

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. As explained more fully in the Mitigated Negative Declaration, the proposed project is a revision of a larger, previously approved development (DR08-0003), such that the proper environmental baseline and scope of environmental review concerns the incremental impacts found by comparing the proposed project to the previously approved development. To the extent comparison to an undeveloped site was discussed in the Mitigated Negative Declaration, this was done for the informational purpose of providing for a more conservative assessment of impacts. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County, has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project, which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description, conditions of approval, and mitigation measures with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The project is consistent with the General Plan and Zoning Designation for the property. The General Plan and Zoning have been included in the recent environmental reviewed documents (e.g. EIRs) for the county wide traffic study, General Plan update, and pursuant to CEQA Guidelines Section 15183. It is determined that there are not project specific effects peculiar to the project which are not mitigated by application of uniform development policies and standards. Further, the project does not present any new cumulative impacts not previously identified in prior EIRs, nor impacts more severe than identified in those EIRs.
- 1.5 While full environmental analysis was conducted as a conservative measure for the benefit of public disclosure, the legal scope of CEQA review of a discretionary design review permit is generally limited to design-related impacts in accordance with the holdings of *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010)

185 Cal.App.4th 925, *Friends of the Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286, and other applicable law.

- 1.6 The documents and other materials that constitute the record of proceedings upon which this decision is based, are in the custody of El Dorado County Planning and Building Department-Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

The purpose of the Commercial land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2.(Exhibit C). The project proposes one drive-thru restaurant and a commercial retail building consistent within the Commercial land use designation, which provides for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

Policy 2.2.5.21 requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed.

Rationale: The proposed drive-thru restaurant and commercial retail building was designed in a manner that is similar to, and consistent with, the surrounding commercial land uses. Commercial buildings located east, west, and south of the project site are either two-story or one-story professional offices or retail businesses. The property to the northwest of the site is residential, consisting of two-story townhomes and duplex buildings. The residential buildings are surrounded on east and south by commercial property. In the vicinity of the project site there are a mix of commercial and residential uses. As such, the proposed commercial use fits well with the context of the surrounding area. The proposed design review changes would be compatible with the design of the existing buildings; there would be no conflict with this Policy.

2.4 The project is consistent with General Plan Policy 2.8.1.1.

Development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, sport field lighting, and other significant light sources, that could reduce effects from nighttime lighting. In addition, consideration will be given to the use of automatic shutoffs or motion sensors for lighting features in rural areas to further reduce excess nighttime light.

Rationale: The proposed development would include indoor lighting and outdoor lighting. These new sources of light would be visible from a distance at night. The proposed project will change the character of these parcels from vacant land that generates no light to lighted commercial parcels, which is similar to existing commercial development in the area. The lighting at the site is designed to minimize light/glare impacts to the adjacent property by ensuring that all exterior lighting and pole-mounted parking lot lighting be shielded and directed downward. The outdoor lighting design for the new development is required conformance to Section 130.34 of the El Dorado County Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of Northern America's (IESNA) full cut-off designation. This ordinance requires that no light spill over onto adjacent properties as demonstrated by a photometric study that will be reviewed for compliance during the building permit process.

2.5 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The Transportation Division, El Dorado Hills Fire Department, and Long Range Planning Division reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined by the traffic study that the project would have an adequate turn radius for a firetruck. As such, the proposed project is considered to allow for adequate access and on-site circulation for emergency vehicles. The fire department review of plans associated with building permit would ensure compliance with these standards. As conditioned the project would provide the required access. The project is in compliance with the General Plan Policy.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.22.

The CC zone is intended to provide for retail sales, office, and service needs of the residents residing within the surrounding community and accommodates the commercial and service needs of visitors to the County.

Rationale: The parcel is zoned Commercial, Community (CC). The Commercial Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the CC zone district. The matrix includes commercial uses, including Restaurants and Retail Sales. The proposed project would include retail and restaurants.

The project has been analyzed in accordance with Zoning Ordinance Section 130.23.030 (Development Standards) for minimum lot size, dimensions, height and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable standards.

Signs:

3.2 The proposed use is consistent with Chapter 130.16, Signs.

The proposed signs for the project must comply with the Chapter 130.16 of the Zoning ordinance, Signs. The three new buildings will each have their own building attached signs. According to Table 130.16.070.1b- Community Region Area Signage Standards for Permanent On-Site Signs, both freestanding signs and building attached signs in the Community Commercial Zoning District are limited to 50 square feet of max signage area with no more than 12 feet in height for freestanding signs.

Rationale: The proposed floor area of Building 2A is +/- 5,500 square feet and Building 3 is +/- 4,658 square feet for a total of 10,158 square feet.

Because both buildings are detached from each other, they are classified as individual establishments under the sign ordinance. The proposed individual building square footage shall be in accordance with table 130.16.070.1b of 50 square feet maximum sign area for attached building signs. A signage program was submitted for Building 3 (Chick-fil-a) (Exhibit X). The signage program does not conform to the zoning ordinance standards as it relates to dimensions of signs; therefore, the project has been condition to submit a sign program consistent with the sign ordinance during building permits. The project applicant understands that signage is reviewed as a separate submittal, which requires conformance to the zoning code. Approval of this discretionary application does not vest/permit any signage approval; instead, the submittal of the signage program for Building 3 is intended as an illustration. The illustration serves as a visual reference only, and visually explains an idea of what the signs can potentially look like on the building elevations.

Lighting:

3.3 The proposed use is consistent with Title 130.34.

All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.

Rationale: As the subject project site is part of a larger commercial center, the exterior lighting and pole mounted parking lot lighting for the site as a whole is not proposed to change and will remain consistent with Phase I. Some small-scale landscaping lighting and lighting at the exterior of the buildings would be installed (Exhibit N). As shown in the project plans and elevations, no proposed lighting will direct light outside the property line or into the public right-of-way.

Parking:

3.4 The project is consistent with Chapter 130.35, Parking and Loading; Design Standards.

The project has been analyzed in accordance with Zoning Ordinance Section 130.35. This Chapter contains standards for off-street parking requirements for residential and non-residential uses. Additional standards for the design of the required parking for new development are found in the Design and Improvement Standards Manual (DISM) and the Community Design Standards for Parking and Loading Standards.

Rationale: Section 130.35.030 – Off-Street Parking and Loading Requirements requires restaurants with a drive-through to include one Off-Street Vehicle Parking per 300 square feet of GFA (Gross Floor Area); plus 1 RV space

for every 20 parking spaces. The proposed two buildings include uses that involve one drive-through restaurant and a commercial retail store. Each of these uses requires 1 parking space per 300 square feet of gross floor area. The drive-through restaurant also requires one RV space for every 20 required parking spaces. Cumulatively, the project is required to provide 35 parking stalls and 1 RV parking space. The project proposes 60 parking stalls with 2 RV parking stalls (pull thru diagonal 38 x 10-foot stalls) and 1 truck loading stall. The application exceeds the parking requirement standards by having 26 additional parking spaces and 1 additional RV stall above the standard requirement. No waivers or exceptions are submitted for the parking requirements.

The Community Design Standards for Parking and Loading Standards also establishes standards for drive-through facilities for both development and design. The project was analyzed against these standards.

Rationale: The project site has one drive-through facility, which is approximately 135 feet from the nearest residential zoned lot and this exceeds the minimum 50 feet prescribed standard. The Community Design Standards for drive-through queuing spaces is four cars per drive-through window in addition to the car receiving services. Building 3 (Chick-fil-A) exceeds this queuing standard with queuing spaces for 15 vehicles. The drive-through facilities are proposed to include physical separation from other traffic circulation with concrete curbing as required.

The project's vehicle queuing capacity was also analyzed in the Saratoga Retail Supplemental Traffic Analyses (Exhibit Z). For instance, the Queuing Analysis section of the study indicates that Building 3 has the capacity of accommodating the maximum drive-through queue without spillback into the adjacent drive aisle and avoids impeding on-site pedestrian movement. The study was based on recently collected drive-through queuing data for three similarly sized Chick-Fil-A fast food restaurants in City of Rancho Cordova, the County of Sacramento, and the City of Folsom reveal a maximum queue of 13 vehicles (Exhibit Z). The proposed Chick-Fil-A or Building 3 has a drive-through queuing capacity for 15 vehicles, which is more than the three other compared Chick-Fil-A restaurants in the region. Building 3 is also the furthest building from the main entrance located on the southeast corner of the site, and adjacent to the US Highway 50 West bound on-ramp. The temporary on-site queuing associated with this drive-through facility is not anticipated to result in off-site operational or safety concerns. The drive-through aisle will operate without spillback into the adjacent drive aisle and avoids impeding on-site pedestrian movements.

The signage package will be provided to indicate the entrances, exit, vehicular parking, and customer circulation for Building 3(Chick-fil-a) at building permits.

3.5 The proposed use is consistent with Chapter 130.37, Noise Standards.

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: The building of new structures is included in this proposal, so it is anticipated that there would be a short-term construction related noise impact. Long-term noise would also be created from the operation of drive-through window speaker boxes used for taking customer food orders. The Zoning Ordinance, non-transportation noise in community areas is limited to a time-average of 55 dBA and maximum of 70 dBA from 7 a.m. to 7 p.m., an average of 50 dBA and maximum of 60 dBA from 7 p.m. to 10 p.m., and an average of 45 dBA and maximum of 55 dBA from 10 p.m. to 7 a.m. These standards are lowered by 5 dBA for noise that stems from human speech. A noise study conducted by Helix Environmental Planning, Inc. (Exhibit Y) measured the order boxes noise output against these standards. The study determined that the closest drive-through speaker was proposed at a location approximately 135 feet from the nearest residence for a previous design of the project that included two drive-through aisles; however, this new revision of the project only includes one drive-through aisle for building 3. The previous noise study indicates that the drive-through speaker for building 2A would emit noise levels of approximately 29 dBA Leq to the nearest residence west of the project site, therefore, noise levels would not exceed the County's 40 dBA Leq nighttime limit for non-transportation noise sources consisting of human speech. Building 2A with a drive-through speaker order box is no longer part of this design review revision. Because the drive-through speakers at the project's Chick-fil-A restaurant (Building 3) are directed south towards the onramp to U.S. 50 at a greater distance from nearby Noise Sensitive Land Uses, noise levels were determined to not be significant, and specific measurements of its speakers system were not analyzed. The project is therefore consistent with the noise standards of the zoning ordinance.

Architecture and Color:

3.6 The project is consistent with Title 130.52.030 and the El Dorado Design Guide.

The project has been reviewed in accordance with Section 130.52.030 of the County Zoning Ordinance, Design Review Permit. This process is applied to commercial projects with a Design Review-Community (-DC) Combining Zone. The Design Review process

is limited to consideration of compliance with established standards, provided that the use proposed for the project site is an allowed use within the zone.

Rationale: As noted in Finding 3.1, the use is allowed in the CC zone. The project design, architectural treatments, and associated improvements substantially conform to the El Dorado County Design Guide and would not substantially detract from this commercial district. Design Review DR08-0003, the original design review permit, described architectural materials for the then-proposed shopping center (Exhibit O, Q-T). These included:

Phase 1: Building 1 (Walgreens)

BUILDING PORTION	STYLE/COLOR	MATERIAL
ROOF	Tierra Antigua #2311/Sandcast Blend	Redland Clay Tile/Two-piece Mission Sandcast
BUILDING WALLS	Kelly Moore 25 Blanco	Cement Plaster/Smooth Finish
CORNICE, FASCIA, & TRIMS	Kelly Moore 42 Wise Owl	Cement Plaster/Smooth Finish
STOREFRONT	Black	
FABRIC AWNING (COLOR 1)	Mustard & Black Stripes	Fabric
FABRIC AWNING (COLOR 2)	Black	Fabric
PERIMETER WALLS	Coarsed Stone/Santa Barbara	Stone Veneer/El Dorado Stone
TRELLIS	Black	Metal
WALL INSERTS	Spanish Tile	Tile

The shopping center, as currently designed, maintains many elements of these original materials. Some elements, such as the building walls, trim, and fascia have changed to different shades of the similar colors. The project applicants have obtained approval from Serrano to conduct these changes. The proposed Saratoga Retail Phase 2 design would mirror the design of Phase 1 (Walgreens), which include many elements of the originally approved design. Building colors would be a range of white, tan, black fixtures, and roof materials that mimic those used throughout the shopping center are proposed. The building would also include stone veneers, pedestrian-oriented awnings, and varied rooflines. The project is designed to fit into the surroundings, with design details that mirror those used throughout the shopping center. Proposed signs conform to the design of existing buildings and are in harmony with the architectural features of the building, as suggested in the building design recommendations of the Community Design Guide. The specifications for the design and colors for Phase 2 are listed below:

Phase 2: Building 2A

BUILDING PORTION	STYLE/COLOR	MATERIAL
ROOF	Junipero 9000 Series Rioja #95111 66.7% Cafe Antigua #9543 33.3%	Redland Clay Tile
BUILDING WALLS/ CORNICE/ WAINSCOT/ RAIN LEADER/ DOOR AND FRAME	Pittsburgh Paints: Enduring Ice 413-1	Cement Plaster/Smooth Finish
CEMENT PLASTER TRIM	Pittsburgh Paints: Wheat Sheaf 415-3 Pony Tail 315-4	Cement Plaster/Smooth Finish
STOREFRONT	Matt Black	
PATIO FENCE/RAIN GUTTER	Pittsburgh Paints: Matt Black	Metal
FENCE AT SITE RETAINING WALL	Pittsburgh Paints: Silver Leaf 406-4	Metal

Phase 2: Building 3

BUILDING PORTION	STYLE/COLOR	MATERIAL
ROOF	Junipero 9000 Series: Rioja Handmade #95111	Redland Clay Tile
BUILDING WALLS	Sherwin Williams: #SW7541 "Grecian Ivory"	Cement Plaster/Smooth Finish
STONE VENEER	Roughcut "Wheatfield"	El Dorado Stone
METAL AWNING	Black	Metal

4.0 DESIGN REVIEW PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

Rationale: As discussed above in Section 2.0, General Plan Findings, the Design Review Revision is consistent with the applicable policies and requirements in the El Dorado County General Plan.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

Rationale: The use is consistent with the General Plan and will comply with the Development Standards of the CC-DC zone. The proposed use is consistent with the surrounding land uses, which include both commercial and multi-unit residential land uses. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

4.3 **The proposed use is specifically permitted by Design Review.**

Rationale: The design review process is applied to commercial sites in area where the Design Review-Community (-DC) overlay exists. The design review process shall be limited to consideration of compliance with established standards, provided that the use proposed for the project site is an allowed use within the zone. Both drive-thru restaurant and retail commercial buildings are allowed uses by right in the Community Commercial (CC) zoning designation. As discussed in finding 2.1, the design review revision is consistent with the applicable policies and requirements in El Dorado County General Plan.