

Letter 3

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Nevada County Community
Development Agency

Nevada County Planning Department
Brian Foss: Interim Planning Director
950 Maidu Ave.
Nevada City, CA 95949

Re: Response to Rincon del Rio Draft EIR

Dear Mr. Foss,

Please add this correspondence and any attachments along with my June 6, 2011 NOP letter, my June 13, 2011 NOP letter and finally my March 8, 2012 DEIR letter all as part of the public record and the administrative record related to the Rincon del Rio project. All of the aforementioned correspondence addresses serious issues and concerns regarding the Rincon del Rio development project, and the two most recent correspondences address the adequacy of the Draft Environmental Impact Report, and all should be included as part of Nevada County's administrative process in the event a court action occurs.

I would like to preface with the usual; I am in no way against sensible and affordable growth and development in Nevada County. However, I do not believe that the Rincon del Rio project being built in the proposed rural location represents either of those. I have based the comments and information herein on documents regarding the project made available to the public, and info on Nevada County's public website at <https://public.nevcounty.net/proj/rincon/default.aspx>. In some cases I also utilized the Rincon del Rio website at <http://www.rincondelrio.com/> as a point of reference, along with my own personal knowledge of the project which has been obtained between 2008 and now. I have attempted, to the best of my ability, to present the information as accurately as possible based on information available from the available sources. Please note that I was not able to be as precise as I would have preferred due to the exceedingly inadequate and conflicting nature of the information provided via the available sources and within the actual Draft EIR.

This Draft EIR adequacy letter will focus primarily on Project Alternatives, though I will also touch on many of the numerous topics that are discussed in the various chapters of the DEIR as well. This letter will be quite lengthy due to all of the DEIR text, General Plan verbiage, Zoning code etc... that must be attached in order to competently challenge the adequacy of the DEIR in a manner which I hope will promote reasonable (not dismissive or condescending) responses by the Consultant(s)/reader(s) regarding the issues, concerns, ideas and suggestions I bring forth, and mitigations and or processes I question throughout this letter.

In order to assist in the deciphering of this document, both for myself and for the Consultant(s)/reader(s), I will use blue font for and indent everything other than my specific comments, for which I will use black font. I will also provide comparison charts along with a synopsis of the various points of view and challenges relating to the individual Alternatives. I hope to clearly define the superior Alternative choices, and that as a result, the Rincon del Rio application for development as currently proposed will be denied/rejected and a less environmentally impacting alternative will be seriously considered in its stead.

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Letter 3 Continued

That said...

The DEIR states

5.1 INTRODUCTION

State of California Environmental Quality Act (CEQA) Guidelines **Section 15126.6(a)** states that an environmental impact report (EIR) shall describe and analyze a range of reasonable alternatives to a project. According to the Guidelines, these alternatives should feasibly attain most of the basic objectives of the project, while avoiding or substantially lessening one or more of the significant environmental impacts of the project. An EIR need not consider every conceivable alternative to a project, nor is it required to consider alternatives that are infeasible. The discussion of alternatives shall focus on those alternatives which are capable of avoiding or substantially lessening any significant effects of the project, even if they impede the attainment of the project objectives to some degree or would be more costly (CEQA Guidelines **Section 15126.6(b)**).

When addressing feasibility, CEQA Guidelines **Section 15126.6** states that “among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, jurisdictional boundaries, and whether the applicant can reasonably acquire, control or otherwise have access to alternative sites.” The CEQA Guidelines also specify that the alternatives discussion should not be remote or speculative; however, they need not be presented in the same level of detail as the assessment of the proposed project.

CEQA Guidelines indicate that several factors need to be considered in determining the range of alternatives to be analyzed in an EIR and the level of analytical detail that should be provided for each alternative. These factors include (1) the nature of the significant impacts of the proposed project; (2) the ability of alternatives to avoid or lessen the significant impacts associated with the project; (3) the ability of the alternatives to meet the objectives of the project; and (4) the feasibility of the alternatives. These factors would be unique for each project.

The significant environmental impacts of the project that the alternatives will seek to eliminate or reduce were determined and based upon the findings contained within each technical section evaluated in **Sections 3.1** through **3.14** of this Draft EIR.

5.2 ALTERNATIVES UNDER CONSIDERATION

The following alternatives were identified for examination and analysis in this Draft EIR:

Alternative 1 – No Project Alternative. CEQA Guidelines **Section 15126.6(e)(1)** requires that a No Project Alternative be analyzed. If the No Project Alternative were implemented, the proposed project would not be constructed and the site would remain in its current condition. This alternative was selected consistent with the requirements of CEQA Guidelines **Section 15126.6(e)**.

Alternative 2 – Rural Estate Development. Under Alternative 2, the project site would be developed with 72 single-family residences consistent with the site’s existing General Plan land use designations and policy provisions. The development area under Alternative 2 is shown in **Figure 5.0-1**.

Alternative 3 – Reduced and Clustered Site Development. Under Alternative 3, the project site would be developed with a reduced density, clustered senior development consisting of the Village Center and Residential Nursing Care components of the proposed project. Development under Alternative 3 would be clustered on the northwest portion of the site as shown conceptually in **Figure 5.0-2**.

3-1

Letter 3 Continued

Alternative 4 – Off-Site Alternative. Under Alternative 4, the proposed project would be developed on an alternate site in Nevada County. The alternate site consists of 43 acres within the Higgins Area Community Region boundary, located north of the project site along State Route (SR) 49. The alternative site is shown in **Figure 5.0-3**.

3-1
cont.

The DEIR is inadequate because the analysis of Alternatives 2, 3 and 4 was done in such a way that only Alternative 3 – Reduced and Clustered Site Development would be considered superior to the proposed project, when in fact both Alternatives 2 and 4 would not only be feasible, but would be superior with regard to lessening environmental impacts while achieving the majority of the applicant’s *stated* objectives were those alternatives prefaced and analyzed in a more insightful and efficient manner.

That said, I will attempt to present Alternatives 2, 3 and 4 in a fashion that will demonstrate those three alternatives as superior to the project as currently proposed. I would then once again ask that the Rincon del Rio application for development be rejected as currently proposed, and that one of the less impacting alternatives I will describe in this letter be seriously considered in it’s stead.

Important Note: I will be proposing Alternatives 2 and 3 with both active and convalescent elements. Alternatives 2A and 3A will be the Active Community, while Alternatives 2C and 3C will be the Convalescent Community. These Alternative classifications will be expounded upon as I progress through the information related to each one. I have also provided an Alternative Comparison Chart as Page 36C.

The DEIR states:

5.3 ALTERNATIVE 2 – RURAL ESTATE DEVELOPMENT

CHARACTERISTICS

3-2

The project site is currently designated by the Nevada County General Plan as Planned Development, Estate (**PD-EST**) and zoned **RA-3-PD** (Residential Agricultural, 3-acre, Planned Development. The **PD-EST** allows up to 72 dwelling units on the project site (215 acres/3 acres for each dwelling unit = 71.6 dwelling units).

Under Alternative 2, the project site would be developed with 72 single-family residences consistent with the site’s existing land use designations. As provided for under **General Plan Policies 1.5(t)**, Planned Development, and **1.18**, Clustering, minimum parcel sizes can be modified in order to avoid sensitive environmental resources. Thus, Alternative 2 would include the maximum development allowed under the Estate designation (72 single-family residences), but not all parcels would meet the 3-acre minimum.

The current analysis of Alternative 2 presented in the DEIR regarding existing land use designations (unit count, parcel size clustering etc...) is inadequate and should be expounded upon with regard to the ability of utilizing current land use designations in a manner more effective in reducing environmental impacts while still achieving a majority of the applicant’s *stated* objectives. I will now do so...

First, it is important to note that the existing PD zoning was applied to the subject parcels due to the inability to subdivide the rural land into 72 equal three acre residential lots because of site build ability issues and limitations; specifically perc and mantle issues, sensitive habitats, wetlands, important farmland designations, steep terrain etc... The PD was to be utilized in order to allow for clustering of the 72 residential units in a fashion that would avoid sensitive environmental resources by removing the parcel size limitations.

Letter 3 Continued

The DEIR states:

Alternative 2 would include the maximum development allowed under the Estate designation (72 single-family residences), but not all parcels would meet the 3-acre minimum.

By including the “maximum” development allowed under the Estate designation as proposed by the Consultant, Alternatives 2 is indeed somewhat more environmentally impacting than the proposed project due to the expansion of development into areas currently being designated as open space in the project’s proposed site plan. However, an important factor that was not explored by the Consultant when considering Alternative 2 in the DEIR is that when designing the 72 unit residential community, it is *not* a requirement to use the “maximum” development area in a PD zone. The developer could instead build the 71 remaining units (the existing residence counts as number 72) within the current project’s proposed footprint. By using that proposed footprint, twelve environmental impacts involving expansion into additional open space (Biological Resources, Cultural and Paleontological Resources) that were considered worse than the proposed project with Alternative 2, would instead immediately be considered the same as or similar to the proposed project with Alternatives 2A and 2C.

Important Note: Alternatives 2A and 2C could in fact rise from equal to (same as) status, to a superior (better than) status regarding those same twelve open space related environmental impacts if the 71 residential units were developed within the smaller footprint suggested in Alternative 3, the Reduced and Clustered Development.

Alternative 2A and 2C built within the proposed 345 unit project’s footprint or within the Alternate 3 reduced and clustered footprint, rather than being spread out into the designated open space, would also result in less (shorter term) construction noise when compared to the long term and extensive heavy duty construction (up to and including extensive blasting) that would be necessary to construct the proposed project with its “village center” which includes underground (subterranean) parking and huge two-story commercial buildings. Without those large commercial buildings and their associated heavy equipment construction as part of Alternatives 2A and 2C, the Non-Transportation Noise Sources and resulting noise levels would be significantly lower than those of the proposed 345 unit project, making Alternatives 2A and 2C better, rather than similar with regard to those potentially significant impacts.

While we are on the subject of large urban scale commercial buildings and the noise and other impacts related to them, I would like to put the problematic extensive commercial component of the Rincon del Rio development in perspective. The recently approved Higgins Market Place in South Nevada County is still hung up in court regarding CEQA violations and other questionable approval issues. I bring this up because that project needed only to be rezoned from a light industrial zone to a commercial zone (an easy step up the zoning scale) to fit into the landscape, and yet it involved numerous controversial approval issues. That space (the main commercial unit) is to be 50,060 square feet when built. The largest *existing* commercial building in our District (South County) is the CVS which is 22,000 square feet. Both of those huge commercial structures are to be located within the Community Sphere, which you would assume is equipped to support high density commercial activities. However, even in that semi-urban area there are already substantial traffic issues related to the *existing* commercial activities, and the 50,600 square foot Higgins Market Place will most definitely exacerbate the already convoluted traffic situation at the Combie/Hwy 49 corner, when and if it is ever built.

3-2
cont.

3-3

Letter 3 Continued

Letter dated 1-10-11 from NID stated:

Village Buildings

The largest proposed buildings are 3-story Lodge Buildings 45,000sf (type V-A) as shown on the preliminary architectural drawings. This size of building is larger than any other buildings in the District. The largest existing building is Longs at 22,000sf. The proposed Higgins Marketplace is 50,060sf (approved but not constructed). Two of the proposed Lodge buildings are 3-story. The 3-story exposed height is on one side only with daylight parking garage. The grade around the other three sides of the building is level with 2nd floor with 2-story exposed building height. The 3-story portion of the building is not accessible with District's equipment and would necessitate use of a ladder truck which the District does not currently own. Purchase of a ladder truck for this project would be cost prohibitive since it would require initial cost (+/- \$750k) plus maintenance/replacement cost and additional staffing to support the ladder truck. Suggestions are to change the building design to either 1) eliminate the 3rd story and use 2-story max. height buildings; or 2) have a subterranean parking garage with grade built up to 2nd floor level which would enable access to all sides of the building using District owned apparatus.

If you look at the proposed Rincon del Rio development you will see there are not one, not two, not three, but FIVE huge (42,000-45,000 square foot) commercial structures being planted, *not* in a commercial zone, but rather, on a very rural and isolated parcel of land. That is five enormous commercial structures proposed in a rural RA-3-PD-EST zone that are each almost twice as large as our District's largest commercial structure, which unlike Rincon del Rio's huge commercial structures, is appropriately located in a Commercial C2 zone. To add insult to injury, the Rincon del Rio developer must blast thru the granite prevalent on the subject property to construct the underground (subterranean) parking garages for those five huge two-story Village Center structures, and possibly for the three 33,000 square foot Lodges as well. The original plan called for three-story structures with daylight parking as the bottom floor, which would likely not have required blasting to construct. However, as stated by NID in the previous paragraph, the three story portion of the buildings was not accessible with District's equipment and would necessitate use of a ladder truck which the District does not currently own, and would be cost prohibitive at \$750,000 plus maintenance/replacement costs. So basically, the plans were changed so that fire trucks can access all sides the buildings, but by doing so they significantly increased the environmental impacts with regard to construction noise, vibration and geology issues, and the DEIR is extremely inadequate in that it did not, and certainly should, mitigate those significant impacts. The point I am trying to make is that the enormous scope and scale of the proposed project is completely inappropriate for this very rural area and should be significantly downscaled, or located elsewhere within an urban area of our County, specifically with regard to the intense commercial aspect of the project. Obviously, the suggested Alternative 2A which includes no large structures, and Alternative 2C which includes only two large structures, are far superior to the proposed project and its seven large structures with regard to the significant environmental impacts stated.

3-3
cont.

Construction noise could be alleviated even further if the majority of the proposed structures were to be partially built off-site and trucked in for assembly on site as was suggested in the Rincon del Rio literature. Side note; the applicant once threatened neighbors that if they fought her on her project, she might just build a trailer park back there...though shortly thereafter she made it perfectly clear that she did not intend to develop the property within the existing zoning and land use limitations because she told them it would not be "profitably viable" to do so. That statement has been a major point of contention with those neighbors, and with me, as we do not believe one developer's profit viability should justify circumvention of or cumulative changes to the policies and guidelines within our Nevada County General Plan. I think at this point all of the neighbors would happily welcome a neighborhood consisting of 71 custom universal design modular homes (trailers...double wides) full of peace loving seniors. Especially if it meant they would not have to live next to the "Del Webb on Steroids" that is currently being proposed to be built in their midst. And I digress.

3-4

Letter 3 Continued

The General Plan states:

H 8.1.2

Mobile homes and factory-built housing built to Federal standards shall be allowed anywhere in the County that conventionally built housing is allowed, provided that such housing is installed on a permanent foundation pursuant to State law.

Ongoing

The County shall continue to allow mobile homes and other factory built housing in areas that allow conventionally built housing.

3-4
cont.

The smaller condensed footprint of Alternatives 2A and 2C would also reduce the amount of impervious surfaces with regard to parking lots and spaces, and consequently the number of vehicles, that would be utilized for the 72 unit development, thereby reducing harmful Bear River run off (oils, solvents, pesticides, herbicides etc...), flooding issues, as well as green house gas/carbon emissions. Our County is already the Ozone filter for all of Sacramento and Placer Counties...why add 540+ impervious parking spaces full of "particulate" spewing vehicles on the roads in our rural area as is being proposed with the current 345 unit project? We find the DEIR extremely inadequate and insufficient with regard to the omission of the critical data (size/depth/capacity/functionality) related to the drainage storage/collection pools and the 3 acre pond, and request that information be provided and included in the DEIR. Also of concern, is the possible substandard construction of the dam that contains the 3 acre pond on the project site. The dam must be inspected by a licensed dam inspector and brought up to DSD standards in order to ensure public health and safety. The findings of said inspection and resulting mitigations must be included as part of the DEIR. With regard to significant impacts related to impervious surfaces, run off and flooding, along with air quality, emissions and air pollutants, Alternatives 2A and 2C are much better than the proposed 345 unit project.

3-5

Important Note: When discussing the impacts related to the large scale commercial structures and their subterranean parking garages along with the impervious parking spaces, I have an idea worth serious consideration for the parking requirements for Alternatives 2C, 3A, and 3C. Since all three of those alternatives will only include two to five (depending on the Alternative) large scale commercial structures or Lodges rather than the eight (three lodges and five village center buildings) currently proposed in the 345 unit development, I would like to suggest that the subterranean parking be replaced instead with photovoltaic panel covered outdoor parking like they have at Sierra College. Because my version of the three alternatives will be downscaled from the proposed 345 unit development by eliminating two to five (depending on the Alternative) of the large scale commercial structures there would be level ground available in the village core to support photovoltaic panel covered parking spaces. The benefits to the community would be threefold utilizing outdoor parking lots with photovoltaic solar panel covers:

3-6

First...there would likely be no blasting or heavy construction necessary to construct the parking lots...unlike the subterranean parking garages which would require both. This would significantly reduce the impacts (noise, vibration, emissions etc...)

Second...the photovoltaic solar panels would provide welcome shade for vehicles parked beneath them, and would reduce harmful emissions that are released from asphalt exposed to sunlight.

Third...the photovoltaic panels would create solar energy and provide electricity to be utilized within the community...this would be in keeping with all of the community's other stated innovative green technology and self sufficient aspirations.

Letter 3 Continued

There could even be a tasteful two level parking garage placed somewhere in the village core which would help to keep the development's footprint condensed. Photovoltaic solar panels could also be used as the roof of that garage. Alternatives 2C, 3A and 3C would all benefit with regard to the reduction of impacts related to noise, vibration and emissions, while producing clean energy for the Community by utilizing the this covered parking solution. Unfortunately, though the same photovoltaic technology could be utilized with the current 345 unit project, it would increase the development's footprint so it would not be as effective. Though it might be worth considering eliminating a cottage or two to provide a nice two level parking garage with photovoltaic panels on the roof. Either way, as suggested Alternatives 2C, 3A and 3C with covered parking would be the superior choices with regard to decreasing significant impacts that would be caused by constructing the subterranean parking garages for any alternative or the proposed 345 unit development.

3-6
cont.

Important Note: I did not include parking space estimates/numbers in the Alternative Summary Tables due to the possibility of subterranean garage parking being replaced with photovoltaic panel covered outdoor parking. Adjusted parking space estimates/numbers must obviously be included in DEIR if the developer opts to utilize the photovoltaic panel covered outdoor parking I have suggested.

While we are talking about energy, noise, green house gasses and emissions, lets talk air conditioning. The architect mentioned at the Planning Commission's DEIR Adequacy meeting that there will *not* be air conditioning units in the community. Though I applaud his noble aspirations and efforts with regard to decreasing the carbon footprint this urban development will create, I do not believe it is realistic to expect senior citizens, many infirmed, to survive the numerous summer days when temperatures climb well over 100 degrees without air conditioning. Most senior citizens I know enjoy temperate climates...Pleasantville "low of 72 high of 72 and not a cloud in the sky." I can not imagine them living somewhere they would not have access to air conditioning, especially if they happen to live on a second floor. The architect also mentioned there would be scooters, electric cars and shuttle busses so that the residents will not be driving private automobiles. Once again I applaud his forward thinking, but once again I do not believe that will be the case. People will not give up the luxury of driving their cars to and from the facility, and because we are so far removed from major shopping, entertainment and cultural events, they will need to drive. I have spoken with a few of my elderly neighbors and they say "I'm not riding no shuttle bus!" In our society people's cars are their freedom and they do not easily relinquish them...not even at 80+ years old. Besides, if nobody in the facility was going to drive, why then are there over 540 parking spaces proposed? The County has programs set up within the Housing Element to decrease parking standards, why is that not being proposed at Rincon del Rio; the facility where nobody will drive? That is just one of the many contradictory issues within the Rincon del Rio Draft EIR.

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3-8

Utilizing either the current 345 unit project footprint or a smaller downscaled project footprint for development of the 71 residential units, Alternatives 2A and 2B would achieve the applicant's following objective as stated in DEIR in **Section 2.3 - Project Objectives:**

- **Protect the existing wetlands and sensitive environmental areas occurring on the project site.**

3-9

Furthermore, the suggested 72 unit clustered community would be in total compliance with the Nevada County General Plan which states:

Policy 1.18

The allowable number of dwelling units for any clustered development **shall not** exceed the number of units determined by dividing the total acreage of a parcel by the maximum permitted density specified in Policy 1.22 for the land use designation in which the parcel is located.

Letter 3 Continued

There is another important factor that was not explored or suggested by the Consultant with regard to the 72 unit residential community that, if adopted, would bring Alternatives 2A and 2C more in line with the majority of the applicant's *stated* objectives. The 71 units could be designated and developed as a private and gated senior age restricted retirement community similar to Rincon del Rio as currently proposed.

The General Plan - Housing Element states:

H 8.1.2

Allow for duets/duplexes and four-plexes in single-family zones consistent with General Plan and Zoning density standards.

The Zoning Regulations shall be amended to allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions subject to meeting the density of the underlying General Plan land use designation and zoning and minimum water and sewage disposal requirements.

The same proposed universal design and green building standards could be utilized when constructing the residences for Alternatives 2A and 2C, which could include 27 cottages, 4 duplexes, 6 four-plexes and 2 six room co-housing units or any combination thereof. See Tables 5.0-1-2A Page 13 and 5.0-1-2C Page 14. The same outdoor recreational and entertainment amenities could also be provided. The agricultural element could be included or left as open ag land for grazing as it is currently being utilized. Speaking of ag land...

The DEIR states:

VIII. Statement of Qualifications

The County guidelines for preparing a Management Plan for Important Agricultural Lands lists the following professionals as qualified to prepare the plan: (1) Registered Professional Forester; (2) Certified Rangeland Manager; or (3) USDA/NRCS-certified Conservation Planner.

We have not been able to identify any local foresters practicing in Ag Land Management or that have the necessary experience to evaluate Important Agricultural Lands. Additionally, we have been unable to locate anyone certified as a Rangeland Manager or Conservation Planner. In speaking with Nevada County Resource Conservation District, they indicated that they are unaware of any qualified professionals to meet the County's guidelines. With the absence of local, qualified professionals in the field of Ag Management, the guidelines above are not achievable and we are hereby requesting a waiver to this requirement.

Important Note: I find the DEIR inadequate with regard to the mitigation of project impacts related to Important Agricultural Lands and areas of Important Farmland because rather than mitigation of impacts, the applicant is requesting yet *another exception* to even more rules and guidelines, this time in the form of all things, a waiver of the requirement to have a proper qualified professional prepare the Management Plan for Important Agricultural Lands. Suffice to say, I found especially ironic the statement made in the *un-credentialed* Management Plan that there will be no cumulative effects on agricultural and farm lands from the developer's project. How about all that self serving superfluous CCRC text being added into the General Plan's policies and guidelines? Where do you think most of the future PDs will be designated? On open space and ag land; that's where...and there are MANY acres of that in our rural County. It would be comical if it wasn't such a somber subject...one worth serious consideration. That said, I request that the DEIR include a Management Plan prepared by a qualified and credentialed professional as is required by CEQA, and that any and all impacts related to that credentialed Management Plan be legitimately and thoroughly mitigated, specifically the cumulative impacts related to the inclusion of the proposed superfluous and redundant CCRC text within the Nevada County General Plan and Zoning Ordinance.

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3-9
cont.

3-10

Letter 3 Continued

The DEIR states:

3.2 AGRICULTURE AND FOREST RESOURCES

Furthermore, as CCRCs would be limited to land with a PD or SDA land uses designation, the project's contribution to cumulative loss of viable farmland or agriculturally zoned parcels would not be significant because the PD designation is intended for planned developments in locations where a mix of uses is desirable and the SDA designation is intended to provide for the development of large land holdings as an integrated planned environment providing significant employment generation, along with supporting commercial, housing, public facilities, recreation, and open space. In other words, future CCRC development would only be allowed in areas already planned for some level of urban development and not in areas planned for intensive agriculture or timber production. Therefore, cumulative agriculture and forestry impacts associated with the proposed General Plan and Zoning Ordinance text amendments are considered **less than cumulatively considerable**.

3-10
cont.

Mitigation Measures

None required.

The lack of proper reports and protocol regarding the Agricultural Impacts of this project is representative of the predominant theme throughout the DEIR document; a cavalier attitude, and lack of thorough analysis and legitimate mitigation of important issues and impacts based solely on *assumed* changes being made to the General Plan and Zoning Ordinance that will make Policies and Guidelines match the project, rather than making the project match the Policies and Guidelines. That tactic is in itself a CEQA guideline/policy violation, and EVERY impact that is mitigated with that cavalier approach must be re-evaluated and legitimately mitigated within the DEIR. In fact, all the ambiguous data contained within the DEIR justifies a peer review be completed, and a revised DEIR should be re-circulated for agency and public comment.

The DEIR states:

“The proposed project is not consistent with the existing General Plan land use designation or zoning for the project site. However, the project proposes amendments to the land use map and text of the General Plan and the zoning map and text of the County’s Zoning Ordinance in order to achieve consistency. Therefore, this impact is considered to be less than significant. “

3-11

If that presumptuous verbiage isn't disconcerting enough, it is often followed with...

The DEIR further states:

“While this Draft EIR analyzes any inconsistencies between the proposed project and the Nevada County General Plan pursuant to CEQA Guidelines Section 15125(d), the Nevada County Board of Supervisors would make the ultimate determination of consistency with the General Plan. “

Back to discussing my version of Alternatives 2A and 2C...

With the current PD zoning designation also allowing for the “mixed use” residential/commercial element (though the commercial element was *not* the original intent of the PD placed on the subject rural parcel) there is the option of including limited commercial services and amenities within that current PD zoning designation and land use guidelines. It is very important to note that this inclusion of limited commercial services and amenities as part of the proposed project is completely feasible without creating any General Plan and Zoning Ordinance amendments that would have a negative cumulative effect on the County.

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The existing residence could be retrofitted and utilized as a clubhouse for various community entertainment/recreational uses and light duty commercial activities. The total footprint of the existing residence is 19,096 square feet...with the main residence being 13,496 square feet, the garages (4 attached and 4 detached) being 1800 square feet, the deck being 3,000 square feet and the covered deck/patio/porch being 800 square feet.

The existing residence (as described in the applicant's 16.8 million dollar real estate listing 2003-2005) includes a gourmet kitchen, library, game room, craft center, gym, pool, sauna, garden spa, theatre, wine cellar, multiple wet bars, 11 fireplaces and an elevator; all of which would certainly serve as a clubhouse environment for the residing senior community.

With over 19,000 square feet of space it is likely that condensed versions of a market/pharmacy, a post office/bank, a beauty parlor/nail salon, a deli/pub/ice cream parlor, a medical office/clinic and an administration office could be retrofitted into the available space quite effectively. There is also a shop, a greenhouse and raised garden beds on the property that could be utilized by the residing senior community, and let's not forget the 3600 square foot barn(s), if built.

By designating and developing the 72 residential units as a private and gated senior age restricted retirement community replete with the above stated standards and amenities, Alternatives 2A and 2C would achieve the majority of the applicant's following objectives as stated in **DEIR Section 2.3 - Project Objectives:**

- Provide for establishment of a continuing care retirement community in a location that supports the operational needs of the project, in general proximity to necessary support services, and with sufficient site planning capabilities that allow for outdoor recreational uses and preservation of substantial open space to create the desired character of development.
- Provide both indoor and outdoor recreational opportunities for project residents.
- Provide on-site shopping and similar services for project residents.
- Follow an architectural design that would ensure compatibility with the natural setting of the project site and surrounding neighborhood and promote internal connectivity.

This seems like a good place to comment on Population, Housing and Employment with relation to the 72 unit active senior community I have just described. First of all, let me reiterate, the General Plan states:

Policy 1.18

The allowable number of dwelling units for any clustered development **shall not** exceed the number of units determined by dividing total acreage of a parcel by the maximum permitted density specified in Policy 1.22 for the land use designation in which the parcel is located.

The DEIR states:

Induce Population, Housing, and Employment Growth

Implementation of the proposed project would result in the addition of a maximum of 415 residents, 345 housing units, and 43 employees to the project site. The **project, as proposed, would increase the allowable density on the project site by 136 percent** and result in greater general intensity of use than would be allowed under the current Nevada County General Plan designation. This would be a **less than significant** impact.

3-12
cont.

3-13

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How a 136% increase in population density over the allotted amount can be considered “less than significant” in such a cavalier fashion is astounding, especially in light of the fact that there are multiple reasonable alternatives available that conform to current General Plan policies and guidelines. I find the DEIR quite inadequate in regard to addressing the population density issue as less than significant. This project as proposed would set a dangerous precedent that would have the potential to affect rural lands County wide. That impact would in fact be *quite significant*.

3-13
cont.

Note: The unit counts and living space available within large scale Village Center structures was vague and not easy to interpret. All unit counts must be reflected in the DEIR for large scale commercial structures.

While we are on the subject of population density. I also found the DEIR inadequate with regard to providing information related to the census mechanism (who, when and how often) that will be utilized to assure the population of Rincon del Rio does not exceed the applicant’s stated maximum headcount of 415 residents. I expounded on the necessity of such a census mechanism and the implausibility of its effectiveness in my NOP comment letter in June 2011. I also demonstrated the logic regarding the likelihood of a more realistic population headcount (725+) based on available rooms and square footage within the project. The referenced NOP commentary that was not adequately addressed within the DEIR is as follows:

Where two or three bedrooms are available I believe the infrastructure figures should reflect a minimum of two people per unit in relation to population density count. **The EIR must be based on total occupancy of at least two people per unit where applicable and likely.** The formula used by the applicant (60% of occupants in senior developments are single) should not apply since most units within this development look to be between 1000 and 2000 square feet, which is as large or larger than other non-senior residential family homes, and each of those units is likely (mostly due to price) to house at least two people. Most units have two bathrooms (725 total), kitchens/kitchenettes (381 total), laundry rooms (347 total), vehicle garages and or multiple parking spaces (610 total). Also, seniors certainly do not use one third less utilities than non-seniors in regard to sewer, water and electricity as the applicant claims when calculating their population density at 415 residents instead of the actual **725+ residents** that the project could likely support if it were built out and occupied as designed.

One of my primary concerns is that this project is being prematurely rushed thru the EIR Scoping process with a blatantly flawed population density number and other critical information conspicuously omitted or totally ambiguous, making it **absolutely impossible** for the EIR to accurately identify ALL of the severe environmental impacts of the project. The population density is THE most important number when considering ALL environmental impacts of a proposed project. **The population density count that the EIR study is based on must be logical and realistic**, and the applicant’s claim that Rincon del Rio's 350 units will only house 415 residents seems anything but logical or realistic.

3-14

That population count must also be calculated based on the highest possible occupancy of people...not with erroneous formulas counting people in fractions because they happen to be senior citizens. Every adult person (whether senior or non-senior) should count as a whole person when calculating human population and it's environmental impact. Every person needs to eat, use the bathroom, needs their clothes and dishes washed, uses electricity for lights, heaters, air conditioners etc. People equate to population, and population requires infrastructure and consumes energy and resources and **DEPLETES** and **POLLUTES**. The higher the density of the population, the more extreme the effect on everything involved with it. There are VALID reasons why POPULATION

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Letter 3 Continued

densities are set very low in the RURAL areas...infrastructure availability and limitations, traffic congestion and accidents, pollution (air, water, ground and light) and THE MOST important of all in our County...**FIRE!**

Another concern I have is that *whatever* figure the applicant claims will be the *maximum* population density of the development, there will be serious issues involved with Rincon del Rio's and especially the County's abilities to enforce that limitation *long term*. **The EIR should analyze and suggest maximum population density limitation enforcement protocol, up to and including the penalties and actions that will be taken if limitations are exceeded, and that protocol must contain verbiage that guarantees that the population density limitation (cap/ceiling) will NEVER expire.**

Being that the development as proposed could easily house conservatively up to 725+ people (937+ when utilizing den/ofc as additional bedrooms) it seems *unlikely* that only 415 people would live there. In theory a development half the size of the one being proposed would adequately house 415 people. **The EIR should also analyze the down-scalability of this project to a size that corresponds with the 415 headcount (including full time employees as part of that 415) and is more conducive to the rural character of the proposed location, thereby bringing it more in line with the Nevada County General Plan's zoning text and land use guidelines regarding the subject parcel.** A downscaled version of Rincon del Rio would definitely be more in line with the Nevada County General Plan, require less infrastructure and certainly decrease the negative environmental impacts of the project.

3-14
cont.

I would expound further on the ridiculous nature of the erroneous 415 population density cap by saying that I do not believe that if the 415 maximum population density was reached, and there were additional available units remaining, that Rincon del Rio would turn qualified tenants away and leave those available units vacant...it simply would not be an economically sound or socially acceptable option. The aforementioned situation is not only possible, but quite likely, if their erroneous (60% of occupants in senior developments are single) formula proves to be inaccurate, and they instead attract a larger percentage of senior couples or Golden Girls/Guys (2-4 tenants per unit) applicants rather than the high number of single occupancy applicants they predict. **That said; the DEIR must provide information related to the census mechanism (who, when and how often) that will be utilized to assure the population of Rincon del Rio does NOT exceed the applicant's stated maximum headcount of 415 residents. That data must also include the enforcement protocol, up to and including the penalties and actions that will be taken if stated limitations are exceeded, and that protocol must contain verbiage that guarantees that the population density limitation (cap/ceiling) will NEVER expire.**

The DEIR states:

Under Alternative 2, the project site would be developed with 72 dwelling units, which would result in approximately 176 additional residents on the project site (72 dwelling units x 2.45 persons per household = 176 residents). As residential development under Alternative 2 would not exceed the density allowed under the current Nevada County General Plan designation, the anticipated increase in population under this alternative would not exceed growth already anticipated in the General Plan and other local and regional anticipated in the General Plan and other local and regional planning documents based on the county's growth projections. The environmental impacts associated with such growth were analyzed in the Nevada County General Plan Environmental Impact Report, **Volume I, SCH #1995102136 (1995)**. Therefore, this impact would be better under Alternative 2 than under the proposed project. However, it should be noted that the proposed project would employ up to 43 employees, thus increasing employment opportunities in Nevada County, which currently has an unemployment rate of 11.4 percent. **Alternative 2 would not generate new employment opportunities for the county.**

3-15

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Letter 3 Continued

Regarding Alternative 2 not generating new employment opportunities for the County, the version of Alternatives 2A and 2C that I have suggested could indeed generate new employment opportunities for the County. As I previously stated, the existing enormous 19,000+ square foot residence could be retrofitted and converted quite nicely to a clubhouse and commercial facility that could easily require up to 20+ employees. There would also be employment opportunities available outside of the clubhouse which would include landscaping, building maintenance, housekeeping and various contracted services. Given the above stated employment opportunities Alternatives 2A and 2C would provide, they remain a better choice with regard to growth inducing impacts than the proposed 345 unit project.

That said; I am fully aware that the 72 unit senior retirement community minus the large scale commercial element I have suggested would not be the all encompassing large scale urban CCRC age/die in place senior community that is currently being proposed by the applicant. It would however be a wonderful and safe retirement community (176+ active seniors and 20+ employees) that would be in keeping with the rural nature of the surrounding areas, provide employment opportunities and would NOT require superfluous and cumulatively impacting General Plan amendments in order for it to be approved for this rural area.

Proposed Development Summary – Alternative 2A (Active) Active Senior Community – 72 Units

TABLE 5.0-1-2A (ABBOTT)				
ALTERNATIVE 2A (Active) - PROPOSED DEVELOPMENT SUMMARY				
Residential Nursing Care				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
0	Lodge/Nurse	21 ea =	900 sf	33,000 sf
0	Hospice 4-plex	4 ea =	16 bed 1,142 sf	4,570 sf
0	Memory Care Group	6 ea =	24 beds	5,226 sf
Subtotal		0		
Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
0	Village Center / Lodge	18 ea =	Varies	45,000 sf
Subtotal		0		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
27	Cottages	27	2b/2ba 2b/2ba	1,160-2,000 sf
4	Duplexes	2 ea = 8	2b/2ba 1,142	2,285 sf
6	4-Plexes	4 ea = 24	2b/2ba 1,142	4,570 sf
2	Group Housing	6 ea = 12	424 sf	7,430 sf
0	Lodge / Independent	14 ea =	1,460 sf	30,100 sf
Subtotal		71		
Total		71		

3-15
cont.

Table reflects one option – various other combinations of unit type and functionality
can be accomplished within the allotted 72 units

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Letter 3 Continued

It is important to note that there are many citizens, myself included, who have strong reservations with regard to the sensibility of housing impaired, infirmed, immobile and terminally ill senior citizens in a remote rural location away from critical services and amenities. Doing so would create a hazardous and catastrophic situation for the subject senior community and the surrounding neighborhoods were there ever a serious emergency situation which required mass evacuation. Convalescent hospitals belong in safe easily accessible urban areas where critical services and amenities are readily available, not in isolated rural areas with limited emergency access.

That said; for argument sake, if the applicant still insists, after multiple reasoned warnings of the associated risks and dangers, on developing a CCRC live/die in place senior community that includes convalescent facilities for impaired, infirmed, immobile and terminally ill senior citizens, that option could be provided (on a much smaller scale) utilizing the existing PD zoning. It could be designed and developed as follows:

Proposed Development Summary – Alternative 2C (Convalescent) CCRC - Convalescent – 72 Units

TABLE 5.0-1-2C (ABBOTT)				
ALTERNATIVE 2C (CCRC-Conv) - PROPOSED DEVELOPMENT SUMMARY				
Residential Nursing Care				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
1	Assist Lodge/Nurse	21ea = 21	900 sf	33,000 sf
1	Hospice 4-plex	4 ea = 4	16 bed 1,142 sf	4,570 sf
1	Memory Care Group	6 ea =6	24 beds	5,226 sf
Subtotal		31		
Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
1	Village Center / Lodge	18 ea = 18	Varies	45,000 sf
Subtotal		18		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
4	Cottages	4	2b/2ba 2b/2ba	1,160-2,000 sf
4	Duplexes	2 ea = 8	2b/2ba 1,142	2,285 sf
1	4-Plexes	4 ea = 4	2b/2ba 1,142	4,570 sf
1	Group Housing	6 ea = 6	424 sf	7,430 sf
0	Lodge / Independent	14 ea =	1,460 sf	30,100 sf
Subtotal		22		
Total		71		

3-16

Table reflects one option – various other combinations of unit type and functionality can be accomplished within the allotted 72 units

Letter 3 Continued

Important Note: Since the proposed project would house seniors who are impaired, infirmed, immobile and terminally ill, it is assumed that pressurized oxygen will be stored and used on the premises. Being that the subject area is in a high fire hazard zone we have grave concerns about the extremely combustibile and flammable nature of that hazardous material. The DEIR must address the protocol regarding the handling of pressurized oxygen i.e. transport, delivery, storage, usage and disposal of that hazardous material. The DEIR must also address the protocol regarding the handling of bio-hazardous medical waste at the CCRC facility.

3-17

The DEIR states:

In addition to the single-family residences, implementation of Alternative 2 would also require the construction of internal circulation and utility systems including roadways, drainage facilities, and water and wastewater pipelines extensions similar to the proposed project. Primary access to the project site would be provided via Rincon Way, which would be extended to Rodeo Flat Road as a full access roadway as shown in Figure 5.01.

The internal circulation within the 72 unit restricted age senior retirement community I have suggested would be similar to the project proposed by the applicant, however I have less impacting suggestions with regard to the emergency access road, water lines and sewer lines.

3-18

First there's the roads and traffic; rather than blasting a windy and steep emergency road through the designated open space (ag land, riparian habitat, steep slopes and rocky terrain) and up a very steep hill towards the farthest northeast corner of the property line, I suggest instead that the emergency route be pointed toward and gated at the south west corner of property line. There is currently a paved road (Angelina Ave) available for connection just on the other side of the applicant's existing residence which could swiftly carry residents out to Highway 49 via Patti Lane to Linnet Lane during an emergency.

Important Note; the DEIR is inadequate in that it did not, and certainly *should*, discuss and mitigate the significant impacts in relation to construction noise, vibration and geology with regard to the blasting required when constructing the proposed emergency access road up the steep hill and connecting at Rodeo Flat Road. Once again, if emergency access were instead provided via the existing paved road, Angelina Ave, for Alternatives 2A, 2C, 3A, 3C and for the proposed 345 unit project, rather than blasting in a new windy and steep road thru to Rodeo Flat Rd, the significant impacts related to that road would be alleviated.

The same ingress/egress easement issues would apply to Angelina Ave that apply to Rodeo Flat Road, and would be "excepted" based on the same "gated emergency access" stipulation currently being used to justify the use of Rodeo Flat Road which is privately maintained and the applicant does not have ingress/egress easement to. Being there is no stipulation included in the secondary access road ordinance with regard to which direction a secondary access road is required to travel, there should be no issue that the secondary access road exits onto Highway 49 on the opposite end of the development from the primary access road Rincon Way. In fact, with this suggested alternate emergency route there would be no grade exception needed for Rodeo Flat Road. The secondary access also helps to secure the existing neighborhood residents' home owner/fire insurance policies will not be cancelled due to the high fire hazard risk associated with this rural area. It should be noted that the issue of thoroughfare traffic on Rodeo Flat in relation to an unlocked gate during non-emergency intervals would be completely alleviated by instead using Angelina Ave as the secondary access point...making this a significant break thru regarding contention in the LOP Ranchos community related to the applicant being granted easement and exceptions to the safety standards by the County in order to use the Ranchos' privately maintained roads as access for a private sector project. **This alternate emergency egress route utilizing Angelina Way should be thoroughly analyzed as part of the DEIR and seriously considered no matter the resultant scope and scale of the final approved project.**

3-19

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Letter 3 Continued

Rincon del Rio - Population Densities in Relation to Infrastructure

Building Type	Qty	Unit Count	Unit Size in Square Footage		Bdrms Each Unit	Den or Ofc	Bdrms or Beds Total	Den Ofc Tot	Baths Each Unit	Baths Total Units	Kitchen	Laundry	Garage Parking	Outside Parking	Likely Resident Count
			lowest	highest											
House	78	78	1160	2000	2	1	156	78	2	156	78	78	78	78	156
Duplex	23	46	1143	1143	2		92		2	92	46	46	0	62	92
4-Plex	10	40	1134	1143	2		80		2	80	40	40	0	54	80
Co-Housing Duplex	6	12	900	900	2		24		1	12	12	12	0	16	24
Co-Housing 4-Plex	2	8	900	900	2		16		1	8	8	8	0	19	16
Group House 2-story	2	12	424	424	12		24		7	14	14	2	0	16	24
Lodge (apts - independent)	2	14	1460	1460	2	1	28	14	2	62	30	30	70	0	56
Hospice 4-Plex	1	4	1134	1134	4		16		2	2	4	1	0	4	16
Group House - Memory	2	6	424	424	6		24		6	12	14	2	0	6	24
Lodge (Nursing Care)	1	21	900	900	1	1	21	21	1	21	22	21	35	0	21
Village Center Bldg 1	1	12	937	1815	2	1	24	12	2	40	18	13	20	0	24
Village Center Bldg 2	1	18	1320	1480	2	1	36	18	2	40	19	18	26	0	36
Village Center Bldg 3	1	23	1320	1815	2	1	56	23	2	56	23	23	23	0	56
Village Center Bldg 4	1	22	937	1480	2	1	44	22	2	46	23	23	61	0	44
Village Center Bldg 5	1	23	937	1480	2	1	56	23	2	56	23	23	22	0	56
Clubhouse	1	1	14000	14000	9	1	10	1	10	10	1	1	2	8	
Pool House	1	1	4700	4700					4	4			4		
Community Barn	2	2	3600	7200						1				6	
Co-Housing Common House	1	1	2165	2165					2	2	1	1			
Neighborhood Common House	5	5	2165	2165					2	10	5	5			
Gatehouse	1	1	935	935					1	1					
Totals	143	350	42595	49663	54	9	707	212	55	725	381	347	337	273	725

937 if dens

used as 3rd

bedroom

Quantity unclear due to inadequate or conflicting information on County's website and RDR website

Total reflects likely number of toilets in large public restrooms and additional single stall public restrooms likely located in public areas of buildings

12 of 14 Group House 2-story are kitchenettes / poss 3-4 commercial kitchens in Village Center buildings

Totals reflect commercial size laundry rooms as well as non-commercial

Totals reflect number of beds (people) per unit

Single occupancy reflected through Lodge (Nursing Care) units do have den/ofc space available for second bedroom/occupant

125 single units

Letter 3 Continued Rincon del Rio Full Time Employees

Business / Function	Location	Employee / Responsibilities	Qty
Café	Building 1	Cashier / Hostess	1
		Waitress	1
		Short Order Cook	1
Bakery	Building 1	Cashier	1
Pub	Building 1	Cashier / Hostess	1
		Waitress	2
		Short Order Cook	2
		Bartender	1
		Bus Person / Dishwasher	1
Market / Deli	Building 1	Cashier	1
		Food Preparation / Back Up Cashier	1
		Stock / Back Up Cashier and Food Prep	1
Theatre	Building 1	Cashier / Movie Presentation	1
Spa	Building 1	Receptionist / Scheduler / Cashier	1
		Massage Therapist	2
Beauty Parlor	Building 1	Receptionist / Scheduler / Cashier	1
		Hairdresser	1
		Manicurist	1
Post Office	Building 1	Clerk / Cashier	1
Foster's Freeze Ice Cream	Building 1	Cashier / Food Preparation / Bus Person	1
		Short Order Cook	1
Pharmacy	Building 1	Cashier / Stock	1
		Pharmacist	1
Bank	Building 1	Teller	1
		Loan Officer / Teller Back Up	1
Dry Cleaning	Building 1	Cashier / Clerk	1
		Cashier / Hostess	1
Restaurant	Building 2	Waitress / Food Preparation	2
		Chef / Food Preparation	2
		Bus Person / Dishwasher	1
		Receptionist	1
Medical Office	Building 2	Doctor	1
		Nurse / Physical Therapist	1
		Occupational Therapist	1
		Speech Therapist	1
		Nurse / Caregiver - Assisted	2
		Nurse / Caregiver - Hospice	1
		Nurse / Caregiver - Memory	1
Administration	Building 2	Clerical / Accounting	2
		Certified Case Manager (CCM)	2
Kitchen / Dining	Building 4	Cashier / Bus Person	1
		Chef / Short Order Cook	1
		Food Preparation / Food Delivery	1
Administration	Building 4	Clerical / Accounting	2
Laundry / Cleaning	Building 4	Housekeeping / Janitorial	5
		Linen / Janitorial Back Up	1
		Village Building's Main Dishwasher	1
Transportation - 2 Vans	Various	Driver / Back Up Errand Runner	2
		Errand Runner	1
Security	Gatehouse	Gatekeeper / Security Guard	1
Grounds Maintenance & Operations	Various	Landscaping Maintenance	5
		Facility Operations / Security	3
Miscellaneous Services	Various	Exercise / Yoga Instructor	1
		Personal Trainer	2
		Lifeguard / Back Up Exercise Instructor	1
		Nutritionist	1
		Concierge / Event Planner	1
Total			78

Multiple off-site doctors, physical therapists, occupational therapists, speech therapists, private housekeepers, college instructors, public speakers and sales people.

Realtors and their clients (future residents) along with their family, friends and other decision makers

Multiple utility vehicles needed to support 350 units (PG&E, Propane, Phone and TV/Satellite Vendors)

Busses, garbage and hazardous waste disposal trucks, supply delivery trucks (food and beverage, medical supplies, office/admin supplies, retail/textile items, building grounds and maintenance supplies)

Letter 3 Continued

The DEIR States:

Adequate Emergency Access

The proposed project would provide adequate emergency access; however, emergency access via Rodeo Flat Road would not be locked. This impact would be **potentially significant**. Proposed mitigation measure **MM 3.14.5** would clearly identify the gated connection as emergency access and would ensure that the gate would remain closed except during emergencies and would reduce impacts associated with emergency access to a **less than significant** level.

Under Alternative 2, Rincon Way and Rodeo Flat Road would be connected and open to both through traffic and emergency vehicles. No mitigation would be required as the connection would not be gated. Therefore, this potentially significant impact would be better under Alternative 2 than under the proposed project.

3-20

Just to be clear...the Consultant stating that the 72 unit rural development would assume carte blanche easement to Rodeo Flat Road as an un-gated thoroughfare is an incorrect assumption, and could be interpreted as a threat meant to intimidate residents into believing that the 345 unit project would be better for them because it would *at least* have a gate, albeit unlocked, when in fact the suggested 72 unit developments, Alternates 2A and 2C, would indeed be required to have a gate as well. Rodeo Flat Road is a privately maintained road for which the developer does *not* have and ingress/egress easement to, and Rincon Way is a totally PRIVATE road which the developer only has easement for the current 72 units it is currently zoned for. The developer's easement does not give them the right to invite thoroughfare traffic onto our PRIVATE road. They do not have easement which allows them to make Rincon Way and Rodeo Flat Road a public thoroughfare.

Another important factor to consider with regard to roads is the reduced amount of traffic (and subsequent accidents) on Rincon Way and Highway 49 that would result from the 72 unit senior retirement communities I have suggested. The proposed 345 unit project would certainly over burden the existing easement granted to the applicant for Rincon Way, and ravage that private rural road. However, a 72 unit senior community would likely result in the amount and type of traffic that the granted easement intended for that private rural road. Add to that, major road improvements to bring that rural road up to Class A safety standards, and the County having to take responsibility for future maintenance and liability related to that private road would not be necessary as a condition of approval for a 72 unit senior development to be built in this rural area.

3-21

As I stated earlier, under Alternatives 2A, 2C, 3A and 3C if the gated emergency access road was connected to Angelina Ave rather than Rodeo Flat Road, the unlocked gate thoroughfare access to Rodeo Flat Road would no longer be an issue. Add to that, there will be no blasting or destruction of open space (ag land, riparian habitat, steep slopes and rocky terrain) necessary to construct an emergency access road for the project because that paved alternative (Angelina Ave) already exists contiguous to the subject property. Overburdening of the existing easement on Rincon Way also becomes a non-issue with the reduction of traffic resulting from either a 72 unit or 179 unit senior development rather than a 345 unit senior development. There are no major improvements required on that private road to support the low density traffic a 72 unit senior project will create...though that senior community *will* be expected to pay their fair share for the maintenance of that private road for which they will have easement. The developer would save a substantial amount of money with regard to road construction and improvements were they to utilize the cost saving environmentally friendly ideas I have suggested. All significant road issues and impacts considered, Alternatives 2A, 2C, 3A and 3C are better than the proposed project on multiple levels, with no mitigation and especially no superfluous and redundant General Plan amendments required.

3-22

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Letter 3 Continued

The DEIR states:

Traffic and Circulation

Traffic Hazards – Sight Distance and Collisions

Implementation of the proposed project could result in increased hazards associated with sight distance along Rincon Way. This is a potentially significant impact. Mitigation measures MM 3.14.4a and MM 3.14.4b would reduce impacts to a less than significant level by requiring the project applicant to be responsible for the entire cost of restriping Rincon Way at SR 49 and for reevaluating the sight distance standards if the project will modify the Rincon Way/Connie Court intersection.

Under Alternative 2, the project site would be developed with 72 single-family residences with primary access being provided via Rincon Way, which is wide enough to support traffic generated by Alternative 2. However, Rincon Way is not striped, and the lack of striping could confuse drivers and reduce the capacity of the intersection. In addition, Alternative 2 could require modifications to the Rincon Way/Connie Court intersection similar to the proposed project. Impacts under Alternative 2 could be mitigated similar to the proposed project. Therefore, this potentially significant impact would be similar under the proposed project and Alternative 2.

A side note to the Consultant; I have been driving on Rincon Way and Hidden Ranch Road for just over four years, and there are not sight issues where those two roads intersect so extreme as to cause the neighbors to fear making the wide right turn at that corner. There is tree shrubbery at that corner, but you can see past it well enough if you drive cautiously. The neighbors drive slowly and are very cautious. There is also no confusion caused the drivers because the road is not striped. For lack of a stripe to be used as a justification that the lower density Alternatives would be “similar” in relation to the traffic and road impacts of the 345 unit urban albatross that is currently proposed is simply ludicrous. All of the Alternatives are superior to the proposed project with regard to traffic and road safety issues. Hidden Ranch Road and Rincon Way are rural country (not to be confused with County) roads, and are PRIVATELY owned and maintained by the neighbors who live in the area. The roads are not up to County standards, and we are fine with that. They work very well for the amount and type of traffic that travels them. The traffic on our private roads is mostly limited to the 35 or so residences and occasional visitors i.e. friends, family members, business associates and contracted service providers. We would be more than obliged to share our private roads with the developer’s senior community, provided she presents to us a development that would operate within the parameters of the easement granted to her, just as we all do, and just as she should also be required to do. We obviously prefer to keep the roads just as they are, small, private, queue free and safe.

3-23

When the applicant invites the whole of Nevada County back here 24/7 by building a large scale urban residential/commercial development, she will be over burdening her easement. That is NOT insignificant, nor is it acceptable to those of us who pay to maintain and use these roads. We will not assume the liability with regard to any serious injuries or deaths on our roads that result from the irresponsible approval by our elected officials of an inappropriate urban scale project in this rural area. If the County insists on approving the Rincon del Rio project as currently proposed, they must take over our roads and assume all maintenance and liability as a condition of that irresponsible approval, anything else would be considered malfeasant and subject to legal challenge. They or the developer must incur all costs to bring the roads up to code (County Safety Standards). They can not presume to grant carte blanche easement to the whole of Nevada County onto our PRIVATE roads, and in turn assign the subsequent increased liability to individual property owners, who it seems will not have a say as to what or who is allowed to use those roads, even though they are privately owned and maintained. We believe there is a serious eminent domain issue related to the unauthorized use of our PRIVATE rural roads as ingress/egress to a private sector developer’s commercial project. The County declined the offer of the roads for public use when the roads were constructed, hence they have no authority over those PRIVATE roads nor the private property necessary to widen them.

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Letter 3 Continued

Important Note: The issue of the significant impact related to excessive traffic, noise, light and emissions on our PRIVATE roads associated with the operation of the Clubhouse, Event Lawn, Homestead Gazebo, Bandstand, Hilltop Recreation and Picnic Site must be thoroughly analyzed within the DEIR i.e. types of events, timing of events, length of events, occupancy limits and if those recreational amenities will made available to the general public who would then be traveling in mass quantities on our PRIVATE roads. Side note; the applicant's 16.8 million dollar 2003-2005 real estate listing included the remark: "qualified buyers only, no drive bys please." How presumptuous and hypocritical this applicant is to now totally disregard the privacy and peaceful lives of every person residing on Rincon Way by developing an urban scale project that will promote 969+ "drive bys" past their homes (literally thru their front yards) on a daily basis.

3-24

The roads takes us to the Wildland Fire Hazards comparison of the Alternatives with the proposed project.

The DEIR states:

Wildland Fire Hazards

The proposed project would result in increased population (a maximum of 415 residents in 345 housing units) on the project site and thus would increase exposure of people and structures to significant risk of loss, injury, or death involving wildland fires originating off-site and spreading to the project site. This is a **potentially significant** impact. Compliance with the California Building Standards Code, the defensible space requirements included in the Public Resources Code, and all applicable Nevada County Code requirements would ensure that the proposed project would provide the necessary minimum wildfire protection standards to minimize safety effects of being located in the SRA. However, regardless of these existing regulations, the project site is still located in an area with a high potential to be affected by a wildland fire at some point in the future, and the proposed project would increase population and structures in the area. Mitigation measure **MM 3.8.7** mitigates this impact to **less than significant**.

Under Alternative 2, the project site would be developed with 72 single-family residences as conceptually shown in **Figure 5.0-1**. These residences would be required to comply with the California Building Standards Code, the defensible space requirements included in the Public Resources Code, and all applicable Nevada County Code requirements, similar to the proposed project. Although the overall density of development under Alternative 2 would be reduced in comparison to the proposed project, additional population and structures would still be introduced into the area and not clustered. Therefore, this impact would be similar under Alternative 2 and the proposed project.

3-25

Cumulative Wildland Fire Hazards

The proposed project, in combination with other urban development in the CAL FIRE Nevada- Yuba-Placer Unit (NEU Unit) service area, would result in cumulative development of homes and Development under Alternative 2 would be reduced in comparison to the proposed project; however, it would still contribute to increased urban development in the NEU Unit service area, which in turn would make wildfire suppression more difficult and lead to increased hazards. Therefore, this significant impact would be similar under Alternative 2 and the proposed project.

The Consultant claims the impacts related to Wildland Fire Hazards would be similar between the two developments, but I challenge that finding with regard to the version of Alternatives 2A and 2C that I have suggested. First of all, if the 71 housing units are condensed and clustered within the proposed 345 unit project's footprint towards the village core, the areas affected by population and structures are reduced, and the risks of loss, injury or death involving a wildfire are therefore also reduced. Add to that, the increased population density and limited mobility issues involved with the proposed 345 unit CCRC senior facility are also of grave concern and demonstrate the superior nature of the lower density 72 unit active senior community's ability to evacuate safely via one of the two easily accessible evacuation routes (northwest portion of the community out Rincon Way, and southwest portion of the community out Angelina Ave) towards Highway 49. With just the 72 units back there, it is feasible that all of the residents could use one of the access roads to head out, and the firefighters could use the other access road to head in to fight the fire and rescue people.

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Letter 3 Continued

On a personal note, being that I would actually be one of the people subject to the catastrophic nightmare that would ensue were there ever a wildland fire in our area and there were 345 units full of senior citizens (many confused and or immobile) trapped back there trying to get out, I am SIGNIFICANTLY concerned. Please seriously consider, for me, and for my neighbors, including those who would reside at Rincon del Rio, one of the lower density, active senior development alternatives for the future residents of Rincon del Rio. Pretend for a moment that you have a precious loved one living in our area, and then act accordingly. Please keep *all* of our safety and well being in mind as you process the proposed application for high density urban development in our rural area, and reject it accordingly. Down from the soap box and onto Public Services...

3-25

The subject of extending public services (water and sewer) outside of the Community Sphere of Influence (CSI) and into the rural areas, rather than utilizing it more efficiently within the CSI are not easily mitigated or excused. The policies within the General Plan regarding this important issue are quite specific.

Object 3.1 and Policy 3.1 of the General Plan state: a higher level of public services shall be directed to Community Regions and a lower level to Rural Regions

Important Note: A 72 unit senior community without an intense commercial aspect, could effectively resolve serious water and sewer distribution issues related to the proposed 345 unit development without any General Plan amendments or zoning changes. Rather than services being extended out into the rural lands, violating General Plan policies and guidelines, there could instead be shared wells and septic systems placed throughout the community, as is intended for the rural areas. If the developer's calculations are correct that seniors only require 60% of utilities, and if you add to that the use of water and energy efficient appliances, the services required would be substantially reduced. The community could be designed so that the clustered residences would share common wells and septic systems. Each well and septic system could likely support two to three units, which would bring the well and septic counts down to between 24 to 36 each. There is currently NID ditch water available and utilized at the site for landscaping and agriculture irrigation. There could also be a 300,000 gallon storage tank on site filled with that same NID ditch water for fire protection.

Though it is a given that the basic impacts of a 72 unit senior development on water consumption, sewer EDUs and solid waste disposal will be significantly less than that of a 345 unit senior development, the impacts related to the extension of water and sewer and the routes taken are significant with either project. I have a suggestion regarding the distribution routes based on what I have learned from NID, and the same information may also be applicable for the sewer distribution issue, if wells and septic systems won't do.

3-26

Water; NID did extensive research on alternate routes that would not involve tearing up the Ranchos roads and disturbing the neighborhoods which *very* recently suffered thru the awful nightmare of water pipe installation in their road system. The scars on those roads and the community have just barely healed. NID has suggested alternate routes that would instead place pipes within existing PUEs along roadways and the property lines of residents that might possibly wish to connect to, and therefore help pay for the extension of treated water service out thru the rural lands and onto the Rincon del Rio site. Some of the proposed areas are rumored to have dry or insufficient wells, and could benefit from the extension of water services thru their neighborhood, and would likely be motivated to connect and therefore augment the cost for the developer. Ironically, one of the routes NID suggests (Option 3 – Alternative 1) would run along the PUE in the road bordering two sides of my own property. To be honest, I am not at all thrilled about that prospect, but could accept it as "for the common good" if the developer presented to us a project that reflected that same "for the common good" way of thinking. A project which is in keeping with the General Plan and Zoning Ordinance and therefore the rural integrity of our area. And who knows, there may come a day when it will be *necessary* to "connect" to the public water and sewer systems, and we would have that option readily available to us if the need ever arose...it could possibly be a win win situation.

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Letter 3 Continued

Letter dated 1-10-11 NID stated:

Options for Serving Rincon del Rio

NID will do master planning for Rincon del Rio and will look at several options for serving the project. Consideration will be given to find the most cost effective solution with potential reimbursement with a regional master plan. The regional master plan would include future service to the surrounding area. The following options were discussed:

Option 1: Parallel line from existing Timber Ridge tank site (HGL 1779)

- Would likely be 10" or 12" mainline paralleling the 8" Rodeo Flat line
- New pumps would be required; may need additional pump building
- potential tank site would be at high point elev.=1902+/- @ Rodeo Flat Rd., land would need to be acquired by NID for a tank site at this location
- Other option would be to locate tanks onsite to serve Rincon + lower elev. areas
- HGL is much too high for Rincon del Rio; need PRV pressure reduction

Option 2: Extend water to Table Meadows

- New pipe or parallel pipe from Timber Ridge tanks on Timber Ridge Road and Rodeo Flat Road (east).
- New pipe on Scooter Bug, China Hollow and Table Meadow
- Potential for reimbursement is high due to insufficient wells in this area
- This option has extensive pipe lengths. Pipe size is typically 8" for residential
- an additional tank would be required to get fire flow for Rincon del Rio. There is no apparent benefit to Rincon del Rio, other than partial reimbursement.

Option 3: Extend mainline pipe from sewer treatment plant area

- Would require new easement across APN 57-160-17
- Pipe would likely be 12" and would follow existing PUE's on Hidden Ranch Road and Pheasant Court.
- follows along lower elevations than other options; offers more opportunity for mainline extension for future service areas
- may need onsite storage at Rincon depending on HGL and fire flow

I will attach the corresponding NID maps of the suggested water distribution routes as follows:

Page 20A NID Option 1 / Alternative 3 – Distribution via Rodeo Flat no tank

Page 20B NID Option 1 / Alternative 3a – Distribution via Rodeo Flat with tank (moved tank onto site)

Page 20C NID Option 2 / Alternative 2 – Distribution thru Table Meadows

Page 20D NID Option 3 / Alternative 1 – Distribution thru Sanitation Property

Policy 3.21

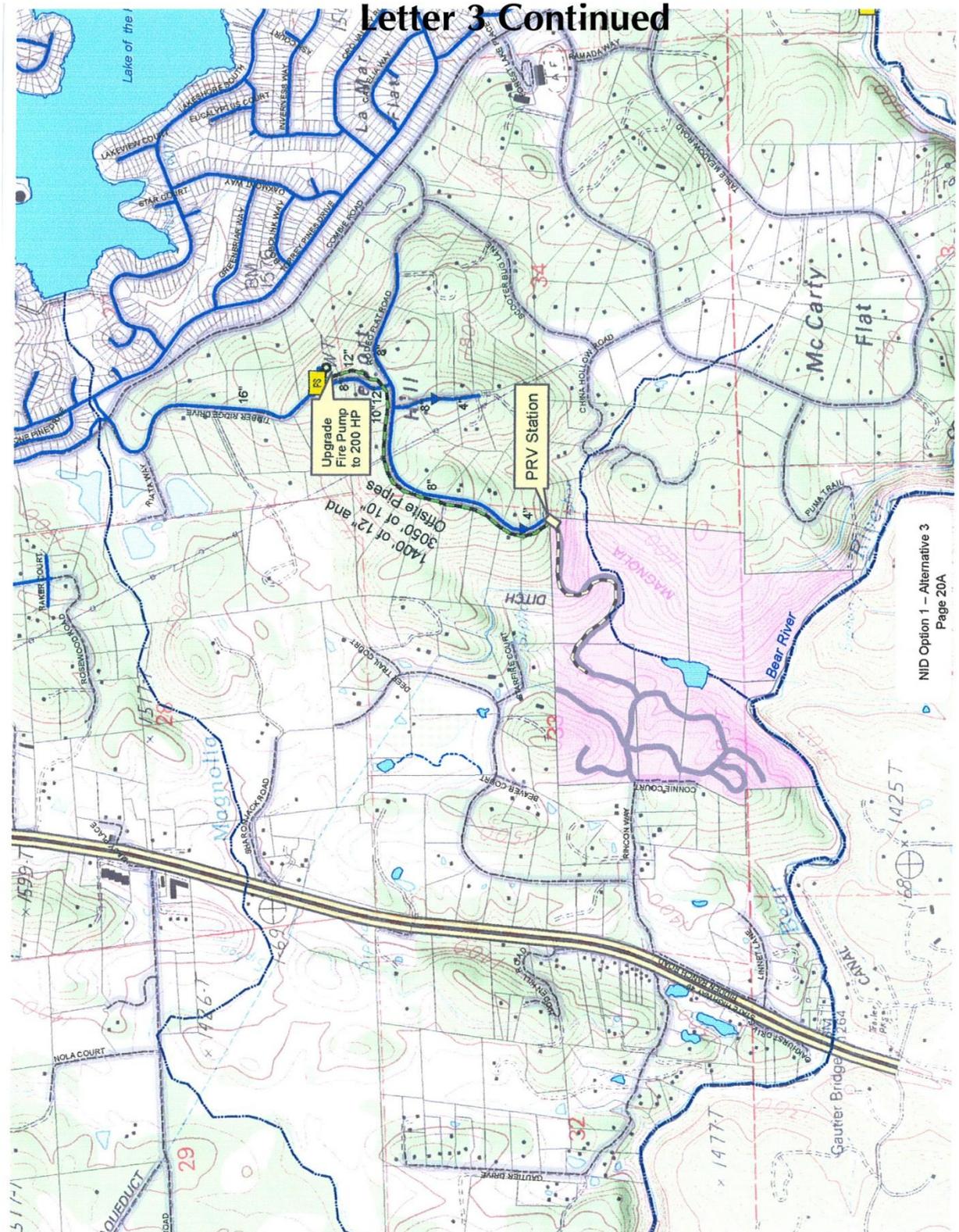
Where water, sewer, and other underground utilities are extended through undeveloped natural areas, consideration shall be given to restoration of areas of cut, back-fill, and grading. All surfaces shall be re-vegetated with appropriate ground covers and plant materials.

If the developer were to use the alternate route I have suggested for emergency access (Angelina Ave) rather than Rodeo Flat Road, there would be no road to install the water pipes along and up into the Ranchos. The only road that would be necessary towards the back end of the site would be a small service road leading to the 300,000 gallon ditch water storage tank for fire control. Therefore, utilizing one of NID's suggested alternate routes for providing the water for the project would be the sensible and likely cost effective solution. It is certainly worth serious consideration.

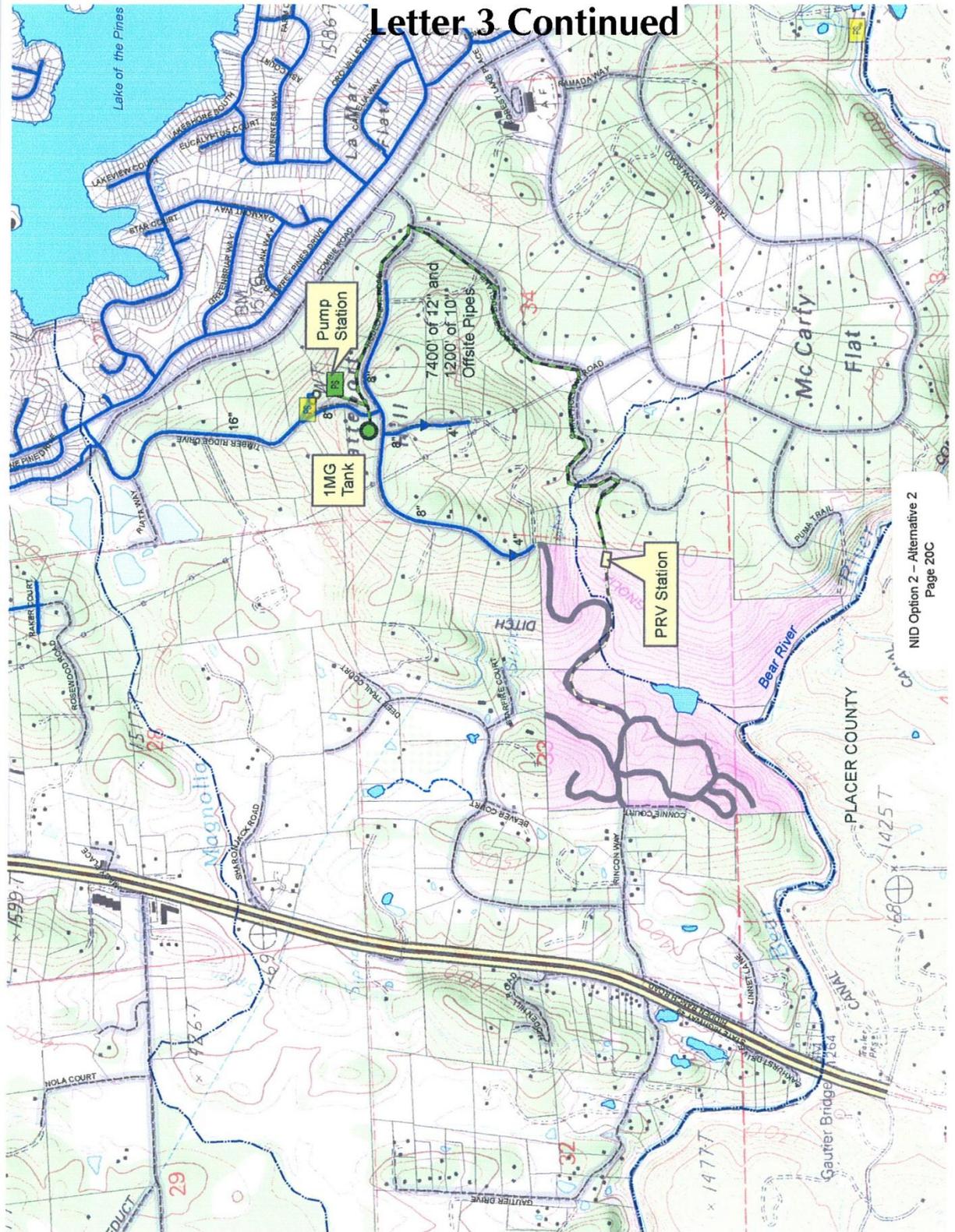
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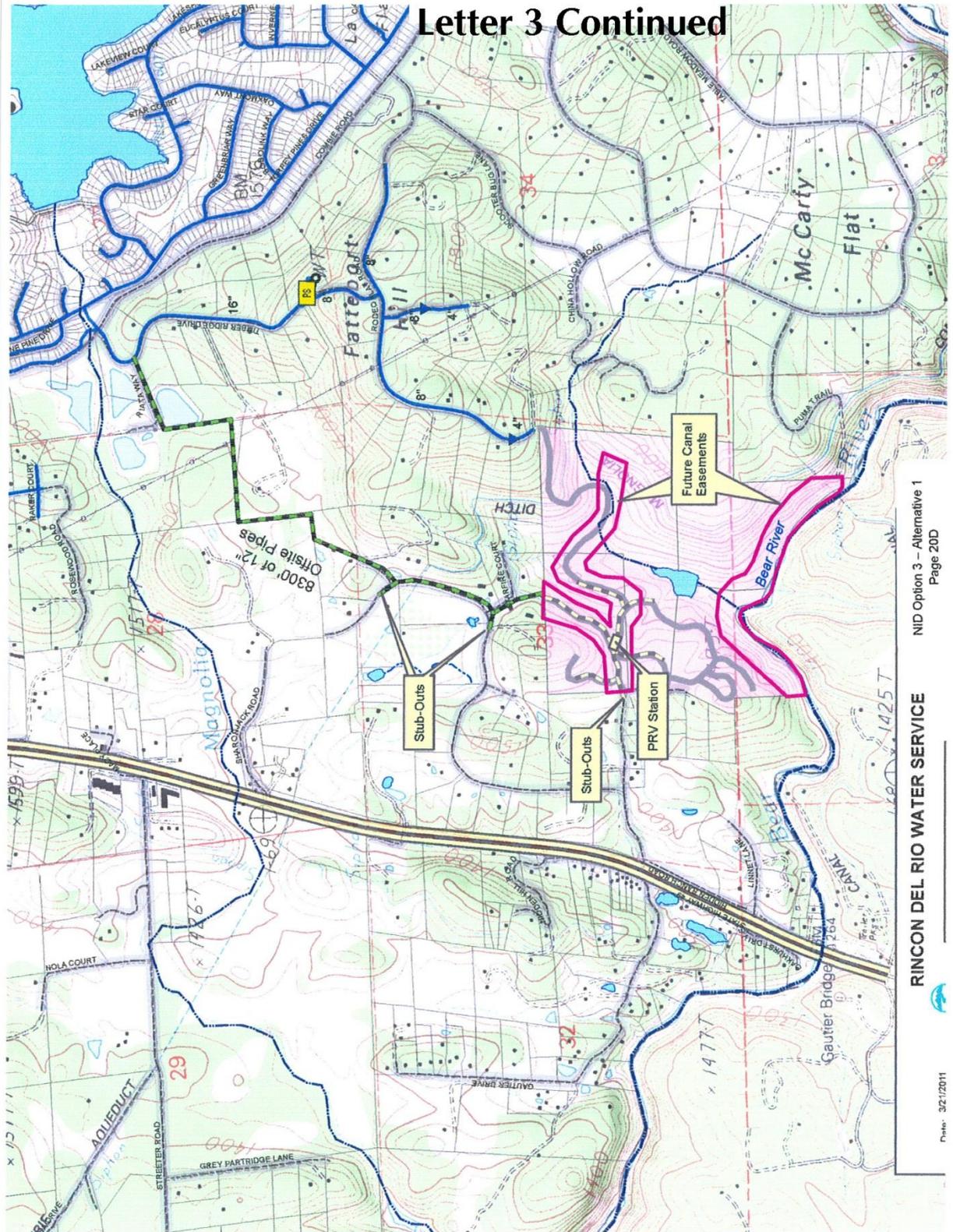
3-26
cont.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR



3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR





Letter 3 Continued

The DEIR states:

Under Alternative 2, the project site would be developed with 72 single-family residences, which would require additional water distribution infrastructure both on- and off-site (though reduced water demand). Similar to the proposed project, any development under Alternative 2 would be required to establish a timing mechanism for the design and construction of a water distribution system. Therefore, this potentially significant impact would be similar under Alternative 2 and the proposed project.

I challenge the statement claiming the reduced water demand of the 72 unit senior development when compared to the higher demand of the 345 unit CCRC is similar when in fact it would be better because it would require less water (a precious commodity in this County) especially with regard to the reduced commercial activity involved with my version of Alternates 2A and 2C. Add to that, if the developer were to utilize one of NID's suggested alternate distribution routes, people who actually need or want water that are located between Rincon del Rio and the mainline connection could benefit from the extended water service, thereby helping to justify the extension of public services out into the rural lands. That said, I find that the impacts relating to Water Supply and Conveyance Facilities would be better for all Alternatives than it would be for the proposed 345 unit project based on consumption and more efficient routing of the water lines thru prospective client's PUEs. 3-27

Once again, the one very significant detail regarding this important subject is the General Plan and the related Policies that would be violated by extending services, both water and sewer, outside the Community Sphere of Influence and into the rural lands, rather than more efficient utilization within the city Spheres.

Object 3.1 and Policy 3.1 of the General Plan states: a higher level of public services shall be directed to Community Regions and a lower level to Rural Regions

Now on to the sewer topic... which parrots the water topic somewhat. Once again, if the developer were to utilize the alternate route I have suggested for emergency access (Angelina Ave) rather than Rodeo Flat Road, there would be no road available thru the back side of the project to install the sewer pipes along side of, and consequently no loud smelly pumping stations would be necessary to pump the raw sewage up the steep hills into the Ranchos either. Therefore, utilizing one of NID's suggested alternate routes (specifically the one that goes thru the Sanitation property... Option 3) to run the sewer lines could possibly eliminate the need for noisy smelly pumping stations altogether, and may also be the most sensible and cost effective solution (EDUs aside) to providing sewer service to the project. It is certainly worth serious consideration.

The DEIR states:

Under Alternative 2, the project site would be developed with 72 single-family residences, which would result in the need for wastewater treatment services from the Lake of the Pines WWTP. As described above, wastewater capacity at the WWTP has been already been reached and all new development would require modifications at the plant to be adequately served. Therefore, even though Alternative 2 proposes less development and would impact the capacity of the WWTP to a lesser degree than the proposed project, impacts would still be potentially significant given that the capacity of the WWTP is already exceeded. Any development under Alternative 2 would be required to fund its fair share of addition of membranes at the Lake of the Pines WWTP. Therefore, this potentially significant impact would be better under Alternative 2 than the proposed project. 3-28

There are obviously EDU capacity issues at the LOP treatment plant, however the Wastewater Treatment Impacts would still be better with the 72 unit senior developments under Alternatives 2A and 2C than they would be with the proposed 345 unit senior development simply because those 72 unit senior communities with their reduced commercial activities would require less EDUs and therefore be less impacting.

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Letter 3 Continued

As previously mentioned, the one very important detail regarding these significant utility related impacts is the General Plan and the Policies that would be violated by extending services, both water and sewer, outside the CSI and into the rural lands, rather than utilizing them more efficiently within the Sphere.

3-28
cont.

Object 3.1 and Policy 3.1 of the General Plan states: a higher level of public services shall be directed to Community Regions and a lower level to Rural Regions

Though it is not discussed as an important impact within the Alternatives section of the DEIR, I would like to address aesthetics for just a moment because it *is* actually a very important impact to those existing residents who live on Connie Court, Starfire Court and Pheasant Court that would be severely impacted by the proposed 345 unit project design. I would request that when considering placement of the outlying cottages and duplexes within the 72 unit Alternative 2A and 2C developments, the structures that would be situated directly in the line of site of the residences on the aforementioned courts, that those structures instead be clustered toward the village core away from the line of sight of those impacted residences.

3-29

While I am discussing aesthetics I would also like to mention that it would be expected that the proposed 72 unit age restricted active senior community that I have suggested would NOT require street lights, in keeping with the rural nature of the area. The negative aesthetic impacts caused by bright lights with regard to the dark night skies and local wildlife must be kept to a minimum in the rural areas. None of the surrounding neighborhoods, Hidden Ranch Estates, the Ranchos, Dark Horse or even the high density Lake of the Pines community have street lights, and neither should the Rincon del Rio community. If there is insistence from the developer that the Rincon del Rio community *must* have street lights, *that* is a very significant sign that a CCRC project with a convalescent element is inappropriate for this rural area and should be located closer to a community sphere where street lights are the norm.

By clustering the outlying structures closer to the village core and by eliminating street lights and the large commercial buildings with their extensive urban lighting issues from the project scope, Alternatives 2A and 2B would be significantly better than the proposed 345 unit development with regard to aesthetic impacts.

The DEIR states:

5.4 ALTERNATIVE 3 – REDUCED AND CLUSTERED SITE DEVELOPMENT

CHARACTERISTICS

Under Alternative 3, the project site would be developed with a reduced density, clustered senior development. Development under Alternative 3 would consist of the Village Center and Residential Nursing Care components of the proposed project as well as the residential units located along the western boundary of the site (**Table 5.0-1**) and would be clustered on the northwest portion of the site as shown conceptually in **Figure 5.0-2**. As shown in **Table 5.0-1**,

3-30

Alternative 3 would result in development of 231 dwelling units on the project site; operation of the Village Center and Residential Nursing Care would also require a total of 43 employees on the site. The Residential Nursing Care component of Alternative 3 would generate approximately 40 persons (40 beds) associated with the hospice units and group home memory care units, 37 persons associated with the lodge nursing care units (21 units x 1.76 persons per unit = 37), 119 persons associated with the Village Center units (98 x 1.21 persons per unit = 119), and 123 persons associated with the independent living units (102 units x 1.21 persons per unit = 123) for a total of 319 new residents.

Letter 3 Continued

Similar to the proposed project, primary access would be provided via Rincon Way and secondary emergency-only access would be provided via a connection to Rodeo Flat Road at the northeast corner of the project site. Implementation of Alternative 3 would also require the construction of internal circulation and utility systems including roadways, drainage facilities, and water and wastewater pipeline extensions similar to the proposed project. Alternative 3 would include the trail facilities and agricultural uses included in the proposed project. This alternative would meet the project objectives identified in Section 2.0 (Project Description), but would not provide as many independent living units as the proposed project.

The current analysis of Alternative 3 presented in the DEIR regarding existing land use designations (unit count, parcel size, population density, clustering etc...) is inadequate and should be expounded upon with regard to the ability of utilizing current land use designations in a manor more effective in reducing environmental impacts, along with conforming to existing General Plan policies and Zoning/Land Use guidelines with the use of allowable density bonuses, while still achieving ALL of the applicant's stated objectives. I will now do so...

First, once again it is important to note that the existing PD zoning was applied to the subject parcels due to the inability to subdivide the rural land into 72 equal 3 acre residential lots because of site build ability issues and limitations; specifically perc and mantle issues, sensitive habitats, wetlands, important farmland designations, steep terrain etc... The PD was to be utilized to allow for clustering of the 72 residential units in a fashion that would avoid sensitive environmental resources by removing the parcel size limitations.

Since the PD is also utilized within the planning and development arena to allow for mixed use along with the aforementioned clustering element without regard to individual parcel sizes, it works out well for this developer in regard to the higher population densities and commercial endeavors she is attempting to achieve on her rural land, including the provision of up to 43 full time jobs and various contracted services.

Add to the development flexibility via the PD designation, the available second housing unit ordinance...

H 8.1.3.b

Allow second dwelling units for senior citizens and disabled individuals as a permitted use regardless of General Plan and zoning density to the extent they are identified for preferential treatment- under State law (current Zoning Regulation).

Ongoing

This policy will be modified to clearly demonstrate that second dwelling units are allowed as a permitted use for not only senior citizens and disabled individuals but also to the general population consistent with State Second Unit Law.

Modify/ Retain Policy

along with a 25% senior housing density bonus...

Section L-II 3.16 Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing

A. Purpose. As required by California Government Code **Section 65915**, and as provided by policy in Chapter 8 of the Nevada County General Plan, the purpose of this Section is to offer incentives to developers for providing housing that is affordable by families of very low or lower income and senior citizens. The form of such a bonus and incentive is the ability to construct at least **25% more residential units** than normally allowed by the applicable zoning district. In offering such incentives, it is the intent of this Section to carry out the requirements of California Government Code Sections **65302, 65913, 65915** and **65580**, et seq.

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3-30
cont.

Letter 3 Continued

and I believe I can demonstrate Alternatives 3A and 3C as the superior Alternative for both the developer and the citizens of Nevada County who live in the rural areas that would be subject to the cumulative effects of the numerous *suggested* superfluous and self serving General Plan amendments necessary to approve the applicant's project as it is currently proposed.

It is my goal to eliminate the *need* for the majority of the superfluous General Plan amendments that the developer is attempting to insinuate into our governing text in order to get her project approved. I hope that the developer will come to recognize the precedent setting nature of those superfluous amendments, reconsider her ongoing contradictory course of action and choose instead to conform to existing policies and guidelines so as not to have a negative impact on the surrounding neighborhoods and the County as a whole.

In fact, because the developer was able to *slide* the CCRC stipulation into the 2010 Housing Element to grease the way for her project thru the system, all of her other cumulatively affecting CCRC gobbledygook is NOT necessary within the General Plan. The PD on a parcel facilitates whatever mixed use of housing, services and amenities a developer chooses to apply to their parcel, so long as they "cluster." No superfluous CCRC gobbledygook required. They need only develop within the existing zoning density parameters, plus whatever legitimate (creatively acceptable) density bonuses might apply. When abiding by the governing text and exercising the PD designation within the parameters intended, the focus on the population density issue would be somewhat relaxed with regard to requiring a population cap and the associated census monitoring protocol. Population must still be considered when calculating the utilities (water, sewer, waste etc...) but shouldn't be excessive if unit density is kept within the General Plan guidelines. My versions of Alternative 3A and 3C are obviously somewhat smaller in scale than the Alternative 3 presented in the DEIR, because they are designed to conform with the existing zoning parameters, thereby avoiding much of that pesky bureaucratic red tape this developer has been trying to cut through.

3-30
cont.

The General Plan says:

Program HD-8.1.6

The County shall amend the Zoning Regulations to create a definition and development standards to allow Continuing Care Residential Communities or Life Care residential facilities in PD and SDA designated areas where it can be determined that the PD/SDA has access to adequate infrastructure (public sewer and water service and adequate ingress/egress).

If by utilizing the Alternatives I have suggested the developer is indeed able to achieve all of the *stated* objectives within the existing legal land use parameters, I would implore our elected officials to hold that developer to those legal parameters, and not subject the taxpayers of Nevada County to yet another frivolous and costly lawsuit with regard to CEQA violations and the approval of an inappropriate project, when superior and reasonable alternatives to that project were presented to the developer and the elected officials to consider during the administrative process.

That said; I will be demonstrating two elements of the Reduced and Clustered Senior Development, Alternative 3A which will represent an *active* senior community and Alternative 3C which will represent the CCRC age/die in place convalescent senior community. Both of these alternatives will be designed within the current zoning designation guidelines, which includes increased density allotments via the second unit housing ordinance and the 25% affordable senior housing density bonus. The population density I have used for these Alternatives is 179 Units, and it was calculated as follows:

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Letter 3 Continued

Current Zoning = 72 Units multiplied by 2 (second unit ordinance) = 144 Units multiplied by 1.25 (25% affordable senior housing density bonus) = 180 Units minus 1 (existing residence) = **179 Units**. They could be designed and developed as follows:

Proposed Development Summary – Alternative 3A (Active) Active Senior Community – 179 Units

TABLE 5.0-1-3A (ABBOTT)				
ALTERNATIVE 3A (Active) - PROPOSED DEVELOPMENT SUMMARY				
Residential Nursing Care				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
0	Lodge/Nurse	21 ea =	900 sf	33,000 sf
0	Hospice 4-plex	4 ea =	16 bed 1,142 sf	4,570 sf
0	Memory Care Group	6 ea =	24 beds	5,226 sf
Subtotal		0		
Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
3	Village Center / Lodge	18 ea = 54	Varies	45,000 sf
Subtotal		54		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
39	Cottages	39	2b/2ba 2b/2ba	1,160-2,000 sf
6	Duplexes	2 ea = 12	2b/2ba 1,142	2,285 sf
7	4-Plexes	4 ea = 28	2b/2ba 1,142	4,570 sf
3	Group Housing	6 ea = 18	424 sf	7,430 sf
2	Lodge / Independent	14 ea = 28	1,460 sf	30,100 sf
Subtotal		125		
Total		179		

3-30
cont.

Table reflects one option – various other combinations of unit type and functionality can be accomplished within the allotted 179 units

Important Note: Similar to the Reduced and Clustered Site Alternative 3 presented in the DEIR, my suggested versions of Alternatives 3A and 3C would also generate the same 43 new employment opportunities for the County as the 345 unit project currently proposed by the applicant. Actually, based on the services and amenities currently being advertised by the applicant, I calculated an employee count of 75 in my NOP letter, rather than the applicant’s stated 43. My suggested Alternative 3C would provide those same 75 new employment opportunities. The DEIR should thoroughly analyze all available employment opportunities and include the resulting more realistic number in the various population related impacts (traffic, noise, infrastructure requirements etc...) and consequently mitigate those impacts accordingly.

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Letter 3 Continued

**Proposed Development Summary – Alternative 3C (Convalescent)
CCRC - Convalescent – 179 Units**

TABLE 5.0-1-3C (ABBOTT)				
ALTERNATIVE 3C (CCRC-Conv) - PROPOSED DEVELOPMENT SUMMARY				
Residential Nursing Care				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
1	Lodge/Nurse	21 ea = 21	900 sf	33,000 sf
1	Hospice 4-plex	4 ea = 4	16 bed 1,142 sf	4,570 sf
2	Memory Care Group	6 ea = 12	24 beds	5,226 sf
Subtotal		37		
Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
2	Village Center / Lodge	18 ea = 36	Varies	45,000 sf
Subtotal		36		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
38	Cottages	38	2b/2ba 2b/2ba	1,160-2,000 sf
4	Duplexes	2 ea = 8	2b/2ba 1,142	2,285 sf
4	4-Plexes	4 ea = 20	2b/2ba 1,142	4,570 sf
2	Group Housing	6 ea = 12	424 sf	7,430 sf
2	Lodge / Independent	14 ea = 28	1,460 sf	30,100 sf
Subtotal		106		
Total		179		

3-30
cont.

Table reflects one option – various other combinations of unit type and functionality can be accomplished within the allotted 179 units

Being that most of the impacts of the Alternative 3 presented in the DEIR were considered better or similar than the proposed project, I will not go into redundant detail about how my Alternatives 3A and 3C would be better than the proposed project, because if you were to compare the scope and scale of the Alternatives presented in the development summary tables I have prepared, and then apply the various *enhancements* I have suggested throughout this letter, the superior nature of my proposed Alternatives is quite obvious. I will only touch specifically on any impacts that need further clarification as to why I believe they could be moved up from similar to better, or from worse to either similar or better if relevant enhancements have not been previously discussed. That said, I would also refer the reader to consider all of the aforementioned enhancements that could apply to each specific Alternative. I will synopsise the relevant enhancements (mitigation points) related to all Alternatives, including the proposed project, towards the end of this letter (Page 34) after Alternative specific enhancements are discussed. That said, I do not have further specific comment on Alternatives 3A and 3C and will now move on to Alternative 4.

Letter 3 Continued

The DEIR states:

5.5 ALTERNATIVE 4 – OFF-SITE ALTERNATIVE

CHARACTERISTICS

Under Alternative 4, the proposed project would be developed on an alternate site in Nevada County. The alternate site consists of 43 acres in the Higgins Area Plan Community Region boundary, located north of the project site along SR 49. The alternative site is shown in **Figure 5.0-3**. The alternate site is bordered by the Higgins Marketplace site to the north. To the south, the alternative site is bordered by mostly undeveloped land with some scattered rural residences. Land to the immediate west of the alternate site, west of SR 49, is currently undeveloped. A commercial complex is located to the southwest. Sierra Storage, a mini-storage facility with multiple buildings, is located northeast of the alternate site, and undeveloped land with dense oak cover abuts the eastern boundary of the site.

The total acreage of the alternate site is 43 acres; however, the western portion of the site adjacent to SR 49 appears to have a large wetland/drainage feature that would likely reduce the extent of developable land on the site. As such, development under Alternative 4 would be clustered on a smaller area than under the proposed project and substantial amounts of open space would not be included. For the purposes of this analysis, it is assumed that all of the proposed project components, except the agricultural uses and recreational elements such as trails, open space, river overlook, etc., would be included on the alternate site. Although the alternate site would be required to accommodate proposed project components on a smaller area than the proposed project site, particularly after avoiding wetland/drainage features as described above, the overall area of ground disturbance under Alternative 4 would be approximately 38 to 42 acres, which is similar to the 48 acres that would be developed under the proposed project.

Roadway access to the alternate site would be provided via the frontage road along Woodridge Drive as well as Rosewood Road. Implementation of Alternative 4 would also require the construction of internal circulation and utility systems including roadways, drainage facilities, and water and wastewater pipelines. This alternative would project objectives identified in Section 2.0 (Project Description) associated with the provision of a fully operational continuing care retirement community, but would not meet project objectives regarding the provision of open space and indoor/outdoor recreational opportunities.

It should be noted that Nevada County prepared an EIR, the Higgins Marketplace Draft Environmental Impact Report, in 2007 for the Higgins Marketplace site, which is immediately adjacent to the alternate site on the north. Given the close geographic proximity of the sites, the below analysis utilizes information from the Higgins Marketplace EIR to analyze the potential impacts associated with Alternative 4 where appropriate.

Similar to Alternative 3, the impacts of the Alternative 4 presented in the DEIR were considered better or similar, and I will not go into redundant detail about how my suggested Alternative 4 would be better than the proposed project, because as with Alternatives 3A and 3C, if you apply the various *enhancements* I have suggested throughout this letter, the superior nature of my proposed Alternative 4 is quite obvious. I will only touch specifically on impacts that need further clarification as to why I believe they could be moved up from similar to better, or from worse to either similar or better, or the project as a whole better than the proposed project, if relevant enhancements have not been previously discussed. That said, I would also refer the reader to consider all of the aforementioned enhancements that could apply to Alternative 4. Again, I will synopsise the relevant enhancements (mitigation points) related to all Alternatives, including the proposed project, towards the end of this letter (Page 34) after Alternative specific enhancements are discussed.

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3-31

Letter 3 Continued

That said; my most significant point regarding Alternative 4 is once again the actual location being proposed. It is obvious that attention has not been paid to the public comment letters thus far, because if so, the Alternative 4 location would have been analyzed on land closer to Nevada County's community centers of Grass Valley or Nevada City, rather than once again at the farthest point south in our County. Even if appropriately zoned land is not currently available on the outskirts of either Grass Valley or Nevada City, the project could have been analyzed as inadequately as it was in the DEIR, by overlaying the project footprint onto a small vacant parcel of land, and then just state by assumption all impacts would be similar or worse.

It should be noted that, unbeknownst to the general public, those common citizens not involved in development and zoning issues (I only learned about this due to the intensive research necessary to comment on this DEIR), Nevada County bureaucrats have been assigned the task of *urbanizing* Nevada County, and the *malady* will spread out into the unincorporated rural areas of the County. They were required to do a "suitable sites inventory" of all "unimproved" parcels throughout the County in preparation for a rezoning campaign to provide more available developable land for high density projects such as Rincon del Rio. They are doing a blanket canvas of sorts, contacting property owners of "unimproved" parcels and suggesting they rezone their properties to higher densities with multiple uses. I direct you to the General Plan, Volume 1 - Pages 8-78 thru 8-84 and pages 8-210 thru 8-213 to see the associated maps.

[https://public.nevcounty.net/Planning%20Public%20Library/General%20Plan%20\(Public\)/Volume%201.%20Nevada%20County%20General%20Plan%20\(1995%20with%202008%20and%202010%20updates\)/Chp%202008.%20Housing%20General%20Plan%20Vol%20I%20Sec.%202%202009-2014.pdf](https://public.nevcounty.net/Planning%20Public%20Library/General%20Plan%20(Public)/Volume%201.%20Nevada%20County%20General%20Plan%20(1995%20with%202008%20and%202010%20updates)/Chp%202008.%20Housing%20General%20Plan%20Vol%20I%20Sec.%202%202009-2014.pdf)

The referenced maps outline parcels in Nevada County near city centers and in outlying unincorporated rural areas that have been labeled as "Candidate Rezone Sites." The lucky winners are all outlined in red, and it really does look like some sort of disease spreading thru the County...it's very disturbing! Oh, and of course three of the applicant's parcels are outlined in red. The southeast corner parcel where minimal development is proposed due to rock cliffs and the Bear River is not outlined in red, but all other parcels are outlined as "candidate rezone sites."

If this disquieting situation is not addressed, Nevada County *really* will end up being another Roseville, or worse, south Sacramento. It seems that the push for this illogical urbanization comes from bigger government...the State and Feds. When the State Housing Element laws are utilized as *intended*, "smart growth" calls for high density/intensity urban development to be limited to within the City Spheres of Influence where infrastructure exists. However, in Nevada County's 2010 Housing Element there is mention of the possibility of urban densities of no income/low income housing, homeless shelters, rescue centers and rehab facilities being developed in the unincorporated rural areas of the County. It seems the urban density Rincon del Rio is just a drop in the bucket of what's to come in our now sparsely populated and rural County. It's disquieting to say the least, especially since most of the County's citizens are not even aware of the Trojan horses that could be placed in their midst if this rezoning campaign goes unchecked and is realized.

That said, I believe Rincon del Rio and other high density urban developments of similar scope and scale that I just mentioned should *indeed* be located closer to the city centers near critical infrastructure, services and amenities, not out in the remote unincorporated rural lands. Because I have previously stated the many fundamental and legitimate reasons (mostly related to economic viability and superfluous and redundant General Plan changes) for placing a high density urban development like Rincon del Rio in a more County-centric location, I am simply going to include the comments from my NOP letter dated June 13, 2011 that are relevant to the DEIR as part of this correspondence...they will be Pages 29 thru 33. I anticipate that those relevant points previously ignored will now actually be analyzed and considered as part of the DEIR process.

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cont.

Letter 3 Continued

My June 13, 2011 NOP comment letter stated:

The suggested CCRC verbiage and related text amendments are unnecessary and redundant, as there are already provisions for senior housing discussed within both the zoning text and the General Plan. There are currently several appropriate zoning designations for an “age in place” senior development such as Rincon del Rio. The proposed rural agricultural parcel is NOT an appropriate location for such a facility, as is clearly demonstrated by the numerous **exceptions** necessary for the project’s approval. Our County’s General Plan should not be arbitrarily changed simply to provide a *loophole* for one property owner, who because they have not been able to sell their extravagant “spec” house, and their land as currently zoned, wants to enrich themselves by overdeveloping that land to the detriment of all surrounding property owners. **The EIR should focus on adapting the project to be more in line with the Nevada County General Plan and our County’s Zoning and land use guidelines, rather than altering those guidelines to be in line with the project. The approval of the project should be based on it’s ability to abide by those policies, which were conscientiously designed to protect our County from wanton overdevelopment. An example is General Plan Policy 1.15 which discourages the extension of urban type services into rural areas in an effort to retain the planned rural nature of those areas.**

As I stated at the EIR Scoping meeting, Placer County has recently set a perfect example in regard to sensible CCRC development locations. Their 858 unit CCRC project Timberline is proposed to be built in an appropriately zoned and SAFE location, has existing infrastructure readily available (multiple safe Class A roads into and out of the facility with **lighted** intersections, water, sewer and electricity), hospitals, health care facilities and public services right next door, as well as all the basic amenities (many within walking distance) AND it will back up to open space (a green belt of sorts) that already has public access and will include pleasant walking trails. That public open space will allow the facility to have that rural feel without having to destroy prime agricultural lands or the rural environment of surrounding neighborhoods. Most of the residents near the area that the Timberline CCRC is to be located already have city size residential lots and multi-story commercial businesses near them.

The Timberline development also will not put it’s residents or the surrounding neighbors at risk of serious injury or death if there were ever a wildfire, because there will be up to five **safe** Class A access roads into and out of the Timberline development for emergency situations. Such is most definitely not the case with the location proposed for Rincon del Rio, which is an isolated piece of land situated in one of the highest wild land fire hazard zones in the County. **It is a 911 Nightmare!** If a wildfire were ever to sweep thru the bowl shaped property (rolling terrain surrounded by steep heavily wooded hills) where they are proposing to build that project, most of the seniors in the assisted living, memory care and hospice units, along with many of those in the five large high density commercial/residential buildings in the Village Center would perish. In fact danger is imminent with only the two small exits being proposed for evacuation. Undoubtedly many more of Rincon del Rio's seniors and possibly some of the surrounding neighbors would also suffer serious injury or death due to the traffic congestion and chaos caused by nearly a thousand people (many of them immobile) trying to evacuate the area via those two small roads (one of which will be very windy and steep) as the fire engines and fire fighters are attempting to get in. We saw first hand how very fast a wild fire can move through a commercial and residential tract and the unfathomable devastation it can cause on August 30th, 2009 in Auburn along Highway 49...and that fire was in an

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3-31
cont.

Letter 3 Continued

area that would not normally be considered especially high risk for wild fires. There is no way around it; Rincon del Rio would be a catastrophe waiting to happen if it is allowed to be built on the subject property. As I stated earlier, there are valid reasons why low density limits are set for rural areas and fire is probably the **most** important one. For a very detailed **expert's** account of the extreme fire dangers related to the proposed location of Rincon del Rio, please see the insightful letter dated June 10, 2011 written to the County Planning Department by retired Division Chief, Peter Guilbert. **The EIR must thoroughly address ALL fire and safety related issues involved with evacuating a high density of people, many immobile via two small access roads. Those findings must then be scrutinized and justified when comparing them to the less hazardous evacuation of the lower density neighborhood of 72 single family homes the subject property is currently zoned for.**

Back to the positive attributes of the location proposed for the Timberline facility in Placer County. A very significant advantage of planting a huge senior community near the outskirts of a *city center* is the assurance that the local County's commerce will thrive as local businesses scoop up the sales revenue that the residents, employees and even family and friends of both will be spending there. **ALL** that money will actually be spent in *their own* County, and *that* County will also collect the sales tax revenues produced from all of those sales and leisure activities. That will certainly **NOT** be the case with Rincon del Rio, because we all know that most everyone that lives on the extreme southern end of Nevada County travels the 5-10 miles south to Placer County for goods and services, **NOT** the 25-30 miles north to Grass Valley, and the residents of Rincon del Rio will be no different if they too are located that far south. **The EIR should analyze the local economic advantages of locating CCRC developments closer to public services and amenities within their own County rather than away from them. This analysis should also evaluate the substantial impact of the "convenience factor" that exists in the extreme southern portion of Nevada County where the project is being proposed, which encourages residents to travel south to Placer County for goods and services rather than north into Nevada County.**

A facility such as Rincon del Rio should most definitely be built somewhere just on the outskirts of Grass Valley or Nevada City just as the recently approved Wolf Creek Village senior co-housing development. That senior development (currently being built in our very own Nevada County) will feel secluded, like it's miles out, but will in fact be within a couple blocks of public services and amenities. A "close to town" Rincon del Rio (just like Wolf Creek) would allow Nevada County to reap all of the *bona fide* economic rewards of such a project from **the ground up**, not *just* property taxes, but sales tax and local consumerism, as well as *local* jobs for people **in our County**, the first of which being the numerous construction related jobs, followed by those 78 full time employees and the many part time and contracted services people I mentioned earlier. All of those jobs would likely employ residents of Grass Valley, Nevada City and nearby areas as opposed to people from Auburn or the Rocklin/Roseville/Sacramento areas if the CCRC were placed centrally rather than on the farthest southern end of our County. Another advantage to a more County-centric CCRC location would be the **minimal** amount of highway traffic caused by the project, and since daily traffic traveling the Highway 49 corridor has already reached undesirable levels, this would be a **significant** benefit. A close to town location with it's miles out (semi-rural) feel would also lessen the burden in regard to all infrastructure and emergency services. **The EIR must include an analysis of reasonable alternative locations for the project and**

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3-31
cont.

Letter 3 Continued

suggest the Environmentally & Economically Superior Alternative. The proposed project's extreme southern locale and hazardous road conditions existing at the non-lighted intersection of Rincon Way and Hwy 49 must be considered especially relevant when comparing the project's proposed location to a more centralized location. Also particularly relevant is the significant decrease of negative impacts a more County-centric location would have on Highway 49 and its connecting arteries...less daily traffic, less commute hour congestion, less accidents and less automobile emissions.

While we are on the subject of the infrastructure and public service related advantages of Rincon del Rio being built closer to Grass Valley or Nevada City, let's talk about hospitals and emergency care. Since the Rincon del Rio seniors would be taken to the nearest hospital for critical care, the facility being located in the farthest southern end of Nevada County would warrant them traveling the 5 miles south to Sutter Faith Hospital in Auburn rather than the 25 miles north to Sierra Nevada Memorial Hospital in Grass Valley. Because the seniors of the 858 unit Timberline facility would also be taken to Sutter Faith Hospital, there will be a serious impact on services provided by that hospital. If Rincon del Rio were built closer to Sierra Nevada Memorial Hospital in Grass Valley it would be beneficial in two ways; first, the response times and level of service would likely be superior at Sierra Nevada Memorial Hospital without the competition from well over a thousand Timberline seniors for the provider's services, which means more Rincon del Rio seniors could get the immediate attention they needed in a timely fashion. Second, ultimately if more healthcare professionals were needed at Sierra Nevada Memorial Hospital in order to support the increasing demand from Rincon del Rio's residents and from other senior development's residents, all of those new jobs would be *in Nevada County* rather than Placer County, and once again, the applicants would likely live in Grass Valley, Nevada City and nearby areas as opposed to traveling from Auburn or the Rocklin/Roseville/Sacramento areas. So, if you build Rincon del Rio closer to Grass Valley and Nevada City rather than as far south as you can possibly go in our County, more lives could be saved and more local jobs created. **The EIR must include a Cumulative Impact Analysis regarding hospital and emergency services, and the Timberline CCRC project in North Auburn must be included in that analysis since it is a "reasonably anticipated future project in the subject area" when evaluating the impacts on Sutter Faith Hospital in Auburn. This analysis should also evaluate the benefit of potential employment opportunities at Sierra Nevada Memorial Hospital in Grass Valley resulting from an increased demand for medical services for the Rincon del Rio seniors were that facility to be located County-centric as opposed to on the farthest southern end of the County.**

3-31
cont.

While we're talking money, let's talk about the financial profile of Rincon del Rio. First up, there is the affordability of living in Rincon del Rio for the *existing* Nevada County seniors. The applicant's Economic Report dated May 2009 claims that 60-70% of the project's residents will come from Western Nevada County. The report goes on to say that the average income of the households living in the project will be \$50,000. However, I could find no specific "cost of living" figures to substantiate that information on the County's website nor on the Rincon del Rio website. When the project was being presented during an informational meeting held at the location in 2008, the applicant stated that the entry fee would be \$700-

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Letter 3 Continued

750K. However, in 2009 that entry fee was decreased to \$400-500K due to the plummeting economy and seriously depressed housing market. If the entry fee to Rincon del Rio is still expected to be \$400-\$500K it is doubtful that it would be affordable to our *existing* Nevada County seniors, since property values have continued to decline and equity from home sales likely would not provide our *existing* Nevada County senior homeowners the necessary capital required for the entry fee, let alone for the monthly and service fees involved with living in what will surely be a high-end facility such as Rincon del Rio. **The EIR must include in it's Economic Characteristics an Independent Analysis of affordability which should include all expenses that would be incurred to live in the Rincon del Rio community (lump sum/entry fees, monthly fees and per service fees.) Those figures must then be compared to existing Nevada County senior developments' entry, monthly and service fees, and correlated to the average annual income of existing senior households in Nevada County.**

3-32
cont.

Next up is the financial sustainability and assurance that the project will not end up just another bankrupt scar on the southern Nevada County landscape. With our economy still seriously depressed, especially in regard to real estate and lending, and the glut of senior housing projects that have recently been landing on Planning Departments' desks, not just in Placer and Nevada Counties but throughout the nation (senior housing with it's density bonuses and tax exemptions must be a developer's most easily approved and *profitably viable* way to subdivide land these days) there is serious concern whether all of those proposed senior residences will actually even be able to be sold and or occupied. I can find no reference on the County's website nor the Rincon del Rio website with regard to who (private investors, corporate entities, medical facilities, banks etc) will actually be funding the multi-million dollar Rincon del Rio development, and no mention is made in relation to financial sureties such as "Surety" or "Performance Bonds" which are an absolute MUST HAVE. Without the proper financial assurance instruments in place we could very likely end up with another Dark Horse or Saddle Ridge fiasco, and south County has had enough of those! Add to the obvious necessity for such bonds, the fact that **The Miller Act** requires them, and therefore **the EIR must require that any final project approval of Rincon del Rio be based on an assurance of financial sustainability in the form of "Surety" or "Performance Bonds" which would be provided to Nevada County by the developer and would insure the project in relation to all developmental/construction costs through to completion.**

While I am speaking of assurances I have another grave concern with the project, this one is in regard to the rezoning of the rural lands that currently have or could potentially have a PD or an SBA attached to them. Recently our nation's weakening economy has been forcing many in our *modern* society, due to the multitude of failing businesses, job losses and home foreclosures, to step backward in time, as families throughout the country are becoming three or four generation households like it was in "the old days." However, most of these current situations involve adult children with their own children moving in with their parents, rather than aging parents moving in with their kids. What guarantee is there that Rincon Del Rio (or any other CCRC in a similarly zoned area that would be eligible for this type of development) would not just become another VERY high density **multi-family** residential neighborhood as adult children are forced to move in with their senior parents due to our nation's continuing economic decline? It is plausible that if Rincon del Rio (or similar CCRCs) could not attract enough independent seniors (ones without extended family living with them) to keep occupancy at sustainable levels they could then be forced to allow seniors AND their extended families to move into the large residences in the developments, thereby increasing the already monumental negative environmental impacts ten fold?

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Letter 3 Continued

In Rincon del Rio it appears that 190 of the 350 units would be large residences (1400-2000 sq ft with the option of a 3rd bedroom when utilizing the den/ofc) that could each easily house a family of 4+, which equates to **760+** people in just those units. There are 127 remaining mid-size 2 bedroom units that could also comfortably house a family of 3+, which equates to another **381+** people. The remaining units would likely be single people or possibly couples. If Rincon del Rio were at some point (for whatever reason) utilized as a single family residential neighborhood rather than a “**senior only**” residential neighborhood, the population density could easily rise to well over a thousand. That means that instead of ending up with a neighborhood of 72 single family homes as the property is currently zoned for, with a population of around 300 that infrastructure could easily support; it would instead be turned into a neighborhood of 350 **family** residences with a population of over a thousand, and let’s not forget about all of the commercial business that would still be operating back there.

3-33
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Imagine the detrimental environmental impact of a veritable **city** that size being planted in the middle of a very rural wildlife habitat and deadly fire trap such as the proposed location of Rincon del Rio, and remember, this could happen on a County-wide basis if the General Plan and Zoning text regarding the rural areas with a PD or SBA are amended to allow high density residential/commercial CCRCs to be built there. This must **NEVER** occur. There are already multiple **compatible** appropriately zoned areas throughout our County that could support such development. There is absolutely no **justifiable** rationale for ravaging the rural regions of our County by circumventing the very laws that were put in place to protect those lands from wanton overdevelopment, especially when the apparent objective is superfluous wealth with no regard for the consequence to surrounding property owners or the County in general.

Also, (and please keep in mind this is a worse case scenario in regard to over population) if a CCRC project were to go bankrupt (not that unlikely these days, just look around south County) and the County had to take over the development before completion, what assurance would there be that the development would be built out **as originally proposed** and remain a SENIOR retirement community? After all, with so many of our nation’s bureaucratic decisions appearing to be based solely on *revenues* these days, the possibility that our County’s future decision makers could succumb to the temptation of incentives related to monies available from myriad Federal Assistance and Welfare programs is not only undeniable, but likely. The CCRC acronym could in that case stand for Continuing Care **Rehab** Center, and could be turned into some sort of “support” facility easily able to house (calculating by bed *space* rather than by units or bedrooms) well over two thousand recovering addicts, alcoholics or mentally ill patients from anywhere in California. Imagine the extensive environmental impacts an institution of that magnitude would have on a very rural wildlife habitat if it were allowed to be built in such an area. In fact that facility could likely be expanded at a later date, *devouring* even more rural lands. I realize this might sound “far fetched” to some people, but recent catastrophic economic events, particularly with regard to the lack of essential regulatory controls and the consequential corruption, fraud and scandal have shown us that pretty much **ANYTHING** is possible in our *modern* society today, especially in the *political arena* where **REVENUES** rule the roost. That said; **the EIR must include a policy with stringent terms and conditions (including a “no residency under 60 years of age” clause) assuring that the development will be built as and ALWAYS remain a senior ONLY community, and that violation of that policy will result in serious consequence up to and including eviction**

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This concludes the NOP portion of our broadcast...now on to the synopsis of Alternative Mitigations...

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Letter 3 Continued

Alternative Mitigations – All Project Alternatives

1. Re-evaluate DEIR impacts not properly mitigated due to presumption of GP amendments
2. Re-evaluate DEIR impacts not properly mitigated due to presumption of Zoning Change
3. Design and build within existing zoning parameters – 72 units no density bonuses
4. Utilize Clubhouse for commercial activities if Alternative 2A is developed
5. Design and build within existing zoning parameters plus density bonuses – 179 units
6. No blasting of secondary access road out thru Rodeo Flat Road – No sewer or water there either
7. Use existing contiguous road Angelina Ave south west property line as gated emergency access
8. Project 345 units purchase frontage property – Get encroachment permit - Use as private entrance
9. Cluster outlying structures closer to village core out of contiguous neighbors' lines of site
10. NO street lights – If street lights necessary deny project – Not appropriate project for rural area
11. Utilize shared wells and septic systems rather than extended services for Alternatives 2A and 2C
12. Use one of the two alternate routes suggested by NID for water and sewer extension/distribution
13. No underground (subterranean) parking garages – No blasting for garages or for roads
14. Use photovoltaic covered outdoor parking – Retain or decrease development footprint
15. Construct tasteful and functional photovoltaic covered 2 level parking garage – Retain footprint
16. Construct majority of buildings off site and transport in for assembly on site
17. Reduce number and size of large scale commercial buildings – Max 30,000 sq ft
18. If project downscaled within zoning parameters - No population cap or census required
19. If project downscaled as 72 unit active senior community – Minimum age 55+
20. If project developed with 345 units – Convalescent element – Minimum age 65+
21. No waiver for Ag Management Plan - Qualified credentialed professional must prepare report
22. Earthen dam must be inspected by credentialed DSD professional - Brought up to DSD standards
23. Storm drainage collection pool data (size, depth etc...) must be included in DEIR
24. Locate Rincon del Rio in a more County-centric location - Nevada County reaps all revenues
25. Peer Review of DEIR – Recirculation of revised DEIR for agency and public comment

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Please refer to the following DEIR correspondence as representative of the issues, concerns and viewpoints of the Nevada County Rural Rights Coalition (NCRRC) and worthy of serious consideration:

- Mr. Art Rangel's letter dated March 19, 2012 - General Plan, Zoning Ordinance, Land Use and CEQA
- Mrs. Virginia Guilbert's letter dated March 19, 2012 - Traffic and Road Issues / DEIR Inadequacies
- Mrs. Billie Prestel's letter dated March 7, 2012 – Rural Lands / Private Property / Expert Opinion Developer
- Mr. Peter Guilbert's letter date March 16, 2012 – Fire Safety Issues / Expert Opinion Fire Safety Protocol
- Mrs. Maria Wrtz's letter dated March 20, 2012 – Flora and Fauna / Environmental Issues
- Mrs. Charlene Moule's letter dated March 15, 2012 – Biology / Cultural and Paleontological Resources
- Mr. Mark Mills' letter dated February 28, 2012 – Public Safety Issues / DEIR Inadequacies
- Mr. William Abbott's letter dated March 8, 2012 – Aesthetics – Light and Noise – Technical Aspect
- Mrs. Patricia Seeley's letter dated March 5, 2012 – Sewer Lift Stations – Non-Transportation Noise Sources
- Mr. Benton Seeley's letter dated March 8, 2012 – CEQA and Planning Protocol Violations / Inconsistencies
- Mr. Dai Meagher's letter dated March 20, 2012 – CEQA Violations / DEIR Recirculation

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If after reading all of the information in this DEIR letter, the eleven DEIR letters I mention above and all of the other numerous comment letters sent by citizens in opposition of this project, our elected officials insist on approving the high density urban Rincon del Rio CCRC development for the proposed rural location, I would like to suggest a few things that might make it easier for the opposition to swallow the pieces of "white elephant" they. all of the general public and bureaucratic decision makers are being spoon fed.

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Letter 3 Continued

First of all, the alternate emergency access road (Angelina Ave) that I have discussed throughout this letter runs thru undeveloped land, save for the paved roads and a couple of wells, and it is available for sale. If the developer insists on cramming 345 residential/commercial units back on that isolated piece of rural land, I suggest she purchase that undeveloped land and use the roads that run thru it as a PRIVATE gated entrance to her "haven for the elderly." She would be automatically granted easement, since she will have purchased the property rights that come with the land. She could use the roads as they are currently constructed without much improvement, other than the frontage access onto Highway 49, and they would function somewhat better than Rincon Way in it's current sub-standard condition. However, if instead she chose to invest the revenue she will have saved by not blasting in that long, windy and steep road up to Rodeo Flat, and visa vi utilizing the possibly more cost efficient water and sewer distribution routes suggested by NID, she could then improve and widen Angelina Ave. She could easily construct a lovely private entrance to her wonderful senior community. It could be four lanes with sidewalks, turnarounds, bike lanes (and racks) and shuttle/bus stops. When the elderly traffic backed up (and we know it will) it would affect nobody except the residents, employees (full time and contracted services), delivery trucks and various guests of the Rincon del Rio facility. It would solve the liability issues that would have been involved with Rodeo Flat Road and Rincon Way as well, since it would be a totally PRIVATE entrance on a road *owned*, maintained and insured by the developer of Rincon del Rio. A great BIG win win!

3-37
cont.

That private entrance would be an extremely safe and functional ingress/egress for the excessive amount of traffic that will be caused by the urban community she intends to build back there. If there were ever a fire, the four lane private entrance would provide two lanes leading out for all of the residents to evacuate, and two lanes leading in for the firefighters to charge in to fight the fire and rescue people. She would of course retain access to Rincon Way as a gated secondary emergency access point, and she would also be entitled to easement, with the purchase of the frontage property, for access to Linnet Lane via Patti Lane to be used as a third gated emergency route if the need arose. All of the exceptions, waivers and special circumstances involved with the use of the privately maintained Rodeo Flat as secondary access, and the privately owned Rincon Way as main ingress, would all but disappear. There would only need be an encroachment permit required by CalTrans for her private entrance to shoot straight out to Highway 49. I can assure you that if she exercised this option much of the opposition to her project would fall away...win win win!

This is what we purchased our home in rural Nevada County based upon, as did the Youngs:

Goal 1.3

Within Rural Regions, **maintain and enhance the County's pastoral character, existing land use patterns, rural lifestyle, and economy in their natural setting.**

Objective 1.3

Provide for a land use pattern compatible with preservation of pastoral character, environmental values and constraints, and the form and orderly development of Rural Places.

Directive Policies

Policy 1.6 Within these Rural Regions, growth is provided for only those types and densities of development which are consistent with the open, pastoral character which exists in these areas.

Future development within the following land use designations shall be considered appropriate within Rural

Regions:

- a. Estate (3 acre minimum parcel size)
- b. Rural-5 (5 acre minimum parcel size)
- c. Rural-10 (10 acre minimum parcel size)
- d. Rural-20 (20 acre minimum parcel size)
- e. Rural-30 (30 acre minimum parcel size)

3-38

The big question; why am I having to write this letter, yet another letter, explaining the over abundance of reasons why a project of the scope and scale proposed does not make sense for this rural area, when the

Letter 3 Continued

General Plan makes it perfectly clear page after page after page? Why hasn't the developer been held to task by our local bureaucrats with regard to designing her project based on current zoning and land use designations? I have straightforwardly demonstrated quite thoroughly that it is possible to do just that, and I'm not a planner nor a developer. The existing zoning would provide for a lovely, functional and safe senior community, one that would fit perfectly into our rural neighborhood. Why must this developer continue to insist that the General Plan, our County's guiding document, a thoughtfully crafted tool, must be changed specific to *her* project? It is one thing to request a change that affects just your own parcel, that is what re-zones are for; but why change things in such a way that one developer's self serving superfluous verbiage being added to the Nevada County General Plan would cause urban density issues throughout our beautiful rural County? Why must we keep explaining ad nauseam why this should NOT be allowed?

What is wrong with this picture? I'll tell you...the circus came to town and they left a great big 19,000 square foot 16.8 million dollar white elephant perched high on the hill above the Bear River. Why must our neighborhood and other rural areas of our County suffer the consequences of one developer's bad business decision (spec house) being turned from a *their* white elephant into *our* urban albatross? And again I digress.

When challenged regarding her base motivation with regard to developing this land in the manner she is suggesting, the developer has touted she had a "calling" and this endeavor is the result. If indeed that is true, and the calling was from the Lord and not from her *accountant*, then any of the reasonable, neighborly, General Plan abiding and less impacting alternatives I have suggested herein that would achieve her *stated* objectives, while keeping with the existing land use and zoning guidelines would be the answer to that "call."

If divine intervention is actually at play in this situation, and I hope it is, I pray that the developer will choose the righteous path, the reasoned path, and truly consider how her goals and consequent decisions affect not only herself, but her neighborhood and our entire County as she proceeds with this grandiose endeavor.

With God and religion being removed from our schools and other venues throughout our nation, I pray that divine thought is still present in the Board Room of Nevada County, and that those who have been elected to make the important decisions that affect our County, those who hold our very lives in the balance, will make the righteous choice, the reasoned choice, and will approve this project only when it has been presented in such a way that both the developer's and the County's objectives are achieved while keeping with the existing policies and guidelines set forth in the Nevada County General Plan and Zoning Ordinance, thereby protecting ALL citizens of Nevada County. I believe I have presented sufficient data and information within this letter which demonstrates quite thoroughly that it is possible to do just that, and we expect nothing less.

We respectfully submit these critiques of the planning process and draft EIR for the Rincon del Rio Project and request that the County not proceed further with the Project until such time as it has before it a project for this site that conforms to the existing Nevada County General Plan, and to CEQA.

Thank you in advance for your attention today, and for your serious consideration of the relevant information I have provided herein being utilized throughout the County's environmental review and planning processes.

God Bless The American Way

Sincerely,

Karen M. Abbott
Nevada County Rural Right Coalition (NCRRC)
kmabbott@mac.com

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cont.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 3 Continued

TABLE 5.0-2-A (Abbott)
COMPARISON OF ALTERNATIVES TO THE PROJECT

Issue	Alternative 1 No Project	Alternative 2 72 Unit Senior Community DEIR	Alternative 2A 72 Unit Active Senior Community	Alternative 2C 72 Unit Conv Senior Community	Alternative 3 Reduced & Clustered Site DEIR	Alternative 3A Reduced & Clustered Site Active Senior	Alternative 3C Reduced & Clustered Site Conv Senior	Alternative 4 Off-Site Location
Air Quality								
Short-Term Construction-Generated Emissions of Criteria Air Pollutants	B	W	B	B	B	B	B	S
Long-Term Emissions of Criteria Air Pollutants	B	B	B	B	B	B	B	S
Contribution to Cumulative Regional Air Quality Conditions	B	B	B	B	B	B	B	S
Biological Resources								
Impacts to Special-Status Plant Species	B	W	B	B	B	B	B	S
Impacts to Listed Special-Status Wildlife Species	B	W	B	B	B	B	B	S
Impacts to Non-Listed Special-Status Wildlife Species	B	W	B	B	B	B	B	S
Impacts to Potential Jurisdictional Waters of the U.S., Including Wetlands	B	W	B	B	B	B	B	S
Impacts to Protected Landmark Oak Trees and Groves	B	W	B	B	B	B	B	W S
Impacts to Sensitive Biological Communities	B	W	B	B	B	B	B	S
Hazardous Wildlife Interactions	B	W	B	B	B	B	B	B
Cumulative Impacts to Special-Status Plant Species	B	W	B	B	B	B	B	S
Cumulative Impacts to Special-Status Wildlife Species and Sensitive Habitats	B	W	B	B	B	B	B	S
Climate Change and Greenhouse Gases								
AB 32 Compliance and GHG Emissions	B	B	B	B	B	B	B	S
Cultural and Paleontological Resources								
Potential Destruction or Damage to Known and Undiscovered Historic and Archaeological Resources	B	W	B	B	B	B	B	S
Impact Unique Paleontological Resources	B	W	B	B	B	B	B	S
Cumulative Impacts to Prehistoric Resources, Historic Resources, and Human Remains	B	W	B	B	B	B	B	S
Cumulative Impacts to Paleontological Resources	B	W	B	B	B	B	B	S
Hazardous Materials/Human Health								
Wildland Fire Hazards	B	S	B	B	S	B	B	B
Cumulative Wildland Fire Hazards	B	S	B	B	S	B	B	B
Noise								
Construction Noise	B	S	B	B	S	B	B	S
Exposure to Non-Transportation Source Noise	B	B	B	B	B	B	B	S
Population, Housing, and Employment								
Induce Population, Housing, and Employment Growth	B	B	B	B	B	B	B	W S
Public Services and Utilities								
Impacts to Fire Protection and Emergency Medical Services	B	B	B	B	B	B	B	S
Water Supply and Conveyance Facilities	B	B	B	B	B	B	B	S
Wastewater Treatment Impacts	B	S	S	S	S	S	S	S
Solid Waste Impacts	B	B	B	B	B	B	B	S
Traffic and Circulation								
Traffic Hazards – Sight Distance and Collisions	B	S	B	B	B	B	B	B
Adequate Emergency Access	W	S	B	B	S	B	B	B
B – Impacts better than those under proposed project	27	8	27	27	24	27	27	6
S – Impacts similar as those under proposed project		6	1	1	4	1	1	22
W – Impacts worse than those under proposed project	1	14						

DEIR Comments - Abbott - Page 36C (Chart)

Letter 3 Continued

Alternative Comparison Tables

ALTERNATIVE 2 - RURAL SENIOR DEVELOPMENT - 72 UNIT

TABLE 5.0-1-2A (ABBOTT)				
ALTERNATIVE 2A (Active) - PROPOSED DEVELOPMENT SUMMARY				
Residential Nursing Care				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
0	Lodge/Nurse	21 ea =	900 sf	33,000 sf
0	Hospice 4-plex	4 ea =	16 bed 1,142 sf	4,570 sf
0	Memory Care Group	6 ea =	24 beds	5,226 sf
Subtotal		0		
Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
0	Village Center / Lodge	18 ea =	Varies	45,000 sf
Subtotal		0		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
27	Cottages	27	2b/2ba 2b/2ba	1,160-2,000 sf
4	Duplexes	2 ea = 8	2b/2ba 1,142	2,285 sf
6	4-Plexes	4 ea = 24	2b/2ba 1,142	4,570 sf
2	Group Housing	6 ea = 12	424 sf	7,430 sf
0	Lodge / Independent	14 ea =	1,460 sf	30,100 sf
Subtotal		71		
Total		71		

TABLE 5.0-1-2C (ABBOTT)				
ALTERNATIVE 2C (CCRC-Conv) - PROPOSED DEVELOPMENT SUMMARY				
Residential Nursing Care				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
1	Assist Lodge/Nurse	21ea = 21	900 sf	33,000 sf
1	Hospice 4-plex	4 ea = 4	16 bed 1,142 sf	4,570 sf
1	Memory Care Group	6 ea =6	24 beds	5,226 sf
Subtotal		31		
Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
1	Village Center / Lodge	18 ea = 18	Varies	45,000 sf
Subtotal		18		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
4	Cottages	4	2b/2ba 2b/2ba	1,160-2,000 sf
4	Duplexes	2 ea = 8	2b/2ba 1,142	2,285 sf
1	4-Plexes	4 ea = 4	2b/2ba 1,142	4,570 sf
1	Group Housing	6 ea = 6	424 sf	7,430 sf
0	Lodge / Independent	14 ea =	1,460 sf	30,100 sf
Subtotal		22		
Total		71		

ALTERNATIVE 3 - REDUCED & CLUSTERED SENIOR DEVELOPMENT

TABLE 5.0-1-3A (ABBOTT)				
ALTERNATIVE 3A (Active) - PROPOSED DEVELOPMENT SUMMARY				
Residential Nursing Care				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
0	Lodge/Nurse	21 ea =	900 sf	33,000 sf
0	Hospice 4-plex	4 ea =	16 bed 1,142 sf	4,570 sf
0	Memory Care Group	6 ea =	24 beds	5,226 sf
Subtotal		0		
Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
3	Village Center / Lodge	18 ea = 54	Varies	45,000 sf
Subtotal		54		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
39	Cottages	39	2b/2ba 2b/2ba	1,160-2,000 sf
6	Duplexes	2 ea = 12	2b/2ba 1,142	2,285 sf
7	4-Plexes	4 ea = 28	2b/2ba 1,142	4,570 sf
3	Group Housing	6 ea = 18	424 sf	7,430 sf
2	Lodge / Independent	14 ea = 28	1,460 sf	30,100 sf
Subtotal		125		
Total		179		

TABLE 5.0-1-3C (ABBOTT)				
ALTERNATIVE 3C (CCRC-Conv) - PROPOSED DEVELOPMENT SUMMARY				
Residential Nursing Care				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
1	Lodge/Nurse	21 ea = 21	900 sf	33,000 sf
1	Hospice 4-plex	4 ea = 4	16 bed 1,142 sf	4,570 sf
2	Memory Care Group	6 ea = 12	24 beds	5,226 sf
Subtotal		37		
Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
2	Village Center / Lodge	18 ea = 36	Varies	45,000 sf
Subtotal		36		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
38	Cottages	38	2b/2ba 2b/2ba	1,160-2,000 sf
4	Duplexes	2 ea = 8	2b/2ba 1,142	2,285 sf
4	4-Plexes	4 ea = 20	2b/2ba 1,142	4,570 sf
2	Group Housing	6 ea = 12	424 sf	7,430 sf
2	Lodge / Independent	14 ea = 28	1,460 sf	30,100 sf
Subtotal		106		
Total		179		

Table reflects one option – various other combinations of unit type and functionality can be accomplished within the allotted 72 units

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 3 Continued

TABLE 5.0-2-A (Abbott)

COMPARISON OF ALTERNATIVES TO THE PROJECT

Issue	Alternative 1 No Project	Alternative 2 72 Unit Senior Community DEIR	Alternative 2A 72 Unit Active Senior Community	Alternative 2C 72 Unit Conv Senior Community	Alternative 3 Reduced & Clustered Site DEIR	Alternative 3A Reduced & Clustered Site Active Senior	Alternative 3C Reduced & Clustered Site Conv Senior	Alternative 4 Off-Site Location
Air Quality								
Short-Term Construction-Generated Emissions of Criteria Air Pollutants	B	W	B	B	B	B	B	S
Long-Term Emissions of Criteria Air Pollutants	B	B	B	B	B	B	B	S
Contribution to Cumulative Regional Air Quality Conditions	B	B	B	B	B	B	B	S
Biological Resources								
Impacts to Special-Status Plant Species	B	W	B	B	B	B	B	S
Impacts to Listed Special-Status Wildlife Species	B	W	B	B	B	B	B	S
Impacts to Non-Listed Special-Status Wildlife Species	B	W	B	B	B	B	B	S
Impacts to Potential Jurisdictional Waters of the U.S., Including Wetlands	B	W	B	B	B	B	B	S
Impacts to Protected Landmark Oak Trees and Groves	B	W	B	B	B	B	B	W S
Impacts to Sensitive Biological Communities	B	W	B	B	B	B	B	S
Hazardous Wildlife Interactions	B	W	B	B	B	B	B	B
Cumulative Impacts to Special-Status Plant Species	B	W	B	B	B	B	B	S
Cumulative Impacts to Special-Status Wildlife Species and Sensitive Habitats	B	W	B	B	B	B	B	S
Climate Change and Greenhouse Gases								
AB 32 Compliance and GHG Emissions	B	B	B	B	B	B	B	S
Cultural and Paleontological Resources								
Potential Destruction or Damage to Known and Undiscovered Historic and Archaeological Resources	B	W	B	B	B	B	B	S
Impact Unique Paleontological Resources	B	W	B	B	B	B	B	S
Cumulative Impacts to Prehistoric Resources, Historic Resources, and Human Remains	B	W	B	B	B	B	B	S
Cumulative Impacts to Paleontological Resources	B	W	B	B	B	B	B	S
Hazardous Materials/Human Health								
Wildland Fire Hazards	B	S	B	B	S	B	B	B
Cumulative Wildland Fire Hazards	B	S	B	B	S	B	B	B
Noise								
Construction Noise	B	S	B	B	S	B	B	S
Exposure to Non-Transportation Source Noise	B	B	B	B	B	B	B	S
Population, Housing, and Employment								
Induce Population, Housing, and Employment Growth	B	B	B	B	B	B	B	W S
Public Services and Utilities								
Impacts to Fire Protection and Emergency Medical Services	B	B	B	B	B	B	B	S
Water Supply and Conveyance Facilities	B	B	B	B	B	B	B	S
Wastewater Treatment Impacts	B	S	S	S	S	S	S	S
Solid Waste Impacts	B	B	B	B	B	B	B	S
Traffic and Circulation								
Traffic Hazards – Sight Distance and Collisions	B	S	B	B	B	B	B	B
Adequate Emergency Access	W	S	B	B	S	B	B	B
B – Impacts better than those under proposed project	27	8	27	27	24	27	27	6
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DEIR Comments - Abbott - Page 36C (Chart)

Letter 3 Continued

Alternative Comparison Tables

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Subtotal		0		
Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
0	Village Center / Lodge	18 ea =	Varies	45,000 sf
Subtotal		0		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
27	Cottages	27	2b/2ba 2b/2ba	1,160-2,000 sf
4	Duplexes	2 ea = 8	2b/2ba 1,142	2,285 sf
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ALTERNATIVE 3 - REDUCED & CLUSTERED SENIOR DEVELOPMENT

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Village Center				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
3	Village Center / Lodge	18 ea = 54	Varies	45,000 sf
Subtotal		54		
Residential Independent Living				
Qty	Building Type	Unit Count	Beds/Unit Size	Building Size
39	Cottages	39	2b/2ba 2b/2ba	1,160-2,000 sf
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3	Group Housing	6 ea = 18	424 sf	7,430 sf
2	Lodge / Independent	14 ea = 28	1,460 sf	30,100 sf
Subtotal		125		
Total		179		

TABLE 5.0-1-3C (ABBOTT)				
ALTERNATIVE 3C (CCRC-Conv) - PROPOSED DEVELOPMENT SUMMARY				
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Subtotal		106		
Total		179		

Table reflects one option – various other combinations of unit type and functionality can be accomplished within the allotted 72 units

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 3 – Karen Abbott, Nevada County Rural Rights Coalition

Response 3-1: The comment states the Alternatives analysis in the Draft EIR is inadequate, but provides no specifics with regard to the inadequacies. Please see subsequent comments and responses for more specific comments on the Alternatives analysis.

Response 3-2: The comment states that by considering the maximum development allowed under the existing General Plan designation for Alternative 2, the Draft EIR overstates the impact of the alternative relative to the proposed project. The comment also includes additional information regarding reducing the number of units under this alternative, which would, in turn, reduce the relative impact of the alternative. It should be noted, however, that Alternative 2 was intended to demonstrate the level of impact of developing the site consistent with the existing land use designation. In practice, the majority of development projects that are proposed attempt to maximize the number of units developed on a given piece of property. Consequently, the Draft EIR includes a discussion of the maximum number of units allowed on the project site to provide the public and decision-makers of the potential physical effects of a probable scenario if the site were to be developed consistent with the existing designations and zoning.

The comment also concludes that construction impacts of this alternative would be less than those of the proposed project. However, as stated in the Draft EIR (page 5.0-18), the development under this alternative would not be clustered on one portion of the site. While some clustering may be reasonably expected, this alternative would still require the grading for and construction of more than 70 individual pads for residences, as well as driveways and internal roads to connect the units. This construction activity would result in more ground disturbance than the proposed project; thus, the conclusion in the Draft EIR that this alternative would result in greater construction impacts.

Response 3-3: The comment provides a comparison of the nonresidential buildings proposed in the project to some existing buildings in the county and notes that the design of some of the structures in the project was changed to allow fire trucks to all sides of the buildings. This, the comment continues, has increased the impacts of the project and states that the Draft EIR does not address those impacts. In fact, the Draft EIR considered the structures as proposed and disclosed the impacts of the construction of those buildings. The comment also notes that the location of the proposed project is inappropriate. The Draft EIR also took the project's location into consideration for the analysis.

The comment also includes suggestions for additional alternatives or changes to the alternatives analyzed in the Draft EIR. The purpose of the alternatives analysis as defined by CEQA (Guidelines Section 15126.6) is to provide alternatives to the project that would "avoid or substantially lessen any of the significant effects of the project" while attaining most of the basic objectives of the project. The commenter suggests alternatives to the commercial component of the project, which did not specifically results in significant physical environmental effects. Therefore, alternatives to the commercial

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

component were not required. CEQA Guidelines Section 15126.6a also states, "An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." The County believes the Draft EIR includes a reasonable range of alternatives. In addition to the No Project Alternative (Alternative 1), the Draft EIR includes a Rural Estate Alternative (Alternative 2), Reduced and Clustered Site Development Alternative (Alternative 3), and an Off-site Alternative (Alternative 4). The Rural Estate Alternative discloses impacts if the site were developed as allowed by current General Plan designations and zoning. The Reduced and Clustered Site Development Alternative discloses impacts of a reduction of the physical footprint of the project and impacts related to the population generated on the project site. The Off-Site Alternative discloses impacts of the project if it were developed in a different location in Nevada County. Because these alternatives take into consideration the site-specific physical effects of developing on the project site, as well as those effects related to the population generated by the project, these alternatives provide an analysis of a range of conditions to provide the decision-makers with adequate information regarding project effects. Therefore, although additional alternatives could have been analyzed in the Draft EIR, the alternatives analysis in the EIR would not be considered inadequate. Nonetheless, the comments regarding additional alternatives submitted by the commenter are forwarded to the decision-makers for their consideration.

Response 3-4: The commenter states a preference for mobile homes over the proposed project and includes General Plan policies allowing mobile homes. Comments regarding conversations with the project applicant have no bearing on the analysis in the Draft EIR.

Response 3-5: The commenter states a preference for the alternative suggested by the commenter. See Response 3-3. Regarding impervious surfaces created by project parking, this impact is addressed in Section 3.9, Hydrology and Water Quality, of the Draft EIR. Regarding the dam for the on-site pond, this is an existing condition on the site and is not part of the proposed project. In addition, the comment provides no evidence that the condition of the dam is such that it would be subject to failure. The dam has been in place for over 20 years and has not failed during major storm events that have occurred during its existence. Inspections by geotechnical engineers have not identified any issues with the dam (Creighton 2012).

Response 3-6: The comment provides additional information on a suggested alternative to replace underground parking with aboveground parking covered with photovoltaic panels. While this would provide for an energy source within the project site, thus reducing the project's reliance on fossil fuels, it would result in additional ground disturbance on the project site, which would result in impacts beyond that disclosed for the proposed project. See also Response 3-3. However, the comment is forwarded to the decision-makers for their consideration.

Response 3-7: The comment expresses concern for the residents of the project if air conditioners are not included in the project. Based on comments submitted on the Draft EIR (see Letter 33), the applicant may be considering

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

constructing some units without air conditioning. While this would reduce impacts associated with energy use for those units, the air quality analysis (Draft EIR Section 3.3, Air Quality) and climate change and greenhouse gas analysis (Draft EIR Section 3.5, Climate Change and Greenhouse Gases) both assume that the project would include air conditioning. Therefore, if some or all of the air conditioning units in the project were eliminated, the effects on air quality and greenhouse gas emissions would be lower than disclosed in the Draft EIR.

- Response 3-8:** The comment expresses doubt that the residents of the project would ride scooters or shuttle buses. It should be noted that while future residents of the facility may own private vehicles that would be parked on site, it is intended that the alternate forms of transportation would be used by residents to reduce the use of these private vehicles. For instance, scooters or electric vehicles could be used for transport on site, and shuttles would be available for residents to travel off site, when needed. However, the use of private vehicles would not be prohibited. The comment also questions why 540 parking spaces are required for the project. As discussed on Draft EIR pages 3.14-23 through -25, the parking included in the project is based on requirements proposed by the County for CCRC use, which takes into consideration each of the individual uses within a CCRC facility. To the extent that alternative transportation components of the proposed project, such as shuttle buses and onsite electric vehicles, are successful, the amount of parking needed would be less than provided.
- Response 3-9:** The comment provides information as to why the commenter's suggested alternative is consistent with the project objectives. The comment is noted and forwarded to the decision-makers for their consideration. See also Response 3-3.
- Response 3-10:** The comment questions the credentials of the preparer of the Agricultural Management Plan for the project, but provides no information related to any specific inadequacies of the document, and questions the conclusion in the Draft EIR for cumulative impacts related to agriculture. Because no specific inadequacies are included in the comment, no response is possible.
- Response 3-11:** The comment expresses the opinion that the project should be required to "match the Policies and Guidelines" of the General Plan rather than allowing the project to amend the General Plan. The comment continues that this approach violates CEQA. The commenter is referred to Master Response 3.
- Response 3-12:** The comment includes details for the development of commercial uses for an alternative to the project suggested by the commenter. See Response 3-3.
- Response 3-13:** The comment states a 136% increase in population over that allowed by the current land use designation should be considered significant and suggests an alternate plan for the project site that would generate fewer residents. Regarding the statement that the increase in population on the site would be significant, the Draft EIR considered the population increase relative to the population in the county in determining the impact of the population of the project (see Draft EIR pages 3.12-4 and -5). It should be noted, however, that the discussion in Section 3.12, Public Services and Utilities, of the Draft EIR does

not consider the physical impacts of the population, but only the project population compared to county population numbers. The physical impacts of the population generated by the project are addressed in the technical sections in Section 3.0 of the Draft EIR. Those sections accurately disclose potential physical environmental impacts resulting from population at the project site.

Response 3-14: The comment expresses concerns regarding the potential for the project site to have higher occupancy than analyzed in the EIR, noting specifically that the proposed units are as large as, or larger, than non-senior homes and are priced such that increased occupancy is likely. The comment states that analysis of the population of the site should be based on the highest possible occupancy rather than on formulas counting people in fractions. The comment also expresses concern regarding the "population density limitation enforcement protocol," noting that the EIR must provide information regarding a census mechanism that will be utilized to ensure the population on the site never exceeds 415 persons.

The assumptions and methodology used to determine the project density analyzed in the EIR are discussed on pages 3.0-1 through 3.0-3 of the EIR. As stated on page 3.0-1, "Housing units proposed as part of the project were calculated based on a maximum population of 415 persons on the project site" and "For the purposes of estimating the number of housing types for the total project population of 415, housing types were calculated based on the single-occupancy and double-occupancy ratios" described on page 3.0-2. It is important to note that these statements illustrate that the number and type of units proposed on the site were developed based on a maximum population of 415 persons, rather than the population being estimated based on the number of units proposed. In other words, the maximum population of 415 persons was used to determine how many units to propose on the site and the ratios (75% independent living, 25% special care, etc) were used to determine how many of those units would need to be independent living units versus assisted living/memory impaired or nursing units. Therefore, while it is common for development projects to base population generation numbers on the number of units proposed multiplied by an average density, this project based the number and type of units proposed on a pre-determined maximum population of 415 persons. The fractional numbers listed at the top of page 3.0-3 are averages listed for informational purposes and are intended to show the distribution of population among housing types. These numbers were *not* used to determine the projected population of the project site.

While the proposed units may be larger and have more amenities than other senior or non-senior homes, based on a review of the applicant's website, the proposed project is intended as an amenity-rich development for seniors (e.g., small private theater for watching movies or live performances, a guest bathroom with a Jacuzzi-style rounded tub, and a first-class wine cellar). The size and price of the units is therefore appropriate for this demographic, as is the availability of other amenities.

Furthermore, as noted on page 2.0-47 of the Project Description (Section 2.0 of the Draft EIR), project entitlements would include a Use Permit to allow for the establishing the CCRC use on the site and a Development Agreement

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

between the applicant and the County. With respect to the Use Permit, the County anticipates including a condition requiring that the applicant ensure that the project will maintain actual occupancy within the 415 person cap. In addition, such a requirement could also be included in the Development Agreement to further ensure that the maximum population is specified and not exceeded.

Response 3-15: The comment notes that the Draft EIR (page 5.0-27) states that Alternative 2, Rural Estate Development, would not generate employment opportunities, but the commenter's suggested alternative would generate employment. The comment is noted. See Response 3-3 regarding the adequacy of the alternatives analysis in the Draft EIR and the commenter's suggested alternatives.

Response 3-16: The comment expresses concern about safety, especially in case of an evacuation, given the age of the residents of the facility and the fact that some of the residents would be immobile or terminally ill. See Master Response 2. The commenter's suggestion for a revised alternative is noted and forwarded to the decision-makers for their consideration.

Response 3-17: The comment expresses concern about the transport and storage of hazardous materials associated with the project. See Draft EIR Section 3.8, Hazardous Materials/Human Health, for a discussion of the extensive regulatory framework designed to control the transport, storage, use, and disposal of hazardous material.

Response 3-18: The comment suggests that the project use alternate routes for the emergency access road and for water and sewer line locations and claims that the Draft EIR did not address construction of these facilities. The comment is not correct. The Draft EIR assumed all on- and off-site facilities in the analysis of construction effects.

The Draft EIR addresses the potential for construction noise and vibration in Impacts 3.11.1 (pages 3.11-20 to -22) and 3.11.4 (pages 3.11-31 to -32). The impact analysis assumes the use of construction equipment, including but not limited to jackhammers, compressors, compactors, concrete saws, rock drills, and hydraulic breakers, and discloses noise and vibration levels associated with the use of this equipment. With mitigation included in the Draft EIR, while construction noise would still be audible, it would not exceed County standards. Construction vibration was found to be less than significant without mitigation. Since the Draft EIR was circulated, the project applicant has indicated that blasting may be necessary in some areas. Typical construction blasting activities can reach intermittent levels of approximately 94 dBA L_{max} at 50 feet, which is similar to that of other construction equipment and activities as analyzed in the Draft EIR. Therefore, noise generated by construction-related blasting would not exceed construction noise levels disclosed in the Draft EIR. The Draft EIR found short-term construction-generated noise to have a potentially significant impact. Implementation of mitigation measure MM 3.11.1(a), Draft EIR page 3.11-22, would prohibit construction activities, which would include blasting activities, during the more noise-sensitive nighttime hours. With implementation of mitigation measure MM 3.11.1(a), noise generated by construction-related activities

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would be considered less than significant. Similarly, vibration impacts related to blasting would not exceed that of construction equipment assumed in the Draft EIR. Consequently, even if blasting is used in construction of the proposed project, the noise and vibration impacts would not exceed levels previously disclosed in the Draft EIR. Off-site pipeline construction must ensure that no unstable or erodible slope conditions are created and that storm water quality is addressed (Nevada County Land Use and Development Code Section L-V19.3B).

Response 3-19: The comment refers to emergency access via Rodeo Flat Road. See Master Response 1.

Response 3-20: The comment questions why Alternative 2, Rural Estate Development, includes no gate at Rodeo Flat Road. The lack of a gate in Alternative 2 was intended to continue the rural roadway system in the area. It should be noted that the Draft EIR found that the impact associated with the gate would be less than that of the proposed project. If Alternative 2 were further considered, an option of a gate at Rodeo Flat Road would be added.

Response 3-21: The comment notes the proposed project's contribution to traffic on Rincon Way, questions the standards to which the road would be improved, and requests the County take responsibility for maintenance. As discussed on page 2.0-51 of the Draft EIR, Rincon Way would be improved to meet the County's road standards within a 30-foot-wide public roadway and utility easement. The 30-foot-wide easement would include two 10-foot vehicle travel lanes. As discussed in the Project Description (Draft EIR Section 2.0), the project would also include a Road Maintenance Agreement between the applicant and the County that provides a legal description of all properties that have the right to use Rincon Way and Rodeo Flat Road, the way that responsibility for repairs is to be shared by the parties, how the costs for repairs will be incurred by the parties, and the consequences for non-participation in the maintenance.

Response 3-22: The comment refers to emergency access via Rodeo Flat Road. See Master Response 1.

Response 3-23: The comment takes issue with the assumption in the Draft EIR alternatives discussion (Draft EIR page 5.0-29) that Alternative 2 would require similar mitigation (striping on Rincon Way) as the proposed project. Although Alternative 2 would not generate as much traffic as the proposed project, the County would require some improvements to Rincon Way if it were to be the primary access for residents of the project site. In that respect, the need for improvements for access would be similar to the proposed project.

Response 3-24: The comment requests additional information on the types of events that would occur at the project facilities, such as the clubhouse, event lawn, homestead gazebo, bandstand, and hilltop recreation site. As discussed on page 2.0-34 of the Draft EIR, the project amenities would be used by residents and prospective residents as a place to gather, socialize, relax, and party. The project applicant has further identified that the project would not be available for outside members of the public to rent or utilize for special events such as weddings, music concerts, and the like. The on-site amenities

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proposed are for residents only and potentially their immediate family activities if approved by management (Creighton 2012). It should also be noted that on-site facilities and amenities (clubhouse, stores, and other services) would also only be available to residents and registered guests. Consequently, the commenter's concerns about the use of Rincon Way by the general public are unfounded. It should also be noted that there are currently no controls on Rincon Way to prevent access by the general public, in spite of its designation as a private road.

Response 3-25: The comment takes issue with the finding that Alternative 2 would have impacts related to fire hazards that are similar to those of the proposed project. However, the comment then compares impacts not of Alternative 2 included in the Draft EIR, but to alternatives suggested by the commenter. As discussed in Response 3-2, the analysis of Alternative 2 in the Draft EIR was intended to demonstrate the level of impact of developing the site consistent with the existing land use designation. Thus, Alternative 2 is shown as a development of approximately 3-acre lots, consistent with the designations on the site for rural estates. While the clustered development suggested by the commenter is not consistent with the existing land use designations, it would be similar to the reduced project alternative (Alternative 3) analyzed in the Draft EIR. See also Response 3-3 regarding the alternatives suggested by the commenter.

Response 3-26: The comment refers to General Plan Policy 3.1, stating that public services should be used in the Community Sphere of Influence and that use of public services in rural areas is not easily mitigated. However, the comment offers no impacts that should be mitigated. In addition, General Plan Policy 3.1 does not prohibit the connection to public services in rural areas. The comment questions calculations stated by the project applicant regarding water demand and wastewater generation. However, as discussed in Section 3.13, Public Services and Utilities, of the Draft EIR, the demand rates used in the Draft EIR are based upon those developed by the Nevada Irrigation District. The applicant's estimates were not used to estimate demand in the Draft EIR.

The comment also includes a statement that some neighboring wells are dry or are insufficient, yet the comment still suggests the proposed project rely on wells and septic systems. The project proposes connection to the water and wastewater system to ensure a reliable system for water and wastewater. Lastly, the comment recommends alternate routes for connection to water and wastewater. See responses to Comment Letter D regarding potential water pipeline routes.

Response 3-27: The comment challenges the conclusion in the Draft EIR regarding water demand of the proposed project versus a 72-unit alternative; however, the comment based this challenge upon alternatives suggested by the commenter, not on the alternatives analyzed in the Draft EIR. Therefore, the challenge offered by the comment is not applicable to the alternative analyzed in the Draft EIR. The comment states that the project is inconsistent with General Plan Policy 3.1. As stated in Response 3-26, Policy 3.1 does not prohibit the connection to public services in rural areas. Therefore, the proposed project would not be inconsistent with this policy. See also Master Response 3.

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- Response 3-28:** The comment recommends alternate routes for provision of water and wastewater facilities. The comment is noted. The comment quotes and reiterates the findings of the Draft EIR that Alternative 2 would result in less demand for treatment capacity at the Lake of the Pines wastewater treatment plant. The comment states that the project is inconsistent with General Plan Policy 3.1. As stated in Response 3-26, Policy 3.1 does not prohibit the connection to public services in rural areas. Therefore, the proposed project would not be inconsistent with this policy. See also Master Response 3.
- Response 3-29:** The comment notes that aesthetics is important to local residents and notes that aesthetics is not discussed as an important impact in the Alternatives discussion. The comment is incorrect. The alternatives analysis does not state or imply that potential aesthetic impacts are less important than other potential impacts addressed in the Draft EIR, nor does it state that other impacts are more important. Aesthetics are addressed in Section 3.1 of the Draft EIR.
- Response 3-30:** The comment states a preference for a smaller-scale version of the Reduced and Clustered Site Development Alternative than was presented in the Draft EIR and presents details for such an alternative. See Response 3-3 regarding the commenter's suggestions about alternatives not addressed in the Draft EIR. The comment also concludes that the suggested alternatives would result in fewer impacts than the proposed project and Alternative 3 addressed in the Draft EIR and contends that these alternatives would achieve the proposed project's objectives, but the alternatives do not appear to include on-site shopping opportunities as stated in the project objectives. It should also be noted that the Draft EIR provides a comparison of impacts that would result from a reduced-intensity development in Alternative 3. Further reductions in density would logically result in fewer impacts. However, the additional options for reducing the intensity of development on the project site do not render the analysis in the EIR inadequate, as the Draft EIR clearly demonstrates that the reduction in intensity would result in fewer or less severe impacts when compared to the proposed project. The commenter's suggestions regarding additional alternatives are forwarded to the decision-makers for their consideration.
- Response 3-31:** The comment states that Alternative 4 would be superior to the proposed project, with enhancements suggested in the letter on other alternatives. Although not specifically stated in the comment, it is assumed that one such enhancement is a reduction in the intensity of the project. See Response 3-30. The comment also expresses general dissatisfaction with high-intensity development, including the proposed project, in the county. The comment suggests that the proposed project be developed closer to existing urban development, such as Nevada City, so that utilities infrastructure and emergency services are more readily available. The comment is noted and forwarded to the decision-makers.
- Response 3-32:** The comment requests an analysis of the economic characteristics of the project in the Draft EIR. CEQA specifically states that economic effects need not be addressed, except to the extent economic issues result in physical environmental effects (CEQA Guidelines Section 15131[a]). The comment

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provides no information as to how the economic conditions described in the comment would alter the physical effects described in the Draft EIR. No change to the Draft EIR is required.

Response 3-33: The comment expresses concern that the proposed project would become a high-density development as adult children are forced to move in with their parents. As shown on page 2.0-23 of the Draft EIR (see Section 2.0, Project Description), the proposed CCRC Combining District would restrict the age of residents to 55 years and older (per Section L.II 2.7.11 D.1: "The CCRC development is age restricted to adults 55 years of age and older"). The comment also envisions a future for the project in which the 55-year-old age restriction is removed and the population of the project site increases. Such a change would be speculative as it is not proposed under the current project and not allowed under the designations and zoning proposed. Furthermore, refer to Response 3-14 for a discussion of the project's maximum population and the enforcement thereof.

Response 3-34: The comment describes a scenario in which the project proponents go bankrupt and the County is required to take over to complete the project. The County would not take over the project or unilaterally change the project to a non-senior use. There is no basis for the scenario described in the comment about the project site being used to "house well over two thousand recovering addicts, alcoholics, or mentally ill patients." Such a use would not be permitted under the zoning being sought for the proposed project. The comment also recommends a condition that the project restrict residency to persons 60 years and older. The comment provides no information that would indicate that this would reduce impacts from the 55-year-old age restriction currently proposed; no change to the EIR is required.

Response 3-35: The comment includes a number of components of alternatives that the commenter would like to have analyzed in the Draft EIR. As discussed in Response 3-3, the intent of the alternatives analysis is to provide alternatives to the project that would avoid or substantially lessen any of the significant effects of the project. The County believes the Draft EIR includes a reasonable range of alternatives, which includes alternatives that reduce the significant impacts identified in the Draft EIR. While a number of additional alternatives could be included in the EIR, the Draft EIR includes an adequate range of alternatives to provide the public with information to comment on impacts and for decision-makers to make an informed decision on the project. No additional alternatives analysis is required.

Response 3-36: The comment refers to other Draft EIR correspondence. This is not a comment on the adequacy of the Draft EIR, and no response is required.

Response 3-37: The comment refers to alternative access to the project site via Angelina Way. However, as discussed in the Draft EIR, access to the site via Rincon Way, while it would increase the number of trips compared to existing conditions, does not meet the criteria to qualify these changes as a significant impact. CEQA Guidelines Section 15126.6(a) states, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which...would avoid or substantially lessen any of the significant

effects of the project." As access to the project site was not determined to be a significant impact, the Draft EIR does not explore alternatives to access.

Response 3-38: The comment questions the motives of the project applicant and asks why the applicant has not been required to design the project consistent with the current General Plan designations. This is not a comment on the adequacy of the EIR, but a comment on the merits of the project. No response is required. See also Master Response 3.

The comment letter concludes with tables showing the commenter's interpretation of the comparative impacts of the alternatives suggested by the commenter. See Response 3-3.