

Nevada County Community Development Agency

January 14, 2021



Regarding: Addendum to Rincon del Rio

To whom it may concern,

I hereby formally reject this attempt to adopt an addendum to the Final Environmental Impact report.

The addendum is a violation of the lawsuit that "Stop Rincon del Rio" brought against the Young's and Rincon del Rio. In settling that lawsuit, they agreed that they would not change, or expanded the project. Is their word no good?

Clearly, there are changes to the scope and size of this project.

I say no to this addendum and feel that the entire development should be denied.

Yours truly,

A handwritten signature in black ink that reads "Carol A. Vian".

Carol A. Vian

22358 Deer Trail Ct.

Auburn Ca 95602

Nevada County Community Development Agency
Nevada County Planning Department
Nevada County Attorney's Office



January 13, 2021

Regarding: Addendum to Rincon del Rio

To all concerned,

I feel the timing of the presentation of this addendum to be highly opportunistic on the part of the Rincon del Rio developers and Carol Young. Shame on them for trying this during a pandemic!

I hereby formally object to this attempt to adopt an Addendum to the Final Environmental Impact report.

This attempt to push through an addendum to the project that includes forcing both a PUE for water and sewer through my Hidden Ranch Road subdivision and the possibility of a additional ingress /egress road (where none exists) out to highway 49 via Hidden Ranch Road across private property and onto SharonJack Road is outrageous. Hidden Ranch Road does not connect with SharonJack Road regardless of what the project map shows.

The addendum is a violation of the very basis of the lawsuit that "Stop Rincon del Rio" brought against the Young's and Rincon del Rio, in settling that lawsuit, it was agreed that the project could not be changed, altered or expanded. Why have they not moved forward in the last 7 years? They already had what they wanted, but now they are searching for a way to get around that agreement and get more to boot. Shameful.

It has been 7 years, since that lawsuit, should not a new EIR be required? Is there no expiration date on this EIR? Since the agreement a lot has changed, California has been *ravaged* by wildfires. The State fire requirements have changed and ought to be applied to the project- not those from 2010 or 2013. Forcing egress points on the surrounding developments to achieve this is not an option.

The ill-suited location of this development has Cal Fire's highest Fire Zone Rating. My insurer and every other insurer dropped or refused to write new fire coverage to our area leaving my home and many, many others uninsured.

What will it cost the County in lives and lawsuits should there be a fire such as the one that hit the community of Paradise?

Further, with the current Covid-19 distancing restrictions, we cannot reach out to our neighbors, gain access to critical records at the county, nor properly seek the legal advice necessary to address this situation. The parties involved are entitled to unrestricted time to investigate and analyze this addendum as well as review the prior lawsuit restrictions that bound this project that allowed it to go forward previously. On these grounds alone the addendum should be denied.

I object to this addendum on its merits and feel that the entire development should be denied.

Yours truly,

A handwritten signature in black ink, appearing to read 'Elizabeth Vian', with a long horizontal flourish extending to the right.

Elizabeth Vian
22990 Hidden Ranch Rd.
Auburn Ca 95602
530-320-2297

CC: DowneyBrand, LLC.

Matt Kelley

From: Erin Sherry <erinsherryprim@gmail.com>
Sent: Wednesday, January 13, 2021 5:51 PM
To: Matt Kelley
Subject: Rincon Del Rio development project

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Matt,

I'm writing to you with concern about significant changes that the developer is asking to be made to the Rincon Del Rio development project. What was originally proposed to be a continuing care residential community, now appears to be a dense housing development that is not like any housing in Nevada County. The recent changes asked by the developer go against what was initially proposed to prevent traffic and safety issues for the surrounding neighbors. The site is not appropriate for this type of development in the middle of agricultural land. This project would cause permanent damage to the people who live and farm in this rural area.

Thank you for your time and consideration,
Erin Prim

--

Erin Sherry Prim
Illustrator
www.erinsherryprim.com

Matt Kelley

From: Gina/Larry Hill <jenshil@sbbmail.com>
Sent: Wednesday, January 20, 2021 3:07 PM
To: Matt Kelley
Subject: Rincon Del Rio draft addendum

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January 20, 2020

Mr. Matt Kelly, Senior Planner
Nevada County Planning Department

Mr. Kelly:

I recently downloaded the revised EIR for the Rincon project. I live close by the Young's property, and I am in the target age demographic. I've been in the same house for twenty years, and I am not opposed to planned development.

The first thing I noticed about the revised report was that it was a hundred pages long and the very definition of "fine print." I could find no way to enlarge the document for easier reading, so I have a suggestion. In the academic world, the scientific community, and in business when there are changes to important documents which need to be reviewed, the writers use what are called "bullet points." That means that each change is highlighted at the top of the document specifically so it can be evaluated and save everybody's valuable time. I'm not sure why lawyers and developers don't do this. It creates a sense of suspicion and distrust which could be easily eliminated, wasting the goodwill of impartial readers.

The next thing I noticed was the appellation "Continuing Care Retirement Community" near the top of the document. I remember that this was one of the primary selling points that led to the zoning change awarded by the county to the developers. But in this new document the CCRC phase is pushed out years and only appears at the very end of the project. In place of the CCRC, what I see is a high-density condominium development, small lots sold out from ownership by the developers to hundreds of people who then become responsible for the individual lots, with a promise that somewhere in the future the continuing care component will come into play. Sadly, it is hard not to point to another nearby development, Dark Horse, where promises were made, and lot owners and home owners had no access to power, water, or sewage; the developers departed. The solutions to those problems were not easy, and they were expensive. I'm not implying that the Rincon developers will do this, but it is cautionary. It's just my opinion, but the current owners have a fourteen thousand square foot facility which with "leg work" and appropriate permits could have been converted into a large Board and Care Home and given them a real taste of what that business requires. And, again, calm those with a sense of suspicion and distrust through the example of their activities towards their stated goals.

My impression from reading about other developments is that current professional planners believe it is better to bring residents into close approximation of service facilities, even putting residences above retail outlets. It creates a sense of community, and it eliminates the necessity of travel by car or bus for every little thing. The new development at Higgins Corners would be the closest destination for groceries, pharmacy, gasoline, take-out food. It is about four miles travel via the roadways, and although it is a right turn onto HWY 49 North, it is a left turn across a 65mph highway to return. OR a left turn across those multiple lanes of traffic to go to the nearest hospital about ten miles south. When you look at the projected numbers of old people, 415 future residents, the numbers of cars driven by them, turning left across the

busiest highway in this part of the county, easily tops 100 trips daily - that is sobering. In my opinion, without a commitment from Cal Trans to halt traffic with signal light control, the whole project is a non-starter.

There are other issues. I'm told they want to wave grade restrictions on the emergency vehicle access road which would go over Rodeo Flat Road; that the primary access road from Hwy 49 is a single lane in several places. They propose a thirty foot high water tower far from the condominium development for emergency fire suppression, which would be a major industrial sized intrusion on nearby rural properties. And what happened to that "Green Belt" that was promised?

Given the review period for these documents has taken place over the family holidays of Christmas and New Years, and given the very odd social environment of ongoing isolation due to the pandemic, I think it is more than warranted to have a future public meeting where concerns like mine can be aired, and that others more knowledgeable than I can share what they have discovered in the "fine print."

A Continuing Care Retirement Community is warranted. Perhaps there is a more suitable geographic location closer to services.

Thank you for your time.

Lawrence A. Hill
25415 China Hollow Rd
Auburn, CA 95602
(530) 269-1974

cc: Ed Scofield, Supervisor, District II

Matt Kelley

From: Joe Coppin <josephcoppin@gmail.com>
Sent: Monday, January 11, 2021 3:44 PM
To: Matt Kelley
Subject: Re: rincon del rio

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Kelley

I am writing to express my concern about the proposed modifications of the Tentative Final Map of the Rincon del Rio project. My home is on a parcel adjacent to this planned development. As I review the proposed modifications they seem quite significant to me and I cannot understand the decision of the planning department to recommend going forward without public hearing. I understand that we are in a period where comment is being taken but I think the changes warrant public hearing and more time for review.

See below my previous email (on December 14th). I had no response to my request for further information.

Thank you for your attention
Joe Coppin

On Dec 14, 2020, at 12:59 PM, Joe Coppin <josephcoppin@gmail.com> wrote:

Hello, Mr Kelley

The parcels in question in the Rincon del Rio project proposal border on three parcel I now own. I have some question regarding the proposed modifications of the plan. Would it be possible to talk on the phone. My number is 805 403 9715.

Joe E Coppin

josephcoppin@gmail.com

Please note my new email address. Delsur@pacbell is no longer active.

Matt Kelley

From: Michelle Amador <m.m.amador@gmail.com>
Sent: Monday, January 11, 2021 5:54 PM
To: Matt Kelley
Subject: Public Comment for Rincon Del Rio

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Matt,

I was disappointed to learn today that the developers for Rincon del Rio are all but rescinding the agreements required by the County for them to have preceded in the first place.

The changes they now want to make run in the face of all the community, through the County, requested in order to allow it to move forward. One of the original requirements was that the project build their memory care/medical facility in the early phases in order to reduce emergency vehicle traffic on the tiny one way access road from HWY 49. That build has been moved down to the very last phases of the project. In an era where we are all too present with how we experience emergencies as part of regular life, this is an unacceptable and dangerous change of plans.

It's my understanding as well that part of our community's support for the project overall was that it was meeting a key housing need for our elderly population. The proposed changes significantly shorten the timeframe that the developers are required to maintain this commitment.

Perhaps most significantly, the change in title structure from condos to fee-simple parcels sends red flag as it allows for outrageous density that would have been objected to outright if the project had been presented this way from the start.

I am concerned that all of these changes were only provided to the community during the holidays and that many people are wholly unaware of these changes, the impact, as that the end of public comment is nearing.

I write to object to these changes and to ask that the window for public comment be extended to enable adequate and deserved response from the community.

Michelle Amador
11759 Alta Vista Ave
Grass Valley, Ca 95945

Keep Nevada County Rural (KNCR)
PO Box 6283
Auburn CA 95604
January 20, 2021

Nevada County Planning Department
Matt Kelley: Principal Planner
950 Maidu Ave.
Nevada City, CA 95949

Re: Notice of Intent to Adopt Addendum to the Final EIR for Rincon del Rio project

Sent by Email to Matt Kelley: matt.kelley@co.nevada.ca.us
Please make a part of the official record

Dear Mr. Kelley:

After reviewing the Addendum to the Final EIR for the Rincon Del Rio project, we have several issues with the Addendum.

Not surprisingly, the Addendum basically states that since this project will allegedly remain a CCRC with 345 units and a population of 415, this project will have no impact. Without acknowledging or reviewing the change in demographics let alone the major subdivision into private lots and the ramifications, the Addendum merely recites that there will still only be 345 units with 415 residents. Nothing could be further from the truth. The original EIR reviewed a typical CCRC with independent living, assisted living, rehabilitation, nursing care and finally memory and hospice care. In such a scenario, the average age of a resident would typically be older (70-80) as they move from independent living through the cycle to either nursing care or memory care. An older more debilitated population would not be as active as a younger 60+ resident who could very well still be working and commuting every day. By reducing the assisted living, rehab and nursing care services, this project has lost the original CCRC demographic that it was approved to support. This is now clearly an active adult subdivision, not a CCRC. The Addendum fails to make this distinction and the vital differences between an older community and a younger, physically and socially more active community.

Rather than delineate every objection we have to this retirement subdivision masquerading as an “amended” CCRC project, we make the following general objections and reserve the right to further clarify, delineate and expand on the nature of our objections at a later date. Our objections include, without limitation, the following:

1. Section 15162 states that a subsequent EIR would be required if any of the following conditions exist:

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

Based on the evaluation provided in this Addendum, it alleges no new significant impacts would occur

as a result of the proposed modified project, nor would there be any substantial increases in the severity of any previously-identified adverse environmental impacts. This is unbelievable considering the numerous major changes being proposed.

Due to the nature of this proposed modified project, the fact that the project will now effectively be a subdivision should trigger a totally new and updated EIR and comply with the Subdivision Map Act. Rather than 14 lots owned and operated by Young Enterprises, the project will now be subdivided into 102 single family parcels, 221 single ownership condominium parcels, and 23 common area parcels for a total of 346 parcels. The majority of the project will now be privately owned independent living residences governed by a homeowner's association and not Young Enterprises.

2. Despite the fact that there will now be a younger, more active population with many more cars, as per the increase in parking stalls, the traffic analysis astonishingly determined that the daily trip count would be **reduced** from 969 daily trips 863 daily trips. The Addendum estimated volume of traffic on Rincon Way at 370 trips per day. Total traffic is now estimated at 1,233 trips per day, which would represent an increase of 233% over existing conditions, which the report indicated would be considered substantial. This fails to include traffic for employees, guests and numerous deliveries to either the residents or the businesses onsite all of which one would anticipate to be much higher, not lower, in an active senior subdivision than a CCRC facility with a higher population of older less active seniors as was approved. Add to that, since the project was approved in 2013 the number of Amazon and Walmart based on-line shopping deliveries has doubled traffic in all neighborhoods nationwide, and RDR will certainly be no exception. The Addendum then excuses this "substantial" increase in traffic because Rincon Way will be improved. The original EIR anticipated a Class 1 road, which has now become a Class 2 road in this report. Despite the substantial increase in traffic on Rincon Way, the report totally fails to address the impact of ingress/egress onto a very busy and dangerous unlighted Highway 49. Using statistical traffic from 2011 is inappropriate since anyone who has lived in the area in the last 10-15+ years can attest to the massive increase in traffic on Highway 49.

The modified project requires an entirely new traffic study, not a flawed six-page Trip Generation Qualitative Assessment conducted by R. D. Anderson & Associates, Inc. In fact, the Anderson letter should be disregarded since common sense dictates that active 60 year olds will make MORE not FEWER trips as indicated. It should further be disregarded since the CCRC contemplated in the approved Land Use description included in addition to detached and attached housing, congregate care, assisted living, skilled nursing, memory and hospice care, the latter four which are now a reduced component in the RDR project. In addition, it notes, "Caution should be used when applying these data. CCRCs are relatively new and unique land uses." In fact, no comparable CCRC configuration including individual lot ownership was utilized in arriving at his findings. **This cannot lead to a finding of less than significant impact as stated in the Addendum.**

3. With regard to lighting, the modified project will now include new sources of light that currently did not exist on the original project. This includes 89 pole lights (an increase of 1), 139 bollard-style lights (an increase of 91) and 225 wall-mounted lights (an increase of 126). The Addendum admits that these additional light sources may affect adjacent areas with light trespass and could contribute to skyglow conditions in the project area. There are now zero lights at the project site (other than the existing residence), which is situated far from all contiguous property lines. To state that an additional 453 lights "would not result in a change to the finding in the certified EIR of less than significant" impacts that would affect day or nighttime views and that no new or revised mitigation

measures are required is incredulous. How can 453 additional lights, rather than zero lights possibly result in no substantial light that would affect nighttime views requiring no additional mitigation measures? The reality is that this condition **cannot** be mitigated. This does not even take into account interior lights in businesses or residences and vehicular lights.

4. Greenhouse gas emissions over the 6-year estimated construction length would generate 586 metric tons of greenhouse gas emissions and that is just construction-related and does not include the increased emissions from the actual project operation. First, why is the developer requesting to extend the Development Agreement out to 20 years if they claim construction will only last 6-years? Secondly, how does Young Enterprises' purchase of carbon credits clean the air for the surrounding residents? In addition, grading 346 parcels as opposed to 14 will create more dust in the area. There will also be increased air pollution from increased traffic, landscape equipment, private contractors, and again, let's not forget construction related and on-line shopping deliveries.

5. The Addendum claims that construction activities for the proposed modified project would result in temporary, low-level noise impacts at the nearest residences closest to the project. Whoever performed this Addendum is clearly not familiar with the distance sound travels, specifically in rural areas. Under the right conditions, we can hear the train in Auburn six miles away. The so-called mitigation is that construction activities (for 6 years) will be limited to the hours of 7 a.m. to 7 p.m. six days a week. The report admits that the construction and operation of the project would have noise levels in excess of the County noise standards but limiting construction to the above hours was also found to have a less than significant impact. On whom? First of all, those are not the construction hours that were approved in the previous EIR. The approved construction hours were to be no longer than 8 a.m. to 6 p.m. and only five days per week. All construction noise will certainly have a major impact on the surrounding residents, especially considering at present there is usually zero noise from that property. There will be significant noise generated by both the construction and operation of RDR especially in light of all the activities anticipated at the project.

6. A new fire assessment study in light of the recent catastrophic and deadly fires that have occurred in California in the past 6 years should be required, including a review of the previous road exception waivers. The similarity of the population density, roadways, topography and fire protection assets to the Camp Fire, the Carr Fire, Tubbs Fire and Santa Rosa complex fires cannot be overlooked. The original project contemplated evacuation of residents by buses. The evacuation of over 415 residents, employees and guests from RDR along with existing residents from the surrounding homes attempting to evacuate in hundreds of private vehicles from Rincon Way onto a crowded unlighted Highway 49 with fire equipment attempting to enter the area creates a substantial risk that the roadways will be blocked. This scenario was not addressed in the Addendum which simply repeated that "the proposed modified project would not result in a change to the finding in the certified EIR of less than significant impacts relating to the spread of wildfire and fire risks" and thereby ignoring the changed demographics and verifiable fire evacuation inadequacies as recently demonstrated by the above mentioned uncontrollable and deadly fires.

7. One of the most concerning aspects of the project is how the population cap of 415 (1.2 persons per unit) will be enforced with so many individually owned parcels and the increased size of the dwelling units, all of which appear to have two bedrooms and two bathrooms with many having dens that could be used as another bedroom. The Addendum claims that an annual report would be made to the Planning Department certifying the number of residents for the previous year. Would this be the population on a certain date, the average yearly population or a random count? The Addendum states that the applicant would impose CC&Rs for the project, which would include a certificate of

occupancy. The CC&Rs would provide for the formation of a HOA which “shall be responsible for enforcing all property use restrictions and maintenance obligations, age and occupancy restrictions” that are feasible under all Federal and California laws and regulations subject to approval by the CA Dept. of Real Estate and that the HOA shall provide the County with a copy of each verification of occupancy report. The primary concern of the surrounding residents is how either the HOA or Young Enterprises can guarantee that the resident population never goes above 415 on *any* given day, not once a year or even quarterly. The Addendum continually states that the population will be limited to a maximum of 415 age restricted residents, yet neither Young Enterprises nor Nevada County have ever proven that they actually can or will enforce this limit. The County officials have admitted that there is no legal mechanism by which either the Planning Department, County Counsel, the Department of Real Estate, the Department of Social Services, the Department of Housing and Development or a HOA can or will enforce the population cap. Deed restrictions do not address number of residents in privately owned residences. In fact, even senior age-related deed restrictions often encounter age-discrimination litigation in current times. Only the provider, Young Enterprises, L.P., as a “landlord” could legally enforce the 415-person population cap utilizing legally binding lease-based restriction/eviction protocols. With the proposed fee simple title based changes on 323 units within the development, Young Enterprises will only own and control twenty four “rental units” and possibly the Memory Care Group Home / Assisted Living Facility facility, assuming it ever actually gets built. Abdicating authority to a HOA to enforce the 415-person population cap is not a legitimate mitigation to controlling population density within the fee-simple portions of the development. I doubt there is any case law allowing a non-owner of real property to dictate or enforce the number of persons who can live in privately owned property. When, not if, more than 415 residents are found to be living at the project, what reliable enforcement methods will be used to remove them? There is a Settlement Agreement, which among other things specifically limits the resident population of RDR to 415 residents. The Addendum to the EIR fails to address a realistic, legal or workable solution/mitigation regarding the enforcement of that 415-person population cap on the proposed fee simple portions of the development. Any and all proposed changes to the approved project, and there are several, that impede or remove the legal mechanism to enforce the 415-person population density within the development are in direct violation of that settlement agreement and could prompt future litigation.

The bottom line is that Young Enterprises, L.P. has an approved and totally viable project that could have been built anytime since 2013, and still could be built today exactly as approved. There is a valid Settlement Agreement willingly executed by the Parties and by which Young Enterprises L.P. should be bound.

Thank you for your consideration.

Sincerely,
KNCR Coalition Agents
Karen M. Abbott
Patricia and Benton Seeley
Billie Prestel

cc: Katherine L. Elliott, County Counsel
Rhetta VanderPloeg, County Counsel

Matt Kelley

From: Sara Coppin <sara@coppinlaw.com>
Sent: Monday, January 11, 2021 2:11 PM
To: Matt Kelley
Subject: Rincon Del Rio - objections and comments

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Kelly,

I am a neighbor to this project, and I am writing with great concern about the proposed changes to the plan. My first comments however, are that we MUST have a public hearing and extend the comments period. As an attorney dealing with government rulemaking, I am very familiar with the trick of holding a comments period over the holidays to limit the response you get. This is unacceptable, and the comments period must be extended to allow people to respond. Particularly in light of the pandemic and the difficulty that poses for communities to meet and confer about issues important to them. I will also be communicating this request to the Board of Supervisors and to the Planning Director.

Second, the reason why it is so important that the community be given a reasonable amount of time and opportunity to respond is that the changes that are being proposed in this plan are not minor. What is being proposed would erase several of the concessions that the developers made to the county in the first place. Why on earth is that acceptable? Changing the phasing of the plan, allowing the parcels to be subdivided in to hundreds of tiny fee simple lots, and shortening the time in which the development is required to maintain things like age restrictions are essentially turning this into ultra-high-density housing development with no justification whatsoever. This supposed benefits to Nevada County's aging population by offering a CCRC -- which were used to justify making a change to the entire county's general plan in the initial EIR process -- are lost if the project isn't required to maintain those restrictions. In 20 years it will just be another Citrus Heights or Natomas, benefitting the county and our way of life here not at all.

It appears the county plans to give away the house, so to speak. I am very much opposed to these changes. Please lodge my comment in the development's record please.

Sara E. Coppin
Attorney at Law
Law Office of Sara E. Coppin
226 Colfax Avenue
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fax: (530) 302-3629
www.coppinlaw.com

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To Matt Kelley and Nevada County's Attorney's Office

1/15/21

We are very concerned about the changes that the Rincon Del Rio has made to their project. My understanding was that they had made a legal agreement after a lawsuit was brought against them by several of the property owners. Why has that been ignored?

And we are very concerned about putting water lines down our road and the destruction that will happen to it, knowing that no one will be financially responsible for maintaining it except our development. We have invested thousands and thousands of dollars over the 40 yrs. we have lived here and we finally have a decent road.

We are also concerned about fire and having the ability to escape and not be trapped like so many elderly were in Paradise Calif. Now it seems that you are reducing the width of Rincon with no ability of fire trucks to enter and vehicles to escape. I understand there is another exit on Rodeo Flat but how many people will be trying to use that exit to get to Combie Rd. ? Thousands??

With the Covid-19 stay at home order from our governer and the short notice about these changes it seems that these decisions should be put on hold till we can have planned meeting again with all property owners and the county planning department.

Sincerely,

Sherry and Jerry Warren



To the Nevada County Attorney's Office, Nevada County Community Development Agency and the Nevada County Planning Department.

January 13, 2021

In regards to: Rincon del Rio Addendum

To all concerned,

I hereby formally request that all matters regarding the Rincon del Rio notice of intent to adopt an addendum to the final environmental impact report be postponed until such time as the State of California deems it safe to socialize.

As you well know, we are currently under a stay-at-home Mandate from the State and at this time cannot properly seek the complete and thorough legal advice that is necessary to address this situation. It will take more time than given as many of the people are directly dealing with the virus. The parties involved deserve time to heal from their medical issues before analyzing the prior lawsuit provisions that bound this project allowing it to go forward previously as approved.

At first glance, it appears that the addendum has violated the spirit of the law on at least 4 previous stipulations of said lawsuit. First and foremost are the issues of fire danger!. Having been in the fire service, I still know officials at the state level, and I will be contacting them. I am fairly sure the state Fire Marshall office will be wanting to update the fire code issues that have gone into effect since 2013. On that matter, I am sure they will have something to say about the changes too. This matter involves a lot of people and is multi fractional. A decision at this time from our duly elected, appointed officials and trusted Civil Servants would be misfeasance. We and the community directly involved with the situation cannot practicably have a dialogue between all parties involved in the current state of covid 19.

Yours truly,



Mr. Stephen Jones
22990 Hidden Ranch Rd.
Auburn Ca 95602
530-320-2297



CC: Nevada County Attorney's Office,
Nevada County Community Development Agency,
Nevada County Planning Department

Virginia I. Akers
Hidden Ranch Road Association
23189 Hidden Ranch Road
Auburn, CA 95602

January 20, 2021

Nevada County Planning Department
Matt Kelley: Principal Planner
950 Maidu Ave.
Nevada City, CA 95949

Re: Notice of Intent to Adopt Addendum to the Final EIR for Rincon del Rio project

Sent by Email to Matt Kelley: matt.kelley@co.nevada.ca.us

Please make a part of the official record

Dear Mr. Kelley:

After reviewing the Addendum to the Final EIR for the Rincon Del Rio project, we have several issues with the Addendum. The Addendum basically skims over the issues that have previously been raised and not surprisingly, simply regurgitates that this project will allegedly remain a CCRC with 345 units and a population of 415 all of which will have no impact. It ignores the major changes that have been requested without any in-depth analysis of the changes in demographics or the very real impacts caused by the major subdivision into private lots and the ramifications of reconfiguring the buildings and their changed location. By removing the intermediate services including assisted living, rehabilitation, and nursing care between independent living and memory care, the modified project has gutted the intent of continued care. This is now clearly an active adult subdivision, not a CCRC. The Addendum fails to make this distinction and the vital differences between an older community and a younger, physically and socially more active community. This Addendum alleges no new significant impacts would occur as a result of the proposed modified project and that there would not be any substantial increases in the severity of any previously-identified adverse environmental impacts. This a patently absurd conclusion that defies logic and common sense.

Rather than delineate every objection we have to this retirement subdivision pretending to be an “amended” CCRC project, we make the following general objections and reserve the right to make further objections at a later date. Our objections include, without limitation, the following:

1. The proposed modified project is now effectively a subdivision that should require a totally new and updated EIR and comply with the Subdivision Map Act. Rather than 14 lots owned and operated by Young Enterprises, the project will now be subdivided into 346 parcels. The majority of the project will now be governed by a homeowner’s association and not Young Enterprises who will lose control over the privately owned units.

2. Despite the fact that there will now be a younger, more active population with more cars, the traffic analysis astonishingly determined that the daily trip count would be **reduced** from 969 daily trips 863 daily trips. The Addendum estimated volume of traffic on Rincon Way at 370 trips per day. Total traffic is now estimated at 1,233 trips per day which would represent an increase of 233% over existing conditions which the report indicated would be considered substantial. This bogus traffic study fails to include traffic for employees, guests and deliveries to both the residents and businesses

onsite all of which common sense dictates would be estimated be higher, not lower, in an active senior subdivision vs. a CCRC facility. The Addendum then excuses this “substantial” increase in traffic because Rincon will be improved and the roadway as improved can handle that amount of traffic plus some. The original EIR anticipated a Class 1 road which is now for some reason a Class 2 road in this report. Despite the substantial increase in traffic on Rincon, the report utterly fails to address the major impact of 1233+ vehicles attempting ingress/egress onto Highway 49 which has become deadly in its own right. Using statistical traffic from 2011 is beyond ridiculous since residents are painfully aware that traffic has seen a massive increase on Highway 49 in the intervening years. When all of this is taken into account, it is simply not feasible or believable that the increased traffic can lead to a finding of a less than significant impact as stated in the Addendum.

3. The Addendum is deficient with regard to greenhouse gas (GHG) emissions since it only reported an estimated 586 metric tons of GHG during construction-related GHG over the estimated 6-year construction length and did not take into account the GHG emitted by the completed project. There will also be increased air pollution from more traffic, landscape equipment, private contractors, and deliveries after construction at build-out that was not accounted for in the Addendum. Simply purchasing carbon credits will not make the air cleaner for the surrounding residents.

4. As noted in the Addendum, the modified project will now include new sources of light that were not included in the original project. This includes an additional 218 lights for a total of 453 lights in the modified project. Although the Addendum admits that these additional light sources may affect adjacent areas with light trespass and could contribute to skyglow conditions in the project area, incredibly it states that these additional lights “would not result in a change to the finding in the certified EIR of less than significant” impacts that would affect nighttime views and that no new or revised mitigation measures are required. How do you go from no light emitting from the project site (there is no current light glow from the existing residence) to 453 lights and still claim this would result in no substantial light that would affect nighttime views and requiring no additional mitigation measures? In point of fact, this condition simply cannot be mitigated. What about the additional light emitted by interior business and residential lighting or vehicle lights. This light pollution will have a significant impact on the surrounding residents and obliterate our dark skies.

5. The Addendum claims that construction activities for the proposed modified project would result in temporary, low-level noise impacts at the nearest residences closest to the project. Despite the assertions to the contrary, sound travels a long way in rural areas especially in the winter when the trees have lost their leaves. We can all attest to that with the increased noise level just from Highway 49 in the winter. The so-called mitigation mentioned in the Addendum is that construction activities (6 years worth) will be limited to the hours of 7 a.m. to 7 p.m. six days a week. Even though the report admits that the construction and operation of the project would have noise levels in excess of the County noise standards, somehow limiting construction to the above hours would have a less than significant impact. A Sunday respite is not a mitigation! The noise levels anticipated by the construction alone will certainly have a major impact on the surrounding residents for six years considering there is no noise from that property right now. The Addendum also failed to take into account the noise expected to be generated by the completed project especially considering all the anticipated activities at the project. The noise pollution will have a significant impact on the surrounding residents and eliminate what is left of our peace and quiet.

6. Surrounding residents continue to express concern about the effects this project will have on their fire safety. We are mindful of the tragic and deadly fires that have occurred in California

in the past several years. The similarity of RDR's roadways, topography, population density, and available fire protection assets compared to the Camp Fire, the Carr Fire, Tubbs Fire and Santa Rosa complex fires cannot be overlooked. The original project contemplated evacuation of residents by buses. The modified project foresees the evacuation of over 415 residents plus employees and guests from RDR in addition to the surrounding parcels all attempting to evacuate in private cars from Rincon onto a crowded Highway 49 while competing with fire equipment attempting to enter the area. All of this creates a substantial risk that the roadways will be blocked. This scenario was not addressed in the Addendum which simply repeated that "the proposed modified project would not result in a change to the finding in the certified EIR of less than significant impacts relating to the spread of wildfire and fire risks" and thereby ignoring the changed demographics and verifiable fire evacuation conditions as shown by the above fires. Cal Fire statistics will bear out that people cause the majority of fires within California. More people equate to more fires and fire suppression problems. The Addendum has failed to address the fire danger issues.

7. Aside from the above, of overwhelming concern with this modified project is how the population cap of 415 (1.2 persons per unit) will be enforced in light of the many individually-owned parcels and the size of the dwelling units, all of which appear to have two bedrooms and two bathrooms with some having dens with closets (a bedroom by any other name). The Addendum claims that an annual report would be made to the Planning Department certifying the number of residents for the previous year. How does this assure that the population cap would not be violated the other 364 days? The Addendum states that the applicant would impose CC&Rs for the project which would include a certificate of occupancy. It appears that the HOA "shall be responsible for enforcing all property use restrictions and maintenance obligations, age and occupancy restrictions" that are feasible under all Federal and California laws and regulations subject to approval by the California Department of Real Estate and that the HOA shall provide the County with a copy of each verification of occupancy report. How can either the HOA or Young Enterprises guarantee that the resident population never goes above 415 on any given day, not once a year? The Addendum continually repeats that the population will be limited to a maximum of 415 age restricted residents yet neither Young Enterprises nor Nevada County have ever proven that they can or will enforce this limit. The County is fully aware that there is no mechanism stated in the modified project by which either the Planning Department, County Counsel, the Department of Real Estate, the Department of Social Services or a HOA can or will enforce the population cap. Only the provider, Young Enterprises, L.P., could enforce the cap through singular ownership and control and that authority will be turned over to a HOA because Young Enterprises will only own and control the Memory Care facility (assuming it ever actually gets built). What statutory law or authority provides that a non-owner of real property has power or authority to dictate or enforce the number of persons who can live in privately-owned property? What enforcement methods will be used to remove the excess population? Our understanding is that there was a Settlement Agreement which limits the resident population to a cap of 415. The Addendum utterly fails to address any logical, legal or workable solution to maintaining the population cap as required under the prior project approval and the Settlement Agreement.

Thank you for your consideration.

Sincerely,

/s/

Virginia I. Akers