



## City of Placerville

Development Services Department

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### MEMORANDUM

**DATE:** January 3, 2017

**TO:** Planning Commission

**FROM:** Andrew Painter, City Planner

**SUBJECT:** Agenda Item 5.2: 2013-2021 Housing Element RHNA Rezone: Program 3. High-Density Development – Unmet Need - General Plan Amendment (GPA 16-03), Zone Change (ZC 16-04) and Environmental Assessment (EA 16-01)

1) Public comment received since the Agenda packet was made available to the Commission.

2) Revised Mitigation Measure in response to comment from the California Department of Fish & Wildlife

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- 1) Letter from Jamie Garcia – 2838 Poplar Lane Property Owner and Resident, provided as Exhibit A.
  - 2) We have received comment from the California Department of Fish & Wildlife (DFW) during the 30-day period established for the Initial Study / Mitigated Negative Declaration (ISMND) for the project. The DFW recommended changes to Mitigation Measure BIO-1 that is designed to avoid impacts from the project to nesting raptors, to expand the measure include all nesting birds not only nesting raptors as originally stated. DFW comment is provided as Exhibit B.

We are recommending that the following revisions be made to the ISMND and the recommended mitigation measure BIO-1 within Section IV: Biological Resources, page 16, in response to the California Department of Fish & Wildlife as provided in underline and strikethrough text provided as **Figure A** below.

**Figure A. Section IV: Biological Resources, page 16**

Development of the site, at the density authorized under the proposed HO zone designation, would likely cause tree removal that could potentially disturb bird species. Raptors such as red tailed hawks, owls and turkey vultures are known to exist within the City. However, no raptors or raptor nests were observed during the City staff during its site visit. Raptors are protected under federal law. Therefore, a potential exists that residential development construction could disturb nesting raptor species and other nesting birds that may utilize mature oaks and pines within the project site and adjacent land if they are present during construction activities. The following mitigation measure is expected to minimize potential impacts to nesting raptor and other nesting bird species to a less than significant level.

**Mitigation Measure**

**BIO-1:** The project proponent for any future residential development on the site shall include the following on the grading plans prior to grading permit issuance. The breeding/nesting season for raptors and other nesting birds is March 1 through August 30. If construction activities take place outside of the breeding/nesting season, no additional measures will be required.

If development of the site for residential purposes, consistent with the development regulations under the proposed HO zone designation, is planned or desired during the breeding season, raptor and other nesting birds nest surveys shall be conducted one week prior to tree cutting or grading near mature trees to ensure that active nests are not present. A qualified biologist shall conduct the surveys and prepare a survey report. If no raptor or other nesting bird nests are discovered in the trees to be removed, no further mitigation will be required. A written report on the results of the visual surveys shall be submitted to the Planning Division a minimum of 48 hours prior to the beginning of construction activity.

If any active raptor or other nesting birds' nests are discovered during pre-construction surveys, the biologist shall mark all occupied trees and delineate a no construction activity buffer zone around the nests for the duration of the nesting season in accordance with California Department of Fish and Wildlife guidelines for the applicable raptor or other nesting bird species.

The construction contractor shall be responsible for construction scheduling. If construction is planned during the breeding season, the construction contractor shall be responsible for ensuring that a qualified biologist performs the ~~raptor~~ nesting birds' nest surveys within 1 week of planned tree removal. Authorization to proceed with construction activity shall be the discretion of the Planning Division.

This mitigation measure is expected to minimize impacts to nesting ~~raptor~~ bird species to a less than significant level.

**Timeframe for Implementation:** Prior to issuance of a grading permit.

**Responsibility for Implementation:** Developer

**Oversight of Implementation:** Development Services – Planning Division

EXHIBIT A  
RECEIVED

DEC 22 2016

CITY OF PLACERVILLE  
COMMUNITY DEV. DEPT.

December 15, 2016

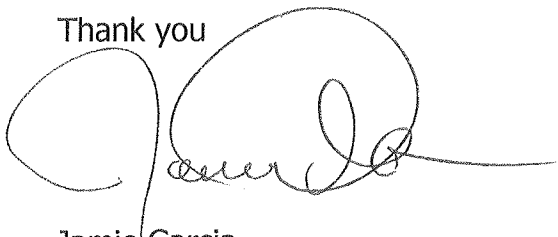
City of Placerville  
Development Services Department  
3101 Center St.  
Placerville, CA 95667

RE: Rezoning of Placerville Dr / Cold Springs Rd. / Middletown Rd.

To Whom it May Concern:

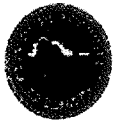
Rezoning the property on Placerville Drive/Cold Springs Road/Middletown Road is a bad idea. Building apartments will increase the already horrific traffic on Middletown Road. We already struggle to get in and out of our road, Poplar Lane due to High School, DMV and residential traffic. How can you possibly justify putting more traffic on a road that is used by so many school children? No one who lives on Middletown wants apartments, let alone high-density housing added to the area. You need to look around for some place that will not be negatively impacted by such a project. Consider adding more apartments some place that isn't residential. This property is a terrible choice for multiple family dwellings. Rezoning the property on Placerville Drive/Cold Springs Road/Middletown Road is a terrible idea. Please reconsider your choices.

Thank you

A handwritten signature in black ink, appearing to read 'Jamie Garcia', with a large, stylized initial 'J'.

Jamie Garcia

2838 Poplar Lane Property Owner & Resident



City of  
Placerville

Andrew Painter <apainter@cityofplacerville.org>

EXHIBIT

## CDFW's comments on the IS and MND for GPA16-03, ZC16-04, EA16-01

1 message

Quillman, Gabriele@Wildlife <Gabriele.Quillman@wildlife.ca.gov>

Tue, Dec 27, 2016 at 5:09 PM

To: "apainter@cityofplacerville.org" <apainter@cityofplacerville.org>

Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>

Dear Mr. Painter:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the GPA 16-03, ZC16-04, and EA16-01 Project (project) [State Clearinghouse No. 2016112062]. The Department is responding to the MND as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386).

The project site is located on 7.6 acres within the City of Placerville, County of El Dorado, California; east of Cold Springs Road, south of Middletown Road, and north of Placerville Drive. The project proposes to amend the General Plan land use designation and zoning classification to allow the site to support 133 dwelling units for low, very low, and extremely low income households.

The Department appreciates that the MND proposes measures to avoid impacts to nesting raptors (Mitigation Measure BIO-1). However, we recommend that the measure be extended to include all nesting birds. Please note that migratory non-game native bird species, including both raptors and non-raptors, are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503 and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of *any* bird, except as otherwise provided by FGC or any regulation made pursuant thereto; and Section 3513 states that it is unlawful to take or possess *any* migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

The Department appreciates the opportunity to comment on the MND for the GPA 16-03, ZC16-04, and EA16-01 Project (SCH No. 2016112062), and requests that the City of Placerville address the Department's comments and concerns prior to adopting the MND. If you should have any questions pertaining to these comments, please contact me at (916) 358-2955 or gabriele.quillman@wildlife.ca.gov.

Sincerely,

Gabriele (Gabe) Quillman

Environmental Scientist

North Central Region

1701 Nimbus Road

Rancho Cordova, CA 95670

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