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PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

-----OFFICE USE ONLY-----

Last Day to Appeal _____ (5 pm) Appeal Fee \$ _____
Letter _____ Date Appeal Filed _____
Oral Testimony _____ Receipt # _____
Zoning _____ Received by _____
Maps: 7-full size and 1 reduced for Planning Commission items Geographic Area _____

-----TO BE COMPLETED BY THE APPLICANT-----

- Project name Chabad of Roseville (PLN17-00316)
- Appellant(s) Granite Bay Community Association (916) 791-7427

Address <u>P.O. Box 2704</u>	Telephone Number <u>Granite Bay</u>	CA	Fax Number <u>95746</u>
	City	State	Zip Code
- Assessor's Parcel Number(s): 462-010-030-000
- Application being appealed (check all those that apply) Application Number

<input checked="" type="checkbox"/> Administrative Approval	<u>PLN17-00316</u>
<input checked="" type="checkbox"/> Use Permit	<u>PLN17-00316</u>
<input type="checkbox"/> Parcel Map	_____
<input type="checkbox"/> General Plan Amendment	_____
<input type="checkbox"/> Specific Plan	_____
<input type="checkbox"/> Environmental Review	_____
<input type="checkbox"/> Minor Boundary Line Adjustment	_____
<input type="checkbox"/> Tentative Map	_____
<input checked="" type="checkbox"/> Variance	<u>PLN17-00316</u>
<input checked="" type="checkbox"/> Design Review	<u>PLN17-00316</u>
<input type="checkbox"/> Rezoning	_____
<input type="checkbox"/> Rafting Permit	_____
<input type="checkbox"/> Planning Director Interpretation _____ (date)	_____
<input type="checkbox"/> Other: _____	_____
- Whose decision is being appealed: Placer County Planning Commission
(see reverse)
- Appeal to be heard by: Placer County Board of Supervisors
(see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):
See Attached Statement of Issues

(If you are appealing a project condition only, please state the condition number)

Statement of Issues – Appeal of Planning Commission Approval of Chabad of Roseville Project (PLN17-00316)

We want to preface our appeal comments by stating first and foremost that Granite Bay and the Granite Bay Community Association have always welcomed people of all faiths, including Chabad. Our concerns with this project are strictly land use issues. This project is demanding 23,300 square feet of buildings on a parcel that is zoned for ONE single-family residence. This project has ignored, or perhaps just dismissed, a required Granite Bay Community Plan setback for which no variance can be granted. This project has requested setback variances where no special circumstances applicable to the property exist. This project has potentially significant impacts that require an Environmental Impact Report (EIR). The fact that the Use Permit for this project requires 86 specific conditions is further evidence that this project, as it is currently proposed, is ill-suited for the project site.

We appeal the approval of a Mitigated Negative Declaration for this project as there are potentially significant impacts that require an EIR. We appeal the granted variances and specific requested entitlements as follows:

Variance - Request for Setbacks

Issue: No variance can be granted for setbacks required by Granite Bay Community Plan

The project site is zoned RS-AG-B-100. The required setbacks for the project site, as noted in the Zoning Ordinance and as stated in the Mitigated Negative Declaration (MND), are 50 feet from the right-of-way on Douglas Blvd. and 50-feet from the right-of-way on Woodgrove Way. The project is proposing just 12.5 feet in lieu of the 50-foot required setback on Douglas Blvd and just 21 feet in lieu of the 50-foot required setback on Woodgrove Way.

However, the Granite Bay Community Plan (GBCP) imposes an even stricter setback for projects built on Douglas Boulevard. The Granite Bay Community Plan requires setbacks as follows:

Douglas Boulevard, North Side

Right-of-Way. All development on the north side of Douglas west of Auburn-Folsom Road shall be required to dedicate 70 feet of right-of-way as measured from centerline. **Building setbacks from the edge of the road right-of-way shall be a minimum of 75 feet.**

Douglas Boulevard, South Side

Except as specified in this section, **the standards for the south side of Douglas Boulevard shall be the same as those for the north side above.**

Placer County has designated Douglas Boulevard a “Scenic Road.” Scenic Roadways are those roads that traverse areas that provide an aesthetically pleasing view of natural vegetation, wildlife habitat, natural geologic features, wetlands, parks, vistas or open space. (GBCP p. 121) “Homes and buildings along Scenic and Country Roadways are usually set back from the roadway a distance **substantially greater than the minimum dictated by the Zoning Ordinance.**” (GBCP p. 122) This supports the increased setback requirement in the Granite Bay Community Plan.

However, the MND misleadingly and inaccurately states “. . . the project as designed complies with the requirements of the Scenic Road guidelines of the GBCP.” The MND is in error and has provided erroneous representations to the decision-makers with respect to this project.

The required setback for this project’s frontage on Douglas Boulevard is 145 feet from the centerline of Douglas Boulevard, as stated in the Granite Bay Community Plan. The right-of-way is 70 feet from the centerline of Douglas Boulevard; the building setback from the edge of that right of way is 75 feet. No variance can be granted for the setback established in the Granite Bay Community Plan.

An email (attached) from County planning staff to Sandy Harris regarding a different project here in Granite Bay confirms this: “You can do a variance to setbacks required by the Zoning Ordinance. You can’t do a Variance to required setbacks in the Community Plan. The only way to develop this property is to have the parking in the front and the buildings in the rear beyond **the REQUIRED 145-ft setback from the centerline of Douglas Boulevard.**”

The requested setback variance cannot be granted as it is not consistent with the Granite Bay Community Plan. The Chabad project requires a front setback of at least 145 feet from the centerline of Douglas Boulevard.

Issue: No variance can be granted unless there are “special circumstances applicable to the property, including size, shape, topography, location and surroundings, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity AND under the IDENTICAL zoning classification.”

With respect to the variance requested for the setback on Woodgrove Way and the setback on the western side of the property, there is nothing “special” about this particular parcel that would warrant the granting of a setback variance. The project site is a relatively square parcel on a corner lot, with frontage on Douglas Boulevard. In 2009, the project applicant sought a variance for this project site. The Planning Department’s findings with respect to this specific project site were as follows:

- **There are no special circumstances applicable to the subject property.** The strict application of the Zoning Ordinance has not been found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
- The granting of this Variance will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
- The granting of this Variance does, under the circumstances and conditions applied in this particular case, adversely affect public health or safety, and is materially detrimental to the public welfare.
- The Variance is not consistent with the Placer County General Plan and the Granite Bay Community Plan.

Nothing has changed with respect to this parcel since 2009; there are no special circumstances applicable to the subject property. The setback variances for the Chabad project are being requested because the project is proposing 23,300 square feet of buildings on a parcel that is zoned for ONE single-family residence. The Planning Commission grant of the setback variances with respect to the Chabad project is a special privilege inconsistent with the limitations imposed on other local projects.

During the Planning Commission hearing the project applicant’s attorney, Marcus LoDuca, noted that there were other projects in Granite Bay with similar setbacks to that requested by the project. He cited the Little Sunshine child care facility, the Granite Estates Cosmetic Surgery Center and certain buildings in the Sierra Oaks Plaza shopping center to the west of the project site. **However, these projects were not granted any setback variances.** Sierra Oaks Plaza was built in 1988, which pre-dates our Community Plan.

It should also be noted that both the Little Sunshine and Granite Estates properties are zoned Commercial; the Chabad project is zoned Res-Ag. The strict application of the Zoning Ordinance setbacks does not deprive the subject property of any privileges enjoyed by other properties in the identical zoning classification.

The setback variances granted to the project applicant are a violation of the Granite Bay Community Plan setback requirements and constitute special privileges inconsistent with the limitations imposed on other properties in the vicinity and in the same zone district.

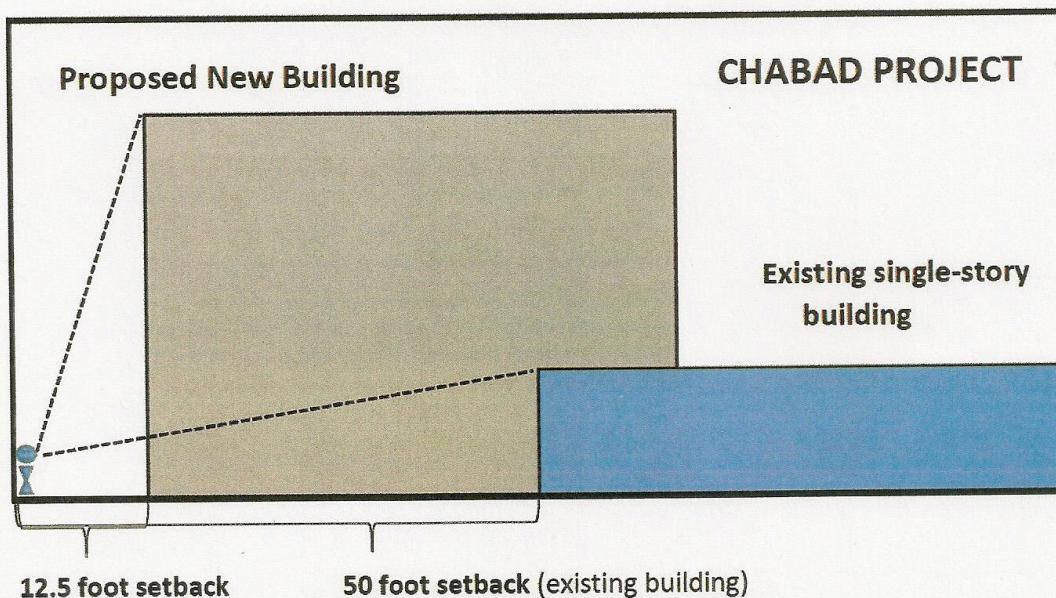
This Project Requires an Environmental Impact Report (EIR)

Issue: Aesthetic Impact

As noted above, Placer County has designated Douglas Boulevard a "Scenic Road." Douglas Boulevard is travelled by more than 40,000 cars per day and is the major road through Granite Bay. Douglas Boulevard is often the first impression drivers have of our community and the rural character that we have strived to maintain with established design standards. It is also the daily impression of Granite Bay residents and the commuters who traverse this road on a day to day basis.

The project site currently has a single-story building set back at least 50 feet from Douglas Boulevard. The project site also slopes north to south so the existing single-story building set back as far as it is from the roadway appears even smaller on the landscape from the view of the public from Douglas Boulevard. The oak trees and existing rural vegetation beyond this single story structure are clearly visible to the public. The visual impact is that of a building that essentially melts into its existing background. The proposed project is requesting a 37.4 foot building just 12.5 feet from Douglas Boulevard.

To put this into perspective, the drawing below shows the view of the public from a person standing on the sidewalk in front of the project site on Douglas Boulevard. The existing view of a single-story building set back at least 50 feet from the roadway as compared to the view the public will have from that same perspective with a 37.4-foot building with a 12.5-foot setback. This is a substantial adverse change in the existing public view. The aesthetic impact is not only significant, but overwhelming.



An EIR is required when there is evidence of a "fair argument" that a significant effect on the environment will occur as a result of the project. A significant effect on the environment is described as a substantial, or potentially substantial, adverse change in any of the physical conditions with the area affected by the project. A substantial change is measured by the existing conditions of the project site as compared to the proposed project. The change is NOT measured by what **could** be allowed as compared to the project proposal.

Issue: Aesthetic Impact (continued)

When this project was presented to the Granite Bay MAC, as an information item and again as an action item, members of the community described the existing visual setting and noted how dramatically this project would affect the existing public view of the area and significantly detract from the Douglas Corridor Design Guidelines. Relevant personal observations of area residents qualifies as substantial evidence. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.) Community and MAC member concerns were expressed regarding the size of the project for the project site, the impacts on aesthetics and traffic, and the incompatibility of the proposed design with the Granite Bay Community Plan and the adopted Douglas Corridor Design Guidelines.

As you approach the project site from the west on Douglas Boulevard, just past Sierra Oaks Plaza, a “Welcome to Granite Bay” sign in a raised, landscaped median greets travelers as a gateway to our community. On the right are oak woodlands, and a meandering path that extends to the project site. There is natural vegetation and only a scant view of the buildings of the Granite Bay Business Park, a commercial project that borders Douglas Boulevard but is nondescript in its impact on this scenic corridor. The Greyhawk residential subdivision also borders Douglas Boulevard but that project designated its land that fronts Douglas Boulevard as open space – forever keeping that land in undeveloped natural vegetation. The existing rural character of the area, and the view the public enjoys, has been incorporated into the existing developments that border this project. This natural vegetation continues for most of the south side of Douglas Boulevard through Granite Bay, where the Douglas Corridor Design Guidelines have been applied to the projects that have been built (some very recently) along Douglas Boulevard.

The proposed project would completely obstruct the existing scenic vista and would substantially degrade the existing visual character of the site and its surroundings. As noted above, when this project was presented to Granite Bay MAC, neighbors expressed concerns that the proposed buildings were too tall and that the overall size of the project for the project site (density) was just too much. There are no buildings on the south side of Douglas Boulevard that are more than a single-story (Little Sunshine IS a single-story building). In a similar case decided in favor of another community, the Court held that the record contained a “fair argument” that a project might have significant aesthetic impacts on the historic character of the community due to the project’s size and scale. The Court cited residents’ concerns and concluded that the city was required to prepare an EIR.

“The Court recognized the “inherently subjective” nature of aesthetic judgments, but found that the comments “were not solely based on vague notions of beauty or personal preference, but were grounded in inconsistencies with the prevailing building heights and architectural styles of the Niles [district] neighborhood and commercial core.”” (*Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129). The same can be said for the inconsistency of this project with the adopted Douglas Corridor Design Guidelines and the concerns expressed by Granite Bay residents and members of our MAC.

Issue: Traffic Impact

The cumulative traffic impact has not been considered with other currently proposed projects for Douglas Boulevard. A Granite Bay cumulative traffic study has been in progress for at least two years but without the results of that study, it is difficult to know with any degree of certainty what the impacts of this project could be.

There are two major residential developments proposed just east of this project on the south side of Douglas that presented major concerns with traffic; the DEIRs for those projects are forthcoming but have not yet been released to the public for review. In response to the NOP for the two projects (Whitehawk I and Whitehawk II) the City of Roseville submitted a letter dated 2-26-18 (copy attached) noting the following: “Due to existing capacity constraints on eastbound Douglas Boulevard at Sierra College Boulevard, the PM peak hour is experiencing severe congestion. Without mitigation, adding new PM peak vehicle trips to this intersection will cause additional delay and congestion. Much of the problem is due to underutilization of the outside through lane as a result of the lane drop from 3 to 2 lanes immediately east of Sierra College Blvd. Vehicles tend to avoid this lane due to the immediate

Issue: Traffic Impact (continued)

lane drop once they are through the intersection. Extending the outside lane past Woodgrove Way would encourage greater use of the outside through lane, increasing intersection capacity, and move the merge point beyond the Douglas/Sierra College intersection. This improvement should be considered with any increase in trip generation to the east of the intersection. The City understands the County is in the process of updating the GBCP Circulation Element and CIP. The City requests the above, or other similar appropriate mitigation, be identified in the Whitehawk Projects EIR and /or Circulation Element Update as a high priority CIP Improvement.”

In response to the Chabad MND, the City of Roseville sent a letter dated October 29, 2018 reiterating its concerns.

The Traffic Impact Analysis (TIA) prepared for the project has assumed that 70% of its traffic will come from west of the project site and another 10% from south of the project site. The only traffic “trips” considered were those related to “school trips,” and not any other uses described in the MND, which include uses for worship space, assembly space, classrooms, a ritual bath area, kitchen, library, offices, conference room, sleeping guest suites, a multipurpose room, and children play areas. In addition to the educational classes the daycare facility is anticipated to accommodate a maximum of 45 children. There will be special and seasonal events during specific holidays, including holiday programs, as well as intermittent or seasonal activities (i.e. weddings, banquets, seminars, etc.) “The facility may also be available to certain public interest non-profit groups including boy/girl scouts, service clubs, community functions, and other community center users.” None of these additional uses are addressed in the TIA and the project applicant was allowed to provide its own representation of parking needs that at no given time, for all of these uses, would the project require more than 48 parking spaces.

The project TIA did not analyze the traffic impacts at the intersection of Douglas Boulevard and Sierra College nor did it address the concerns expressed by the City of Roseville.

Another recent project proposal for Granite Bay – located on a corner lot fronting Douglas Boulevard – has proposed 17,260 square feet of buildings to be used as medical and office space on 3.23 acres. Based on the size of the buildings the County determined it required 92 parking spaces. Based on recognized national sources (ITE trip generation publication) it was determined that this project would have 42 peak AM traffic trips and 63 peak PM traffic trips. With respect to traffic, the County determined this was a significant effect that required an EIR.

*“The proposed project would result in an increase in vehicle traffic on the street system surrounding the project area. The increase in traffic volume on the surrounding roadway system could cause an increase in traffic which may be substantial in relation to the existing and/or planned future year traffic load and capacity of the roadway system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections). In addition, the project could exceed, either individually or cumulatively, a level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic. Therefore, impacts would be **potentially significant**.”*

The initial study for that project also concluded there would be a significant impact with respect to “alternative transportation,” as follows:

*“The proposed project could potentially increase the demand for alternative transportation. A technical traffic impact analysis will be conducted for the proposed project and will address potential impacts related to transit service and bicycle and pedestrian facilities. In the absence of such analysis, the proposed project could potentially conflict with adopted policies, plans, or programs supporting alternative transportation (i.e. bus turnouts, bicycle lanes, bicycle racks, public transit, pedestrian facilities, etc.) or otherwise decrease the performance or safety of such facilities. Therefore, impacts would be **potentially significant**.”*

Issue: Traffic Impact (continued)

The Chabad project will have 23,300 square feet of buildings on just 1.3 acres and, as noted in the County’s parking analysis, would require 99 parking spaces. The Chabad project is larger in size on a parcel less than half the size of the other project and by County standards would require more parking spaces. The Chabad project is proposing significantly more uses than that of a medical / office building center. If the other project required an EIR due to potential traffic impacts, the Chabad project requires an EIR to study ALL of its potential traffic impacts.

Issue: Noise

The Chabad MND describes its noise impacts to include traffic noise, mechanical noise, and additional noise from students playing outside during recess. The project would increase staff, parent and congregant use of the parking areas and driveways, resulting in an increase in noise levels. The associated noise-producing activities would include vehicles traveling at slow speeds, doors closing, cars starting, and people talking. Door slamming would generate intermittently high impact noise levels up to 75 dBA at 50 feet from the source. Children play areas are often considered potentially significant noise sources which could adversely affect adjacent noise-sensitive land uses such as neighboring residences.

The 17,260 square foot project previously referred to was found to have potentially significant impacts with respect to Noise:

*“The proposed project would include the construction of four office buildings totaling 17,260 sf, a parking lot, off-site roadway improvements, and associated infrastructure improvements necessary to serve the project. Operation of the project could potentially increase ambient noise levels as a result of project-generated traffic on local roadways, as well as noise associated with future on-site HVAC units and the proposed parking lot area. In addition, temporary noise-level increases would occur during project construction. Earthmoving activities, materials handling, stationary equipment, and construction vehicles would generate noise during site preparation, grading, paving, and construction. Noise levels generated during construction and operation of the proposed project may result in exposure of persons to or generation of noise levels in excess of established thresholds in the Placer County General Plan, the Placer County Code, and/or the Granite Bay Community Plan. In addition, the project could cause a substantial permanent, temporary, or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Therefore, a **potentially significant** impact could occur.”*

The 17,260 square foot project is for medical and office buildings with no outdoor play areas. There is no discussion in the Chabad MND of noise associated with construction activities of 23,300 square feet of buildings on a parcel half the size of the other project. There is no discussion in the Chabad MND of whether the project would “cause a substantial permanent, temporary, or period increase in ambient noise levels in the project vicinity above levels existing without the project” as noted in the 17,260 square foot project on 3.23 acres. That project required an EIR. The Chabad project is substantially larger in size on a much smaller parcel with far more uses than that of the medical / office buildings. The Chabad project has potentially significant impacts with respect to Aesthetics, Traffic and Noise. The Chabad project requires an EIR.

Design Review - Douglas Corridor Design Guidelines

The urban design of this building is in stark contrast to the Douglas Corridor Design Guidelines and the rural character of Granite Bay. Its massing and industrial gothic design are significant impacts on a rural community with a specific design criteria.

Design Review - Douglas Corridor Design Guidelines (continued)

The Granite Bay Community Plan states “The design vision of the Douglas Corridor is that of a Craftsman-style village – an aesthetic that relies on natural features, building design elements, lush landscaping and natural materials intended to enhance the natural attributes of the area, and to foster a rural, and social, community environment. The goal is not strict Craftsman design, but the construction and/or refurbishment of buildings so as to incorporate the use of Craftsman elements.”

A search of the internet shows many Chabad worship facilities throughout the country in various designs, none emulating the Chabad in Brooklyn, New York. The Chabad MND refers to other buildings of a similar urban design to their proposed concept and notes they are in Jerusalem, Montreal, Sao Paolo, Buenos Aires, Melbourne and Los Angeles; these are major metropolitan cities. None of these are in rural communities. This urban style is such a significant design departure from the guidelines adopted for Douglas Boulevard and the guidelines for our rural community. Perhaps this Chabad could be redesigned to be more compatible with the Granite Bay Douglas Corridor Design Guidelines as it appears many other Chabad facilities have adopted design standards to fit into the communities where they are located.

Lot Coverage

This project appears to exceed the lot coverage requirements for the project site. The project proposes two buildings with a combined square footage of 23,300 square feet on the 1.3-acre project site. We believe the lot coverage limitation for the project site is 35%. This project would cover more than 41% of property with buildings; this has not been addressed in the Mitigated Negative Declaration. A mathematical calculation of the project site, 1.3 acres x 43,560 square feet per acre provides a total square footage of the project site of 56,623 square feet. Further calculated, 35% of this square footage ($56,623 \times 35\% = 19,820$) provides a maximum lot coverage of 19,820 square feet. The project proposal is about 3,500 square feet over the maximum coverage for the project site.

When this project was presented to the Granite Bay MAC, the comments of the community consistently noted the concern that this was just too much building for the project site. The calculation of lot coverage supports this concern – the project exceeds lot coverage limitations.

Administrative Approval – Increase in Height

The Douglas Boulevard Design Guidelines note that buildings should be a single-story and although our Zoning Ordinance allows a certain latitude for houses of worship to increase the height of their buildings, that is only permitted if “ALL required setbacks are INCREASED by one foot for each one foot of height that the building exceeds the normal height established by the zone.” This project has not complied with existing setback requirements and does not satisfy the conditions required to request an increase in the height limitation for this zone.

Resolution of Appeal

We believe an adequate resolution to our appeal can be achieved by the following:

1. The 75-foot setback on Douglas Boulevard, required by our Community Plan, shall be respected and required for this project site.
2. An EIR is required of this project and prepared to address the potentially significant impacts to Aesthetics, Traffic and Noise.
3. The design of the project is modified to be more compatible with the Douglas Corridor Design Guidelines.
4. The height of the buildings are held to the strict limitations of this zone district.
5. The lot coverage is limited to that required by zoning, which we believe to be 35%.