisdiction is much less than the area covered by Department of Fish and Game Jurisdiction. Consequently, the mitigation measures for impacts to streams and riparian impacts would compensate for impacts to waters of the United States." (MND, p. 16.) The MND goes on to suggest mitigation requiring the "Applicant to *strive to avoid* adverse [sic] and minimize impacts to waters of the United States, and to achieve a goal of no net loss of wetlands functions and values." (*Id.*, emphasis added.) This "mitigation measure" is unenforceable and improperly defers development of an actual measure for mitigation, not to mention having no performance criteria.

The MND continues on the path of attempting to foist development and enforcement of mitigation measures onto other agencies by claiming that the California Regional Water Quality Control Board ("RWQCB") will handle any issues of water quality impacts. (MND, p. 16.)

The evidence in the record shows that the Project will have tremendous impacts to the stream, wetlands and riparian habitat, and yet analysis of these impacts, as well as development of mitigation measures, is deferred to the future and assumed to be the responsibility of other agencies. Additionally, the Project will include waivers of the 50-foot setback requirement as well as a waiver of the prohibition on development on slopes greater than 30% (and possibly oak woodland mitigation). These waivers effectively gut the GP requirements that would go some distance toward mitigating impacts to wetlands as well as water quality. This approach fails to fulfill the requirements of CEQA and an EIR must be prepared in order to fully evaluate the impacts to biological resources and consider alternatives and mitigation measures.

2. Impacts to oak canopy

With respect to oak canopy, the Project was found to require removal of more than 10% of the oak canopy on site, and so Option B of Policy 7.4.4.4 was determined to be the method of mitigation. The Third District Court of Appeal recently struck down Option B as violating CEQA, and so the MND now makes the impossible switch to Option A, claiming that despite the removal of more than half of the oak canopy, the Project proponent will be able to retain 90% of the oak canopy. (MND, p. 18.)

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There is no analysis of how the Project proponent will achieve this, which is astonishing in light of the fact that the development takes up nearly all of the area on the site.

There is nothing in the analysis or discussion in the MND or the staff reports that would support a conclusion that it is feasible for 90% of the oak canopy to be retained on the site. The impact will go unmitigated, and so it will not be possible to certify the MND.

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C. Greenhouse Gas Emissions

Based upon a finding that the greenhouse gases generated by the project would be small relative to the global emissions, the MND concludes that the Project's impacts would be less than significant. (MND, p. 23.) This conclusory analysis falls short of CEQA's requirements.

The MND discusses interim guidance on the issue of evaluating climate change impacts, issued in 2008 by the Office of Planning and Research. This area of the law has evolved since 2008, and the MND does not comply. The CEQA Guidelines (effective on March 18, 2010) clarified how greenhouse gas ("GHG") emissions should be analyzed and mitigated under CEQA. These Guideline requirements are *not optional*. The adopted changes to the CEQA Guidelines include the following:

- A lead agency should make a good-faith effort to calculate or estimate the amount of GHG emissions resulting from a project. Although a lead agency retains discretion to determine the model or methodology used for such analysis, the lead agency is required to support its decision to employ a particular model or methodology with substantial evidence (14 CCR § 15064.4(a));
- The following factors should be considered when assessing the potential significant impacts from GHG emissions on the environment: (i) the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting; (ii) whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and (iii) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (14 CCR § 15064.4(b));
- When adopting thresholds of significance, a lead agency may adopt thresholds previously adopted or recommended by other public agencies or recommended by experts, provided the decision to adopt such thresholds is supported by substantial evidence (14 CCR § 15064.7(c));
- Lead agencies must consider feasible means, supported by substantial evidence and subject to monitoring and reporting, of mitigating the significant effects of GHG emissions related to a project (14 CCR § 15126.4(c));
- If an Environmental Impact Report is required, then the EIR should evaluate any potentially significant impacts of locating development in areas susceptible to hazardous conditions such as floodplains, coastlines and wildfire risk areas, in addition to considering any significant environmental effects the project might cause by bringing development and people into the area affected (14 CCR § 15126.2(a)); and Appendix G (the sample form with questions a lead agency

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should consider in its Initial Study) has been modified to include analysis related to whether the project will generate GHG emissions and whether the project would conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

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The County has not evaluated any of the areas required under CEQA. None of the Project's emissions have been quantified, and none of the required analysis has been done. At this time, the County has the opportunity and the obligation to evaluate the GHG emission impacts of the Project and develop and adopt feasible mitigation measures for the entire Project area.

D. Land Use Planning

In the section on Land Use Planning, the MND notes that a Project would have a significant impact if it would "[r]esult in a use substantially incompatible with the existing surrounding land uses." (MND, p. 27.) The MND discusses the GP land use designations of the Project site, oddly ignoring all surrounding land uses. There is, again, no mention of the School.

The School is an existing use and several comment letters have been, and will be, submitted regarding the extremely dangerous conditions for students and others around the School. During the January 26, 2012, Planning Commission hearing, Commissioner Pratt opined that the traffic and safety problem is the School's problem, and that the School should mitigate any impacts "on site." Not only does this position completely violate the letter and spirit of CEQA, it is a shocking statement by a public official.

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The County has apparently decided to whistle past the graveyard and pretend that this risk to children and their families and teachers is not an issue. It is an issue; it is a traffic issue, a safety issue and a land use incompatibility issue, and it does not even appear in discussion in the MND. A full EIR is required because of the traffic, safety and incompatibility issues that will be created by the Project.

E. Traffic and Circulation

The MND finds that the Project will **not** have a significant impact on traffic, then oddly goes on to discuss how the impacts will be reduced to a level of insignificance through mitigation measures, including the payment of traffic mitigation fees.

The School is ignored, and subsection (d) of this section of the MND includes a conclusion that the Project will not result in any substantial increase in hazards. (MND, p. 33.) Substantial evidence in the record reveals that the Project will increase hazards to motorists and pedestrians as a result of uses that will be incompatible with the adjacent School.

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Additionally, the proposed mitigation measures are inadequate. The MND notes that the "traffic study recommended signalization of two intersections." Strangely concluding, "[t]he impacts have been mitigated and meet General Plan consistency requirements." (MND, p. 33.)

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Significant impacts at the Missouri Flat Road /Enterprise Drive intersection will, according to the MND, be mitigated to a level of insignificance by the construction of the Diamond Springs Parkway (CIP project # 72334.) (MND, p. 34.) Unfortunately, the Parkway is "included in the ten-year CIP."

Thus, the "mitigation" will occur if and when the County Capital Improvements Program ("CIP") has sufficient funds to build the Parkway. Payment of mitigation fees to go toward capital improvement programs is an acceptable form of mitigation, but it must be shown that the improvements will actually be completed and mitigate the impacts if the County wishes to make a conclusion of less than significant impact. (See *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173; and *Napa Citizens for Honest Government v. Board of Supervisors* (2001) 91 Cal.App.4th 342.) The County may not make a finding of insignificant impacts with respect to the Missouri Flat Road /Enterprise Drive intersection.

The MND goes on to say that significant impacts were also noted at Forni Road /Golden Center Drive, and that the traffic study suggested signalization. (MND, p. 34.) Then, without any discussion, the MND concludes that signalization is infeasible and so some additional turn lanes will "mitigate the impacts." There is no evidence to support this claim, not to mention the fact that a finding of infeasibility may only be made in the context of a statement of overriding considerations, which may only be adopted after preparation of a full EIR.

The payment of fees and future annexation into a community services district will not reduce the significant impacts to a level of insignificance before Project construction. The tremendous impacts to traffic are either completely ignored, or "mitigated" through illegal means. A full EIR must be prepared with a complete analysis of traffic impacts.

F. Mandatory findings of significance

There are two mandatory findings of significance that must be made for the Project. The Project may indeed substantially reduce the habitat of a fish or wildlife species. The MND acknowledges that the Project will destroy 300 linear feet of stream, and then makes the assumption that other agencies will require mitigation for the impacts. There is no evidence that the CDFG, the Army Corps of Engineers or the RWQCB will step in and ensure that the impacts are mitigated to a level of insignificance. Those agencies will enforce their policies and requirements, but there is no reason to believe that the impacts will be mitigated to the level assumed by the County.

The second mandatory finding relates to cumulative impacts. The County failed to do an adequate analysis to be able to make a determination regarding cumulative impacts. Section 15130(b)(1) of the CEQA Guidelines provides two options for considering potentially significant cumulative adverse impacts. This analysis can be based on either: (1) A list of past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control

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of the agency; or (2) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

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The County did not perform the required analysis under either of the options, and so the MND contains an insufficient review of the Project's cumulative impacts.

IV. Conclusion

Because of the issues raised above, we believe that the MND fails to meet the requirements of the California Environmental Quality Act and the Project is inconsistent with the General Plan and its approval will violate the planning laws. For these reasons, we believe the document should be withdrawn and a revised environmental document, a full EIR, should be prepared.

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Very truly yours,

// Marsha A. Burch //

Marsha A. Burch
Attorney

cc: Friends of the Herbert Green Middle School Neighborhood

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Mother Lode Union School District (MLUSD)

Response to MLUSD-1

The author noted that the school is not opposed to growth and development, but expressed concern about the safety of students as the project is developed. The author is more explicit about safety concerns in the following paragraphs of the comment letter, which are addressed below.

Response to MLUSD-2

The author expressed concern about the safety of students walking from Herbert C. Green Middle School to the proposed development. Please refer to Response to DSEDCAC-3, which notes the analysis of potential pedestrian hazards in Draft EIR Section 3.2, Transportation, and the recommendation of MM TRANS-5a and TRANS-5b to address identified impacts.

Response to MLUSD-3

The author requested a sidewalk on the south (east) side of Forni Road from the school entrance driveway to Golden Center Drive. Request noted. However, the project is not responsible for such an improvement because of its location off-site and the lack of significant impact nexus.

Response to MLUSD-4

The author requested a crosswalk with raised flashing reflectors and signage at the southeast corner of Forni Road and Golden Center Drive. Please refer to Response to HGMS-4.

Response to MLUSD-5

The author requested a sidewalk to access the shopping center after crossing Forni Road at Golden Center Drive. MM TRANS-5a requires the installation of a sidewalk along the entire project frontage on Forni Road.

Response to MLUSD-6

The author requested that the project developer consider the tenants that occupy the proposed development so that they are “conducive for students.” Please refer to Response to HGMS-6.

Response to MLUSD-7

The author requested the widening of Forni Road from Missouri Flat Road past Golden Center Drive to the end of the MLUSD property line. Draft EIR Section 3.2, Transportation, Impact TRANS-5 evaluated the potential transportation impacts of the project as they relate to the circulation of both vehicles and pedestrians. MM TRANS-5a and TRANS-5b would require the installation of various improvements designed to enhance pedestrian safety and to reduce potential adverse impacts to levels that are less than significant. The widening proposed by the author was not recommended in the Draft EIR, as it was determined that implementation of MM TRANS-5a and TRANS-5b would be adequate to ensure pedestrian safety.

Response to MLUSD-8

The author requested 25 MPH School Zone speed limit signs be installed on both sides of Forni Road between Missouri Flat Road and Golden Center Drive. Please refer to Response to HGMS-7.

Response to MLUSD-9

The author stated that the County must monitor and adjust traffic signals at Missouri Flat and Forni Roads. Please refer to Response to HGMS-8.

Attachments to MLUSD Letter

The following comments apply to three attachments to the MLUSD comment letter. Attachment 1 is an MLUSD comment letter previously submitted on the Notice of Preparation for the Draft EIR. Attachments 2 and 3 are comment letters previously submitted by and on behalf of MLUSD on the original IS/MND prepared for the project in 2012 (2012 IS/MND). Note that certification of the 2012 IS/MND was rescinded by the Board of Supervisors and a revised Initial Study and Draft EIR were prepared and publicly circulated. The project's environmental impacts are now considered in the 2017 Initial Study and Draft EIR. Nonetheless, to ensure that all comments are addressed, responses to comments in the attachments have been prepared.

Response to MLUSD-10 (Attachment 1)

The author described previous comments on the project as outlined in two attachments. Responses to these previous comments are reflected in the Responses to MLUD Attachments 2 and 3, below.

Response to MLUSD-11(Attachment 1)

The author stated that the MJUSD still has concerns about student safety, traffic and transportation, air quality, and greenhouse gas emissions. These concerns are described in more detail in the comment letter, and responses have been prepared for those comments.

Response to MLUSD-12(Attachment 1)

The author expressed concern about student safety due to increased traffic near Herbert C. Green Middle School. Please refer to Response to DSEDCAC-3, which notes the analysis of potential pedestrian hazards in Draft EIR Section 3.2, Transportation, and the recommendation of MM TRANS-5a and TRANS-5b to address identified impacts.

Response to MLUSD-13 (Attachment 1)

The author described development that has occurred in the area since 1956. No specific environmental issues were raised in this comment.

Response to MLUSD-14 (Attachment 1)

The author recited a portion of the 2017 Initial Study regarding an increase in traffic resulting from the project. No response is necessary.

Response to MLUSD-15 (Attachment 1)

The author expressed concern about the potential traffic impacts of a proposed fast-food restaurant on the project site. Draft EIR Section 3.2, Impact TRANS-5, discusses potential impacts of the fast-food restaurant on traffic circulation. The County's Parking and Loading Standards identify requirements for fast-food restaurants with drive-through facilities. A minimum storage length for four cars per drive-through window (in addition to the car receiving service) is required. Based on the proposed site plan, the stacking lane is about 185 feet long from the service window to the entrance. The reader board is about 87 feet from the entrance. Eight vehicles will be able to queue in the drive-through lane (four between the service window and menu board and four between the menu board and the entrance). Therefore, the project meets the County's drive-through facility requirements.

Project traffic impacts at Herbert C. Green Middle School during the mid-afternoon period were analyzed under Impact TRANS-3 in the Draft EIR. The Draft EIR considered the fast-food restaurant in its analysis of traffic impacts at the school. The results of the analysis indicated that the intersection of Forni Road/Golden Center Drive (the intersection closest to the Middle School) would experience some additional delay during the mid-afternoon peak hour, but the LOS at the intersection would not degrade from current levels, either under Existing plus Project or 2035 plus Project Conditions. During the morning peak hour, traffic delays at this intersection likewise would increase, but LOS would degrade to no worse a level than B, which is above the County minimum standard of E.

Response to MLUSD-16 (Attachment 1)

The author expressed concern that funds approved by voters to mitigate traffic congestion at Herbert C. Green Middle School will be wasted as a result of the project. Please refer to Response to MLUSD-15, which noted that the Draft EIR did not identify adverse LOS impacts resulting from the project.

Response to MLUSD-17 (Attachment 1)

The author recited a portion of the 2017 Initial Study regarding the air quality impacts of the project. No response is necessary.

Response to MLUSD-18 (Attachment 1)

The author stated that the project requires an EIR that addresses air quality and greenhouse gas emission impacts. Please refer to Section 3.1 of the Draft EIR, which analyzes these impacts.

Response to MLUSD-19 (Attachment 1)

The author expressed concern about the health impacts of increased air pollutant and greenhouse gas emissions. Draft EIR Section 3.1, Air Quality/Greenhouse Gas Emissions, Impact AIR-4 analyzed the potential health impacts of project-related emissions in accordance with State and local standards. MM AIR-2 was recommended to reduce fugitive dust emissions from construction activities, which were determined to have the greatest potential health impact. No other significant adverse health impacts were identified. Greenhouse gas emissions related to the project were determined to be less than significant.

Response to MLUSD-20 (Attachment 1)

The author reiterated a concern about the safety of children while noting that MLUSD is not opposed to growth and development. No response is necessary.

Response to MLUSD-21 (Attachment 2)

It should be noted that Attachment 2 to the MLUSD comment letter contains comments that apply to the 2012 IS/MND, which was rescinded by the Board of Supervisors and is superseded by the 2017 Initial Study and Draft EIR.

The author expressed concerns about student safety with while noting that MLUSD is not opposed to growth and development. No response is necessary.

Response to MLUSD-22 (Attachment 2)

The author described MLUSD's involvement in meetings and public hearings on the project. No response is necessary.

Response to MLUSD-23 (Attachment 2)

The author expressed concern regarding risks to student safety from increases traffic. Pedestrian safety is addressed in Draft EIR Section 3.2, Transportation. Please refer to Response to DSEDCAC-3.

Response to MLUSD-24 (Attachment 2)

The author stated that traffic congestion would occur at the project entrance on Forni Road. Please refer to Draft EIR Section 3.2, Transportation. No such impacts were identified.

Response to MLUSD-25 (Attachment 2)

The author asserted a lack of specificity on improvements to the school frontage. The project does not include off-site improvements to the school frontage.

Response to MLUSD-26 (Attachment 2)

The author expressed concern about the safety of the proposed on-site retaining wall. An 8-foot-tall fence would be placed along the top of the retaining wall to ensure safety.

Response to MLUSD-27(Attachment 2)

The author requested use of the right-of-way on Forni Road to mitigate traffic congestion. Please refer to Draft EIR Section 3.2, Transportation. No significant impacts related to traffic congestion were identified on Forni Road.

Response to MLUSD-28(Attachment 2)

The author requested a clear statement of improvements to the school frontage on Forni Road. The project does not include off-site improvements to the school frontage.

Response to MLUSD-29(Attachment 2)

The author requested a barrier fence on the retaining wall. An 8-foot-tall fence would be placed along the top of the retaining wall to ensure safety.

Response to MLUSD-30(Attachment 2)

The author described being a witness to traffic congestion and several accidents and near-accidents on Forni Road, and that the project must utilize the 50-foot right-of-way. Please refer to Draft EIR Section 3.2, Transportation, for a discussion of impacts and mitigation measures. No significant impacts related to traffic congestion were identified on Forni Road. Furthermore, Impact TRANS-5 includes a review of traffic accidents on local roadways and found that accident rates were below the County threshold to investigate improvements.

Response to MLUSD-31(Attachment 2)

The author requested the County Board of Supervisors address the identified project concerns. No response is necessary.

Response to MLUSD-32 (Attachment 3)

It should be noted that Attachment 3 to the MLUSD comment letter (a letter submitted by Marsha A. Burch on behalf of the MLUSD) applies to the publicly circulated 2012 IS/MND, which was rescinded by the Board of Supervisors and replaced by the 2017 Initial Study and Draft EIR.

The author stated that the 2012 IS/MND prepared for the project does not comply with CEQA, and that an EIR should be prepared. The 2012 IS/MND was rescinded and, in compliance with CEQA, a revised Initial Study and Draft EIR was prepared and circulated for public review.

Response to MLUSD-33(Attachment 3)

The author discussed the standards for use of a Negative Declaration. As a Draft EIR has been prepared for the project, no response is necessary.

Response to MLUSD-34(Attachment 3)

The author stated that the Project Description in the 2012 IS/MND was inadequate. The 2012 IS/MND was rescinded. Please refer to Draft EIR Section 2.0, Project Description.

Response to MLUSD-35(Attachment 3)

The author asserted that the 2012 IS/MND did not adequately address the project's significant impacts. Please refer to Response to MLUSD-32.

Response to MLUSD-36(Attachment 3)

The author asserted that the 2012 IS/MND did not adequately describe air quality impacts. The 2012 IS/MND was rescinded. Please refer to Draft EIR Section 3.1, Air Quality/Greenhouse Gas Emissions.

Response to MLUSD-37(Attachment 3)

The author asserted that the project would have significant impacts on biological resources. Please refer to Section 2.5, Biological Resources, of the 2017 Initial Study and Section 7.0, Effects Found Not to be Significant of the Draft EIR, in which project impacts on biological resources were analyzed and mitigation measures proposed, particularly for wetlands and oak woodlands. Implementation of these mitigation measures would reduce biological resource impacts to levels that would be less than significant.

Response to MLUSD-38 (Attachment 3)

The author asserted that the project would have significant impacts on wetlands. Please refer to Response to MLUSD-37.

Response to MLUSD-39(Attachment 3)

The author asserted that the project would have significant impacts on oak canopy. Please refer to Response to MLUSD-37.

Response to MLUSD-40 (Attachment 3)

The author asserted that the 2012 IS/MND analysis of project impacts on greenhouse gas emissions is inadequate. The 2012 IS/MND was rescinded. Please refer to Draft EIR Section 3.1, Air Quality/Greenhouse Gas Emissions.

Response to MLUSD-41 (Attachment 3)

The author asserted that the 2012 IS/MND did not describe the safety impacts arising from placement of the project near Herbert C. Green Middle School. The Draft EIR discusses potential safety impacts related to the project; see especially Section 3.2, Transportation.

Response to MLUSD-42 (Attachment 3)

The author asserted that the description of traffic impacts in the 2012 IS/MND is inadequate. The 2012 IS/MND was rescinded. Please refer to Draft EIR Section 3.2, Transportation.

Response to MLUSD-43 (Attachment 3)

The author asserted that the Mandatory Findings of Significance in the 2012 IS/MND related to biological resources is incorrect. The 2012 IS/MND was rescinded. Please refer to Response to MLUSD-37.

Response to MLUSD-44 (Attachment 3)

The author asserted that the Mandatory Findings of Significance in the 2012 IS/MND related to cumulative impacts is insufficient. The 2012 IS/MND was rescinded. Please refer to Draft EIR Section 4.0, Cumulative Effects.

Response to MLUSD-45 (Attachment 3)

The author concluded that the 2012 IS/MND for the project was inadequate and that an EIR needed to be prepared. The 2012 IS/MND was rescinded. Please refer to Response to MLUSD-32.

January 25, 2018
Planning Commission Meeting
Public Comments on Creekside Plaza Project

The following is a transcript of comments made by El Dorado County Planning Commissioners during the January 25, 2018 Planning Commission Workshop meeting. Responses to Commissioner comments by Mel Pabalinas, El Dorado County Senior Planner; Leonard Grado, Project Applicant; and Janna Waligorski, FirstCarbon Solutions Senior Project Manager, are also included. The transcript is based on a recording of the meeting and may contain errors or omissions.

Commissioner: I do have a few questions Mel, you said a few things that I just want to get clarification on. Can you go back to that map that showed the three separate parcels. I thought you had mentioned, I guess if you can clarify, shared parking, I heard you say the word shared parking. These buildings are all essentially going to be sharing the parking, even though they are three separate lots?

Mel: Yes sir, and you know it is typical. They have to, it's all coordinated, and activated to flow together not only just parking laws of traffic, so that's common in these types of development. Walmart for example is sharing parking spaces with Panda Express, and I think that is about it there. Across the street of course you have Walgreens and Goodwill. The way it's approved is that there's an acknowledgement that it's all as a whole, it's been approved. An even though they're all parcelized, and it could be that there is different ownership of that, its highly unlikely, but it's possible that one building could be owned by somebody else. That there's a restriction that they all be parked as a whole, that way they all benefit from each other.

Commissioner: And how many total parking spots?

Mel: 156 total

Commissioner: 156?

Mel: Yea, and that is based on that, there is 86 for parcel three for building A, 40 for parcel two building B, and 30 for parcel one, building C.

Commissioner: It seems like a lot of square footage for not that much parking. And the setup of it is very similar to the existing McDonalds that's south down Missouri flat, and I don't know if you've ever tried to patronize that McDonalds...

Mel: Oh, I have. It's a challenge sometimes.

Commissioner: It is, and this just looks really similar to that, where we're kinda slamming a lot into a small area.

Mel: I'm familiar with the McDonalds one over there, I've been there, I've witnessed how busy it is. This one does also have a drive through there, and maybe it's just the way the occupants of that McDonald's site have that positioned, the way they have that positioned it causes inherent issues as far as the use of itself conflicting with each other, and hopefully it's a learned experience from that.

Commissioner: Which building is our fast food building?

Mel: Building B

Commissioner: In the middle again, and that is why I really think it messes up their circulation having that drive through right in the middle of the whole entire project, but I missed, and I'm sure you said it, Building three, or A. What is that building going to be?

Mel: The office, and retail, so it is a two story building, about 40 feet tall. And the office part would of course be the top, about 9800 square feet, and the retail also would be about 10,000 square feet total, so that would be in the bottom.

Commissioner: And is the elevation of that building consistent with other commercial in that area?

Mel: Umm, in terms of the design?

Commissioner: Yes

Mel: I think that umm in adapting could answer that better. Leonard Grado is the one that constructed the ones to the south, the design from what I can tell, its not in color of course, this one seems to match the designs of Schools Credit Union, but those also prove to match the design outlines as well, this one is also having to conform to.

Commissioner: Okay. Great, thanks Mel.

Commissioner 2: I have a question, I'd like to continue on the parking issue. The RV parking problem, I don't see any. Is there RV parking in there?

Mel: Yes there is. It's not the best sounding idea, and it is hard to see, but according to the applicant there is two RV spaces, there was six, but I'm going to confirm that with applicant. RV spaces required and met for this...

Commissioner 3: And all access is off Missouri Flat, correct?

Commissioner 2: No

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Commissioner 3: Oh so Forni and Missouri.

Mel: There is one access off of Forni Rd., it crosses right there.

Janna Waligorski: There was an onsite transportation review as part of the traffic impact report that was prepared for the draft EIR, and then they did look at onsite circulation and there was no significant issues found. Now, I know that it's different when you have an example, you can see things differently in real life essentially but they did not see any significant issues with the drive through backing up and causing onsite circulation issues. So there is that information you can review too in the appendix of the draft EIR.

Commissioner: Question or comment along the lines will be loading and unloading zones on sight as well?

Mel: There is loading as well, again it's hard to identify here, maybe the applicant can point that out exactly. You can ask the question like that with Leonard.

Leonard Grado: Okay, do you want me to address it now? I'm happy to address it. Leonard Grado, good morning. This section right here, it's tough to keep it that straight, adjacent to that planter peninsula is a loading area, there are three RV stalls here across this drive isle. The difference between this project and the McDonalds project which we also developed, was McDonalds was originally going to go adjacent to Golden Center Drive. They opted out of a deal in 2003 when they didn't build any new stores in the country because their sales were down that particular year. When they came back we had already leased out the other building, we changed the site plan because Wendys was going to take the middle site on a smaller scale with a drive through that wrapped all the way around the building. They opted out and McDonalds came back in, and that's basically how it ended up that way. We didn't expect it to be quite the conflict that it's been. We put some stop signs etc. on the site to just kinda give some coordination to get in and out of that drive through. But the difference here is this drive through goes around the drive through or the parking and trash enclosure, etc. around the back of the site and comes along this property line, which allows for significantly more stacking for this particular drive through. It is not in the middle of the site, or accessed from the middle of the parking area. It's around the boundary of the property line, which we actually prefer. Similar to Starbucks if you will, next to Safeway. So, hopefully that gives you some clarification that way, and we parked the site adequately for these particular types of uses.

Commissioner: And stating the obvious, both of those access points will be right in, right out?

Leonard: This site here this is definitely right in, right out. This one here would be a full turn movement to RD.2233 the way it is now for the residents that live off Rd 2233, along that this one is full turn movement here.

Commissioner: But it would be an uncontrolled intersection?

Leonard: Yes, that's correct. Stop sign obviously coming out of it. But you have a center turn lane also that is there for getting in and out of there, the same way you do for any of the other parcels that are on, I guess what you would call, the north side or east side of Missouri Flat road in that area.

Commissioner: And then obviously across Golden Center that would be an uncontrolled intersection as well?

Leonard: That is correct.

Commissioner: Off of Forni?

Leonard: That is correct.

[Public comment portion of the Planning Workshop initiated. Public comments made by Bob Smart and Sue Taylor provided separately.]

Commissioner: Any other comments or concerns?

Commissioner: I did want to confirm are we using the retaining wall and all that regarding the open space parcel, same as it was before?

Leonard Grado: Yes

Commissioner: I also, Mr. Grado, can you speak to that RV thing. I have same concerns if I park my RV there I am either backing in to your entrance or pulling in, but either way I am bottlenecking your entrance there.

Leonard Grado: Yes, I have owned an RV for 30 years, a 40 ft. RV. The typical RV owner, very candidly is going to park at Walmart and walk across the street. We encounter small shopping centers we want to go into all the time and we find a large, anchor store shopping center to park in. We have provided longer RV stalls there, 30-32 ft, but no one backs their trailer into stalls anywhere. This would be for a Class B/C RV , 10 or 11 ft. wide stalls. From a practical standpoint though, we are heading to Walmart. I hate to say that to park on adjacent property, but it is done all the time, whether it is Walmart or Safeway. They usually have larger, open fields of parking. Dave can speak to the right of way question, that's old highway 50 right of way, that is no longer being utilized for anything, that is why the county accepted the dedication to the site for the improvements that are necessary. As far as the school is concerned, there is no question about it, I have my office building there behind the Auto Zone, it is a mess. It is a mess during those two times of the day. What I can say though is during peak hour at 8 in the morning, you will not have traffic going this lot between 7-8, and further more when they pick up their kids at 2:30, that is not peak hour for retail. From that stand point our project does not have a significant impact on the school, does the school have a significant on our Project, I would say it does, it does on my office. I don't turn on Forni Rd at 2:30, I go all the way up to

Golden Center and come in back side. Do the kids need to be picked up , by all means. But I think that is a solution the Office of Ed needs to look at, with maybe further acquisition of property or another resolution for parking. I also agree with Bob as far as the Bus Stop. One of the things that is frustrating as far as a developer, there were several projects approved on the other side of the freeway, Safeway, TJ Max, Ross, Savemart expansion, no bus requirement with those projects. We cannot rectify all of the ills on Missouri Flat with a 2 ½ acre project and really a small amount of improvements with that project. We are parked adequately per code, we have met all the design guidelines with respect to Missouri Flat Rd. I helped write those requirements back in the day. Our projects utilize a lot of those design finishes, rock, metal roof, a more craftsman type of look. We did the Social Security Building, most recently, that is a craftsman design, which is above and beyond the Missouri Flat Design guidelines, but we want nice product out here. Do want to make the project as accessible as possible, as aesthetically pleasing as possible, by all means, but we can not necessarily through this project rectify all issues the county is facing right now with respect to the school problem etc, but I do sympathize with it. I don't know how we can resolve it with a 30,000 SF project.

Commissioner: Thank you for being here. You will have parking issues with the school. As driver taking my kids to school, it's been many years, but they will be parking there waiting to pick up their kids, to avoid the traffic que; it will be an issue for you and your tenants. I do have serious concerns for an uncontrolled intersection. It one thing for a private road, but full access for a commercial center is another matter in my opinion. If there is opportunity on Forni, you know the counties ability is very limited in respect any conditions we can place on schools, the only we have is the power of the encroachment permit, a lot of times that is not exercised. If there is opportunity where even though you are not responsible for fixing school problems, if there is a win win to provide additional capacity along Forni Road certainly would be helpful. It would be a benefit to your development for ingress and egress to whatever degree.

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Leonard: I appreciate that Jon. One of the things that our Traffic engineers looked at this, they look at that circulation, they have identified where the issues are , the ingress off of Forni to right turn on Missouri Flat Rd. is not the biggest issue. The concern is the ingress from Missouri Flat to Forni Rd , which is why they deemed it that is should not be signalized , that could potentially back cars back into that intersection and they did not like that. DOT can speak more specifically to that issue, but that was looked at, and it was determined it would complicate matters more than resolve anything.

Commissioner; I will point out that most offices open at 8. So there will be traffic for your project at school time and breakfast is served at fast food restaurants, so there won't be zero impact during school hour.

Leonard: I understand. When you look at peak hour, the lunch hour is peak, dinner hour is peak, that is more substantial, along there is significant commute traffic on Missouri Flat Rd. I have an office there also, so I am aware, I am not disagreeing. Depending on the use, such as office use, people arrive there and they are they, as opposed to multiple trips that come in and out.

Commissioner: Correct, but they will be arriving to work the same time as the school kids, so it will add to the impact at that hour.

Leonard: Okay, agreed.

Dave Spiegelberg: County Department of Transportation. I just want to provide some clarify as to the issue of right-of-way. Forni Road was old highway 50, before Motherlode Drive was built. When Motherlode was built, Forni Road was abandoned or deeded over to the county for a county road. The right of way was acquired by Caltrans was in fee title, Caltrans owned the land now the county owns the land. The included the northwest side of Forni Road a fill slope along the highway that way down into the creek. With Leonard's project he is bringing in a large amount of fill to bring that up level to the grade. That basically eliminates the need for all this right of way to contain this slope that supports Forni Road because there won't be any slope there any more it will be flat level, or fairly level with Forni Road. There is a process defined in the Streets and Highway Code that tells due process and the legal way for the county to dispose of excess right of way. That was approved with the project at one time back in 07. We will, Transportation Department, our right of way folks, will go through that process, if this project is approved, then we will move forward with that legal process under the Streets and Highway Code to dispose of property in accordance with those provisions in the Streets and Highway Code.

Commissioner: Quick question to clarify, given the increased traffic and the problem we have there now is there anything that the right of way can be used for to mitigate that?

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Dave: I cannot speak to the details of the traffic study. I would suggest that Leonard have his traffic engineer.. I don't... As we have seen with the Draft EIR there were no significant impacts. Our county, long term, 20-year CIP program, TIM fees , mitigation measures for the cumulative impacts for the general plan there is no widening there. More than that I cannot say at this time.

Commissioner: Alright we will close this part unless staff has anything else.

El Dorado County Planning Commission

The following comments were made by El Dorado Planning Commission members during the January 25, 2018 Planning Commission Workshop where the Creskide Plaza project was presented and discussed. The responses provided in this document are limited to those comments that were related to the potential environmental impacts of the project. Other comments made by the Planning Commission members that did not address topics subject to CEQA are not responded to herein.

Response to EDCPC-1

A Planning Commission member expressed concern regarding on-site circulation. As indicated in Draft EIR Section 3.2, Transportation, and as supported by the Traffic Impact Analysis, no significant issues were identified regarding on-site circulation.

Response to EDCPC-2

A Planning Commission member expressed concern regarding RV parking on-site, and RVs blocking site entrances. As indicated in Draft EIR Section 3.2, Transportation, and as supported by the Traffic Impact Analysis, no significant issues were identified regarding on-site circulation.

Response to EDCPC-3

A Planning Commission member expressed concern regarding the uncontrolled intersection at Forni Road and Golden Center Drive providing access to the project site. As indicated in the El Dorado County Planning Commission Workshop Transcript, signalization of the intersection was considered, but would have the potential to back up cars into the Missouri Flat Road/Forni Road intersection, creating additional congestion and safety issues. As such, signalization of the Forni Road/Golden Center Drive intersection is not desirable.

Response to EDCPC-4

A Planning Commission member asked if the existing right-of-way on Forni Road could be used to mitigate existing or increased traffic on Forni Road. As indicated in Draft EIR Section 3.2, Transportation, and as supported by the Traffic Impact Analysis, no significant issues were identified regarding the intersection of Forni Road and Golden Center Drive.

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Public Comment Sheet for Creekside Plaza Project Draft Environmental Impact Report Workshop

January 25, 2018 Planning Commission



Name: RICHARD BOYLAN, PhD

Mailing Address: 6731 JUNIPER LANE, PLACERVILLE 95667

Email Address: DRBOYLAN@OUTLOOK.COM

Comment:

NOT AGAIN! This project has already been rejected once, and the Diamond Springs - El Dorado Community Advisory Committee has serious concerns about this proposal. This proposed project is a kid-killer! (Elementary school across the street.)

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Individuals

Richard Boylan, Ph.D. (BOYLAN)

Response to BOYLAN-1

The author mentioned the concerns of the Diamond Springs-El Dorado Community Advisory Committee regarding the project. The Committee has submitted a comment letter on this project dated February 1, 2018, and responses to comments in that letter are provided in to Response to DSEDCAC 1 through 5.

Response to BOYLAN-2

The author mentioned the proximity of Herbert C. Green Middle School to the project and expressed concern about the safety of students. Please refer to Response to DSEDCAC-3.

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January 25, 2018
Planning Commission Meeting
Public Comments on Creekside Plaza Project

Bob Smart: I'm the current chairman of the El Dorado/Diamond Springs advisory committee. We sent a letter to Roger, in November 18 of 2011. It's on the website now, if you go to our website we're at, we're a piece of the county apparatus, we pay attention and hopefully you guys will be paying attention to what we're doing. Our job is to try and defuse some of the issues that come out of the Diamond Springs/ El Dorado area. So that everything doesn't go plop right here, and you're trying to, who are these people and what're they trying to do. So it's kind of a de-energizing group is what I would see us as. Where in fact would end up with people who were in conflict enable to talk back and forth across the room and hope we smooth out some of these things. We take ourselves pretty serious. But I don't think you're going to find my letter, the letter that our committee wrote, it wasn't me it was a committee in November 18 of 2011. Big ambition but you have to remember what was going on at the time of November 11 2011, as far as I was concerned the county was in complete chaos that tried to find out who on staff was working anymore and who'd left it down and who was responsible for what, was what was pretty different. None of you existed at that time as a commissioner, so and the person that was in our area was frequently very very opposed to another item that we covered today which was the bike trails, he said he'd never seen a bike riding on Motherload, or on Missouri Flat Road. I mean that was kind of the mentality of some of the people we were working with at the time and it was a pretty contingent issue that was going on. We're going to on the first of February, we're going to meet over at the, use the Herbert Green School facilities and have a public meeting, we'll have the neighborhood there. Jeff, I would really hope you could come, and listen to some of that conversation, I'm not sure that I'm picking up a whole bunch of hostility but there's a lot of questions about it, how does this all come together. This letter that I'm referring to, there's a couple things that's been going on with us for a long time. One was, we were looking for a bus stop, that would be on the highway side of Forni Road. We were thinking we'd have a big bus stop on the opposite side of Missouri Flat, and the purpose of that was, we see a lot of the community who'd be coming across, coming across the overcross from the Safeway area, etc. And this would be an opportunity for them just to get on the bus, just to zip on over to Placerville, but you're not going, I don't find any of that kind of stuff talked about in the documents, it's kind of really hard for me to understand, I mean there's a major omission of where are concerns where, and what's being played out here. The idea of telling people that you need to walk from Safeway to our current Missouri Flat situation, and then walk across the street, which is what you have to do in order to do that. It's bizarre, you really need to just walk it through in your mind, how would you do this kind of stuff. The, we're going to meet on the first, we're going to end up coming up with another letter to this group saying, well we would love, and to the Board of Supervisors, what we would hope you'd be considering in this thing. I apologize for us running late but its been part of us not even knowing who the players were operating in this thing. I'm just delighted where Mel is now, that seems like the house is starting to make sense again, but there was a period there where it was just pure chaos, as a citizen group trying to figure out who the devil was helping making things go, it wasn't matter that we

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had malfeasance going on anywhere but when you've got you're departments what do you expect is going to happen, there's no, there was no memory as far as an institution goes. Just some really old people, (other person talks), I can say that to her because I'm older than she is. But the uh, so I wanted to hit that this traffic issue was a huge one when we wrote this letter in 2011 figuring out how it floats back and forth because you end part of the thing that you frugally don't want to talk about is that we've got this school, the Herbert Green school, and the people just go through there in a parade form, one car after another, they park everywhere and the whole place just becomes inoperable as far as most citizens go about 2 to 3 o'clock, 4 o'clock in the afternoon. Its chaos over there, and when the neighbors came to talk about how bad that was, we agreed but I don't know how it's going to be mitigated in this new project. Well I heard Leonard talking about the multiple right turns, that makes some good sense if Forni Road is not involved but Forni Road right now is, I don't know how you jam any more cars onto that darn thing. They uh, the next thing I'd like summary of where we now have a bicycle trail that goes across Weber Creek bridge, and it comes over and dead ends against Missouri Flat Road, I don't know if you want to consider it a dead end or not but unless you're gonna go to the right or go on over to safeway, there is no bike lane over on that far side, and so that puts our bicycles and our pedestrians, and our wheelchairs, I mean everyone on this little sidewalk out there. Most states and cities have come to the conclusion that you shouldn't have bicycles on sidewalks, thats getting to be a very major problem. If you watch our friends down in Sacramento, how that's playing out down there. It's a big deal but again in our 2010 Bicycle transportation plan this has picked up, we talked about it in our letter, but I don't see any mention of that here, and when I did a little bit of checking back, it looks to me like it was just missed. I mean we were approved by the Board of Supervisors for this modification for this bicycle transportation plan and I think there's a problem there that needs to be addressed. Anyhow, but what I'd like to do is be sure that you understand I'm not finding fault, when you strip an organization like we just did this planning group, the world is going to pay a consequence for that. And that's what we're seeing, I'm not trying to find fault with anywhere, anybody but the fact is now its unfortunately with people like Leonard trying to bring projects online there wasn't a support staff for some of that period. I think we can work it all out, it's not a matter of trying to kill this project. But it's just the fact is, I don't think our concerns have been addressed. So what we'll do when we get together next Thursday is we'll take this letter and say is this still pern, is there new information and the new information will be coming out in your environmental document, and then we'll make our cumbus based on that. But I gotta tell you this, there is trouble here in River city, as known by me right now, but that doesn't mean it hasn't been mitigated yet. I have trouble seeing where you bring bicycles into that intersection at Forni Road, for example along Missouri Flat. The transportation plan says you have a seperate route, I'm not sure that separate route is necessarily the way to solve it, but maybe you have to expand the sidewalks, or maybe do some, well other cities are using some like green bike route kind of stuff. There's probably a lot of solutions out there so it's not like anybodies saying to kill anything, but we haven't even had a conversation with this so I guess that's what I'm wrestling with.

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Bob Smart (SMART)

This comment was verbally submitted at the January 25, 2018 El Dorado County Planning Commission Workshop at which the project was discussed.

Response to SMART-1

The commenter provided introductory remarks. No response is necessary.

Response to SMART-2

The commenter requested that a bus stop be included on the project's Missouri Flat Road frontage. Comment noted. However, El Dorado Transit did not submit a formal comment on the Draft EIR identifying the need for a bus stop.

Response to SMART-3

The commenter referenced existing traffic issues during school pick-up adjacent to the project site and questioned whether additional traffic will affect afternoon school traffic. As noted in Draft EIR Section 3.2, Transportation, Impact TRANS-3, addition of the project's mid-afternoon traffic under existing conditions and the 2035 scenario would not result in unacceptable intersection level of service, satisfaction of traffic signal warrants, or exceedance of available queue lengths.

Response to SMART-4

The commenter expresses general concerns about the bike lanes provided on Missouri Flat Road. Class 2 bike lanes are currently present on both sides of Missouri Flat Road. The project would not change this existing condition.

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February 9, 2018

Mel Pabalinas, Associate Planner
County of El Dorado Development Services Division
2850 Fairlane Court
Placerville, CA 95667
via email: Mei.Pabalinas@edcgov.us

Subject: Comments on The Creekside Plaza project

Dear Mel,
Below are several of the many issues concerning this project:

Measure E:

Measure E applies to this project, specifically the December 2017 version updated with Judge Stracener's decision. Policies especially pertinent to this project are:

TC-Xa2: The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.

The DEIR states that there will be an issue of LOS F at Enterprise and Missouri Flat. The developer is expecting this intersection to be mitigated by the County due to the construction of the Sheriff's safety facility. There is nothing in the approvals of the Sheriff's safety facility that would require the County to provide a signal which is what would be needed to improve the LOS F at this intersection. Also it was reported that this project will cause LOS F on Forni Road by the entrance to the new driveway into the property. There is already a stacking problem in this vicinity. Cars coming on to Forni are forced to drive on the wrong side of the road in order to avoid the congestion. Both of these conditions must to be addressed per Measure E prior to approving this project.

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TGPA/ZOU lawsuit:

There are nexus points between the Creekside project and pending lawsuits- This project relies on [allegedly] flawed aspects of the General Plan as it was amended in 2015 under the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU). Should the County approve the Creekside Plaza project before the resolution of the pending TGPA/ZOU suit, they are committing county resources to yet another potential lawsuit as well as jeopardizing the project's approval.

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Note too, that the General Plan update under the TGPA/ZOU began in 2010. It was publicly noticed. Many project applicants actively participated in the project and were well aware of proposed changes, including the applicant for the Creekside Plaza project.

Many applicants delayed their projects in order to take advantage of the new Travel Demand Model, which this project does. With the TGPA/ZOU this project was given a zoning change which could be overturned with the lawsuit.

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There is also an Oak Woodlands lawsuit that could change the ability to eliminate the amount of oak trees planned for removal on this property.

Inconsistencies between Caltrans and DOT determination of LOS

Projects cannot be properly mitigated and Measure E cannot be fully implemented until the inconsistencies between Caltrans and DOT determination of LOS is resolved. As explained at the August 30, 2016 Board meeting, the County staff is misusing the Highway Capacity Manual by excluding speed and density of traffic when determining LOS. The Highway Capacity Manual (HCM) clearly states that the Highway Capacity Software (HCS) will not work accurately when the highway conditions are oversaturated. When traffic is backed up with both lanes of Highway 50 creeping along at 11 mph, it is clear that the capacity of the highway cannot accommodate the number of cars that are trying to use it. Caltrans uses speed and density to calculate LOS and therefore acknowledges that Highway 50 is at LOS F. DOT does not include speed and density in their calculation and therefore deny that Highway 50 is at LOS F.

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The County is well aware of the capacity issue at the Missouri Flat Interchange, yet continue to acknowledge the need to improve the interchange prior to approving new projects when the area has already been oversaturated. The project as proposed must be denied until capacity is addressed on Highway 50 at the Missouri Flat Interchange.

Other Issues

- 22% of the development has over 30% slopes which violates requirements in the General Plan.
- The project allows zero setback from wetlands, which violates requirements in the General Plan.
- This project will create LOS F which violates Measure E.
- This project will require 46,738 cubic yards of fill to be brought in to cover the creek.
- This equates to 28.9 acre feet of dirt. This is a massive amount of dirt to be moved and the environmental review should include the impact being created by removing this amount of dirt from inside a 10 mile radius of this project. Another issue created is that the foundations of the proposed buildings must be on native soil or compacted/engineered fill. The existing fill is not clean soil. It will have to both be removed and replaced or the foundations of the proposed structures will need to reach native soil.

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- This is an oversized urban project in a rural environment. It is not a good fit for the community. | 9
More study needs to go into the traffic impacts, especially in regards to school safety. | 10

- Cross-lot drainage should not be allowed since it very likely this developer will split the lots after development. | 11
Travelers will be coming from off the freeway, turning onto Forni Road to enter the fast food restaurant. They will not understand how to navigate the school flow therefore increasing the danger to children. | 12
This project has over extended its coverage for development, leaving no room for necessary mitigation measures. |

- The developer stated that he has the right to the “Highest best use” of the property. I’m not sure where that right is published but the developer does have the right to develop his property. When the current General Plan was adopted it was known that not all land designations created would be compatible with the zoning. This parcel is presently zoned residential. The existing zoning is more compatible with the nature of the land and with adjacent residential zoning. It also creates a natural buffer and transition between the existing commercial and residential zoning. The highest and best use might be to develop residential parcels with an office component. General Plan Policy 2.2.5.7 allows the County to determine compatibility on parcels that are discretionary such as this one. | 13

- Sewer and water impacts have been conditioned based on future conditions. | 14

- This will not be a financial benefit to the county since the sales tax will go to fund past and future road improvements on Missouri Flat Road due to the Missouri Flat Financing Plan. | 15

- The applicant is the same developer of Golden Center which is a nightmare for traffic flows due to McDonalds and no loading zone provided. | 16

- With the close proximately of the parking lot to the creek, pollution will be flowing into the creek below which distributes into Weber Creek. Mitigation has not been provided for this impact. | 17

- There is also a safety issue with a 27' retaining wall and only a 4' fence to protect the public, and particularly children from falling over the bank. This could become a hazardous attractive nuisance. | 18

- The Environmental Checklist regarding Mining Resources states, *“Review of the mapped areas of the County indicates that this site does not contain any mineral resources of know local or statewide economic value. No impacts would be anticipated to occur”*. *“For the Mineral Resources category, the project would not be anticipated to exceed the identified thresholds of significance.”* Yet the description of the property states that, *“According to the soils map, portions of the area were placer mined at one time and tailing piles are present along the creek.”* More research should be explored, due to the evidence of existing tailings and the fact that this area is historically rich in mining resources, in order to determine true significance to loss of a mining resource. This could be a potentially significant impact. | 19

- The Environmental Checklist regarding Hydrology and Water Quality Resources states, *“No significant hydrological impacts are expected with the development of the project either directly or indirectly”*. *For this Hydrology category, impacts would be anticipated to be less than significant.”* The project is being placed directly on and against the creek. With the proposed project and commercial development there will be an enormous amount of increased impermeable surfaces collecting pollutants related to commercial and road uses which runoff will greatly alter the quantity and quality of the adjacent creek. By merely paying a fee to Fish and Game and dedicating an undevelopable piece of land to Army Corp of Engineers is inadequate in addressing the cumulative effect to hydrology and water quality. Not addressing lot development and runoff is **a potentially significant impact** to the Hydrology and Water Quality in the area above ground, to the creek, to existing residents, structures and properties downstream and surrounding this development. | 20

- No buffers between the existing residential and new commercial parcels | I 21
- Inadequate infrastructure for the size of development | I 22
- Parking requirements not meet, poor location of RV parking | I 23
- Right-of-way needs to be used for the safety concerns of Herbert Green | I 24

The following measures were to be completed one to three years after the adoption of the General Plan and have yet to have been completed in this area: | 25

Measure LU-F: Create and adopt Community Design Review standards and guidelines and identify new Community Design Review Districts. This would include working with community groups to develop standards. (Policies 2.4.2.2, 2.4.1.2, and 2.4.1.4)

Measure LU-H: Develop and implement a program that addresses preservation of community separation, as outlined in Policy 2.5.1.3. The program shall address provisions for a parcel analysis and parcel consolidation/transfer of development rights.

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GP Policy 7.3.3.4 requires a 50 foot setback from intermittent streams and wetlands. Allowing a reduction to zero sets a future precedent undermining the intent of the El Dorado County General Plan. **This is a significant impact** not only to this project but also in considering the cumulative effect of future projects.

GP Objective 2.1.1 in regards to Community Regions is to provide opportunities that allow the continued population growth and economic expansion **while preserving the character and extent of existing rural centers and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life and economic health of the County.** This project is not in keeping with this objective.

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California planning law and policy 2.2.5.2 requires this Project to conform to the enumerated County General Plan policies, and clearly this project as drafted does not.

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Mitigation Measures neither Adequate nor Related to the Impact

As part of the CEQA process, CEQA allows a lead agency, such as the County in this case, to make a determination that even though a Project will engender adverse environmental consequences, the lead agency can still determine that consequences are “less than significant” if the lead agency imposes conditions on the project that will reduce those impacts to a nonexistent or miniscule status. Such conditions are referred to as “mitigations”.

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However, a lead agency may not determine that a particular environmental impact—for example, the Project’s impact on water quality---has been reduced to a level of insignificance -- by imposing a condition that itself has yet to be developed, is not a simple cut and dried formula that everyone can look at and determine that the mitigation will work, and where the mitigation itself involves discretionary judgments as to how it will be developed or constructed. These types of “mitigations” are “future mitigations”

and are not permitted under CEQA. Sundstrom v. County of Mendocino (1988), 202 Cal. App. 3d 296.

They are not permitted for two reasons. First, the environmental review process is hidden from the public and CEQA is a public participation process first and foremost. Secondly, a future mitigation to be imposed later in the Project's processing, unless it refers to an exact standard---such as for example a pipe size for a domestic leach field contained in a publicly available manual covering such matters---represents a development of a discretionarily approved mitigation which may or may not be adequate. Since it is developed in private neither the public nor the scientific or technical consultants who might review the mitigation on behalf of the public, ever get to see the proposed mitigation or challenge its adequacy.

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On these grounds, the DEIR should not be certified.

Respectfully,
Sue Taylor
Save Our County

February 27, 2017

Robert Peters, Associate Planner
County of El Dorado Development Services Division
2850 Fairlane Court
Placerville, CA 95667
via email: Robert.Peters@edcgov.us

Subject: NOP Comments, Creekside Plaza

Dear Rob,

An overarching concern in this case is the fact that the Initial Study ignores potentially significant adverse impacts with little justification and almost no documentation. After review of the 1-15-17 Initial Study, we firmly believe that the environmental review has been truncated by avoiding full disclosure of the Project's impacts, and also relying upon future regulatory action to fully "mitigate" impacts, with little or no analysis.

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Aesthetics

The 2011 Environmental Checklist for this project shows that Aesthetics are impacted because the project will substantially degrade the existing visual character quality of the site and its surroundings. The Checklist includes conditions on the project that would make the impact Less Than Significant, therefore the EIR will need to analyze this impact and include these conditions as mitigations.

The project will also create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. This should be reviewed due to the close proximity to residential parcels.

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Under the Project Description, the NOP states, "Additional landscaping located along project frontages would reduce any potential aesthetic impacts from viewers along local roadways." The Preliminary Landscape Plan is dated 1-21-11 and does not match the Site Plan provided with the NOP.

Aesthetics should be fully analyzed in the EIR.

Biological

Excerpts from the 1-15-17 Initial Study:

"Because the project would not be consistent with the current requirements of the interim guidelines of Policy 7.4.4.4, mitigation measure BIO-5 **would require that the project is not approved until the Draft ORMP is approved** and a project specific technical report and mitigation plan addressing impacts to oak woodlands is prepared in accordance with the approved ORMP and approved by the County" This is a significant

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issue that must be included in the potential environmental impact to be studied and addressed by the appropriate agencies.

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cont

Also from the 1-15-17 Initial Study:

"In summary, the project will affect the bed, bank, and channel of a stream, including the adjacent riparian habitat. The project as proposed will affect 0.5 acre of riparian habitat, including nearly 300 linear feet of stream channel. In addition, construction and operation of the project could result in downstream water quality impacts. These impacts are considered potentially significant."

Despite the County's attempt to bury its head in the sand, there is substantial evidence showing that the Project may have significant impacts on biological resources. The 1-15-17 Initial Study acknowledges that the Project will "affect the bed, bank, and channel of a stream, including the adjacent riparian habitat. The project as proposed will affect 0.5 acre of riparian habitat, including nearly 300 linear feet of stream channel." The "mitigation" for these impacts is compliance with a "permit" to be issued from the California Department of Fish and Game ("CDFG"). (Id.) It is illegal to rely upon conditions that may or may not be imposed by another agency to support a conclusion that an impact will be insignificant. (Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359, 1394-1395.) The potentially significant impacts to wetlands and riparian habitat trigger the requirement for a full EIR. The threshold for requiring an EIR is extremely low because to end the environmental inquiry at this point precludes evaluating alternatives to the Project that could avoid some or all of the impacts. Additionally, relying on another agency to enforce terms of a permit or agreement is improper.

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It is a clear violation of CEQA to mitigate impacts with policies that are not yet implemented and, thus, preclude the public from participating in the process.

Biological Resources should be fully analyzed in the EIR.

Cultural

Given the location of the creek, it is very likely that there will be cultural resources in this location.

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Cultural Resources should be fully analyzed in the EIR.

Geological Soils

Excerpt from the 1-15-17 Initial Study:

"1.5.6 - Construction Considerations Construction of the project would consist of on-site road encroachment, site fill and grading improvements, utility installation, trenching, and construction of facility structures. Project construction would take approximately 1 year. On-site earthwork would consist of approximate 2,041 cubic yards of cut and 44,697 cubic yards of imported fill."

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This is a massive amount of dirt to be moved and the environmental review should include the impact being created by removing this amount of dirt from inside a 10-mile radius of the project. Also, the existing fill is not clean soil. It will have to be removed and replaced or the foundations of the proposed structures will need to reach native soil.

The mitigation from the Initial Study relies on typical construction methods for a typical project in order to guarantee reduced risk to life and property. The issue with this project is that it is not typical. Given the 27' retaining wall, approximate 2,041 cubic yards of cut and 44,697 cubic yards of imported fill, the natural stream running through the entire project with a wetland running perpendicular to the stream, there is no guarantee using typical building standards that there will be enough mitigation to guarantee reduction of risk to life and property.

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cont

Geological Soils should be fully analyzed in the EIR.

Hydrology and Water

Excerpt from the 1-15-17 Initial Study:

"In addition, construction and operation of the project could result in downstream water quality impacts. These impacts are considered potentially significant."

Cross drainage should not be allowed between the parcels since it is very likely this developer will split the lots after development.

The 2011 Environmental Checklist regarding Hydrology and Water Quality Resources states, "*No significant hydrological impacts are expected with the development of the project either directly or indirectly*". This is similar to the 2017 Initial Study. The project is being placed directly on and against the creek. With the proposed project and commercial development there will be an enormous amount of increased impermeable surfaces collecting pollutants related to commercial and road uses which runoff will greatly alter the quantity and quality of the adjacent creek. By merely paying a fee to Fish and Game and dedicating an undevelopable piece of land to Army Corp of Engineers is inadequate in addressing the cumulative effect to hydrology and water quality. Not addressing lot development and runoff is **a potentially significant impact** to the Hydrology and Water Quality in the area above ground, to the creek, to existing residents, structures and properties downstream and surrounding this development.

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GP Policy 7.3.3.4 requires a 50 foot setback from intermittent streams and wetlands. Allowing a reduction to zero sets a future precedent undermining the intent of the El Dorado County General Plan. **This is a significant impact** not only to this project but also in considering the cumulative effect of future projects.

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Hydrology and Water should be fully analyzed in the EIR.

Land Use and Planning

See attached document titled Nexus to TGPA.pdf.

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Public Utilities

Excerpt from the 1-15-17 Initial Study:

"As indicated in the USACE's letter, work within the potentially jurisdictional Waters of the United States should not start until USACE has permitted authorization for the activity. In addition, an approved jurisdictional delineation may later be necessary. Through the required Section 404 permit process, the USACE will analyze the project's potential impacts to jurisdictional features, including any potential impacts from undergrounding utilities (such as connection to the sewer line and lift station located on the northern adjoining parcel) through the wetland area."

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Sewer and water impacts have been conditioned based on future conditions, which is a clear violation of CEQA.

Public Utility should be fully analyzed in the EIR.

Public Services

Commercial development creates a need for additional fire and law enforcement response in the area.

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Public Services should be fully analyzed in the EIR in order for police and fire agencies to provide comment.

Hazards and Hazardous Materials

Refer to the attached 2011 letter from Mother Lode Union School District Superintendent Tim Smith. The specific primary concerns of the Mother Lode Union School District were:

1. Risk of students being injured and traffic accidents due to increased traffic and congestion related to the CPP.
2. A left hand turn lane into the CPP on Forni Road with two vehicle stacking capacity, which will not mitigate traffic congestion related to the development.
3. A lack of specificity in the improvements to the school frontage on Forni Road, as stated in the mitigation plan.
4. A thirty foot retaining wall behind the development, without a specific plan to mitigate potential safety hazards related to the wall.

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Other hazards would include traffic congestion in front of the school that could prevent emergency vehicles from responding to the health and safety of the children.

The school children will be exposed to hazardous construction materials, paints, fuels, landscaping materials, and other materials used during construction.

Hazards and Hazardous Materials should be fully analyzed in the EIR.

Mineral Resource

According to XI. MINERAL RESOURCES, a. it does not state that the availability of a known mineral resource must be mapped. Even though the site is not listed on any specific list the 1-15-17 Initial Study states, "According to the soils map, as well as the submitted archaeological report, portions of the area were placer mined at one time and tailing piles are present along the stream channel."

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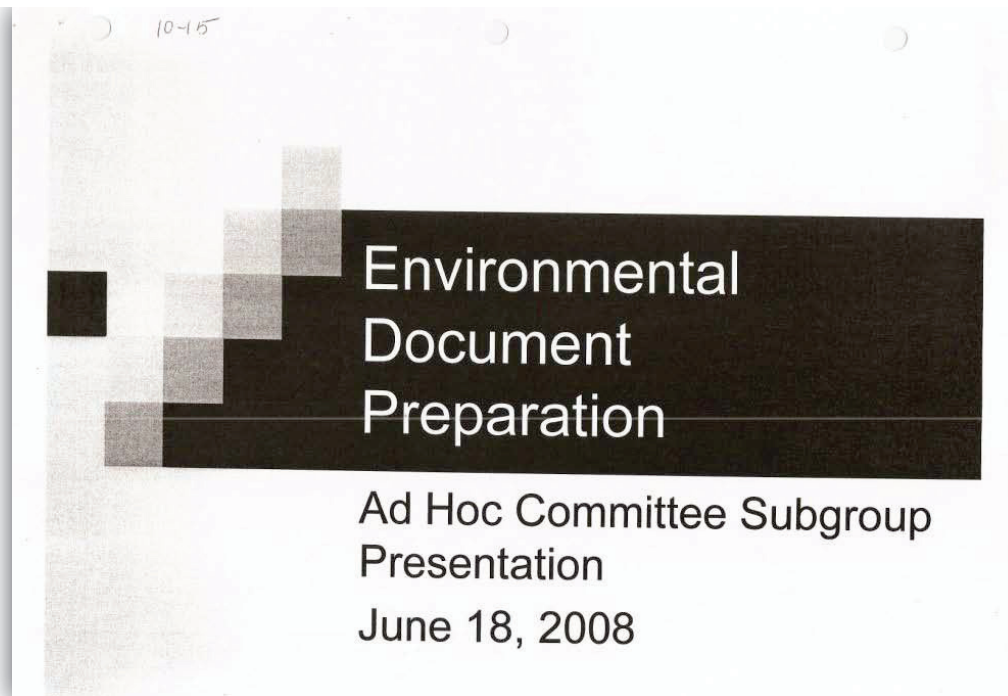
Since the area was once placer mined, there is a potential for the project to negatively impact a mineral resource; therefore, Mineral Resource should be fully analyzed in the EIR.

Mitigation Monitoring

The phrase " Monitoring Responsibility: Planning Services" is used at least five times in the 1-15-17 Initial Study. County Staff consistently states at public meetings that they do not have enough resources to enforce any type of monitoring and/or enforcement of policies or mitigations. The 1-15-17 Initial Study relies on Planning Services staff to monitor mitigations. This is unacceptable as there are no guarantees that County staff will ever have enough resources to do so.

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The screenshots below are from a presentation given to an ad hoc subcommittee in 2008. At that time the County did not have a mitigation measure monitoring program. It is now 2017. The County still does not have a mitigation measure monitoring program. The County is currently in a financial debt crisis, with a best estimate of recovery in 5 years. It is unacceptable to use a nonexistent resource to monitor mitigations for negative impacts.



- El Dorado County has no adopted mitigation measure monitoring program
 - No funds or staff resources to ensure that mitigation measures are effectively implemented
 - Staff must rely on applicant to assist with mitigation monitoring by submitting site photos of mitigation measure implementation

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Thank you,

Sue Taylor
Save Our County

'Nexus to TGPA/ZOU'

The Creekside Project being proposed has a nexus to the flaws in the 2004 General Plan, and that plan as amended by the TGPA/ZOU in 2015. Due to the County's current procedures it is difficult to determine which General Plan policies are being used in projects being brought before the Board of Supervisors at this time. This project was considered in 2011 and later withdrawn due to litigation that was filed and the decision of the developer to withdraw the project.

The 2004 general plan "update" began in 2010. It was publicly noticed. Many project applicants or their agents actively participated in the plan update process. We question the legal rights of an applicant who had notice of the general plan update, to still claim the right to get approval of their project under the 2004 General Plan, which was so dramatically amended in 2015.

Other projects seeking approval are doing so under the general plan as amended in 2015 by the TGPA/ZOU. The theory is that this plan is in place now, and it is the only plan that can and should be used. We believe that this interpretation of land use law is on a much more solid foundation.

A) The TGPA/ZOU lawsuit alleges inadequacies in both the 2004 General Plan, and the plan as amended by the TGPA in 2015.

On January 13, 2016 Rural Communities United filed suit against El Dorado County alleging many flaws in both the 2004 general plan, and that plan as amended by the Targeted General Plan Amendment in 2015.

The suit alleges that both the 2004 General Plan, and that plan as amended by the TGPA in 2015, are inadequate bases for approving projects, because many of the mandatory plan policies designed to mitigate the impacts of development projects have not been implemented in the timeframe required by the plan. As a result, the balance between development and impact mitigation, that the court found justified the validity of the 2004 general plan, has been lost through implementation that has placed a higher priority on development approval than timely mitigation implementation. (See *RCU v. El Dorado*, PC 20160024, filed Jan. 13, 2016, El Dorado County Superior Court, Dept. 9, p. 20, para. 46-48.)

In addition, the suit alleges that both the 2004 General Plan, and that plan as amended by the TGPA in 2015, is missing required fire safety provisions in the Public Health, Safety, and Noise Element. (See *RCU v. El Dorado*, PC 20160024, filed Jan. 13, 2016, El Dorado County Superior Court, Dept. 9, p. 27, para. 66.)

Also, the suit alleges that the application of the new Traffic Demand Model to the 2004 General Plan, and that plan as amended by the TGPA/ZOU, exacerbates inconsistencies between the development potential of the Land Use Element and level of service requirements of the Circulation Element. (See *RCU v. El Dorado*, PC 20160024, filed Jan. 13, 2016, El Dorado County Superior Court, Dept. 9, p. 26-27, para. 63.)

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Finally, the suit alleges that provisions of the TGPA relating to traffic congestion, fire safety, and greenhouse gas reduction fail to conform to constitutional requirement that land use regulations reasonable balance competing regional interest. (See *RCU v. El Dorado*, PC 20160024, filed Jan. 13, 2016, El Dorado County Superior Court, Dept. 9, p. 30-31, para. 75-78.)

- B) Projects approved under these general plans are subject to challenge if they have a nexus to these inadequacies.

Land use law allows approvals of only those projects that are consistent with the existing general plan, and that do not have a nexus to the legally substandard aspects of the general plan. (Neighborhood Action Group v. County of Calaveras (1984) 156 Cal.App.3d 1176; Garat v. City of Riverside (1991) 2 Cal.App.4th 259.)

The proposed project has a nexus to the flaws in the 2004 General Plan, and that plan as amended by the TGPA in 2015. Such as the Oak policies and the requirements of Traffic requirements of Measures Y or Measure E.

- C) If the court in the TGPA/ZOU case finds the 2004 and 2015 General Plans invalid, projects approved under them and timely challenged will similarly be struck down.

It is likely that controversial projects with a nexus to flaws in the applicable general plan will be challenged in court on that ground. If the court in the TGAP/ZOU case finds that the County's general plan is invalid, the court is likely to also invalidate the approval of projects with a nexus to those flaws.

- D) We strongly encourage the county to avoid approving projects with a nexus to the alleged flaws in the 2004 and 2015 general plans, pending resolution of that case.

With every project approval that irreparably harms the landscape at issue in the TGPA/ZOU case, the County runs a greater and greater risk that the court in the TGPA/ZOU case will enjoin project approvals pending resolution of that case. We strongly encourage the County to table such approvals pending resolution of the TGPA/ZOU. If the project applicants insist on seeking approval, we strongly encourage the county to deny the projects, without prejudice, so that the modified projects can re-apply after resolution of the TGPA/ZOU case.

- E) We strongly encourage project applicants to avoid moving projects forward that are relying on allegedly flawed aspects of these general plans, pending the resolution of the TGPA/ZOU lawsuit.

Once a project applicant is aware that the project has a nexus to alleged flaws in the applicable general plan, we strongly encourage the applicants to request that the project processing be suspended pending resolution of the TGPA/ZOU. There is no need for project applicants to waste their time and money trying to defend a project approval that is destined to fail, based upon indefensible general plan decisions that have already been made by the County. The prudent applicant will suspend project processing pending resolution of the TGPA/ZOU case.

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cont

F) We strongly encourage planning staff to focus its efforts on moving forward projects for approval that do not rely upon the alleged flaws in the 2004 and 2015 general plans, and that do not rely on the zoning ordinance update.

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cont

The County should avoid approving projects that prejudice resources or public hearing rights at issue in the TGPA/ZOU lawsuit. Instead, the County should focus on processing and approving projects that will not trigger an injunction based upon the TGPA/ZOU case.

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Sue Taylor (TAYLOR-1)

Response to TAYLOR-1-1

The author states that Measure E applies to the project. As indicated in Draft EIR Section 3.2, Transportation, the County has determined that because the project application was officially deemed complete for processing before Measure E's adoption and subsequent ruling, Measure E policies do not apply to the project.

The author states that the LOS F impact at the intersection of Enterprise Drive and Missouri Flat Road is expected to be mitigated by the new Sheriff's safety facility. MM TRANS-1 requires the project to mitigate its impact to this intersection through the payment of the County's Traffic Impact Mitigation (TIM) fee. The improvements for this impacted intersection are included in the 20-year time frame of the County's Capital Improvement Program. Therefore, payment of the TIM fee is appropriate mitigation.

Response to TAYLOR-1-2

The author states that the project could be affected by pending lawsuits. The author states that the previously granted rezone for the project site could be overturned as a result of a pending lawsuit. This is speculative and is not within the purview of CEQA or related to any environmental issue. No response is necessary.

Response to TAYLOR-1-3

The author states that the results of the Oak Woodlands lawsuit could change the ability to eliminate the amount of oak trees planned for removal on this property. This is speculative. The project's compliance with the approved Oak Resources Management Plan is outlined in Draft EIR Section 7, Effects Found Not To Be Significant Or Less Than Significant. As indicated therein, implementation of MM BIO-5 would require an updated project-specific technical report and mitigation plan addressing impacts to on-site oak woodlands consistent with the guidelines and regulations of the El Dorado County Oak Resources Management Plan. The identified mitigation must be implemented prior site disturbance or in accordance with timing identified in the project-specific mitigation plan.

Response to TAYLOR-1-4

The author states that the project cannot be properly mitigated and that Measure E cannot be fully implemented until inconsistencies between Caltrans and DOT determination of LOS is resolved. Measure E does not apply to the project. Refer to Response to TAYLOR-1-1.

The author states that capacity issues at the Highway 50 and Missouri Flat Interchange must be addressed before the project is approved. As stated in Draft EIR Section 3.2, Transportation, the project would not result in significant impacts at the Missouri Flat Road on- and off-ramps.

Response to TAYLOR-1-5

The author incorrectly states that 22 percent of the development area (not inclusive of the conservation parcel) contains slopes over 30 percent, thereby violating the General Plan. As stated in the 2017 Initial Study, approximately 30 percent of the entire project site (inclusive of the conservation parcel) contains slopes below 10 percent, and an estimated 22 percent contains slopes over 30 percent. However, slopes within the conservation parcel would be preserved. The 3.18 acres of the project site that would contain the proposed development utilizes the flatter portions of

the project site. General Plan Policy 7.1.2.1 restricts development or disturbance of slopes over 30%, but allows exceptions for access and reasonable use of a parcel.

Response to TAYLOR-1-6

The author states that the project's zero setback from wetlands violates requirements in the General Plan.

As indicated in the 2011 Biological Resource Assessment (BRA), the project site has severe constraints to development, including the relative narrowness of the project site and the steeply graded slope along Missouri Flat Road. As such, in accordance with Section 130.30.030.G of the Zoning Ordinance, the project includes a request to reduce the on-site wetland setback for the project to a zero setback. To support this request, as indicated in the 2011 BRA and the BRA Update, neither the on-site wetlands nor any other area of the project supports plants or animals identified as threatened, endangered, or of special-status on the Federal or State lists, and the identified wetlands were identified to be seasonal in nature.

The project biological consultant has recommended that the setbacks to the wetland features be modified, because the wetlands are of low habitat value and because they would be stable from erosion, provided that appropriate stormwater Best Management Practices (BMPs) are in place to catch runoff. With the incorporation of BMPs and mitigation measures (MM BIO-2 through BIO-5) to minimize impacts on the wetlands, the request to reduce the required setbacks could be found to be consistent with the County Zoning Ordinance Section 130.30.030.G.

Response to TAYLOR-1-7

The author stated the project would create LOS F, which violates Measure E. Refer to Response to TAYLOR-1-1. Furthermore, as indicated in Draft EIR Section 3.2, Transportation, with the implementation of mitigation, the project would not result in unacceptable LOS at study intersections.

Response to TAYLOR-1-8

The author states that the Draft EIR should consider the amount of fill required by the project. The import of such fill was considered in Draft EIR Section 3.1, Air Quality as part of construction emissions.

The author also stated that on-site soils would have to be removed because they are not clean. No evidence of contaminated soils was provided by the author. As indicated in the 2017 Initial Study, the project site is not listed as containing hazardous materials or contamination.

Response to TAYLOR-1-9

The author stated the project is not a good fit for the community. Comment noted. The uses proposed as part of the project are consistent with the allowable uses under the County Zoning Ordinance.

Response to TAYLOR-1-10

The author stated that more study is needed for the traffic impacts, particularly school safety. Analysis in Draft EIR Section 3.2, Transportation covers potential traffic impacts and pedestrian

safety, inclusive of school operations. With the implementation of mitigation, no significant impacts were identified. The specific type of additional study requested was not provided, and, therefore, a more detailed response cannot be provided.

Response to TAYLOR-1-11

The author stated that cross-lot drainage should not be allowed, since the developer will split the lots after project implementation. Comment noted.

Response to TAYLOR-1-12

The author stated that patrons of the fast-food restaurant will not understand how to navigate the school traffic flow and will therefore increase danger to children, and that the project overextends its coverage, leaving no room for necessary mitigation measures. As stated in Draft EIR Section 3.2, Transportation, after the implementation of mitigation, the project would not result in significant traffic or pedestrian impacts.

Response to TAYLOR-1-13

The author stated that the project is currently zoned residential. This is incorrect. As stated in Draft EIR Section 2, Project Description, the project site is designated Commercial (C) by the El Dorado County General Plan. The Project site is zoned Community Commercial with a Design Review—Community combining zone (CC-DC) by the El Dorado County zoning map. The parcel was rezoned from one-acre residential (R1A) to CC-DC as part of the Targeted General Plan Amendment and Zoning Ordinance Update adopted by the County Board of Supervisors on December 15, 2015. This targeted amendment and update modernized the General Plan implementation tool and included revisions of the text and the Zone District Map to bring it into conformance with the General Plan.

Response to TAYLOR-1-14

The author states that sewer and water impacts have been “conditioned based on future conditions.” As indicated by the Facility Improvement Letter issued by the El Dorado Irrigation District on June 16, 2016 (included in Appendix G of the Draft EIR), sufficient capacity is available to serve the project. No future conditions are stipulated.

Response to TAYLOR-1-15

The author states that the project will not be a tax benefit to the County since the sales tax will go towards funding past and future road improvements. This comment is beyond the purview of CEQA and does not relate to any environmental issue.

Response to TAYLOR-1-16

The author referenced traffic issues at the Golden Center site, which was developed by the same applicant. Comment noted.

Response to TAYLOR-1-17

The author stated that the close proximity of the parking lot to the creek would contribute to water pollution. No creek exists on the project site. The seasonal wetland on-site does flow to Webber Creek when water is present. The project’s compulsory compliance with Federal, state, and local drainage and water quality laws, including those of the Regional Water Quality Control Board, would ensure that significant impacts to storm water would not occur. In addition, compliance with MMs

BIO-2, BIO-3, and BIO-4, which require a Streambed Alteration Agreement, a Section 404 permit, and a Section 401 Water Quality Certification would further ensure that no significant water quality impacts would occur.

Response to TAYLOR-1-18

The author stated that a four-foot fence along the on-site retaining wall is not sufficient to prevent safety hazards. The project includes an 8-foot-tall fence.

Response to TAYLOR-1-19

The author states that mining resources could be present on-site and their loss could result in a significant impact. As stated in the 2017 Initial Study, the project is not known to contain mineral resources. Past use of the site for placer mining activities is noted; however, mining activities would not be allowed under the site's current zoning. Furthermore, the site is not large enough to profitably produce mineral resources, nor would it contain significant amounts of mineral resources such that their loss would be considered a significant impact. As such, impacts to mineral resources would be less than significant.

Response to TAYLOR-1-20

The author states that the increased impermeable surfaces and runoff would result in water quality impacts. Refer to Response to TAYLOR-1-17.

Response to TAYLOR-1-21

The author states that there are no buffers between the existing residential and new commercial parcels. The environmental analysis did not identify the need for buffers. Commercial and residential uses are commonly located adjacent to one another.

Response to TAYLOR-1-22

The author stated that the infrastructure is of inadequate size for the proposed project. As stated in the 2017 Initial Study and Draft EIR Section 3.2, Transportation, sufficient utility and roadway capacity is available to serve the project with the implementation of traffic mitigation.

Response to TAYLOR-1-23

The author stated that the project does not meet parking requirements and that the RV parking is poorly located. Parking is beyond the purview of CEQA; however, as noted in Draft EIR Table 2.1 and Exhibit 2B, the project exceeds the required parking standards. The comment on RV parking is noted. The Traffic Impact Analysis prepared for the project did not conclude that the identified RV parking would result in significant on-site circulation impacts.

Response to TAYLOR-1-24

The author stated that the Forni Road right-of-way used by the project should instead be used for safety concerns of Herbert Green Middle School. As indicated in Draft EIR Section 3.2, Transportation, mitigation is included to ensure pedestrian safety, as appropriate considering the nexus to the project.

Response to TAYLOR-1-25

The author states that the project is not consistent with General Plan Policy 7.3.3.4 requiring a 50-foot setback from intermittent streams and wetlands. Refer to Response to TAYLOR-1-1.

Response to TAYLOR-1-26

The author states that the project is not consistent with General Plan Objective 2.1.1 related to Community Regions. The project site is located within a Community Region (Diamond Springs) as shown on the General Plan Land Use Map. The project would be consistent with applicable design qualities outlined in the Missouri Flat Design Guidelines. Moreover, the project is consistent with developed areas in the direct vicinity and would maintain an on-site undeveloped area in perpetuity. Therefore, the project would be consistent with existing character and design elements.

Response to TAYLOR-1-27

The author states that the project is required to conform to the County General Plan policies and that it does not. No further specific examples of General Plan consistency were provided by the author; therefore, a more detailed response cannot be provided.

Response to TAYLOR-1-28

The author states that mitigation measures in the Draft EIR are neither adequate nor related to project impacts. The author also provides a description of deferred mitigation. The author does not address how or which mitigation measures in the Draft EIR are inadequate, unrelated to the project, or deferred. As such, a more detailed response cannot be provided.

The author states that the Draft EIR should not be certified. Comment noted.

Response to TAYLOR-1-29

The author stated that the 2017 Initial Study ignores impacts and that the project's environmental review has been truncated. A Draft EIR was prepared subsequent to the 2017 Initial Study to provide a full environmental review in accordance with CEQA. Refer to Response to TAYLOR-1-1 through TAYLOR-1-28 for the author's comments on the Draft EIR.

Response to TAYLOR-1-30

The author stated that the project's aesthetic impacts should be fully analyzed in the Draft EIR. The project's aesthetic impacts were considered in the 2017 Initial Study and determined to be less than significant. Consistent with CEQA Guidelines Section 15063(c)(3), the purpose of an Initial Study is to assist in the preparation of an EIR by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant. As such, the project's aesthetic impacts were appropriately addressed in the 2017 Initial Study and included in the Draft EIR Section 7.0, Effects Found Not To Be Significant or Less Than Significant. Further analysis of aesthetic impacts in the Draft EIR was not required.

Response to TAYLOR-1-31

The author referred to the 2017 Initial Study's proposed mitigation measure BIO-5, which required project approval to occur only after the County's Oak Resources Management Plan has been approved. As indicated in Draft EIR Section 7.0, Effects Found Not To Be Significant or Less Than Significant, MM BIO-5 has been updated to reflect that the County's Oak Resources Management Plan has been approved, and consistent with the preliminary analysis provided, the project applicant must provide a technical report disclosing the percentage of oak woodlands to be removed and the related mitigation plan as regulated by the Oak Resources Management Plan.

Response to TAYLOR-1-32

The author stated that the project may have significant impacts on biological resources and that reliance on compliance with a permit from California Department of Fish and Game is inappropriate. The author should note that, as a part of conditions of approval, the project must obtain the identified permits for biological impacts prior to issuance of grading permits. Furthermore, the biological mitigation measures presented for the identified biological impacts, as discussed in the 2017 Initial Study and Draft EIR, require standard permits that are regularly enforced by the applicable regulatory agencies. Such mitigation measures include clear incorporation of standards by which the mitigation efforts must be made and are therefore not considered deferred mitigation.

In response to the author's call for a full biological resources analysis in the EIR, refer to Response to TAYLOR-1-30. Similar to aesthetic impacts, biological impacts were appropriately addressed in the 2017 Initial Study and EIR in accordance with CEQA Guidelines.

Response to TAYLOR-1-33

The author states that cultural resources should be fully analyzed in the Draft EIR. Refer to Response to TAYLOR-1-30. Similar to aesthetic impacts, cultural resources were appropriately addressed in the 2017 Initial Study and EIR in accordance with CEQA Guidelines.

Response to TAYLOR-1-34

The author states that the soil import and export for the project should be considered in the environmental review. Refer to Response to TAYLOR-1-8.

The author states that reliance on typical construction methods would not guarantee reduced risk to life and property given the project's required cut, fill, retaining wall, and stream. Note that there is not a stream or creek on the project site. As noted in the 2017 Initial Study and the Draft EIR, on-site grading to occur as part of the project would ensure that all geologic units and soils are stable and suitable for building, or that sufficient engineering occurs to ensure suitability. The retaining wall and adjacent slopes to be created along the northern part of the development would be engineered to ensure the risk of landslide or lateral spreading is minimized. The site would not be subject to off-site landslide, lateral spreading, subsidence, liquefaction or collapse, nor does it have expansive soils. The project would be required to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance, and the development plans for the proposed buildings would be required to implement the Uniform Building Code Seismic construction standards. The author provides no substantial evidence that compulsory compliance with these regulations would not ensure proper soil preparation and project construction.

The author states that geology and soils should be fully analyzed in the EIR. Refer to Response to TAYLOR-1-30. Similar to aesthetic impacts, geology and soil impacts were appropriately addressed in the 2017 Initial Study and EIR in accordance with CEQA Guidelines.

Response to TAYLOR-1-35

The author states that cross-drainage should not be allowed between parcels. Refer to Response to TAYLOR-1-11.

The author states that the project will alter the quantity and quality of the adjacent creek. Note that no creek is located on-site. Refer to Response to TAYLOR-1-17.

Response to TAYLOR-1-36

The author states that the project's setback from the on-site seasonal wetland area is not consistent with General Plan Policy 7.3.3.4 and is a significant impact. Refer to Response to TAYLOR-1-5.

The author states that hydrology and water quality impacts should be fully analyzed in the Draft EIR. Refer to Response to TAYLOR-1-30. Similar to aesthetic impacts, hydrology and water quality impacts were appropriately addressed in the 2017 Initial Study and EIR in accordance with CEQA Guidelines.

Response to TAYLOR-1-37

The author provided a document entitled "Nexus to TGPA/ZOU," which was enclosed with the comment letter. As indicated therein, the author claims that the project has a nexus to the flaws in the 2004 General Plan, and that plan as amended by the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU) in 2015.

The project is appropriately being considered in light of the current approved version of the General Plan. Moreover, the project site was rezoned as part of the TGPA/ZOU from one-acre residential (R1A) to Community Commercial with a Design Review—Community combining zone (CC-DC). As a proposed commercial use, the project is consistent with the current designation. The TGPA/ZOU modernized the General Plan implementation tool and included revisions of the zoning ordinance text and the Zone District Map to bring it into conformance with the General Plan. Refer to Response to Taylor-1-13.

The author references the Rural Communities United lawsuit against El Dorado County and states that projects approved under the General Plan are subject to challenge if they have nexus to inadequacies within the General Plan. The author states that the project has a nexus to General Plan flaws related to oak policies and the requirements of Measures Y or Measure E.

For a discussion on the project's compliance with the County's approved Oak Resource Management Plan, refer to Response to Taylor-1-13.

For a discussion on Measure E's applicability to the project, refer to Response to TAYLOR-1-1. As indicated in Draft EIR Section 3.2, Transportation, the 2008 Measure Y policies would be applicable to the project.

The author states that projects with a nexus to inadequacies within the General Plan will likely be challenged in court on the grounds that if the court finds that General Plan and/or TGPA/ZOU policies are invalid, the court is likely to invalidate the approval of projects with a nexus to identified flaws. The author encourages applicants and the County to avoid seeking approval for projects with a nexus to alleged flaws in the General Plan. Comment noted.

Response to TAYLOR-1-38

The author states that sewer and water impacts have been "conditioned based on future conditions" and that public utilities should be fully analyzed in the Draft EIR. Refer to Response to TAYLOR-1-14

and Response to TAYLOR-1-30. Similar to aesthetic impacts, utility impacts were appropriately addressed in the 2017 Initial Study and EIR in accordance with CEQA Guidelines.

Response to TAYLOR-1-39

The author states that the commercial development creates a need for additional fire and law enforcement response in the area and that public services should be fully analyzed in the Draft EIR. Refer to Response to TAYLOR-1-30. Similar to aesthetic impacts, public service impacts were appropriately addressed in the 2017 Initial Study and EIR in accordance with CEQA Guidelines. No significant impacts were identified.

Response to TAYLOR-1-40

The author recites concerns identified by the Mother Lode Union School District related to pedestrian safety, transportation impacts, and retaining wall safety. The author states that traffic congestion could prevent emergency vehicles from responding to area incidents. As stated in the Draft EIR Section 3.2, Transportation, after the implementation of mitigation, the project would not result in significant traffic or pedestrian impacts. Refer to Response to TAYLOR-1-18 for information related to retaining wall safety.

The author states that students would be exposed to hazardous materials. The author states that hazardous materials should be fully analyzed in the Draft EIR. Refer to Response to TAYLOR-1-30. Similar to aesthetic impacts, hazardous materials impacts were appropriately addressed in the 2017 Initial Study and EIR in accordance with CEQA Guidelines. No significant impacts were identified.

Response to TAYLOR-1-41

The author states that because the project site was once placer mined, there is the potential for on-site mineral resources to be present and therefore mineral resources should be fully analyzed in the Draft EIR. Refer to Responses to TAYLOR-1-19 and TAYLOR-1-30. Similar to aesthetic impacts, mineral resource impacts were appropriately addressed in the 2017 Initial Study and EIR in accordance with CEQA Guidelines. No significant impacts were identified.

Response to TAYLOR-1-42

The author expresses concern that the 2017 Initial Study relies upon Department of Planning Services' monitoring of mitigation implementation when County Staff states at public meetings that they do not have enough resources to enforce any type of monitoring or enforcement. The author states that it is unacceptable to use a nonexistent resource to monitor mitigation for negative impacts. Comment noted.

Response to TAYLOR-1-43

The author provided a copy of a PowerPoint slide from an Ad Hoc Committee Subgroup Presentation regarding Environmental Documentation Preparation indicating that El Dorado County has no adopted mitigation measure monitoring program. Refer to Response to TAYLOR-1-42.

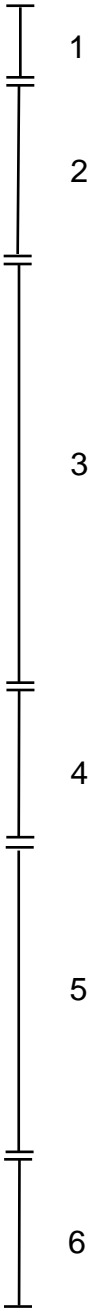
Response to TAYLOR-1-44

The author provided an attachment titled "Nexus to TGPA/ZOU." Refer to Response to TAYLOR-1-37.

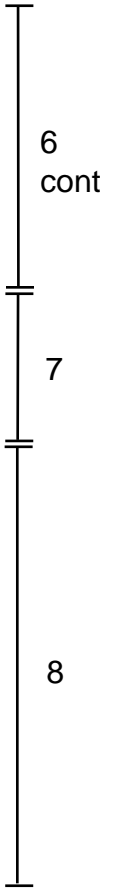
January 25, 2018
Planning Commission Meeting
Public Comments on Creekside Plaza Project

The following is a transcript of comments made by Sue Taylor during the January 25, 2018 Planning Commission Workshop meeting. The transcript is based on a recording of the meeting and may contain errors or omissions.

Sue Taylor: So one of the biggest concerns, well there's multiple, a lot of it has to do with road capacity, traffic. I think the project is too big for the parcel with the required circulation to work. But aside from that you'll see a dashed red line on the right side, that goes through that's a fifty foot right away that the county is going to donate to the developer. The building on the front is built on that right away and I don't understand how this project is this far along, and hows it determined that the county is giving this gift to this developer, this right away, in this process. Should not that have been addressed prior to this project coming forward? And I think that's a big issue that the schools concerned about, is that they've got these bonds, I challenge everyone of you to go out there at either 7:15 or 2:15, the whole area is swarming with kids, cars, traffic, it's horrendous. They're trying to resolve those issues, and at the same time the county is about to give away the right away that could help solve some of those problems, to a developer to put a building on. To me that's a huge conflict, and being familiar with this in the first go-around the initial traffic consultant said that that will create LOS F at that area where Forni and Missouri Flat is, and to mitigate that they were going to have to put a signal in at that location at Golden Circle, but then they realized they can't put a signal there because there's not enough room for stacking. So they just left it off the mitigation in the end this has never been addressed either and then to comeback and say everything's okay, there's no traffic problem, it's just we already have the documents from the first one so there's a lot of questions there. Caltrans has brought up over and over the issues at Missouri Flat and Highway 50 the capacity has already been exceeded for capacity on the interchange, and so now you're proposing to bring everyone off the freeway onto that section of road to come into that entrance off of Forni Rd. And then you've, you talked about RV parking, and I think they are the two spaces that are on the exit on Missouri Flat, so if you can imagine an RV, you know someone pulling a trailer, pulling in backwards if they are coming around to the drive through into one of those two spaces and then getting out with a trailer behind off of one of those spaces, into the oncoming entrance of that area. I think this is a poorly planned development, I think it replicates a lot of what happened at the where McDonalds is, and I hope this time the county addresses those issues much better than just going with the let's get the max density on this project, and who cares with health and safety. So those are the two big issues that um you know are still here from the past and um I got a couple other questions. The one acre they're going to dedicate to a conservancy and I don't understand the purpose of that. Right now they're going to have to put, it's a 27 foot hole over a creek, and I'm surprised they got their 404 permit already so they're basically putting 27 acre feet of dirt on that creek coming through there, and it's going to leave at least a 27 foot tall retaining wall on the back of it, then they're dedicating the property behind that to a



conservancy and I asked at the first go around what happens when kids are out here skateboarding on that 27-30 foot wall? And I think they said they'd put a small rail along there or something, so that's another health issue and I don't know if someone falls off that wall into the conservancy parcel who's liable for something that's happening there. It's basically being dedicated to open space, and last time I think the conservancy was back east, how do you get an offsite, out of area owner on this parcel to be dealing with the things that are gonna happen on that open space. So I don't quite understand the purpose for the dedication to a conservancy. And then also on this go around they want to be out of the design, control requirement which is part of the overlay currently I guess on this parcel, which they should be under the consideration of the Diamond Springs committee of design standards so are they wanting to get away from the design standards that are required for this area, so I would question that. Lastly, this project was given entitlements with TGPAZOU and the Oak woodlands policy that was just passed and the parking requirements also were changed during the zoning change, which they are, I am a building designer and I'm trying to read those parking requirements and they make no sense, it's almost like they're not considering the capacity of the structure and the need for the cars, there's some strange formula and its basically you really should not park here unless you've got a bicycle. The density doesn't match with the required, what's really needed in real life on parking. On those three things that are all under litigation right now, all these entitlements that were given are now under litigation for lawsuit, one of these is coming to court in March, if this lawsuit is won then all these entitlements will be removed. So even then, the project applicant coming with this project, a lot of it was contingent on the changes that were made on things that are under litigation right now. So just some things to consider, and thank you. We will submit comments like we did last time.



Sue Taylor (TAYLOR-2)

This comment was verbally submitted at the January 25, 2018 El Dorado County Planning Commission Workshop at which the project was discussed.

Response to TAYLOR-2-1

The author stated that the project is too big for the parcel and therefore on-site circulation would not be efficient.

Draft EIR Section 3.2, Transportation, Impact TRANS-5 evaluated the potential transportation impacts of the project as they relate to the circulation of both vehicles and pedestrians. MMs TRANS-5a and TRANS-5b would require the installation of various improvements designed to enhance on-site circulation and pedestrian safety and would reduce potential adverse impacts to levels that are less than significant.

Response to TAYLOR-2-2

The author questioned why the Forni Road right-of-way is included as part of the project.

The existing portion of the Forni Road right-of-way included in the project consists primarily of a slope supporting the roadway. With implementation of the project, the slope will be eliminated, with the project being constructed near grade with Forni Road. As such, the County no longer requires the right-of-way that will have formerly contained the sloped area. Upon project approval, the County will implement the disposal of this excess right-of-way as outlined in the Streets and Highway Code.

Response to TAYLOR-2-3

The author claims that the Forni Road right-of-way within the project site could be used to mitigate existing traffic issues related to the adjacent school. Existing, unrelated traffic conditions are beyond the purview of this project's environmental review.

The author also referenced LOS F impacts at the intersection of Forni Road and Golden Center Drive. Refer to Response to EDCPC-3. As indicated in Draft EIR Section 3.2, Transportation, and as supported by the Traffic Impact Analysis, no significant issues were identified regarding the intersection of Forni Road and Golden Center Drive.

Response to TAYLOR-2-4

The author expressed concern regarding the project's impacts to the Missouri Flat Road and Highway 50 interchange. As stated in Draft EIR Section 3.2, Transportation, the project would not result in significant impacts at the Missouri Flat Road on- and off-ramps.

Response to TAYLOR-2-5

The author expressed concern regarding on-site RV parking. As indicated in Draft EIR Section 3.2, Transportation, and as supported by the Traffic Impact Analysis, no significant issues were identified regarding on-site circulation.

Response to TAYLOR-2-6

The author expressed concern regarding the safety of the proposed on-site retaining wall. Refer to Response to TAYLOR-1-18.

Response to TAYLOR-2-7

The author claimed the project does not abide by design control requirements. The project would be consistent with design standards applicable to the site, including the Missouri Flat Design Guidelines.

Response to TAYLOR-2-8

The author stated that the County's Targeted General Plan Amendment and Zoning Ordinance Update, oak woodlands policy, and parking requirements are under litigation, the results of which may affect the project. Comment noted.

Chuck Wolfe
PO Box 664
El Dorado CA 95623

Feb/8/2018

Sent by way of US Mail and email to Rommel.pabalinas@edcgov.us

Rommel Pabalinas, Senior Planner
El Dorado County
2850 Fair Lane Court
Placerville, CA 95667

I'm writing in regard to the Draft Environmental Impact Report for the Creekside Plaza project.

The DEIR alleges "no adverse increase in the overall runoff and flows are expected." That is only accurate if the accumulative effects of existing and future developments are not considered, as if this project will exist in isolation, which is not the case at all. This project is titled "Creekside Plaza" in recognition of the fact of its proximity to the aqua-system. A "Full Trash capture device", is insufficient and some type of a surface water clarification device needs to be employed before allowing the water from the project parking lot to enter the aqua-system.

1

The voters recently passed a 7.5 million dollar facilities improvement bond for Motherlode Union School District, a large portion of which is dedicated to improving the traffic congestion during student drop-off and pick-up times at Herbert Green School, across Forni road from the proposed Creekside Plaza. While Motherlode Union School District is spending money to improve traffic flow and reduce congestion, a fast food restaurant across the street from the school with a drive way encroachment onto Forni road, will create new increased congestion nullifying some of the improvement financed by the local taxpayers, through the bond. A fast food restaurant demands a great deal of traffic and is not a proper type of tenant for that location with a drive way onto Forni Road.

2

Sincerely,
Chuck Wolfe

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Chuck Wolfe (WOLFE)

Response to WOLFE-1

The author stated that the Draft EIR’s evaluation of stormwater runoff impacts does not consider the cumulative effects of development in the area. The author further stated that a surface water clarification device needs to be employed before allowing water from the project parking lot to enter the nearby creek.

As discussed in the 2017 Initial Study, Section 2.9, Hydrology and Water Quality, and Draft EIR Section 7.2.7, the Drainage Report for the Creskide Plaza Project was reviewed by the County and was found to show that the preliminary plan demonstrates proper drainage considerations. Any grading, encroachment, and improvement plans required by the County would be required to meet the County’s Erosion and Sediment Control Ordinance, the County’s Stormwater Quality Ordinance, and the SWMP for the West Slope. The project shall implement Section 4.5 of the SWMP for post-construction stormwater runoff treatment requirements. Potential impacts to the creek from project-related improvements also would be addressed through the USACE Section 404 permitting process, Regional Water Quality Control Board, and Lake and Streambed Alteration Agreement. Compliance with these ordinances and requirements would ensure that runoff from the project site does not have an adverse impact on the water quality of the on-site drainage that flows to Webber Creek.

Response to WOLFE-2

The author stated that the proposed development, particularly the establishment of a fast-food restaurant, would create increased congestion on Forni Road, thereby nullifying efforts of the Mother Lode Union School District to reduce traffic congestion at Herbert C. Green Middle School. Please refer to Response to MLUSD-15.

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SECTION 3: ERRATA

The following are revisions to the Draft EIR for the Creskide Plaza Project. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

3.1 - Changes in Response to Specific Comments

Section 5: Alternatives to the Proposed Project

Page 5-7

The following text was updated to remove an erroneous reference to significant and unavoidable impacts.

The CEQA Guidelines establish that only locations that can avoid or substantially lessen the proposed project's significant impacts should be considered. However, the project applicant does not own, control, or otherwise have access to other sites that may accommodate the proposed project. Other project sites may reduce the project's impact on wetland and riparian habitat. However, locating the project elsewhere within El Dorado County's western slope and El Dorado Air Quality Management District's jurisdiction would not avoid or lessen the mitigatable ~~significant and unavoidable~~ impacts related to greenhouse gas emissions. For these reason, no alternative locations were considered.

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