

STAFF MEMO-ATTACHMENT 5

COMMENT LETTER (SAVE OUR COUNTY)

January 11, 2018

Mel Pabalinas, Associate Planner
County of El Dorado Development Services Division
2850 Fairlane Court
Placerville, CA 95667
via email: Mel.Pabalinas@edcgov.us

Subject: Comments on El Dorado Hills Apartments

Dear Mel,

Below are several of the many issues concerning this project.

Measure E:

The Final EIR states that Measure E applies to this project, specifically the December 2017 version updated with Judge Stracener's decision. Policies especially pertinent to this project are:

- TC-Xa1: Traffic from residential development projects of 5 or more **units** cannot result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the County.
- TC-Xa2: The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.
- TC-Xa7: Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

The FEIR states on page 2.0-14 that the intersection of El Dorado Hills Boulevard/Saratoga Way/Park Drive would operate at LOS F prior to the addition of project traffic, and that project traffic would worsen intersection operations (by adding more than 10 peak hour trips), resulting in a potentially significant impact at this location. The FEIR further states that this intersection can be improved when the Saratoga Way Extension Phase 2 project is completed. TC-Xa7 requires that the project complies with TC-Xa1 through TC-Xa6 before giving approval. Since this project does not comply with TC-Xa1, the project must be denied.

The FEIR goes on to state that data for 5 intersections changed when it was learned that two new projects are planned in the area: John Adams Academy and Montano De El Dorado Phase II. With the addition of the two projects, the LOS suspiciously improved. How is that possible?

Table 4.8-15
Long-Term Cumulative Conditions – Study Intersection LOS Summary

Intersection	Intersection Control	Peak Hour	Cumulative No Project Conditions		Cumulative Plus Project Conditions	
			Avg Delay ²	LOS ⁴	Avg Delay ²	LOS ⁴
1. El Dorado Hills Boulevard/Park Drive/Saratoga Way	Signal	AM	37 38	D	37 45	D
		PM	48 52	D	60 51	D
2. El Dorado Hills Boulevard/U.S. 50 WB Ramps	Signal	AM	34 33	C	47	D
		PM	48 43	D	49 40	D
3. Latrobe Road/U.S. 50 EB Ramps	Signal	AM	34 14	C B	54 26	D C
		PM	22 23	C	48 22	B C
4. Latrobe Road/Town Center Boulevard	Signal	AM	36 22	D C	42 25	D C
		PM	66 59	E	76 62	E
5. Latrobe Road/White Rock Road	Signal	AM	60 41	E D	67 45	E D
		PM	84 47	D	80 63	E
6. White Rock Road/Winfield Way	Signal	AM	12	B	12	B
		PM	35	D	36	D
7. White Rock Road/Post Street	Signal	AM	15	B	15	B
		PM	17	B	18	B
8. White Rock Road/Vine Street/Valley View Drive	Signal	AM	20	B	19	B
		PM	29	C	31	C
9. Town Center Boulevard/Post Street ¹	AWSC	AM	13	B	14	B
		PM	73	F	82	F
10. Silva Valley Parkway/U.S. 50 WB Ramps	Signal	AM	10	A	10	A
		PM	20	C	20	C
11. Silva Valley Parkway/U.S. 50 EB Ramps	Signal	AM	3	A	3	A
		PM	11	B	11	B

Source: Fehr & Peers, 2017.

Notes: AWSC = all-way stop control

¹The Town Center Boulevard/ Post Street intersection is private (i.e., not a County facility).

²The average delay is measured in seconds per vehicle. For signalized and AWSC intersections, the delay shown is the average control delay for the overall intersection. For side-street stop controlled intersections, the LOS and control delay for the worst movement is shown. Intersection LOS and delay is calculated based on the procedures and methodology contained in the HCM 2010 (TRB, 2010).

Intersections 6-11 were analyzed in Synchro 9. Intersections 1-5 were analyzed in SimTraffic.

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TGPA/ZOU lawsuit:

There are nexus points between El Dorado Hills Apartments and pending lawsuits - This project relies on [allegedly] flawed aspects of the General Plan as it was amended in 2015 under the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU). Should the County approve El Dorado Hills Apartments before the resolution of the pending TGPA/ZOU suit, they are committing county resources to yet another potential lawsuit as well as jeopardizing the project's approval.

Note too, that the General Plan update under the TGPA/ZOU began in 2010. It was publicly noticed. Many project applicants actively participated in the project and were well aware of proposed changes, including the applicant for El Dorado Hills Apartments. Many applicants delayed their projects in order to take advantage of the new Travel Demand Model, which this project does.

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Nexus point-

The Travel Demand Model used in the El Dorado Hills Apartments traffic analysis is alleged under the TGPA/ZOU lawsuit to exacerbate inconsistencies between development potential of the Land Use Element and level of service requirements of the General Plan's Circulation Element (See RCU v. El Dorado, PC 20160024, filed Jan. 13, 2016, El Dorado County Superior Court, Dept. 9, p. 26-27, para.63.)

Inconsistencies between Caltrans and DOT determination of LOS

Projects cannot be properly mitigated and Measure E cannot be fully implemented until the inconsistencies between Caltrans and DOT determination of LOS is resolved.

As explained at the August 30, 2016 Board meeting, the County staff is misusing the Highway Capacity Manual by excluding speed and density of traffic when determining LOS. The Highway Capacity Manual (HCM) clearly states that the Highway Capacity Software (HCS) will not work accurately when the highway conditions are oversaturated. When traffic is backed up with both lanes of Highway 50 creeping along at 11 mph, it is clear that the capacity of the highway cannot accommodate the number of cars that are trying to use it. Caltrans uses speed and density to calculate LOS and therefore acknowledges that Highway 50 is at LOS F. DOT does not include speed and density in their calculation and therefore deny that Highway 50 is at LOS F.

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Table 13 from the Caltrans Transportation Concept Report and Corridor System Management Plan shows that segments 8 and 9, which are the two segments inside the County line in El Dorado Hills, are both at LOS F while the Concept LOS is E.

TABLE 13: US 50 BASIC SYSTEM OPERATIONS															
Seg. #	County	Post Miles	Distance (Miles)	Average Annual Daily Traffic			Level of Service (LOS)				Vehicle Miles Traveled (VMT)			Delay	
				Base Year (BY)*	No Build (Horizon Year (HY))*	Build (HY)	B Y	No Build (HY)	Build (HY)	Concept LOS	BY	No Build (HY)	Build (HY)	Daily Vehicle Hours of Delay	Daily Person Hours of Delay
1	YOL	0.00/3.16	3.16	176,000	206,000	210,000	E	F	F	E	337,274	394,000	402,000	228	310
2	SAC	L0.00/L2.48(R0.00)	2.48	246,000	279,000	300,000	F	F	F	E	452,373	513,000	552,000	1,697	2,309
3		R0.00/R5.34	5.34	206,000	249,000	265,000	F	F	F	E	959,231	1,158,000	1,235,000	1,708	2,323
4		R5.34/R10.92	5.58	171,000	226,000	234,000	F	F	F	E	660,438	873,000	905,000	509	692
5		R10.92/12.50	1.58	141,000	196,000	204,000	E	F	F	E	194,349	271,000	281,000	204	278
6		12.50/17.01	4.51	117,000	160,000	161,000	F	F	F	E	630,648	862,000	866,000	565	768
7		17.01/23.14	6.13	91,000	113,000	132,000	F	F	F	E	521,760	645,000	759,000	158	215
8			0.00/0.86	0.86	91,000	100,000	110,000	F	F	F	E	81,060	89,000	98,000	59
9		0.86/R3.23	2.37	70,000	94,000	105,000	E	F	F	E	127,860	171,000	191,000	10	13
10	ELD	R3.23/6.57	3.34	61,000	86,000	84,000	D	F	D	E	207,994	294,000	286,000	51	70
11		6.57/R8.56	1.99	61,000	73,000	77,000	D	E	D	E	170,099	203,000	216,000	15	20
12		R8.56/R15.06	6.5	52,000	67,000	71,000	C	D	C	E	307,233	396,000	420,000	16	21
13		R15.06/17.25	2.19	49,500	59,000	67,000	D	D	E	E	129,242	153,000	176,000	6	9
14		17.25/18.11	0.86	52,000	59,000	58,000	C	C	C	D	37,604	43,000	42,000	132	179

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Absence of Comment by Caltrans:

The County has not received comments from Caltrans since the NOP was submitted, therefore it is difficult to determine if the issues brought up by Caltrans were addressed by the Applicant. Given the controversy regarding the traffic levels surrounding the El Dorado Hills Interchange and Highway 50 at the County line, obtaining these comments are critical for the decision makers prior to moving forward.

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Banning Ranch Court Ruling – must review process of other agencies:

While its specific context is limited, the lessons learned and guidance gleaned from the Supreme Court’s decision are certainly valuable ones for lead agencies and developers navigating the land use and environmental review processes in California.

The Court wrote:

CEQA sets out a fundamental policy requiring local agencies to “integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively.” (§ 21003, subd. (a).) The CEQA guidelines similarly specify that “[t]o the extent possible, the EIR process should be combined with the existing planning, review, and project approval process used by each public agency.” (Guidelines, § 15080.)

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Since Caltrans did not submit comments on the EIR as it promised to do in its NOP comment, the County could not and did not integrate Caltrans' project approval process into the FEIR.

On these grounds, the FEIR should not be certified and sent back to staff to get comments from Caltrans on this project.

Respectfully,

Sue Taylor
Save Our County