



(Distributed at hearing)

# COMMUNITY DEVELOPMENT SERVICES

## PLANNING AND BUILDING DEPARTMENT

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Item #7  
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TO:	Planning Commission	Agenda of:	August 23, 2018
FROM:	Efren Sanchez, Assistant Planner	Item No.:	7
DATE:	August 22, 2018		
RE:	Public Comments Received; DR-R18-0001/Saratoga Retail Phase 2		

Discussion:

As of Wednesday August 22, 2018, Planning Staff has received 27 written public comments regarding DR-R18-0001/ Saratoga Retail Phase 2. A Design Review Revision proposing to reduce the square footage by 6,883 square feet, and revise building 3 to include a drive-through aisle to DR08-0003/The Shops at El Dorado Hills, which was approved by the Planning Commission on January 22, 2009. Of the 27 public comments, received 3 comments were in support of the project, while 24 comments were opposed. The 3 positive public comments focused on how the project site is a vacant commercial zoned lot in a convenient location that would benefit the County as a whole, and a 182 signature petition in support of the project was attached.

The 24 public comments that were opposed to the project focused on a variety of topics ranging from drive-thru use, impacts to traffic, noise, air quality, negative impacts to the neighborhood, recreational vehicles, community design standards: drive-thru facilities, "Tourist Serving Facilities," real-estate values, requests for further studies, more mitigation measures, and requests for an EIR. The comments in opposition were ubiquitous; therefore, this memo was crafted to help summarize and sort them. This memo sorts the comments into two types, which include comments within the scope of the design review application and comments outside the scope of the project. Overall, 19 of the 24 public comments in opposition related to the drive-thru use and future tenant.

Only 5 out of the 24 public comments in opposition were within the scope of the Design Review Application. The design review topics discussed included the dimensions of the proposed RV spaces, Community Design Standards: Drive-thru facilities (see Attachment 1), and the Saratoga Retail Supplemental Traffic Analysis.

Many of these comments were responded to in the Staff Report, Findings, Conditions of Approval, or Initial Study Mitigated Negative Declaration. Planning Staff, County Agencies, and the Applicant team are presented and the designated experts who can further respond to public comments and your questions during the public hearing.

We have the following handouts for your review:

Attachment 1: Community Design Standards Analysis for Saratoga Retail Phase 2: DR-R18-0001

**Attachment 1: Community Design Standards Analysis for Saratoga Retail Phase 2/DR-R18-0001**

**H. Drive-through Facilities. Sites containing these facilities shall be in compliance with the following circulation and traffic control standards:**

**1. A drive-through facility shall be located at the rear or side of a commercial structure and not within any front setback area.**

The proposed drive-through facility is located behind building three, which are closest to both the rear and side of the structure and not within any front setback area.

**2. Ingress to and egress from a drive-through facility shall be prohibited from driveway(s) directly facing a residential zone.**

The ingress to the drive-through facility will have vehicles facing El Dorado Hills Boulevard and commercial development across this street. The egress from the drive-through facility will have exiting vehicles facing proposed building 2 and the existing Walgreens. The headlights from the vehicles using the drive-through facility will not be facing residential zones.

**3. A drive-through facility, including stacking areas for vehicles awaiting service, shall be a minimum of 50 feet from the nearest property line of any residentially zoned lot.**

The proposed drive-through entrance for building 3 is approximately 135 feet from the property line of the nearest residential zoned lot and this exceeds the minimum 50 feet prescribed standard. Also, Saratoga Way, road easement, and sound wall act as a buffer within the approximate distance of 135 feet.

**4. Stacking lane(s) shall be physically separated from other traffic circulation on the site by concrete or asphalt curbing. The stacking lane(s) shall accommodate a minimum of four cars per drive-through window in addition to the car receiving service. The lanes shall be a minimum width of ten feet.**

The stacking lanes are behind the restaurant and are separated from the other traffic circulation in the parking lot. The requirements for drive-through queuing spaces are four cars per drive-through window in addition to the car receiving service. 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. This drive through facility exceeds the queuing standard with queuing space for 15 vehicles. It is worth mentioning that with the 15-vehicle capacity, it exceeds the queuing capacity for comparable drive-throughs in the region, including the queuing capacity of the City of Folsom's Chick-Fil-A drive-through of 13 vehicle max capacity as indicated by the Saratoga Retail Supplemental Traffic Analysis (Staff Report Exhibit Z).

**5. Signage shall be provided to indicate the entrance, exit, and one-way path of drive through lanes in compliance with Chapter 17.37 (Signs).**

The preliminary signage package for building 3 indicates directional signage to help vehicles maneuver the drive-through aisle.

**6. Stacking areas shall not block access to any parking area or space required of a business. Lane striping to separate drive-through traffic from parking areas shall be provided from the nearest point of site access, as feasible, to the stacking lane(s).**

The stacking areas do not block access to any parking areas or space required for business. The proposed drive-through stacking lane has the capacity of accommodating the maximum drive-through queue of 15-vehicles without spillback into the adjacent drive aisle and avoids impeding on-site pedestrian movement.

**7. Where a facility exceeds the standards of Paragraphs 1 through 6 above, and is not located within a development that is subject to a discretionary permit, such as a Conditional Use, Design Review, or Development Plan Permit, a Conditional Use Permit shall be required.**

The facility does not exceed the standards of paragraphs 1 through 6 above and is otherwise subject to a discretionary permit in the form of a Design Review, therefore, the need for a conditional use permit is not required. The application for design review is the sufficient amount of discretionary review needed in making sure that these community design standards are followed. Although the discretionary permit process provides a mechanism for deviations from the standards of Paragraph 1 through 6 above, the Applicant has not requested any exceptions to the subject design standards.

**8. When a drive-through facility requires a Conditional Use Permit or is within a development that is subject to a discretionary permit, the review authority may impose a greater setback than is required under Paragraph 3 above, when it is determined necessary to mitigate impacts from noise, air pollution, lights, or other land use conflicts. The review authority may deny any application for a drive through facility if it finds that the facility will add to the cumulative air quality impacts for a specified pollutant and the County is found to be in non-attainment status of either federal or state air quality standards for that pollutant.**

Although this provision provides authority for the County to impose a greater setback than required under Paragraph 3, the Initial Study: Mitigated Negative Declaration did not reveal information indicating that imposition of a greater setback is necessary to mitigate impacts from noise, air pollution, lights, or other land use conflicts.

**Public Comment: Resubmittal Less than 12 months after a denial is improper**

The decision was made by the Planning Commission to deny without prejudice based on the staff memo that cites zoning ordinance section 130.54.080(A). This zoning ordinance section makes an exception to the 12-month rule, when “new evidence or proof of changed circumstances warrants further consideration.” The submitted application (DR-R18-0001: Saratoga Retail Phase 2) made substantial changes and provides new evidence from the denied project in the areas of design, site plan re-configuration, RV parking, loading, air quality, noise, aesthetics, a new traffic study that analyzed near-term traffic impacts, and public outreach. All of these were changes and new information were in direct response to the staff memo findings for denial outlined at the January 11, 2018 public hearing.