

MEMORANDUM

DATE: August 24, 2017
TO: Coleen Shade, Planning Dept **VIA:** Courier & Email
CC: Eddy Liu, Asian Pacific Group **VIA:** Email
FROM: Russell King, PE
RE: Darkhorse – Tentative Map, Master Plan, and CUP
File #: (FM16-001, Z16-004, U16-006, MGT16-012, EIR16-001)

After receipt of Nevada County’s comments and other interested parties’ comments, APG conducted two separate public outreach sessions with multiple neighboring HOAs and architectural committee workshops. In the spirit of compromise and cooperation, APG has made significant project modifications to the site plan and architecture. Most notably they have reduced the townhomes from 32 duplex townhome buildings down to 26 and reduced the single-family lots from 14 down to 8. Modifications to the architectural style of the clubhouse and townhomes has also been accomplished.

RESPONSE TO NEVADA COUNTY’S COMMENTS on 1st Tentative Map SUBMITTAL:

Planning Dept., comments from Jessica Hankins dated June 7, 2016	
Planning	
1a.	<i>Six proposed single family (SF) lots have been deleted from the plan in the most heavily constrained areas. This leaves only 8 proposed SF lots, all of which are consistent with the existing SF lots surrounding them. Management Plans are enclosed by Foothill Associates to address the minimal encroachment into sensitive areas as shown on the revised Tentative Map. See enclosed Buildability Analysis for the remaining 8 single-family lots.</i>
1b.	<i>Site cross sections have been added to the Tentative Map sheet 3.</i>
1c i.	<i>See oak habitat Management Plan prepared by Foothill Associates.</i>
1c ii.	<i>See Tentative Map Preliminary Grading Plan for slope and grading alternatives in steep slope area. If this is acceptable to County staff, then a Steep Slope Management Plan can be prepared if necessary, during EIR preparation.</i>
1c iii.	<i>See Wetlands Avoidance Strategy letter prepared by Foothill Associates.</i>
2a.	<i>See enclosed Darkhorse Golf Course & Residential Community Master Plan Updated August 2017 (also referred to as the Comprehensive Master Plan or CMP). We are unable to provide a track changes version since we do not have an electronic version of the original Dark Horse Golf Course & Residential Community Master Plan and Design Guidelines prepared by others. The applicant’s intent is to have the CMP requirements remain the same and just add in requirements for the townhomes since they are the only new element to the subdivision. Enclosed is a Word version so “townhome” can be searched. Please let us know if you don’t have a hard copy of the original CMP prepared by Sylvester Engineering back in</i>

	<i>the mid 1990s when the project was first approved.</i>
2b.	<i>See wording added to CMP Section 4.2 to restrict townhomes to only the townhomes areas along the golf course as shown on Trees Resort at Darkhorse Tentative Map and townhomes are not allowed on any single-family lots within Darkhorse.</i>
2c.	<i>See Wording added to CMP Section 4.11 Site Grading regarding minimizing grading impacts on oak woodlands and steep slopes within lots.</i>
3a.	<i>See enclosed GPA & Rezone Request.</i>
3b.	<i>See enclosed GPA & Rezone Request which addresses how the application is consistent with relevant GP policies.</i>
3c.	<i>See Comprehensive Business Plan prepared by Chuck Nozicka.</i>
4.	<i>See updated proposed Zoning Map indicating the amount of land proposed for rezoning (27 Ac.).</i>
5.	<i>See Tentative Map for proposed phasing. The clubhouse is proposed in Phase 1.</i>
6.	<i>See the updated Tentative Map for lots and townhomes that have been removed and revisions that have been made to reduce impacts to golf. Currently, only the driving range academy tee boxes have been reduced in size and the cart path has been rerouted around Lot 4 (old Lot 8). All other golf course components will remain as-is.</i>
7a.	<i>Total number of proposed townhomes has been reduced; gateway entry area views provided with more visual openness due to less townhome density.</i>
7b.	<i>Proposal for new maintenance building removed from application.</i>
7c.	<i>Proposal for freestanding golf screen netting removed from application. Sheet A15 describes proposed golf ball screening to be determined based on site specific circumstances and placed within limits of tree canopy, close to townhome structures.</i>
7d.	<i>Proposed architecture has been modified to blend more with adjacent architecture and natural surroundings, in accordance with recommendations received from Darkhorse residents and Home Owner's Association members during public meetings and Committee workshop.</i>
8.	<i>The Preliminary Landscape Plan includes many of the species listed in Appendix 'B' Recommended Plant Materials for the Darkhorse subdivision in the lists of potential palettes of trees, shrubs, and plants. It is currently understood that Appendix 'B' is a recommended list and not intended to exclude other plants not listed.</i>
9a.	<i>The Golf Maintenance Building is no longer proposed on Lot 159/160 so it will remain as-is.</i>
9b.	<i>The Golf Maintenance Building is no longer proposed to be relocated so it will remain as-is.</i>
9c.	<i>The Golf Maintenance Building is no longer proposed to be relocated so it will remain as-is.</i>
9d.	<i>The Golf Maintenance Building is no longer proposed to be relocated so it will remain as-is.</i>
9e.	<i>The Golf Maintenance Building is no longer proposed to be relocated so it will remain as-is.</i>
10a.	<i>Solid waste collection area for the Clubhouse is identified at the "Service" room on sheet A-3 Lower Level Plan. Townhomes have garage spaces for storage placement of bins.</i>

10b.	<i>No existing mailboxes will need to be relocated. Only proposed Single Family Lot 7 has a mailbox along its frontage and Lot 7 has numerous driveway location options so the mailbox is not in conflict.</i>
10c.	<i>Lot 6 (old Lot 10) has been revised to avoid the existing restroom so it can remain as-is.</i>
10d.	<i>See Aerial Overlay Plan exhibit.</i>
10e.	<i>See updated Tentative Map plans plotted in color with resource setbacks shown.</i>
11a.	<i>See enclosed Preliminary Title Report and Grant Deeds for parcels owned by APG.</i>
11b.	<i>See enclosed Hazardous Waste Statement Form.</i>
11c.	<i>Lot 159/160 will remain as-is so no owner consent is needed.</i>
11d.	<i>The Townhome HOA will have a maintenance agreement that will be responsible for maintenance of all improvements located outside of the townhomes including exteriors of townhomes & garages, access roads, driveways, and turnouts including slopes and drainage improvements and private utility service laterals.</i>
11e.	<i>See Tentative Map sheet 3 for three Site cross sections that have been added.</i>
	<u>Other Agency Comments</u>
▪	<i>Traffic impacts are now reduced since 6 single family lots (43% reduction) and 12 townhome units (19% reduction) have been removed from the project. An updated Traffic Impact Analysis is included by KD Anderson for review by the EIR preparer.</i>
▪	<i>See enclosed updated BRA. Per Salix, "With the reduction in the areas proposed for development, we believe the Biological Resource Assessment (BRA) dated January 2016 more than adequately addresses the comment regarding "encompass(ing) connecting corridors and all potential areas of impact..." The study area defined in that document includes substantial areas beyond those proposed for development. The document also includes a complete analysis of special-status species, including western pond turtle. However, to ensure that the analysis is current, the BRA has been updated to reflect information obtained from recent (March 2017) queries of the CNDDDB, CNPS, and USFWS IPaC databases. This update has resulted in the inclusion and analysis of several special-status plant and animal species that did not appear in the earlier queries. We believe this BRA will provide the information needed for a thorough CEQA analysis of potential impacts to biological resources in the area of the proposed Darkhorse project."</i>
▪	<i>See enclosed written responses to Fire Marshall's memo.</i>
	Advisory
▪	<i>Thorough public outreach has occurred with Darkhorse and neighboring HOAs.</i>
▪	<i>Acknowledged. New ordinance will be needed to supersede Ordinance 1985.</i>
▪	<i>Acknowledged. Conditions of Approval are anticipated that will require the formation of the Townhome HOA, BRE processing, CC&R creation, etc.</i>
▪	<i>Acknowledged re: RFP for EIR consultant. Applicant would like this to start soon.</i>
○	<i>Acknowledged - EIR consultant to peer review the existing cultural resource study.</i>
○	<i>See Management Plans prepared by Foothill Associates.</i>
○	<i>Noise analysis is no longer required since golf maintenance building is no longer proposed to be relocated.</i>
○	<i>A hazardous materials business plan is no longer required since golf maintenance building is no longer proposed to be relocated.</i>

○	<i>See enclosed updated BRA. Per Salix, “With the reduction in the areas proposed for development, we believe the Biological Resource Assessment (BRA) dated January 2016 more than adequately addresses the comment regarding “encompass(ing) connecting corridors and all potential areas of impact...” The study area defined in that document includes substantial areas beyond those proposed for development. The document also includes a complete analysis of special-status species, including western pond turtle. However, to ensure that the analysis is current, the BRA has been updated to reflect information obtained from recent (March 2017) queries of the CNDDDB, CNPS, and USFWS IPaC databases. This update has resulted in the inclusion and analysis of several special-status plant and animal species that did not appear in the earlier queries. We believe this BRA will provide the information needed for a thorough CEQA analysis of potential impacts to biological resources in the area of the proposed Darkhorse project.”</i>
	Public Works Dept, comments from Tim Wood dated June 22, 2016
	<u>Drainage Report</u>
1.	<i>Thank you – Preliminary Drainage Report is conceptually approved.</i>
2.	<i>Acknowledged – culverts will be sized to handle post development flows.</i>
3.	<i>Thank you – application is complete re: drainage analysis.</i>
	<u>Traffic Report</u>
4 thru 9.	<i>See enclosed updated Traffic Impact Analysis by KD Anderson dated March 30, 2017.</i>
	<u>Public Works - Transportation</u>
10.	<i>The proposed one-way roads have been reviewed and modified to reflect direction received in a joint review meeting with County Fire Marshall and Higgins Fire Chief. Revisions include reduced number of units (7 duplex townhomes on Street A north (900 LF), 2 duplex townhomes on Street A south (250 LF), and 9 duplex townhomes on Street B (1,375 LF) and fire truck turnouts with fire hydrants have been added as requested. All streets are less than the 2,640 LF allowed. Applicant requests an exception to LUDC Sec. L-SVII 3.4 of 10 dwelling unit limit to accommodate the proposed duplex townhomes.</i>
11.	<i>Acknowledged. All streets meet turning radii requirements for emergency vehicles and centerline radii are shown on the Preliminary Grading Plans.</i>
12.	<i>Townhome 26’s driveway has been combined into a single access point onto Darkhorse Drive since it is a through road with high traffic. However, Townhomes 1 thru 6 use separate driveways because they are short length which would cause difficult turning movements in front of the garages with only a single access point, plus this section of Alexis Dr. has very little through traffic.</i>
13.	<i>Acknowledged. One-way roads are to be included in a Road Maintenance Agreement or Townhome HOA maintained and are not to be included in the Darkhorse PRD.</i>
14.	<i>This comment is unclear. Comment #1 indicates the Drainage Report is conceptually approved.</i>
•	<i>NCSD No. 1 has indicated that the LOP Wastewater Treatment Plant has adequate capacity for the EDUs required for this project.</i>
•	<i>Acknowledged. The Darkhorse PRD will be reviewed for sufficiency as related to this project and if necessary, a supplemental PRD assessment may be necessary.</i>
•	<i>Acknowledged. No new roads shall be part of the existing Darkhorse PRD.</i>

•	<i>All proposed access has been reviewed with County Fire Marshall and Higgins Fire Chief and provisions have been added to the one-way roads and there are no dead-end roads or long driveways proposed.</i>
•	<i>Acknowledged. Applicant shall pay all applicable traffic impact fees and mitigations identified by the traffic study.</i>
	Fire Marshall, comments from Matt Furtado dated May 31, 2016
1a.	<i>Preliminary fire hydrant locations have been reviewed and per a joint review meeting with County Fire Marshall and Higgins Fire Chief.</i>
1b.	<i>A fire hydrant has been placed near NE corner of clubhouse per Higgins Fire Chief review and FDC and PIV have been noted here as well.</i>
2.	<i>Fire Department access to Cart Barn level is provided on either side via new and existing drives that slope down to Cart Barn level. See Site Plan A-1 for notes regarding Fire Dept. access.</i>
3.	<i>Acknowledged. Knox Box will be installed on all buildings operated by Darkhorse Trees Resort.</i>
4.	<i>The proposed one-way roads have been reviewed and modified to reflect direction received in a joint review meeting with County Fire Marshall and Higgins Fire Chief. Revisions include reduced number of townhome units and added fire truck turnouts with fire hydrants. Improvement Plans will call out No Parking signs and red curb at all turnouts.</i>
5a.	<i>Acknowledged. Higgins Fire Protection District -- Annual Operational Impact Fee will be paid.</i>
5b.	<i>Acknowledged. Higgins Fire Protection District -- Mitigation Fees will be paid prior to Building Permit for structures.</i>
	Building Dept, comments from Craig Griesbach dated June 8, 2016
•	<i>Acknowledged. Improvement Plans for grading, erosion control, construction and utility plans will be required per Nevada County requirements.</i>
•	<i>Acknowledged. Geotechnical Report will be provided prior to building permit or grading permit issuance.</i>
•	<i>Acknowledged. A Final Drainage Report will be submitted at grading permit submittal.</i>
•	<i>Acknowledged. Special Inspection agreement (if req'd) will be submitted at building permit application.</i>
•	<i>Acknowledged. Accessible routes shall be as required per CBC.</i>
•	<i>Acknowledged. Accessible routes shall be provided connecting all buildings and site amenities to accessible parking and restroom areas. This includes putting greens, driving range and other recreational amenities onsite per Chapter 11B of the California Building Code.</i>
•	<i>Acknowledged. Permanent/temporary bike racks/lockers, Electric Vehicle (EV) charging stations and van pool/ clean air vehicle parking spaces shall be provided per the California Green Building Standards Codes.</i>
•	<i>Acknowledged. Fire sprinkler systems shall be installed in all new single-family dwellings, townhomes and commercial buildings as required per the California Building and Fire Codes.</i>
•	<i>Acknowledged. Complete building commissioning plans shall be submitted at time</i>

	<i>of building permit plan review submittal indicating compliance with the CA Green Building Standards Code.</i>
•	<i>Acknowledged. Complete exiting plans shall be provided showing maximum path of travel distances, common paths of travel, required number of exits, exit lighting plans/photometric, etc. per the CA Building Code.</i>
•	<i>Acknowledged. A complete code analysis shall be provided for all buildings showing allowable area, height, fire protection components, non-separated/separated uses, property setbacks, etc.</i>
•	<i>Acknowledged. All structures shall meet all ignition resistant Wildland Urban Interface (WUI) construction requirements per Chapter 7A of the CA Building Code.</i>
•	<i>Acknowledged. The project will require a SWPPP and WDID # prior to Improvement Plan approval.</i>
•	<i>Acknowledged. All structures and sites shall be designed to meet all requirements in the most currently adopted versions of the California Green Building Standards and Energy Codes.</i>
	Environmental Health Dept, comments from David Huff dated June 14, 2016
1.	<i>NID and NCSD No. 1 have both indicated they have the ability to serve this project. Will Serve letters will be provided to NCDEH prior to Improvement Plan or Building Permit approval.</i>
2.	<i>Acknowledged. Plans for the clubhouse will be submitted to Environmental Health at time of Building Permit application.</i>
3.	<i>This comment is no longer applicable since the maintenance building is not being relocated.</i>
	Sanitation District No. 1, comments from Brad Torres dated June 8, 2016
•	<i>Acknowledged. Project will need to acquire new EDUS to LOP WWTP beyond the 12 EDUs already assigned to the project.</i>
•	<i>Acknowledged. Plumbing fixture code analysis will be provided at time of Building Department Submittal to confirm proposed number of fixtures complies with CPC Table 422.1 for occupancies defined in Building Code Analysis.</i>
	County Ag Commissioner, comments from Chris Flores dated June 20, 2016
1.	<i>Thank you. Ag Commissioner does not have any concerns regarding ag/urban interface conflicts. Acknowledged. "Nevada County's Right to Farm" disclosure is to be provided to all future buyers of the proposed development/lots.</i>
	LAFCo, comments from SR Jones dated May 20, 2016
•	<i>Acknowledged. No annexation required since already within Sanitation District No. 1 boundaries.</i>
	Nevada Irrigation District, comments from Shannon Matteoni dated May 18, 2016
•	<i>Acknowledged. A mainline extension will be required for the proposed waterline to be constructed at developer's expense.</i>
•	<i>Acknowledged. A Conveyance Agreement will be required for District's</i>

	<i>acceptance of newly constructed water improvements after project construction.</i>
•	<i>Acknowledged. District has capacity for project's needs.</i>
	CALTRANS, comments from Susan Zanchi dated June 2, 2016
	<i>See enclosed updated Traffic Impact Analysis by KD Anderson dated March 30, 2017.</i>
	Air Quality Management Dist., comments from Sam Longmire dated June 1, 2016
•	<i>Acknowledged. The EIR will evaluate air quality impacts using CalEEMod.</i>
	Central Valley RWQCB, comments from Stephanie Tadlock dated May 26, 2016
	<i>The applicant acknowledges it will have to comply with CVRWQCB's standard form letter requirements as appropriate for this project.</i>
	Fish and Wildlife, comments from Kyle Stoner dated June 2, 2016
	<i>Per Salix, "With the reduction in the areas proposed for development, we believe the Biological Resource Assessment (BRA) dated January 2016 more than adequately addresses the comment regarding "encompass(ing) connecting corridors and all potential areas of impact..." The study area defined in that document includes substantial areas beyond those proposed for development. The document also includes a complete analysis of special-status species, including western pond turtle. However, to ensure that the analysis is current, the BRA has been updated to reflect information obtained from recent (March 2017) queries of the CNDDDB, CNPS, and USFWS IPaC databases. This update has resulted in the inclusion and analysis of several special-status plant and animal species that did not appear in the earlier queries. We believe this BRA will provide the information needed for a thorough CEQA analysis of potential impacts to biological resources in the area of the proposed Darkhorse project."</i>
	Washoe Tribe, comments from Darrel Cruz dated May 19, 2016
	<i>Applicant understands that Washoe Tribe is deferring to United Auburn Indian Community.</i>

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