



---

*El Dorado Hills Area Planning & Advisory Committee*

---

March 26, 2024

Board of Supervisors, El Dorado County

Planning Commission, El Dorado County

Tiffany Schmidt, Chief Administrative Officer

Karen Garner, Director Department of Planning and Building

Rafael Martinez, Director Department of Transportation

**JOINT SUMMARY REPORT OF THE STANDING ENVIRONMENT AND TRANSPORTATION COMMITTEES**

**RE: El Dorado Hills Business Park, Gateway El Dorado / Carson Creek R&D Project**

**BACKGROUND:**

The EDH APAC Standing Committees on Transportation and Environment have reviewed the scant public information available for Gateway El Dorado, the “Industrial R&D Park” currently marketed by PacTrust and its subsidiary Pacific Realty Associates. This new warehouse development is identified as “Industrial Wholesale Distribution buildings” comprising six warehouses ranging from 60,000 to 87,000 sq ft GFA, three retail pads, a completed retail building occupied by Tractor Supply, and four other parcels/sites/areas earmarked for future development. Grading and building permits have been issued for two of the warehouses identified as Gateway El Dorado Phase 1, and a J6 pre-approval application was submitted and withdrawn for Gateway El Dorado – Retail with the three retail buildings including two drive-through facilities. Under project number P22-0009, Phase II would include an additional total of 1.1 million square/feet of buildings.

**FINDING AND CONCLUSIONS:**

After reviewing the potential and likely impacts of this warehouse complex, the consensus of members of both committees is they cannot support this project absent the necessary Transportation Impact Study and Environmental Impact Report from El Dorado County Planning and Building and Department of Transportation staff, and appropriate review and public hearings by the Planning Commissioners and Board of Supervisors.

Foremost in our concern is for this Industrial Wholesale Distribution facility to receive the appropriate assessment required under CEQA. The September 2022 CA DOJ report Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act notably states that *“In general, new warehouse developments are not ministerial under CEQA because they involve public officials personal judgement as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site’s applicable zoning and/or general plan land use designation.”*

### **CEQA Guidelines § 15369. MINISTERIAL**

“Ministerial” describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21080(b)(1), Public Resources Code; *Johnson v. State of California*, 69 Cal. 2d 782; *Day v. City of Glendale*, 51 Cal. App. 3d 817.

As a DESCRETIONARY project, Gateway El Dorado must receive full assessment under CEQA statutes. The Environmental Committee is particularly concerned by the lack of any New, Subsequent or Supplemental Impact Reports for projects approved since the creation of the Carson Creek Preserve in 2016. The presence of endangered and threatened species identified by the California Department of Fish and Wildlife is new and significant information not previously included in EIRs completed for projects within the Carson Creek watershed. The impacts of this project must be assessed as Carson Creek and its associated wetlands run through this property and flow downstream into the Carson Creek Preserve.

Committee Members are also concerned that Gateway El Dorado is piecemealed and segmented. As a result, the total scope of the Gateway El Dorado project is not receiving appropriate attention and assessment. The CEQA Guidelines identify that “An EIR must be prepared if the cumulative impact may be significant, and the project’s incremental effect, though individually limited, is cumulatively considerable.” This is particularly significant when assessing the impacts of emissions and traffic on surrounding businesses and residents.

The El Dorado Hills Transportation Circulation Plan will be significantly impacted by the traffic from this project. The assessment of the cumulative impact must include those projects currently approved, but not completed (Montano Master Plan – Mixed Use, Valley View East Village, Carson Creek Village 11), as well as those likely to be approved in the foreseeable future (Creekside Village, EDH52, Town and Country, EDH SP Mixed-Use Revision, Community for Health, and Independence). Committee members recommend that DOT consider defining specific truck routes to reduce the impact on the surrounding residents.

The Transportation Committee recommends a joint review and planning session with the developer, EDC Planning, and DOT to ensure clear and complete communications.

Similarly, proceeding with the recommended EIR with a scoping meeting to include the developer, EDC Planning, DOT and AQMD, APAC members, and the public will also ensure a clear understanding of the project and facilitate communications.

Accordingly, we recommend the following specific steps:

1. All elements of the PacTrust proposals be consolidated to allow an analysis of the total project.
2. The Director of Planning prepare a report for the Board of Supervisors on the adequacy of existing R&D allowable uses applicable to Warehouse and Logistic Facilities and, as appropriate, update the 2023 Determination zoning letter.
3. The Director of Transportation complete a comprehensive traffic study of the project.
4. A CEQA Environmental Impact Review be prepared for the entire project.
5. The EDC Auditor and Controller be requested to conduct a financial benefit to cost analysis as the overall economic impact of wholesale facilities such as this is not clear.
6. Mitigation measures for impacts on property owners within the Carson Creek Specific and the Valley View Specific Plans resulting from the two buildings currently under construction be identified and required.
7. The Gateway El Dorado project be referred to the Planning Commission to facilitate public review and comment.

Respectfully Submitted,

Bill Jamaca, Chair – APAC Transportation Standing Committee

George Steed, Chair-APAC Environment Standing Committee