



EL DORADO COUNTY PLANNING & BUILDING DEPARTMENT

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Date: September 8, 2021
To: Planning Commissioners
From: Bianca Dinkler, Project Planner
Subject: **September 9, 2021, Agenda Item 2.
Courtside Apartments, Phase II (DR21-0006)**

Please incorporate the following updates to Courtside Apartments, Phase II (DR21-0006):

Date Correction:

Page 6 of 41 of the Staff Report should read: On June 10, ~~2020~~ 2021 the Planning Commission approved DR21-0003 (Mercy Haven Apartments). The approved project consisted of a five-unit residential apartment buildings with a total of 65 one-, two- and three-bedroom rental units located in the Diamond Springs area, approximately 1.78 miles west of the current project. For project details, please refer to the Planning Commission Legistar Calendar File for June 10, ~~2020~~ 2021.

Omit Covered Parking Requirement:

Page 6 of 41 of the Staff Report includes *Table 2. Required Off Street Parking Spaces for Multi-Unit Residences*. These strict parking requirements do not apply to SB 35 projects. Further, the applicant stated that covered parking was not required for Phase I and therefore would like Phase II to be consistent with Phase I. Please revise the Table 2 data to: Spaces Required 49 (~~24-covered~~), and Spaces Provided 49 (~~24-covered~~).

Revise COA No. 9:

As this is an SB 35 project with affordable housing, the project is entitled to reduce oak tree in-lieu fees (exact amount to be determined by Building Services based on the Arborist Report prior to issuance of a grading permit). Revise COA No. 9 to:

Oak Resources Conservation; In-Lieu Fee Payment: Alteration of on-site individual oak trees and oak tree woodland or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the Arborist Report for Oak Woodland Resources prepared by California Tree and Landscape Consulting (Exhibit N). The report identifies that approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2% of the oak woodland). There are two Valley Oaks located outside of the property that would not be impacted from the project. Further, this project qualifies for an affordable housing exemption from mitigation under Section 130.39.050 (E). Therefore, oak resources mitigation shall be limited to a reduced in-lieu mitigation fee. Mitigation fee payment shall be required prior to issuance of a grading permit.

Processing, receipt and documentation of mitigation fees collected may be subject to an Administrative Permit pursuant to Section 130.39.060(A)(Oak Tree and Oak Woodland Removal Permits - Ministerial Development Projects).

Revise COA No. 1 (Senior Housing Required):

1. Approval of Design Review Permit DR21-0006 is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

- Exhibit K.....Project Site Plan
- Exhibit LArchitectural Building Elevations
- Exhibit MPreliminary Landscape, Grading & Drainage Plans
- Exhibit S.....Preliminary Signage Plan

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

Design Review Permit DR21-0006 approves the construction and operation of Courtside Apartments, Phase II, an affordable housing development consisting of six multi-unit residential buildings (proposed buildings No. 1, 2, 3, 4, 5, and 6) with a total of 24 two-bedroom rental units, targeted to serve households earning 50%-80% of the [Area Median Income](#) (AMI). 12 of the 24 units created ~~would qualify as~~ are required to be low-income senior housing. Each building would be 3,158 square feet with each unit size 969 square feet. The project includes 82 off-street parking spaces (27 existing and 55 new) with associated parking lot lighting and landscaping, and open space/common areas between buildings. Approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2% of the oak woodland). There are two Valley Oaks located outside of the property that would not be impacted from the project. Access to the project site is provided via two driveways along Racquet Way.

Building	Building Area	Improvements
1	3,158 sf	4 Rental Units
2	3,158 sf	4 Rental Units
3	3,158 sf	4 Rental Units
4	3,158 sf	4 Rental Units
5	3,158 sf	4 Rental Units
6	3,158 sf	4 Rental Units

~~Consistent with applicable provisions of SB 35, The residential units will also be deed-restricted to require at least 50% of the residential units to must be deed-restricted affordable to for households earning at or less than 80% of the Area Median Income (AMI) consistent with applicable provisions of SB 35. The project is proposing 100% of the units as affordable.~~ Access to the project site would be provided via two proposed driveways along Racquet Way. Public water/sewer service would be provided by the El Dorado Irrigation District (EID) via extensions to connect to existing water and sewer infrastructure lines on or immediately adjacent to the project site. Electric service would be provided by Pacific Gas and Electric (PG&E) via existing PG&E infrastructure also adjacent to the project site. Solid waste service would be provided by the local County waste franchisee, El Dorado Disposal. Approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2% of the oak woodland). There are two Valley Oaks located outside of the property that will not be impacted by the project.

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All development plans must be submitted for review and approval and shall be implemented as approved by the County.

Add New COA for HCED:

Page 41 of the Staff Report should include the following new COA:

Housing, Community and Economic Development (HCED) Program

51. 100% of the total units shall be deed-restricted (12 units restricted to seniors age 55 and over, and 12 general population units) as affordable housing, for a 55-year term, for households with incomes at or below 80% of the Area Median Income (AMI) for El Dorado County as defined by the California Department of Housing and Community Development for Multifamily Housing Programs. Prior to issuance of a building permit, an Affordable Housing Agreement (AHA) between the County and developer, and approved as to form by County Counsel, to include but not be limited to monitoring program and 55-year deed restrictions, shall be recorded between the County and applicant certifying the applicant's agreement with applicable provisions of Government Code Section 65913.4 regarding deed-restricted affordable housing units.

52. Prior to issuance of a building permit, the applicant shall review and certify, on a form provided by the County, project compliance with the labor provisions for the SB 35 streamlined ministerial approval process located in paragraph (8) of subdivision (a) of Government Code Section 65913.4 regarding payment of prevailing wages.

53. In accordance with General Plan Policy H0-3.9, the property owner(s) shall provide notice to the California Department of Housing and Community Development, the County Department of Human Services, and the existing tenants at least two years prior to the conversion of the affordable rental housing units to market rate.

Clarification of TC-X Policies:

As provided in an updated memo from Natalie Porter and Tia Raamot with the Department of Transportation on 9/8/21, updated Findings for the Courtside Apartments Phase II project are being provided to clarify the inapplicability of certain TC-X policies to ministerial projects under SB 35. While the traffic analysis for this project and the original Findings conclude there was no impact under certain TC-X policies, those policies should not have been applied to the ministerial SB 35 project.

This project, with the revision to include senior housing, will not generate more than 10 trips in the peak hour, nor will it generate more than 100 daily trips. No traffic study was required.

Updated Findings: (Page 17 of 41 of Staff Report)

General Plan Policies TC-Xb through TC-Xi do not apply to ministerial projects.

2.7 The project is consistent with General Plan Policy TC-Xa

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

1. Traffic from residential development projects of five or more units or parcels of land shall not 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.

Rationale: The project will create five or more residential units. The project will not worsen existing traffic congestion.

2. 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.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

3. intentionally blank (Resolution 125-2019, August 6, 2019)
4. intentionally blank (Resolution 159-2017, October 24, 2017)
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

6. intentionally blank (Resolution 159-2017, October 24, 2017)
7. 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.

Rationale: The project would create more than five residential units and the finding is made that the project complies with the policies of TC-Xa.

~~2.7 — The project is consistent with General Plan Policy TC-Xa~~

~~Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:~~

~~1. — Traffic from residential development projects of five or more units or parcels of land shall not 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.~~

~~Rationale: The project will create five or more residential units. The intersections to which the project will contribute more than 10 trips to during the peak hour will not worsen existing traffic congestion. Two intersections, that serve fewer than 10 project trips, were included in the study, SR-49/ Pleasant Valley Road and SR-49/Forni Road. Both have near-term level of service (LOS) issues, with or without the project. However, the project does not worsen existing traffic as defined by General Plan Policy TC-Xe. The LOS issues at the two intersections will be resolved by construction of the Diamond Springs Parkway Capital Improvement Project. Further, the applicant has reduced trips generated by the development by committing half of the units to be senior housing. This commitment eliminated the need for a traffic study for the development.~~

~~2. — 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.~~

~~Rationale: This is not applicable as the Project is not requesting any modificationstoTable TC-2.~~

~~3. — intentionally blank (Resolution 125-2019, August 6, 2019)~~

~~4. — intentionally blank (Resolution 159-2017, October 24, 2017)~~

~~5. — The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.~~

~~Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.~~

~~6. — intentionally blank (Resolution 159-2017, October 24, 2017)~~

~~7. 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.~~

~~Rationale: The project would create more than five residential units and the finding is made that the project complies with the policies of TC-Xa.~~

~~2.8 General Plan Policy TC-Xb does not apply to the project~~

~~To ensure that potential development in the County does not exceed available roadway capacity, the County shall:~~

~~A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;~~

~~B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and~~

~~C. Annually monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.~~

~~Rationale: This policy is not applicable as this policy refers to the county preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.~~

~~2.9 The General Plan Policy TC-Xc does not apply to the project~~

~~Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)~~

~~Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.~~

~~2.10 The project is consistent with General Plan Policy TC-Xd~~

~~Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table~~

~~TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes."~~

~~Rationale: This project will is located in the Community Region and does not worsen (as defined by General Plan Policy TC-Xe) Level of Service (LOS) for any county-maintained road or state highway.~~

~~2.11 The project is consistent with General Plan Policy TC-Xe~~

~~For the purposes of this Transportation and Circulation Element, "worsen" is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:~~

~~A. Two percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or~~

~~B. The addition of 100 or more daily trips, or~~

~~C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.~~

~~Rationale: This project, with the revision to include senior housing, will not generate more than 10 trips in the peak hour, nor will it generate more than 100 daily trips. The threshold criteria of this policy are not met and further traffic studies were waived by the Department of Transportation.~~

~~2.12 The project is consistent with General Plan Policy TC-Xf~~

~~At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year GIP.~~

~~For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year GIP.~~

~~Rationale: The project will create 24 dwelling units, 12 of which are senior housing in addition to all being affordable. The project will not worsen traffic as defined by Policy TC-Xe.~~

~~2.13 General Plan Policy TC-Xg does not apply to the project~~

~~Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.~~

~~Rationale: This policy is not applicable as this project does not worsen traffic conditions.~~

~~2.14 This project is consistent with General Plan Policy TC-Xh~~

~~All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision~~

~~Rationale: This project will pay Traffic Impact Fees at the time a building permit is issued. The project may be eligible for a Traffic Impact Mitigation (TIM) Fee Offset under Board Policy B-14 (TIM Fee Offset for Development with Affordable Housing) when at least 20 percent of the housing units are targeted for low to moderate income households. On March 23, 2021, the Board of Supervisors approved the Traffic Impact Mitigation (TIM) Fee Offset under Board Policy B-14 (TIM Fee Offset for Development with Affordable Housing) of up to \$493,740 contingent upon deed restrictions for a total of up to 36 units, executing a TIM Fee Offset Agreement, that includes a Recapture Agreement, Rent Limitation Agreement and a Residential Anti-Displacement Agreement, to restrict up to 36 rental units for 20 years for low income tenants (earning 50% - 80% of Median Family Income).~~

~~2.15 General Plan Policy TC-Xi does not apply to the project~~

~~The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.~~

~~Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies.~~