

(Related: DR-R18-0001)

File Number: DR-A18-0001

Receipt No.: _____

Date Received: 9/5/18

Amount: \$ 239.00

APPEAL FORM

(For more information, see Section 130.52.090 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT El Dorado Hills Townhouses Association

ADDRESS C/O Silvercreek Association Management

DAYTIME TELEPHONE (916) 671-0844 Brandy Dollins, President

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT Brandy Dollins (email: bmlea74@yahoo.com)

ADDRESS 3911 Hills Court, El Dorado Hills, A 95762

DAYTIME TELEPHONE (916) 671-0844

RECEIVED
PLANNING DEPARTMENT
2018 SEP -5 PM 2:13

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Approval of Saratoga Retail Phase 2 (DR-R18-0001) Previously Denied DR 08-0003-R

and Conditions of Approval & Findings. Blatant departure from promises made:

Segmenting into phases. Entire project does not comply with county regulations.

Studies have not been properly conducted. EIR not prepared (Cumulative impacts)

See attached letters from El Dorado Hills Townhomes Association 8/05/18,

David Meehan 8/07/18, Brandy Dollins 8/18/18, Matthew Emrick 08/05/18 and 08/18/18

Melissa Garske 8/08/18, Myrna Sparks 8/16/18, El Dorado Hills Area Planning Advisory

Committee 8/17/19, Rebecca Eno & petition 12/05/18, Concerned Residents 08/13/18

DATE OF ACTION BEING APPEALED 8- 23-18 Planning Commission

Brandy Dollins
Signature

September 3, 2018
Date

EL DORADO HILLS TOWNHOUSES ASSOCIATION
C/O Silvercreek Association Management
6060 Sunrise Vista Dr, Suite 3400
Citrus Heights, CA 95610

August 26, 2018

County of El Dorado Planning Department

2850 Fairlane Court
Placerville, CA 95667

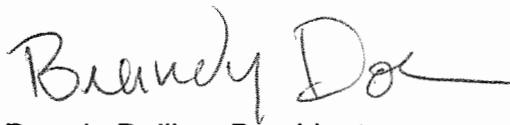
RE: Saratoga Retail Phase 2, DR-R18-0001 (Previously Denied DR 08-0003-R)

El Dorado County Planning Department and Board of Supervisors:

Brandy Dollins and/or Hilary Krogh have the authorization to act as our representative (AKA "agent") on matters relating to Saratoga Retail Phase 2, DR-R18-0001 (Previously Denied DR 08-0003-R). The authorization was given by the El Dorado Hills Townhouses Association at the December 11, 2017 Board of Directors Meeting.

The purpose of our letter is to also request that any correspondence regarding the attached appeal of the decision by the Planning Commission be sent to our Association President, Brandy Dollins at the address below:

Sincerely,



Brandy Dollins, President
3911 Hills Court
EL Dorado Hills, CA 95762



Melinda Hollis, Secretary



David Meehan, Treasurer

EL DORADO HILLS TOWNHOUSES ASSOCIATION
C/O Silvercreek Association Management
6060 Sunrise Vista Dr, Suite 3400
Citrus Heights, CA 95610

August 5, 2018

County of El Dorado Planning Commission
Charlene Tim, Clerk of the Planning Commission
2850 Fairlane Court
Placerville, CA 95667

RE: Saratoga Retail Phase 2, DR-R18-0001 (Previously Denied DR 08-0003-R)

El Dorado County Planning Commission:

In 2000, El Dorado County approved a project known as the U.S. Highway 50 /El Dorado Hills Boulevard-Latrobe Road Interchange Project (Highway 50 Project). The Highway 50 Project resulted in the realignment of Saratoga Way within 100 feet of the back doors of many of the 25 homeowners that are part of the El Dorado Hills Townhouses Association (Townhouses Association). The 2009 Administrative Relief Findings (Findings) for the originally approved DR 08-0003/The Shops indicated that the project is "intended as a neighborhood type of facility, serving the needs of the surrounding community with smaller boutique type shops, restaurants, walkways and access to the surrounding neighborhood, and a retail/pharmacy use that would provide the daily needs of the neighborhood."

The plan has changed to include a fast food restaurant, which is more likely to entice traffic off Highway 50 than the 2009 approved DR 08-0003/The Shops. The prominently elevated location should be for a project that is consistent with the viewshed of a scenic highway. Instead, a fast food restaurant would become the landmark of the gateway to El Dorado Hills and El Dorado County.

It makes no sense that the Mitigated Negative Declaration/Initial Study for DR-R18-0001 Saratoga Retail Phase 2 is currently being presented to you with either "No Impact" or "Less Than Significant Impact" checked in the Aesthetics and Noise areas. How is this even possible given that potentially significant impacts were identified in Aesthetics and Noise in a Mitigated Negative Declaration in 2009? In 2009, a Mitigated Negative Declaration was prepared for the approved DR 08-0003/The Shops due to the "Potentially Significant Impact" of Aesthetics, Noise, Air Quality and Transportation/Circulation.

Limit the hours of operation to no later than 10:00 p.m.

The Saratoga Retail Phase 2 proposal will result in more traffic noise, lighting/advertising signage and non-traffic noise (e.g., drive-thru window, more HVHC units, additional compressors for the freezers/refrigeration systems, swamp coolers for the grill hoods, outside patio noise/music, car alarms, etc.) than were identified in 2009. The outside grease disposal containers and additional trash containers, etc. are not even addressed in terms of noise and aesthetics.

The drive-through order window proposed for building 3 would likely be in operation during nighttime hours (past 10 p.m.) according to the Initial Study (page 43). For a drive-thru which is "pushed right next to a residential neighborhood" it is a "Never-ending nuisance of late-night hours." There is "extended documentation of the noise, trash, and passed out people..." "Because late-night drive-thrus don't offer bathrooms, many people simply urinate in the alley... It is more like a wild after-party with cars idling, full of occupants yelling and radios blaring and horns honking" (MINNPOST, 8/28/15).

Dual Pane windows should be offered to all Townhouses Association units

It is requested that updated *interior* noise testing occur on the townhouses. Because of the Highway 50 Project, which realigned Saratoga Way, certain mitigation measures were implemented. These mitigation measures included a sound wall, dual paned windows in only the second story of a handful of the impacted residences. At no time did the noise study measure actual noise levels after the rerouting of Saratoga Way or test the effectiveness of the mitigation measures. Most residences did not receive dual pane windows including townhouse residents who are at a higher elevation than the first row of six two story townhouses. Even the single-story homes at a higher elevation have a clear, unobstructed view of Saratoga Way. Testimony by owners of affected residences indicated that actual noise levels on the second floor of certain units cannot be mitigated with a sound wall and already exceed County noise thresholds.

No Parking signs should be posted on both sides of Saratoga Way

The traffic was discussed in isolation of Walgreens (Building1), which was left off the Exhibits. The Saratoga Retail Supplemental Traffic Analysis (Kimley-Horn July 12, 2018) states "This memorandum documents the results of a supplemental traffic impact analysis completed for Saratoga Retail Phase 2 (the "proposed project" or "project") ...The project location is shown in Exhibit 1 and the project site plan is shown in Exhibit 2."

Kimley-Horn reported almost 600 less Daily Trips than was reported in 2008, in spite of the fact that a highly popular fast food restaurant with a drive-thru window, etc. is now proposed. How is this even possible? The October 9, 2008 Traffic Impact Analysis, DR 08-0003/The Shops was identified as generating 240 new pm peak hour trips and 3,297 Daily Trips. In 2018, the proposed Saratoga Retail Phase 2 is identified as generating 215 new pm peak hour trips and 2,700 new daily trips.

Shared cost of gates at Scenic Court and Hills Court with the Townhouses Association

The Saratoga Way @ Mammouth Way (Table 10, page 9) falls from a LOS C to LOS E due to the project...two Levels of Service. No project should be allowed to have such a significant impact on a neighborhood street. Both the Supplemental Traffic Analysis (Kimley-Horn, July 12, 2018) and the previous May 25, 2017 Traffic Impact Study failed to recognize that Mammouth Way, Arrowhead Drive, Scenic and Hills Court would experience significant adverse environmental impacts due to the increased traffic. Our Townhouse Association would be forced to become a gated community.

"Permit Only" parking signs should be posted on Mammoth Way and Arrowhead Drive

There is a neighborhood park, an elementary school entrance, and school bus stops when considering the impacts of cut-through and rerouted traffic. Arrowhead Drive and Mammoth Way are narrow streets without sidewalks, bike paths or street lights. Further, increased traffic on Saratoga Way and the cut-through traffic through neighboring roads could result in decreased property values, which in turn could result in foreclosures and abandonments leading to decay in the surrounding neighborhoods. Such decay could potentially also result in increased crime, which could be especially significant given the location of a park and elementary school within the impacted project area.

Updated study on Neighborhood Cut-through Traffic and TIRE Index to include the traffic generated by the proposed project.

The Traffic Infusion on Residential Environment (TIRE) index for Mammoth Way, Arrowhead Drive and Finders Way was not identified, and therefore, there were no results to trigger a study of the impacts (e.g., safety, harmful effects on human beings) within the neighborhood. A previous study (Dowling Associates, 2007) forecasted a TIRE Index of 2.9 for Arrowhead (860 cars daily) and a 3.0 for Finders (940 cars) in 2030. "The TIRE Index of 3.0 is normally used to determine that point at which a residential street changes character and operates as a traffic facility." "Yet, any traffic change of 0.1 or more would be noticeable to street residents. Streets with TIRE levels above the mid-range index of three are traffic-dominated while those with indexes below three are better suited for residential activities." Dowling and Associates further stated that the analysis "Does not include traffic due to anticipated Mixed Use Center/Office Building Development in reference to reported neighborhood cut-through/diverted traffic volumes."

The May 25, 2017 Traffic Impact Study made an inaccurate assumption in its traffic modeling that hasn't been studied nor approved. Specifically, there would be a prohibition of a left turn from Mammoth Way onto Saratoga Way. Both the May 25, 2017 and the July 2018 traffic studies were incorporated into the current Mitigated Negative Declaration/Initial Study. Table 7 and Table 8 show better Levels of Service than Table 9 (Table 10) Near-Term (2026) Intersection Level of Service and Table 11. In effect, Initial Study for the DR-R18-0001 Saratoga Retail Phase 2 inconsistently relied on falsely improved LOS functioning for studied roadways and intersections. The July 12, 2018 Supplemental Traffic Analysis (Kimley-Holms) ironically did not incorporate the prohibition of a left turn.

"No Exit/ Entrance Only" sign at the Umpqua Bank complex driveway by Mammoth Way

No mitigation is suggested for the significant impact from the rerouted and cut-through traffic. The business traffic (from Umpqua Bank, the Urgent Care and the title company) that currently exits onto Mammoth Way would also be going through our neighborhood to access Saratoga Way. The numerous senior citizens from the Versante Homeowners Association that currently exit onto Mammoth Way would also be rerouted through the neighborhood to Arrowhead, just to be able to access Saratoga Way.

Eliminate the drive-thru window

We disagree that there would be no impact to sensitive receptors because "there are no nearby sensitive receptors." The CEQA Guidelines identify sensitive receptors as facilities that house or attract children, the elderly, people with illnesses, or others that are especially sensitive to the effects of air pollutants. The County of El Dorado Senior Day Care for the elderly with "dementia and other chronic health issues" and the Senior Center is less than a half a mile away. Versante is senior housing only. Our townhomes tend to attract young families with infants and young children and/or the elderly in their retirement years.

Truck deliveries between the hours of 6 a.m. and 10 a.m. only

Assurances at the June 26, 2018 Saratoga Retail Neighborhood Meeting included that the 2009 Findings would remain intact. Limiting truck deliveries between the hours of 6 a.m. and 10 a.m. only was explicitly noted as a continued requirement.


Denial of the Project /Environmental Impact Report (EIR) must be prepared

We cannot be expected to absorb the brunt of the impacts at our detriment. In addition to our concerns already outlined in our letter, there are also potential significant impacts in the areas blight and ramifications thereof, and cumulative impacts. Combined with the impacts of past and future projects (Saratoga Way Extension, Saratoga Estates, etc.) the impacts would be cumulatively considerable and cause substantial adverse effects on human beings (Mandatory Findings of Significance). There is not compliance with the voter approved Measure E in terms of the project area intersections and roadways.

Incorporated by reference is our previous 12-5-2017 letter on the DR 08-0003-R/Saratoga Retail, as well as comments by others submitted for the 12-14-18 Planning Commission hearing. We are also incorporating by reference the documents and public comments on Saratoga Way Extension, Saratoga Estates and the U.S. Highway 50/El Dorado Hills Blvd-Latrobe Road Interchange Project, including the Citizens Against Roadway Encroachment (CARE) v. El Dorado County proceedings and decision. A fair argument exists that an EIR should be prepared to fully address the impacts and alternatives to the project.

Thank you in advance for denying the approval of the Saratoga Retail Phase 2, DR-R18-0001 and the associated Findings.

Sincerely,

Hilary Krogh 

Hilary Krogh, on behalf of the El Dorado Hills Townhouses Association and myself as an individual homeowner

CC: El Dorado County Board of Supervisors
El Dorado Hills APAC

August 7, 2018

County of El Dorado Planning Commission
Charlene Tim, Clerk of the Planning Commission
2850 Fairlane Ct
Placerville, CA 95667

Re: Saratoga Retail Phase 2, DR-RR18-0001 (Previously Denied DR 08-0003-R)

El Dorado Planning Commission:

I am a resident of El Dorado Hills Townhomes, across the street from the proposed development. I urge you to deny the approval of the proposed high volume fast food Chick-Fil-A drive through restaurant on this site.

There are numerous reasons why this project should be rejected, but I believe most importantly, the site and the surrounding residential neighborhood simply cannot handle the extreme volume increase in traffic this project will generate.

Chick-Fil-A is leading the drive through restaurant industry innovating ultra high volume fast drive through service.

In an article by BuzzFeed.News dated March 8, 2016, news began to circulate about Chick-Fil-A and their "Crazy long lines" "The increased traffic has created epically long lines, especially at the drive-thru, where the chain still makes a majority of its money. They're the kind of lines that attract the attention of zoning commissioners when site plans are submitted and require police to direct cars when a new store opens. Then, at most Chick-fil-As, these lines just continue to be long during peak hours. On average, a Chick-Fil-A drivethrough will serve 95 cars juring from just noon to 1p.m."

In an article by Chick-Fil-A in it's "Chicken Wire News" dated July 2017, Chick Fil-A-brags about their high volume of traffic: "With most Chick-Fil-A restaurants serving well over 100 cars in the drive through during peak hours.."

In an article by BuzzFeed.News dated March 31, 2018, "One drive through in Oklahoma City recently served 216 cars in one hour, according to a company spokesperson"

This incredibly high volume of service at Chick-Fil-A drive through restaurants was not even conceivable a few years ago. The old planning handbook may be outdated as it seems to make no distinction between low traffic sit down restaurant, and the extreme high volume fast food drive through service of the fast food restaurant business today.

This fanatic rate of drive through traffic is increasing exponentially, more than doubling in the short 2 year period between when these articles were written. We can likely assume that Chick-Fil-A will continue to increase their traffic and process even more cars per hour through their drive throughs.

The local Chick-Fil-A in Folsom causes absolute gridlock at times, and it is in a very high traffic volume regional shopping center designed to process infinitely more cars than this little site in El Dorado Hills could possibly handle.

To attempt an argument that this restaurant would not be as busy as a typical Chick-Fil-A seems ludicrous. This is not the right spot for such a traffic intense business. We urge you to deny this project. It is simply too much for our residential area to handle.

Thank you for your consideration.

Sincerely

A handwritten signature in black ink that reads "David Meehan". The signature is written in a cursive style with a large, stylized "D" and "M".

David Meehan
3901 Hills Ct.
El Dorado Hills
916-717-1788
dmeehan@golyon.com

PC 8-23-18
#7
2 Pages



Planning Department <planning@edcgov.us>

Saratoga Retail Phase 2, DR-R18-0001 (Previously Denied DR 08-0003-R)

1 message

Brandy Dollins <bmlea74@yahoo.com>

Sat, Aug 18, 2018 at 1:48 PM

To: chartim@edcgov.us, "edc.cob@edcgov.us" <edc.cob@edcgov.us>, "planning@edcgov.us" <planning@edcgov.us>, "bmlea74@yahoo.com" <bmlea74@yahoo.com>

County of El Dorado Planning Commission
Charlene Tim, Clerk of the Planning Commission
2850 Fairlane Court
Placerville, CA 95667

RE: Saratoga Retail Phase 2, DR-R18-0001 (Previously Denied DR 08-0003-R)

I strongly encourage DR-R18-0001 (Previously Denied DR 08-0003-R) /Saratoga Retail be denied with prejudice. The phase 2 design revision is a **major change** from the original 2009 project plan and will have significant negative impacts to the nearby residents of Park Village neighborhood.

The following concerns raised against DR-08-0003 are not addressed with DR-R18-0001. The plan for phase 2 is not a significant change from the plan that was previously denied:

- **Noise** of added HVAC systems, delivery trucks, drive through speakers and high volume idling traffic, including diesel trucks. The existing sound wall does not mitigate noise from the bedrooms of the two story townhomes situated above the sound wall.
- **Safety issues** from generating cut through traffic within the adjacent neighborhood where there are many kids, and pedestrians but no sidewalks!!
- **Light pollution** from overhead signs and car lights at night.
- **Traffic backup** on El Dorado Hills Blvd and Saratoga Way due to lack of sufficient parking for vehicles and RVs, impeding the ability of area residents to enter the neighborhood.
- **Excessive noise and air pollution** generated by **Service level F traffic**.
- **Decreased property values** resulting in **neighborhood decay and increased crime**.

Noise, traffic, safety and environmental impact studies should be properly conducted to consider the collective impact to area residents of all planned business operations within the project plan. Any businesses approved for the location should be closed by 9:00 PM (and preferably 8:00 PM to accommodate the sleep requirements of children), and should not be tourist attracting businesses that generate ongoing excessive noise and traffic the area is not designed to support.

Situating a fast food drive thru establishment directly facing a residential neighborhood will erode the area. The plan threatens to jeopardize the health, safety and quality of life of nearby residents. Many of us who moved to the neighborhood looking to improve our quality of life, never imagined looking out of our windows directly at a high volume fast food drive through every day. I called the City Planning Dept before finalizing the offer on my property. They said there was commercial zoning, but nothing planned. The sign on the lot said retail. I imagined retail spaces, offices, or possibly a sit down restaurant. I was looking for a home to settle into long term, but now, after just 4 years, will prepare to leave if this plan is approved. Being surrounded by high traffic, noise, low air quality, and safety issues will make living here no longer feel like an improvement. Why should I continue to pay more to live here? Property values will go down due to this common perception.

Fast food does not contribute to a healthy lifestyle. When situated directly adjacent to a residential neighborhood, it becomes easy access to unhealthy food, unhealthy air, causes traffic stress, noise stress, light pollution and will interfere with sleep. Unhealthy food, toxins such as air pollution, stress and lack of sleep are primary contributors to the common chronic diseases we face today including cancer, diabetes, obesity, heart attack and stroke. Heavy traffic will also raise the risk of accidents inherent anywhere

8/20/2018

Edcgov.us Mail - Saratoga Retail Phase 2, DR-R18-0001 (Previously Denied DR 08-0003-R)

there are busy driveways and sidewalks intersecting. Fast food does not serve a safe and healthy community, is not needed, and is not appropriate near any residential neighborhood.

El Dorado Hills is growing rapidly. The development decisions happening now will shape our town and have permanent implications. Please consider the long-term goals and vision for development. A town that focuses on healthy lifestyles and improving quality of life will attract people. The goal should be to build a town where visitors will find a place they want to live and stay, rather than leave.

Please distribute this letter to every member of the planning commission and add it to the public record for DR-08-0003 Saratoga Retail public file.

Respectfully,

Brandy Dollins
3911 Hills Court
El Dorado Hills, CA 95762

8/7/2018

Edcgov.us Mail - Saratoga Retail Project - DR-R18-0001: Comments and Request for Extension



Charlene Tim <charlene.tim@edcgov.us>

PC 8/23/18
#7
6 pages

Saratoga Retail Project - DR-R18-0001: Comments and Request for Extension

Matt Emrick <matthew@mlelaw.com>
Reply-To: Matt Emrick <matthew@mlelaw.com>
To: "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>

Sun, Aug 5, 2018 at 8:31 PM

August 5, 2018

Re: Saratoga Retail Project - DR-R18-0001

Dear El Dorado County Planning Commission:

Thank you for the opportunity to comment on the proposed Saratoga Retail Project - DR-R18-0001 ("Project"). As the Project Documents are fairly substantial, my comments should be considered initial comments. I will have more detailed comments for the County over the next couple of weeks.

In sum, the proposed Project is simply the wrong project in the wrong location. I think one would be hard pressed to find a worse location for a fast-food restaurant – e.g. on a non-conforming parcel, tucked away from convenient freeway access, near parks, schools and other sensitive receptors. Truly an attempt to fit a square peg into a round hole. Most surprising (perhaps "shocking") is the almost complete absence of any mitigation for this project despite what is termed a "Mitigated" negative declaration.

The Developer has attempted to claim significant changes to the project by eliminating one fast-food chain location, but that location (The Habit Burger) was never going to be the location having the greatest impacts – the location with the most significant impacts is Chick-fil-A, which is still planned for the site. While I am a huge fan of Chick-fil-A, I am absolutely opposed to it in this location for the reasons set forth in this correspondence.

1. Applicant misrepresented project and project impacts

The Developer-Applicant has pretty much ignored all of the neighborhood's comments. The Applicant has fundamentally done nothing to modify the project other than removing Habit Burger which as I said was not going to produce the majority of project impacts.

As the neighbors have commented previously, the Developer assured us that other than Walgreens, "The Shops" was going to be a local neighborhood center meant to attract in-town business. As a result, many of us chose not to seek additional mitigations or challenge the original "Shops" project in court. In other words, we gave up our rights to challenge the original project based on representations and promises by the Developer. The Developer is now attempting to pull a fast one over on the same people who trusted him and relied on his representations. This is not only fundamentally unfair, it is a breach of agreement in the form of promissory estoppel between the Developer and the public. In fact, it is my position that the Developer's original representations to the County and the local neighborhood to not to develop freeway-oriented businesses on the property is in fact a zoning-estoppel by the Developer. To find otherwise, makes the entire community involvement and comment process meaningless. The Developer must be held to honor his original representations to the County and to the neighborhood.

2. CEQA Baseline:

Because the project applicant seeks to fundamentally change the original approved project from a local neighborhood shops and eateries – to businesses intended to draw freeway traffic – the project must include the existing impacts of Walgreens traffic, noise, air, aesthetics, etc as new "impacts" of the proposed project itself. This is clearly not done with respect to traffic, noise, and air impacts.

3. Traffic:

There is NO mitigation of project traffic impacts - none at all. Let me rephrase that a bit - there is no "actual" or "real" mitigation for the significant traffic impacts resulting from this

proposed Project. There is no signal proposed at Arrowhead, no cross-walks for school kids and others, no extended left turn lane from EDH Blvd onto Saratoga, no extended shoulder area along the east-side of Saratoga (or along Arrowhead and Mammouth Way) to accommodate over-flow traffic, no mitigation of the blind spots at the intersection of Saratoga and Arrowhead. Nothing. It is as if the comments of the neighbors fell onto deaf ears with respect to the Developer and County staff. The number of projected new car trips onto Saratoga is significant and all of us who have lived in this area can easily see what the true impacts are going to be and have tried to convey those to the County and the Developer. In sum, it is going to be a mess.

There is now a "5-way intersection" proposed at Saratoga and Arrowhead if this project is approved. Presently, there is effectively a 4-way intersection at Saratoga and Arrowhead because the Ambulatory Surgery Center parking lot exit is almost exactly at the intersection of Arrowhead and Saratoga. There is only one stop-sign for traffic entering onto Saratoga from Arrowhead. The project will add an exit from the Chick-Fil-A parking lot onto Saratoga directly across from this intersection making a 5-way intersection. This intersection as demonstrated conclusively during last year's Project approval process is impacted by blind curves making entering Saratoga an already a dangerous proposition. The existence of a new exit onto Saratoga without any mitigation such as a traffic signal is frankly just reckless and shows a blatant disregard for public safety by the County, the Developer and Chick-fil-A (which could easily pay for a stop signal at this location.) Keep in mind that there are three school bus stops along Saratoga in the location of the Project (Country Day, Rolling Hills Middle School and Oak Ridge High School [half a block up at Arrowhead and Kings Canyon])

The Traffic Study shows that level of service at the intersection of Saratoga and El Dorado Hills Blvd. will be level F. Yet no specific mitigation is proposed such as lengthening the turn lane. This intersection is already adversely impacted in evening traffic from around 4

pm to 6 pm – it is going to be a nightmare with a Chick-Fil-A drive thru attracting additional freeway traffic.

More significantly, where does the Developer and the County think traffic is going to go? Wait in the fast lane of El Dorado Blvd. until there is enough room to enter the left turn lane? NO. Traffic will go where it goes now when this intersection is busy – and that is to the stop light at Lassen/Serrano Parkway and EDH Blvd. in order to either make a u-turn or else to circle back from Lassen to Arrowhead, Yosemite, Shasta Circle, Brooks Elementary School and Bertelsen Park. With more traffic at the Saratoga-EDH Blvd intersection, more and more traffic will find its way onto Lassen and through that neighborhood in order to avoid the likely 3 to 4 traffic signal changes at Saratoga and EDH Blvd. This existing impact, to be made much worse by the project, is not even analyzed in the Negative Declaration and is certainly not mitigated. This impact is also likely to result in more traffic turning into the Raley's Shopping Center before the Saratoga Intersection in an effort to circumvent the left turn lane and use the direct path onto Saratoga by way of the stoplight near Wells Fargo.

Finally, what will be the impact of access to MDSTAT from such an enormous surge in traffic? MDSTAT is one of the primary medical providers of emergency and walk-in services in El Dorado Hills. And yet potential impacts to access are not analyzed anywhere.

4. Lighting and Signs

The Negative Declaration merely directs that the Developer “comply” with local regulations for lighting and signs. By deferring to existing local regulations, the homes directly across from the project cannot determine whether the impacts of lighting and signs will be significant, and the County cannot determine if mitigation is needed.

5. Air Quality

The Neg Dec ignores sensitive receptors – in fact finding that none exist. The Negative Declaration provides:

Sensitive Receptors: The CEQA Guidelines identify sensitive receptors as facilities that house or attract children, the elderly, people with illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors. Near the project, there are no nearby sensitive receptors. No sources of substantial pollutant concentrations will be emitted by the commercial development, during construction or following construction. There would be no impact.

However, the project is directly across the street from three school bus stops. The Project is across the street from a surgery center and two emergency medical centers (MDSTAT and Sutter Health). The project is less than a quarter mile from Bertelsen Park. The traffic impacts of the project extend to all of Arrowhead and thus Brooks Elementary School as well as EDH Blvd and thus the Senior Center. Has anyone from the Developer or the County examined traffic or air quality impacts to the Senior Center? It does not appear that this has been done.

In addition, the original study from Wallace Kuhl recommended an asbestos dust mitigation plan. Such a plan has never been adopted or proposed or circulated for comment. Instead, this “Plan” – and whether to even prepare one – is deferred to a time **AFTER project approval** upon application for a grading permit, which is a ministerial act under CEQA, meaning no public review or comment. In other words, one of the potentially most critical impacts of the project may never be required to be analyzed or mitigated - and never subject to review by the neighbors.

6. Conclusion

The Project should not be approved or recommended for approval.

At the very minimum, the following should occur:

- Extend the comment period to **Sept. 14, 2018** to allow project opponents time to properly review the CEQA documents and reports and to consult with their traffic, air quality and noise experts.
- Direct that a full Environmental Impact Report be prepared to properly analyze traffic, noise, air quality and other impacts and to properly consider and propose “actual” mitigation measures. The standard to require the preparation of an EIR is the existence of substantial evidence supporting a fair argument that a significant environmental impact may occur as the result of the Project. This standard is more than met by the projected traffic, noise, and air quality impacts discussed in the Negative Declaration.

I will have further comments prior to the County’s consideration of the Project. Thank you for your consideration

-MATTHEW EMRICK

3881 Scenic Court, El Dorado Hills CA 95762; (916) 337-0361

PC 8.23-18
#73 Pages
Planning Department <planning@edcgov.us>

DR R18-0001 Saratoga Retail Phase 2

1 message

Matt Emrick <matthew@mlelaw.com>

Sat, Aug 18, 2018 at 10:17 PM

Reply-To: Matt Emrick <matthew@mlelaw.com>

To: "planning@edcgov.us" <planning@edcgov.us>

Cc: "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>, "roger.trout@edcgov.us" <roger.trout@edcgov.us>

Dear El Dorado County and Hon. Planning Commission:

These are a few follow-up comments on the DR R18-0001 Saratoga Retail Phase 2 and Mitigated Negative Declaration. They supplement my prior comments submitted in both 2018 and 2017 which are incorporated by reference into these comments.

The following are my additional comments:

1. From what I was able to determine from the on-line documents, the Saratoga Estates EIR never analyzed traffic impacts for the expansion of the Shops in its original form, much less as a Drive-Thru restaurant project. Nor did the Ambulatory Surgery Center (found exempt from CEQA) nor did the original Negative Declaration for Walgreens/Shops Phase 1. What this means is that the cumulative impacts of all these project to traffic, noise, and air quality have never been properly analyzed or disclosed to the public or the decision makers. It also means that no proper analysis was performed to properly determine the impacts to adjacent neighborhoods from traffic, noise, and air quality.
2. The present project Negative Declaration fails to consider the impacts on local feeder roads including the impacts of cut-through traffic. This analysis is not in the Saratoga Estates EIR because that EIR did not analyze Saratoga Retail Phase 2 much less as a fast food drive-through development.

3. The above situation demonstrates that the impacts of traffic, noise, air quality have all been minimized by improper piecemealing of those impacts. I believe this was done purposely to avoid the disclosure of the real long term impacts of these issues on Saratoga and the adjacent neighborhoods because the 2010 proposed EIR for the Saratoga Connector Project showed severe impacts of over new 15,000 vehicle trips per day (not even considering traffic attributable to fast-food at that time because the present project was not proposed then). THIS is why an EIR for this projects is required if the project is to move forward. THIS is why real mitigation is required as part of this project if it is to move forward (cross walks, signals, expanded shoulders on the project side of Saratoga, etc.)

4. I understand the Developer is proposing synchronizing traffic lights on EDH Blvd as a potential mitigation and alternative to constructing a longer left turn lane from EDH Blvd onto Saratoga. There is so much wrong with this proposal it is hard to even know where to start. How is allowing huge amounts of traffic to be dumped onto Saratoga going to impact traffic trying to cross onto Saratoga from Mammouth? From Arrowhead? That is not analyzed anywhere. What would be the impacts of holding traffic up on EDH Blvd heading south on the intersection of EDH and Lassen/Serrano Pkwy? This is not analyzed anywhere either. How long will traffic have to sit at the stop light heading out of Raley's? That traffic is held up now due to the exit being only two lanes (one in and one out). The neighborhood and the community should not have to bear these burdens created by this project just because the Developer refuses to spend money to do the proper environmental review and to properly mitigate the Project.

As I have said, I have no animosity towards the developer and want him to be able to develop this property lawfully. I was part of the group that worked with him on the Walgreens part of this

project (he made enforceable promises regarding further development that this project does not honor). I live directly across from Walgreens. And I am a huge Chick-fil-A fan. But this is the wrong project for this property and neighborhood. It really is that simple.

Sincerely,

Matthew Emrick

3881 Scenic Court, EDH, CA 95762
(916) 337-0361



PC 8-23-18
#7

Planning Department <planning@edcgov.us>

re: proposed fast food restaurant on Saratoga Way

1 message

Myrna Sparks <myrnacttravel@hotmail.com>

Thu, Aug 16, 2018 at 11:37 AM

To: "planning@edcgov.us" <planning@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Hello to the El Dorado County Planning Department,

My mother, Katherine Midkiff, and I are the owners of a townhouse located at 3913 Hills Court in El Dorado Hills. I have lived in El Dorado Hills for the past 41 years and my mother was also long term resident of El Dorado Hills also in her townhouse before moving to Ponte Palmero, a senior facility in Cameron Park.

Our two story townhouse is located on the right side of Hills Court with Saratoga being directly in back of the townhouse. If approved our townhouse will be across the street from the Chic-Fil-A fast food restaurant. The second story of our townhouse is the location of the bedrooms with the master bedroom and small deck facing east looking directly to where this fast food restaurant would be located. The patio of the townhouse faces the proposed fast food location also.

As I understand it the drive through at this fast food restaurant would open at 6:30 a.m. and close at 10:00 p.m. daily.

This means that those in our townhouse would be hearing "May I take your order" 15 1/2 hours every day. There would be no way of escaping hearing this when you are sitting on the patio, in the master bedroom or have the windows open in the townhouse.

It is true that El Dorado County installed double pane windows over 20 years ago when Saratoga was widened. It is also true that these were only installed on the first floor of the townhouses--they were not installed in the second story windows. This was done to mitigate the sound of more cars on Saratoga when the road was widened.

I am not opposed to retail expansion on this property. I am 100% opposed to a fast food restaurant in this location that would have speakers blaring out order taking 15 1/2 hours per day.

Approval of Chic-Fil-A or any other fast food in this location totally impacts the quality of life for anyone living in the El Dorado Townhouses or the area and gives our property a serious devaluation in price.

My mother and I combined have lived in El Dorado County for over 80 years, paid taxes for those years and been active members of the El Dorado Hills community in many volunteer capacities. We sincerely ask that you respect our neighborhood and vote no on approving this Chic-Fil-A fast food project on this location.

Myrna Sparks
Tel: 916-933-0747

Melissa L. Garske

3891 Scenic Court
El Dorado Hills, CA 95762
Phone: (530) 409-2345
E-Mail: fashiongirlmelissa@yahoo.com

August 8th, 2018

County of El Dorado Planning Commission
Charlene Tim, Clerk of the Planning Commission
2850 Fairlane Court
Placerville, CA 95667

RE: Saratoga Retail Phase 2 - DR-R18-0001

To Planning Commission and EDC Board of Supervisors,

As a current homeowner within feet of the proposed design project revision and a direct line of sight to the location, I wish to bring my concerns to your attention, most importantly; traffic, parking, noise, aesthetics, truck unloading, and transient traffic driving through our small neighborhood.

This location was approved in 2009 for several buildings containing retail space and one sit-down restaurant. This is an acceptable plan for the space and none of my neighbors or I disagree with it. Now the developer has requested to amend it and is proposing a popular drive-thru in a very small space. This changes every sound test, traffic study, etc. that was done back in 2009. The reports now are stating there will be minimal effect on the surrounding locations, which is frankly not true and not possible. They are stating the same amount of cars will be driving through as in 2009 study.

First, I would like to request that the Planning commission and the Board of Supervisors stand behind the well-planned decision they made in 2009, and in January 2018 when they denied the developer. Second, I would ask that you deny any amendment to this location. Third, if consideration is made to amend the plan, again; I ask that there are official noise, light and air pollution, and traffic studies done before any more progress is made.

As a mother of small children, I would also like to request the hours of operation for any business should be limited to 9 pm. I prefer an 8 pm limit because my children need to get adequate sleep in order to be alert in school. Currently, nothing would prevent these businesses from being open 24 hours a day. When my husband and I bought this home in 2012, we did so with the understanding that upscale retail shops and a sit-down restaurant

were being built in this location. This understanding helped us make the decision to buy our home in El Dorado County, instead of buying in Sacramento Country, where we both work.

Parking remains na issue. As parking issues arise, cars will begin to park in Walgreens parking lot, side streets and Saratoga Way. This will be a major problem for homeowners and visitors, especially once the road is 4 lanes and has no street parking.

Other traffic concerns are the left turn lane onto Saratoga Way, Northbound on El Dorado Hills Blvd. This turn lane is already short, and it is not uncommon to wait through two or more light cycles in order to turn left. Currently, as traffic builds- often at non-busy times of day, this turn lane then blocks the left-hand lane that goes straight north on EDH Blvd, causing potential traffic backups and dangerous conditions.

Our county is a beautiful gem and El Dorado Hills is traveler's first impression of us. Please take that into consideration and don't label us "the town with the Chick-fil-A". The Master Plan that has been in place for years has protected our small town feel and kept our county protected. In addition, this design revision violates Measure E, General Plan policies and California Environmental Quality Act (CEQA).

These are just a few of many issues that arise for my neighbors and me. I haven't even mentioned the noise, the lights, the truck unloading, or the fast-food smell.

I ask that you, once again, deny the approval of Saratoga Retail Phase 2 - DR-R18-0001.

Thank you,

A handwritten signature in black ink, appearing to read "Melissa Garske". The signature is written in a cursive, flowing style.

Melissa Garske



El Dorado Hills Area Planning Advisory Committee

1021 Harvard Way
El Dorado Hills, CA 95762

2018 Board Chair

Tim White

Vice Chair

John Raslear

Secretary

Kathy Prevost

Vice Chair

John Davey

August 17, 2018

The County of El Dorado Planning Commission
The County of El Dorado Board of Supervisors
County of El Dorado Planning and Building Department
El Dorado County Planning Services
2850 Fairlane Court
Placerville, CA 95667

DR-R18-0001 Saratoga Retail Phase 2

The voting members of The El Dorado Hills Area Planning Advisory Committee (“EDHAPAC”) voted unanimously to file a letter of Non-Support for the Project. After reviewing the documents on file for the Project at the Planning Department’s and the Planning Commission’s websites, EDHAPAC believes significant issues regarding traffic, RV parking and design review standards remain, and until those issues are answered and addressed this Project should not be allowed to proceed.

RV PARKING - Mr. Joel Wiley, an experienced RV owner and driver, sent a Public Comment to the Planning Commission raising several concerns regarding both the size of the 2 allocated RV parking spaces and the tight turns necessary to get into and out of those spaces. We suspect that these spaces are designed on a computer in an office, but do the people who do the design have any real-life experience driving and maneuvering an RV? Does any member of Planning Department Staff responsible for reviewing and/or approving the RV parking space layout have any real-life experience driving and maneuvering an RV? Have they ever set up plastic cones in a parking lot with the dimensions of the spaces and turns planned for the Project and tried to maneuver an RV in and out? Is there a State of California, or El Dorado County ordinance addressing the definition, requirements, and design elements of what constitutes an RV parking space?

There are further issues and concerns about the whole RV Parking requirements for the Project that are addressed with great specificity in the Public Comment from 8 neighborhood residents (the “Washburn/Camom Comment”) received by the Planning Commission on August 13, 2018, and those comments adequately reflect the issues and concerns of EDHAPAC, and thus are incorporated herein by reference.

TRAFFIC – Many of the issues and concerns that EDHAPAC has with the traffic that would be generated by a busy and popular drive-thru restaurant located next to a residential neighborhood are

El Dorado Hills APAC - Non-partisan Volunteers Planning Our Future

18-1215 Public Comment
PC Rcvd 08-20-18
18-1497 A 23 of 70

addressed with great specificity in the Washburn/Camom Comment, and thus those comments are incorporated herein by reference.

Additionally, EDHAPAC finds it extremely “interesting” that there are disparate current condition and near-term condition traffic impact data for 3 different project’s Traffic Study in the immediate area in a 4-year time span, two of which are provided by the same traffic analysis consultant. [DR-R18-0001 Saratoga Retail Phase II, TM14-1520/Z14-0007/PD14-0006 Saratoga Estates, and A16-0001/RZ16-0004/PD94-0004-R El Dorado Hills Apartments]. Those traffic analysis numbers are seemingly tailored differently for each project to achieve a finding of No Significant Impact or Less Than Significant Impact – i.e. those numbers and statistics appear to be modeled to achieve a desired result. EDHAPAC also questions whether traffic impacts generated by the Project that exceed Measure E triggers can be mitigated by TIM Fee contributions from multiple other projects that may, or may not, happen at some uncertain, undefined future date.

MITIGATED NEGATIVE DECLARATION- EDHAPAC is concerned and bewildered that Planning Department Staff would prepare a Mitigated Negative Declaration for this Project that does not address (in fact, completely ignores) the County of El Dorado Ordinance governing drive thru facilities. The Community Design Standards for Parking and Lodging, Section H, 1-8 mandates that drive thru facilities SHALL (not “should” or “can” but “shall”) comply with the circulation and traffic control standards set forth therein. Subsection 2. provides that ingress to and egress from a drive thru facility shall be prohibited from driveways directly facing a residential zone. All 4 proposed access driveways for this Project face a Residential Neighborhood- obviously zoned residential! The reason the County of El Dorado mandated the 8 specific compliance standards goes to the heart of the issue with a drive thru restaurant at this location – it is located immediately adjacent to a long-established residential neighborhood, and the County’s intent was and is to protect residential neighborhoods from the intrusiveness of such an establishment.

EDHAPAC has valid concerns about this Project at this location – the nearby residents in the Washburn/Camom Comment have set forth in detail and with specificity legitimate and significant negative impacts that the operation of a drive thru restaurant adjacent to their homes would have in terms of traffic, noise, air quality, visual blight, crime and the quiet enjoyment of their property. Assuming for the sake of argument that the Project proponent has a right to build the Project as presented, it does not mean that it is the right thing to do. To quote G. Guga Mona “It is better to wait until you get the right thing, at the right time and in the right place; than to race for the wrong thing, at the wrong time and in the wrong place...”.

As always, EDHAPAC appreciates the Planning Commissioners for listening to our concerns, appreciates the assistance provided by Planning Department Staff in our review of this Project, and wishes to thank the Project Proponent and the members of his team for attending the EDHAPAC meeting and answering questions about the Project.

Sincerely,
Timothy J. White – EDHAPAC Chair

cc: Read File

PC 12/14/17
#7
23 pages

December 5, 2017

Rebecca Eno
3844 Yellowstone Lane
El Dorado Hills, CA 95762

County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667

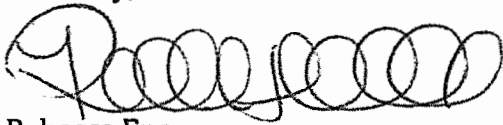
On December 14th the El Dorado County Planning Commission will be making a decision for the future development of the parcel of land in El Dorado Hills off Saratoga Way designated in the DR 08-0003-R "Saratoga Retail" document.

Park Village residents are speaking out and have signed the enclosed petition that says they do not want El Dorado County officials to permit Fast Food Drive Thru restaurants to be built on this parcel of land. This petition states that we want the county to keep the 2009 approved plan, which did not include fast food restaurants, drive thru windows and a 4th building.

Please include this letter and attached Petition in all files and public comments that pertain to this issue.

Thank you for your time and consideration.

Sincerely,



Rebecca Eno
Park Village Resident

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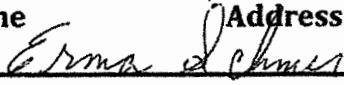
DEC 7 2017

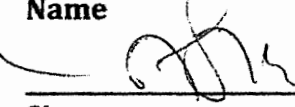
EL DORADO COUNTY
DEVELOPMENT SERVICES DEPT

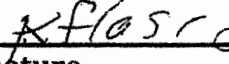
144 signatures
12.5.2017

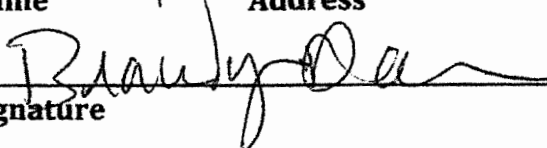
PETITION TO KEEP FAST FOOD DRIVE-THRU RESTAURANTS FROM BEING BUILT OFF OF SARATOGA ROAD IN EL DORADO HILLS.

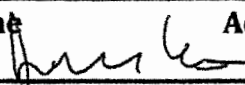
Petition to the El Dorado County Planning Commission and Board of Supervisors that no design changes be made to the original 2009 approved DR 08-0003 which allowed for Walgreens plus 2 more (not 3) enclosed (not drive thru) buildings. No fast food restaurants should be considered in any future planning decisions for Saratoga Road in El Dorado Hills.

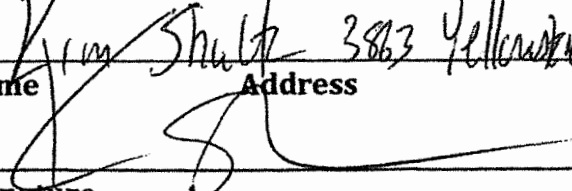
- | | | | |
|---|----------------------|-------------|-----------------|
| 1. Erma Schmer | 3860 Yellowstone EDH | | arterm@junc.com |
| Name | Address | Phone No. | Email |
|  | | 714.19.2017 | |
| Signature | | Date | |

- | | | | |
|--|-------------------|--------------|---------------------|
| 2. Daria Flasco | 3815 Hills Ct EDH | 916-280-8492 | netflasco@gmail.com |
| Name | Address | Phone No. | Email |
|  | | 11/19/16 | |
| Signature | | Date | |

- | | | | |
|---|-------------------|--------------|-------|
| 3. Kim Flasco | 3915 Hills Ct EDH | 916-280-8492 | |
| Name | Address | Phone No. | Email |
|  | | 11/19/18 | |
| Signature | | Date | |

- | | | | |
|---|------------------|--------------|-------------------|
| 4. Brandy Dolins | 3911 Hills Court | 916-671-0814 | Bmlea74@yahoo.com |
| Name | Address | Phone No. | Email |
|  | | 11/19/17 | |
| Signature | | Date | |

- | | | | |
|---|------------------|--------------|----------------------|
| 5. Justin Eno | 3844 Yellowstone | 408-540-9624 | justin_eno@yahoo.com |
| Name | Address | Phone No. | Email |
|  | | | |
| Signature | | Date | |

- | | | | |
|---|-----------------------|--------------|------------------------|
| 6. Kim Shult | 3863 Yellowstone Lane | 916-825-0255 | camon23yse@hotmail.com |
| Name | Address | Phone No. | Email |
|  | | 11/19/17 | |
| Signature | | Date | |

7. Eric Byard fishgur71@sbcglobal.net
Name Address Phone No. Email
Signature Date 11/19/17

8. Adrianna Rapale Rd.
Name Address Phone No. Email
Signature Date 11/19/17

9. Meyers Alfonso 3903 Hills Court
Name Address Phone No. Email
Signature Date 11-19-17

10. Christina Folsom 3908 Hills Court
Name Address Phone No. Email
Signature Date 11/19/17

11. Casey Stern 3908 Hills Court W/17
Name Address Phone No. Email
Signature Date 11/19/17

12. Jani Ellsworth 3904 Hills Ct 530-353-7838
Name Address Phone No. Email
Signature Date 11/19/17

13. Gloriosa McAdon
Name Address Phone No. Email
Signature Date 11-19-17

14. Hilary Knopf 3883 Scenic Ct, East (916) 212-045
Name Address Phone No. Email
Signature Hilary Knopf 11/19/17
Date

15. Ben Ruser 3890 Scenic Court El Dorado Hills CA 95762
Name Address Phone No. Email
Signature [Signature] 11/19/2017
Date

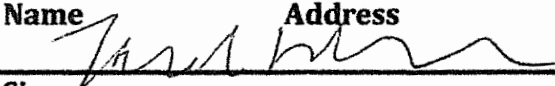
16. Vick Parrish 628-9842 vick@nshioydx.com
Name Address Phone No. Email
Signature Vick Parrish 11/19/17
Date

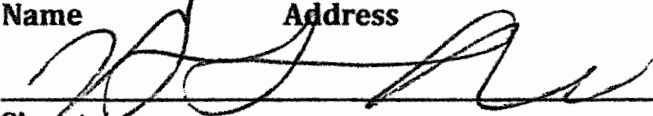
17. Josh Stock 3889 Scenic Ct (916) 990-6774 JoshStock25@gmail.com
Name Address Phone No. Email
Signature [Signature] 11/19/17
Date


18. Melissa Ganske 3891 Scenic Ct. 530 4092345 fashionsgirl/mel @janece
Name Address Phone No. Email
Signature [Signature] 11/19/17
Date


19. Ebony Myers 3889 Scenic Ct. (916) 936-5780 enm94.12@gmail.com
Name Address Phone No. Email
Signature Ebony Myers 11/19/17
Date

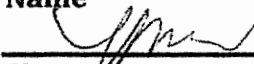
20. Paul Stock 3889 Scenic Ct. 95762 916 710 6979 pgstock@yahoo.com
Name Address Phone No. Email
Signature Paul Stock 11/19/2017
Date

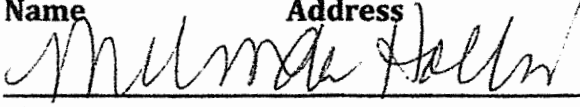
21. Richard Hamis, 3891 Scenic Ct. 916 8030968 ^{hannisa41@}
^{yahoo.com}
Name Address Phone No. Email
 11/19/17
Signature Date

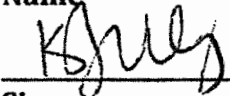
22. ^{3888 Scenic Ct}
Krislyn Avalon ~~3878 Scenic Ct~~ 530-443100 ^{pxegirl@}
^{comcast.net}
Name Address Phone No. Email
 11-19-17
Signature Date

23. ^{3881 Scenic Ct}
Matthew Enzovic 916 337-0361 ^{matthew}
^{@mle.com}
Name Address Phone No. Email
 11-19-17
Signature Date

24. Tyson Surls 3882 Scenic Ct 530-312-1473 ^{tysonsurls@}
^{gmail.com}
Name Address Phone No. Email
 11/19/17
Signature Date

25. Mia Surls 3882 Scenic Ct 530.919.0143 ^{miasurls@}
^{gmail.com}
Name Address Phone No. Email
 11/19/17
Signature Date

26. Melinda Hall 3878 Scenic Ct 916 95762 ^{melinda}
^{photo.org}
Name Address Phone No. Email
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Signature Date

27. Kathryn Jeffery 955 Mammoth 916 498859 ^{skincarebyKaty}
^{@hotmail.com}
Name Address Phone No. Email
 11/19/17
Signature Date

28. Michael Pierce 958 Mammoth Way 7182590038 emmperez
Name Address Phone No. Email
Signature Date 11/19/17

29. Sally Montes 950 Mammoth Way 916-933-3096 Sallygirl2467@
Name Address Phone No. Email Yahoo.com
Signature Date 11/19/17

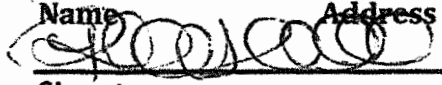
30. Donna Kretchman 951 Mammoth Donna Kretchman
Name Address Phone No. Email
Signature Date 11-19-17

31. Scott Macy 674 Park Circle 916 220-2319
Name Address Phone No. Email
Signature Date 11/19/17

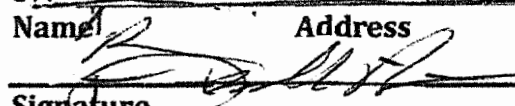
32. 1603 Resville 503-860-7864
Name Address Phone No. Email
Signature Date 11/19/17

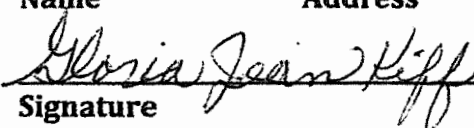
33. 3857 Park Dr 916-941-8640
Name Address Phone No. Email
Signature Date 11-19-17

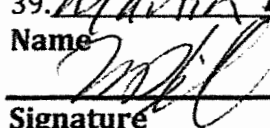
34. R. PLASSMUEB 3855 PARK DR. EDH (916) 939-1990
Name Address Phone No. Email
Signature Date 11/19/17

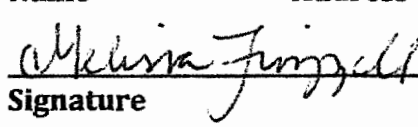
35. Rebecca Eno 3844 Yellowstone Ln 408-466-4367
Name Address Phone No. Email
 11/19/17
Signature Date

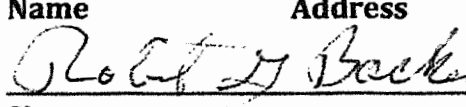
36. David Green 3874 Yellowstone Lane
Name Address Phone No. Email
David Green 19 Nov 2017
Signature Date

37. BRIAN PROUT 3842 YELLOWSTONE LN. #2 DORANDRES
Name Address Phone No. Email
 11-21-17
Signature Date

38. Gloria Jean Kiff 3840 Yellowstone Ln. (916) 933-0883
Name Address Phone No. Email gjkment@Packell.NET
 11-21-2017
Signature Date

39. Martin B. Kiff 3840 Yellowstone Ln. (916) 933-0883
Name Address Phone No. Email gjkment@Packell.NET
 11/21/17
Signature Date

40. Melissa Fizzell 3848 Yellowstone Lane (530) 409-7195
Name Address Phone No. Email
 11/27/17
Signature Date

41. ROBERT G. BACKER (916) 933-1366
Name Address Phone No. Email
 11-27-17
Signature Date

42. Alma Smith 3894 Yellowstone Lane 718-747-7454 almasmith@earthlink.net
Name Address Phone No. Email
Alma Smith 11/27/17
Signature Date

43. Caroline Bol 3896 Yellowstone Ln. 530 300-1906 cbol@hotmail.com
Name Address Phone No. Email
CBol 11/27/17
Signature Date

44. Josh Minor 815 721 9802 josh@btreat.com
Name Address Phone No. Email
Josh Minor 11/27/17
Signature Date

45. Patricia Minor 3911 Yellowstone Ln (509) 49-0737 pminor04@gmail.com
Name Address Phone No. Email
Patricia Minor 11/27/17
Signature Date

46. Jan Orlosky 3904 Yellowstone Lane Orlosky@ATT.net
Name Address Phone No. Email
Jan Orlosky 11/27/17
Signature Date

47. Tom Adams 941 Kings Canyon Dr. EDH tomadams1776@yahoo.com
Name Address Phone No. Email
Tom Adams 11-27-17
Signature Date

48. Michael Hill 948 Kings Canyon Dr. man1971@yahoo.com
Name Address Phone No. Email
Michael Hill 11-27-2017
Signature Date

49. Marnie Hill 916 224-0524 marnie97@yahoo.com
Name Address Phone No. Email
Marnie Hill 11-27-2017
Signature Date

50. JESSIE RAMSEY 916-458-2127 Jorntessnow@gmail.com
Name Address Phone No. Email
11-27-17
Signature Date

51. Mark Madayag 3885 Yellowstone Ln. 408-250-9821
Name Address Phone No. Email
12/3/17
Signature Date

52. Tim King 3890 Yellowstone Ln
Name Address Phone No. Email
Signature Date

53. ~~5293~~ 958 Kings Canyon Dr El Dorado Hills CA 95672
Name Address Phone No. Email
12/3/17
Signature Date

54. Tammy Horner 5293 Kelly Park Ln El Dorado CA 95623
Name Address Phone No. Email
12/3/17
Signature Date

55. TOBY NIKOKI 916-712-8805
Name Address Phone No. Email
12-31-17
Signature Date

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12/3/17

57. Gina Bass 970 Kings Canyon Dr. (916) 990-3660
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58. LISA M CARULLO 3917 Arrowhead Dr 95762
Name Address Phone No. Email
Signature Date
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59. Linda Cochran 3907 Arrowhead Dr 95762
Name Address Phone No. Email
Signature Date
12-3-17


60. Justin Harris 3897 Arrowhead Dr
Name Address Phone No. Email
Signature Date
12-3-17


61. David Hall 3882 Arrowhead Dr 916-224-3090
Name Address Phone No. Email
Signature Date
11-3-17

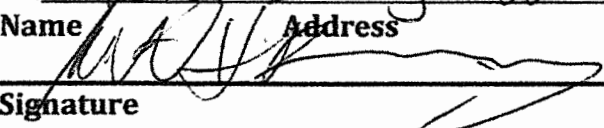
62. Brad Frago 3879 Arrowhead Dr 916-350-1029 bfrago66@gmail.com
Name Address Phone No. Email
Signature Date
12/3/17

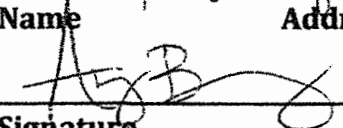
63. Megan Folte 3874 Arrowhead Drive EDIA
Name Address Phone No. Email
 12-3-17
Signature Date

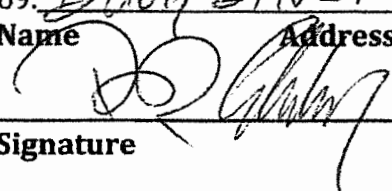
64. Mela Folte 3874 Arrowhead Dr El Dorado Hills, CA
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 12-3-17
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65. Lily Dilts 3854 Arrowhead Dr 916 337 4990 lily@dilts.com
Name Address Phone No. Email
 12-2-17
Signature Date

66. Ben Folte 3823 Arrowhead
Name Address Phone No. Email
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 12-4-17 12/3/17
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68. Amy Browning 3882 Yellowstone Lane Amylinne92346@hotmail.com
Name Address Phone No. Email
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69. Doug Shultz 3863 YELLOWSTONE EDH
Name Address Phone No. Email
 7 DEC 14
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70. Karen Anda 940 Kings Canyon Dr.
Name Address Phone No. Email
K Anda 12/3/17
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71. Chris Bass 971 Kings Canyon DR
Name Address Phone No. Email
CB 12/3/17
Signature Date

72. Kyle Bass 971 Kings Canyon PR
Name Address Phone No. Email
Kyle Bass 12/3/17
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73. David Meehan 3901 Hills Ct
Name Address Phone No. Email
D Meehan 12-3-17
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74. Liz Davis 3916 Hills Ct. 916-792-6804
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Liz Davis 12/3/17
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75. BRIAN Krogh 3892 Scenic Ct, EDH
Name Address Phone No. Email
Brian Krogh 12/4/17
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76. Eva de Young 916 955-8617
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Eva de Young 12-5-17
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77. Renee Scott 3908 Arrowhead Dr 916 221-8941
Name Address Phone No. Email
Renee Scott 12-5-2017 mmmmarlenee@att.net
Signature Date

78. Brian Scott 3908 Arrowhead Dr 933-5097
Name Address Phone No. Email

Signature Date

79. _____
Name Address Phone No. Email

Signature Date

80. _____
Name Address Phone No. Email

Signature Date

81. _____
Name Address Phone No. Email

Signature Date

82. _____
Name Address Phone No. Email

Signature Date

Versante Residents

PETITION TO KEEP FAST FOOD DRIVE-THRU RESTAURANTS FROM BEING BUILT OFF OF SARATOGA ROAD IN EL DORADO HILLS.

Petition to the El Dorado County Planning Commission and Board of Supervisors that no design changes be made to the original 2009 approved DR 08-0003 which allowed for Walgreens plus 2 more (not 3) enclosed (not drive thru) buildings. No fast food restaurants should be considered in any future planning decisions for Saratoga Road in El Dorado Hills.

1. GARCI DAVIS 3783 Park Dr. EDH 95762
Name Address Phone No. Email
Carol Davis 11-27-17
Signature Date

2. Joan Newnan 31ST PARK DR. EDH 916 933-1103
Name Address Phone No. Email
Joan Newnan 11-27-17
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3. Carla Gomann 70 Powers Drive 916 941-0130 cgomann@gmail.com
Name Address Phone No. Email
Carla Gomann 11/27/2017
Signature Date

4. MICHAEL MENDERSHAUSEN 3779 PARK DR 916-941-9166
Name Address Phone No. Email
Michael Mendershausen 11/27/17
Signature Date

5. SOLEDAD MENDERSHAUSEN 3779 PARK DR 916 941-9166
Name Address Phone No. Email
Soledad Mendershausen 11/27/17
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6. ROBERT L. RAE 3777 Park Dr EDH 530-677-7824
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Robert L. Rae 11-27-17 R.L.Rae@sbglobal.net
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7. MARY RUTTY 3791 PARK DR.
Name Address Phone No. Email
Mary Rutty 11-27-17
Signature Date

8. Robert F. Thompson (916) 941 1460
Name Address Phone No. Email
3745 Park RR 11-27-17
Signature Date

9. Jo McShane 3795 PARK DR.
Name Address Phone No. Email
Jo McShane 11-27-17
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10. DON McSHANE 3795 PARK DR ^{EDH} 933-0534
Name Address Phone No. Email
Donald L. McShane 11-27-17
Signature Date

11. LAURA BIRD 3797 PARK DR 939-3650
Name Address Phone No. Email
Laura Bird 11-27-17
Signature Date

12. DARLENE MODENA 3799 Park 9330856
Name Address Phone No. Email
Darlene Modena 11-27-17
Signature Date

13. JERRY MODENA 9330856
Name Address Phone No. Email
Jerry R. Modena 11-27-17
Signature Date

14. Karen Kelly 3801 Park Dr, El Dorado Hills, CA
Name Address Phone No. Email
Karen Kelly 11-27-17
Signature Date

15. Margarita Bendana 916-934-0976 (11-27-17)
Name Address Phone No. Email
MARGARITA BENDANA, 3987 Park Dr, EDH CA 95762
Signature Date

16. Antonio Bentana 916-934-0976 11/27/17
Name Address Phone No. Email
Antonio Bentana 318 Park Dr El Dorado Hills CA 95762
Signature Date

17. SHIRLEY LACY 3833 PARK 916-358-9720
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Shirley Lacy 11-28-17
Signature Date

18. DOLORIS HOOK 916-9419541
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Nola Mulligan 3811 Park Dr. 11/28/17
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21. JANENE BACHMAN 3819 PARK DR
Name Address Phone No. Email
Janene Bachman 11-28-17
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22. BARBARA PROTTEAU
Name Address Phone No. Email
Barbara Prottau 11.28.17
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23. *Aulene Joseph Knudsen* 3774 Park Dr
Name Address Phone No. Email
AULENE JOSEFA KNUDSEN 916-941-6433 *pennyknudsen@stgltd.com*
Signature Date 11/28/2017

24. *Marion Krivanec*, 3747 Park Dr
Name Address Phone No. Email
M.A. Krivanec 11/28/2017
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25. *Amy Holliday* 3807 Park Dr
Name Address Phone No. Email
Amy L. Holliday 11/29/2017
Signature Date

26. *Mary Jo Johnston*
Name Address Phone No. Email
Mary Jo Johnston 11/30/2017
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27. MARIA 3781 PARK DR.
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Maria G. Lopez 11-30-17
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30. Jerry Drysdale 3751 Park Dr jerrydrysdale@yahoo.com
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Jerry Drysdale 12-1-17
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31. Michael Shulters 3805 Park Dr EDH
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Michael Shulters 12/3/17
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32. DEXTER McNAMARA 3736 Park Dr.
Name Address Phone No. Email
Dexter McNamara 12/3/2017
Signature Date

33. Carole McNAMARA 3767 Park Dr EDH
Name Address Phone No. Email
CMcNamara 12/3/2017
Signature Date

34. Mardee Kay 3793 Park Dr EDH, CA
Name Address Phone No. Email
Mardee Kay 12/3/2017
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(35)

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(36)

50. Maria Castelo
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 Maria Castelo 3847 Park Dr. Eldorado Hills Ca 95762

51. Jerzy Rusin 3849 Park Dr
 Name Address Phone No. Email
 Jerzy Rusin 3849 Park Dr 916 2447472
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52. EMIL HARRIS 3780 Park Dr.
 Name Address Phone No. Email
 Emil Harris 11-27-2017
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53. Judy Lange 3786 Park Drive
 Name Address Phone No. Email
 Judy Lange
 Signature Date

(39)

54. Peter Jensen 3857 Greenwood
 Name Address Phone No. Email
 Peter Jensen
 Signature Date

(40)

55. Pat Baker 3792 Park Dr.
 Name Address Phone No. Email
 Pat Baker
 Signature Date

(41)

56. [Signature] [Address] [Phone No.] [Email]
 Signature Date

(42)

57. [Signature] [Address] [Phone No.] [Email]
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(43) → 56. Barbara Murrell 3808 Park Dr
Name Address Phone No. Email
Barbara Murrell 11/30/2017
Signature Date

(44) → 57. Ken Murrell 3808 Park Dr
Name Address Phone No. Email
Ken Murrell
Signature Date

(45) → 58. Renee Morledge 3810 Park Dr
Name Address Phone No. Email
Renee Morledge
Signature Date

(46) → 59. Linda Barrett 3812 Park Dr
Name Address Phone No. Email
Linda S. Barrett
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(47) → 60. Maucira Vandewert 916-934-4351
Name Address Phone No. Email

Signature Date

(48) → 61. PAUL FERRIN 3476 Smokey Mt Cir EDH
Name Address Phone No. Email
Paul Ferrin
Signature Date

(49) → 62. TAMARA FERRIN 3476 Smokey Mt Cir EDH
Name Address Phone No. Email
Tamara Ferrin
Signature Date

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70. Don Sgamba 3764 Park Dr
 Name Address Phone No. Email
 Signature Date

(51)

71. DOROTHY J. SGAMBA 3764 PARK DR.
 Name Address Phone No. Email
 Signature Date

(52)

72. Donald & Popovich 3816 Park Dr 916 941 0953
 Name Address Phone No. Email
 Signature Date

(53)

73. Betty Popovich 3816 Park Dr 941 0953
 Name Address Phone No. Email
 Signature Date

(54)

74. Isabel (Judy) Wright 3790 Park Dr
 Name Address Phone No. Email
 Signature Date

(55)

75. Margit Reichner 3826 Park Dr
 Name Address Phone No. Email
 Signature Date

(56)

76. JACKIE TISDALE 916-939-9193 jht2232501
 Name Address Phone No. Email
 Signature Date

(57)

89. Andy Ho 3806 Park Drive
 Name Address Phone No. Email
Andy Ho
 Signature Date

(58)

90. Vickie Seaberg 3753 Park Dr.
 Name Address Phone No. Email
Vickie M Seaberg
 Signature Date

(59)

91. Dottie Purcell
 Name Address Phone No. Email
Dottie Purcell 3754 Park Dr.
 Signature Date

(60)

92. Jim Purcell 3754 Park Dr
 Name Address Phone No. Email
Jim Purcell 3754 Park Dr
 Signature Date

(61)

93. Virginia Lantz 3760 Park Dr
 Name Address Phone No. Email
Virginia B Lantz
 Signature Date

~~94.
 Name Address Phone No. Email
 Signature Date~~

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95 Pat Mickelson 3784 Park Dr
 Name Address Phone No. Email
 Pat Mickelson 3784 Park Dr
 Signature Date

63

96 Joann Davidson 3782 Park Dr
 Name Address Phone No. Email
 Joann Davidson
 Signature Date

64

97 Mary Thomas 3778 Park Dr
 Name Address Phone No. Email
 Mary Thomas
 Signature Date

65

98 Dorothy Kallmeister ~~102~~ 3748 Park Dr
 Name Address Phone No. Email
 Dorothy Kallmeister
 Signature Date 10/30/17

66

99 Ali Aghaherfi 3750 Park Dr.
 Name Address Phone No. Email
 Ali Aghaherfi
 Signature Date

67

100 Laura Ed Naves
 Name Address Phone No. Email
 Laura Naves
 Signature Date 11/28/17

To: EL Dorado County Planning Commission; Board Of Supervisors
From: Concerned Residents (Brooke & Wes Washburn; Kim Camom, Rebecca and Justin Eno, Hilary Krogh, Brandy Dollis, Karen Anda)
CC: El Dorado County Planning Department
Date: 8/13/2018
Re: DR-R18-0001/Saratoga Retail Phase 2- Request to Deny Application or in the Alternative Require an EIR

To effectively summarize the substantial and overwhelming evidence submitted in opposition to the application referenced above, residents who all reside in adjacent villages submit this public comment collectively for consideration in advance of the upcoming hearing before the El Dorado Planning Commission on **August 23, 2018**.

Request: In reliance upon the evidence and arguments detailed below, this memorandum respectfully requests that the design review revision, commonly referred to as Saratoga Retail – Phase 2 (DR-R 18-0001), be denied with prejudice, or in the alternative that the project be stayed until a full EIR is conducted.

Summary of Pertinent Facts:

On January 22, 2009, the El Dorado County Planning Department and Commission published findings and a staff report that were the basis for approval of a commercial development commonly referred to as “Saratoga Retail.” In the findings, the County stated on multiple occasions that the unique shape of the lot being developed would not allow the owner to comply with various county ordinances.

The Planning Commission should be aware that as a result of the Saratoga Way realignment project undertaken by El Dorado County, an odd shaped parcel was created. The applicant has adapted the project to this odd shape, but unique circulation issues exist with respect to the site’s ability to handle large vehicles due to the narrow width of the parcel in certain locations. **As a result of the parcel’s limitations, a number of administrative relief findings have been requested.** (See, January 22, 2009, Staff Report, P. 2.)

There were a number of administrative relief findings granted to the owner of the Saratoga Retail project. Said relief was granted as to the entire project, not a single phase, and was exclusively conditioned upon affirmative representations from the owner that the project would NEVER be a tourist serving Retail Center. These representations regarding the type of establishments that would occupy the Retail Center are crucial because, as stated by the Planning Department in 2009, the odd shape of the parcel would not allow for proper traffic and parking circulation.

Again, based on the assurances that the Retail Center would not be tourist serving, In 2009, the County waived requirements for parking, drop-off, and loading for a commercial development. The specific parking relief granted to the owner was not limited to Phase I of the development, and further does not extend to new phases, if the use is changed to a tourist serving facility.

Thus eight (8) RV parking spaces would be required for the proposed restaurant uses. The project does not include recreational parking spaces. However, the project exceeds the County requirements and would be sufficient to serve the **proposed commercial use given that the project is not a regional retail center, nor is it a tourist serving facility, and it is unlikely that it would draw recreational vehicles to the site.** Administrative relief findings from the strict compliance with the provisions for commercial use have been made and are included in the Findings for Approval, Attachment 2. (See, January 22, 2009, Staff Report, P. 2.)

The owner decided to develop the approved design in phases, and built the first of three proposed retail facilities in 2009, a Walgreens. Then, in 2017, the owner submitted a Design Review Revision that sought to add two (2) drive-through facilities in lieu of building the previously approved retail facilities to house boutique shops and restaurants. The owner's blatant departure from the promises made to secure administrative relief in the first instance captured the attention of the community and resulted in a significant movement to oppose the revision.

The county and its residents adopted clear design ordinances and regulations that must be followed to mitigate future problems related to capacity, safety, traffic, etc. In 2009, the proposed commercial use for the odd parcel could not comply with the existing regulations, and therefore a compromise was achieved through administrative relief. This relief did not absolve the owner from ever complying with County regulations should the "use" change. In fact, quite the opposite was clearly the intent of the relief. The County conditioned the approval of the project, provided the use would **never** be tourist serving. Why? Logic follows, with a tourist serving facility, all of the potential problems with traffic, safety and parking the original laws were designed to negate become amplified, to an unacceptable level of significant negative impact on the residents of this county and local community.

The Planning Commission denied the proposed Saratoga Retail – Phase II design revision and a staff memo was issued on January 11, 2018. Then, in late spring, the owner submitted a second Design Review Revision that sought approval for two buildings, the first of which would include a drive-through restaurant.

Again, this submission from the owner is a departure from the original conditions of approval in 2009, namely it proposes a tourist serving facility in the form of a drive-

through restaurant. Accordingly, the application does not comply with the original 2009 approved project, and further as a whole the entire project does not comply with the regulations in effect in this county both in 2009 and present day.

Analysis:

1. The entire Design Revision application should be denied with prejudice.

Setting aside the legal arguments that the original permit was not properly revived¹, and that the submission by the owner less than 12 months after a denial (El Dorado County Ordinance Sections 130.54.080(A); 130.54.70) was improper, this design review revision application should be denied because a drive-through will never be a conforming use for the subject parcel.

a. Findings Issued by the Planning Department are Fatally Flawed and Should not Be Adopted by the Commission or BOA:

As detailed above, and expressed numerous times in the prior findings by the Commission and Planning Department, the parcel at issue is odd shaped and a project cannot be designed in a manner that ever complies with the specific traffic and parking regulations adopted by the County (Sections 17.18.030.B.6; 17.18.060.16 & 18; 17.18.080.C.) The owner currently is attempting to circumvent the regulations by presenting the project in phases, this is wholly improper and should be rejected. Administrative relief was given for the entire project, not a single phase of development, and this relief cannot be applied in piecemeal. For example, Walgreens does not have a single RV parking spot. However, under the code it should have 1 spot for every 10 parking spaces. Thus, if the project is built in phases, and now the proposed use will include a *tourist* serving facility, the parking for buildings 2 and 3 must include enough RV spaces for the entire project, including phase 1 and Walgreens. The current application does not meet this requirement.

Next, and most important, the County adopted in 2015, eight (8) regulations that must be complied with when building a drive-through. (See, Community Design Standards, Parking and Loading Standards, Section H.) These conditions for approval are not overly burdensome, or ambiguous. Instead, when drafting these regulations, the intent was clear, create a buffer between drive-throughs and residential communities, and further, limit the locations wherein such facilities can be located to minimize their impact on our community. Designs are required to adhere to these conditions as evidenced by the use

¹ Administrative arguments including the improper revival of an expired permit and design approval are not waived for purposes of this public comment. Residents contend that the originally approved project was for a term of 1 year, and under the county ordinances was not properly revived for purposes of a design revision application. Further, the second design revision application is untimely as it is not a significant departure from the 2017 application, and pursuant to the findings of the Planning Commission is barred for term of 12 months from resubmittal.

of “SHALL” and “PROHIBITED”. The County in adopting these ordinances left no room whatsoever for interpretation or discretionary approval.

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

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

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.

6. Stacking areas **shall** not block access to any parking area or space required of a business . . .

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 the 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-attainment² status of either federal or state air quality standards for that pollutant. (Community Design Standards, Parking and Loading Standards, Section H.)

The finding by the Planning Department that the Saratoga Retail – Phase II second proposed revision meets with the Parking and Loading Standards is clearly erroneous and a misstatement of fact. (See, Findings dated August 23, 2018, p. 5, section 3.4.) It is presumed the Planning Department intentionally ignored the language in the provisions above, specifically item no. 2. It is not possible for the design revision to comply with item no. 2, which is mandatory for a drive-through. This non-compliance is sufficient, on its own to deny this project with prejudice, as no amount of amendment to the design will ever rectify this non-compliance. Further, there is no room to approve a project that does not meet these minimal standards as the intention by the county in adopting the same was to require mandatory compliance.

Once enacted, a county ordinance or regulation has the same force and effect within county limits as a statute passed by the legislature has throughout the state. *Evola v. Wendt Const. Co.* (1959) 170 Cal.App.2d 21. Where the county regulation/ordinance requires a ministerial act to be done by a municipal officer or employee, and the officer neglects or refuses to do that act, the officer/employee may be compelled to respond in

² El Dorado County is a non-attainment county.

damages to the extent of the injury arising from the officer/employees conduct. *Ellis v. City Counsel of Burlingame* (1963) 222 Cal.App.2d 490.

The above referenced standards were adopted by the Board of Supervisors, who have the power in this county to legislate and enact laws. *City of Sausalito v. County of Marin* (1970) 12 Cal.App.3d 550. It is the obligation of the Planning Department, and the Planning Commission to adhere to the laws enacted by the Board of Supervisors, including the regulations referenced above. Failure to properly review projects in accordance with said laws exposes the county to liability and the individual employees for intentional failures to obey the laws of this county.

In addition to the erroneous finding that the design revision complies with the County's laws (ordinances and regulations), the findings and mitigated negative declaration issued by the Planning Department states in error that the proposed project is not located near any SENSITIVE RECEPTORS. As the crow flies, a public children's park (one of the few splash parks in EDH), an elementary school, a little league baseball field, and an elderly day care center are all situated less than .4 miles from the proposed project. The County Planning Department's failure to identify and mitigate the environmental impact on these sensitive receptors is unacceptable. Children and Seniors are the most vulnerable classes of residents in our community and they deserve the upmost care, arguably beyond the minimum standards adopted by CEQA.

Accordingly, and in light of the failures of the Planning Department to properly apply the laws of this County and the State to the subject application³, the Commission and BOS should **deny this application with prejudice** and any subsequent application that contains a tourist serving drive-through facility.

2. In the Alternative, the Commission should require an EIR be performed for the revisions proposed.

When a fair argument can be made that a project will have significant effect on the environment, and evidence of such impact exists in the lead agency's record, the agency's decision to adopt a mitigated negative declaration will be set aside. (*Gentry v. City of Murrieta* (1995) 36 CA4th 1359. Further, a mitigated negative declaration will be set aside if there is substantial evidence in the record that the conditions attached to its adoption are insufficient to mitigate project impacts. *California Native Plant Soc'y v. County of El Dorado*, (2009) 170 CA4th 1026. The following substantial evidence demonstrates that in addition to significant impact to the environment stemming from this project, the mitigation detailed by the County in the Findings are inadequate to address the impacts or reduce the impacts to an level of insignificance. (See, *Keep Our Mountains Quite v.*

³ Residents further contend that the failure of the Planning Department to initially reject this application on the grounds that a drive-through use does not comply with the laws of this County is grounds to reject all of the findings issued by the Planning Department. It is not the job of the residents to review the findings for accuracy.

County of Santa Clara (2015) 236 CA4th 714 (negative declaration set aside on basis of fair argument about noise and traffic); *Rominger v. County of Colusa* (2014) 229 CA4th 690 (negative declaration's analysis of traffic impacts of subdivision of industrial land inadequate); *Mejia v. City of Los Angeles* (2005) 130 CA4th 322 (rejecting negative mitigated declaration based on evidence of possible impacts to traffic)).

A significant effect on the environment is substantial adverse change in the physical environment in the area affected by the project. The effect need not be momentous, important, or long lasting to be significant. The term "significant" covers a spectrum ranging from "not trivial" through "appreciable" to "important" and even "momentous." (See, *No Oil Inc. v. City of Los Angeles* (1974) 13 C3d 68, 83.) An agency's determination whether to classify a particular impact as significant involves the exercise of discretion. Further, it calls for careful judgment on the part of the public agency involved, based to the extent possible, on scientific and factual data. (14 Cal. Code Regs. §15064(b).) Distinguishing between substantial and insubstantial environmental effects requires that the agency make a policy decision based in part on the setting. (*WM Barr & Co. v. South Coast Air Quality Mgmt. Dist.* (2012) 207 CA4th 406, 433.)

Cumulative Impacts:

In any event, and pursuant to Pub. Res. Code §21083(b) and 14 Cal. Code Regs. §15065(a), an EIR must be prepared when, after an initial study, the following certain specified impacts result:

- The project has possible environmental impacts that are individually limited but cumulatively considerable. (Pub. Res. Code Pub. Res. Code §21083(b)(2);

A mandatory finding of significance is required when a project's potential impacts are cumulatively considerable. "Cumulatively considerable" is defined to mean that the increased effects of a project are considerable when viewed in connection with the effects of past, current, and probable future projects. Pub. Res. Code §21083(b)(2). Under the provisions of this mandatory finding, the environmental impacts of other projects are relevant to the extent that they provide a context for assessing the impacts of the project under review. A determination in an initial study that a project will result in impacts described in 14 Cal. Code Regs. §15065(a)(1) will ordinarily require an EIR. Adoption of a mitigated negative declaration is not appropriate unless the evidence in the record demonstrates that the mitigation measures **will reduce all impacts** to a level of insignificance. (See, *San Bernardino Valley Audubon Society c. Metropolitan Water Dist.* (1999) 71 CA4th 382.)

The evidence relied upon by the applicant for Saratoga Retail 2, including reports from the county regarding population growth are stale, and do not reflect the cumulative effect of the proposed project with other pending and approved El Dorado Hills projects, including but not limited to the Saratoga Estates, El Dorado Hills Apartments, and various

Serrano developments. Taken collectively, these proposed and approved projects will dramatically increase traffic in and around the Saratoga Retail lot. The addition of any tourist serving facility, let alone a drive-through is evidence enough, when taken cumulatively with the surrounding projects to trigger the obligation to complete a full environmental impact report.

Initial Study:

Due to the unique location of the proposed project (proximity to a highway on-ramp) an initial study evaluating any change to the originally approved plan is mandatory. Further, an initial study must consider all phases of development, implementation, and operation, including phases planned for future implementation. (14 Cal. Code Regs. §15063(a)(1).) The rule logically follows from the principles that the “whole of the action” that may result in physical change must be considered (14 Cal. Code Regs. §15378(a)) and that environmental analysis should not be deferred. (See, Pub. Res. Code §21003.1.) The application in this instance is attempting to circumvent a complete initial study of the complete environmental impacts of the entire development by submitting this revision application in phases. This is improper and does not relieve the County of its obligation to complete full and comprehensive environmental initial study.

Proposed Mitigation:

As detailed below, the mitigation proposed by the County does not comply with State and local law. Primarily, mitigating traffic using a fee program (TIM) that is not certain to address or relieve the specific impacts identified in the traffic reports is improper. *California Native Plant Soc’y v. County of El Dorado* (2009) 170 CA4th 1026. The mitigation proposed by the county for traffic is two-fold 1) adjust traffic lights based on future studies, and 2) payment into a fee based program (TIM) to expand Saratoga Way should in the future the traffic become worsened. These mitigation recommendations do not comply with CEQA.

Condition a negative declaration on another agency’s (Traffic/Transportation) future review of environmental impacts, without evidence of the likelihood of effective mitigation by the other agency is insufficient to support a determination by the lead agency that potentially significant impacts will be mitigated. *Sundstrom v. County of Mendocino* (1988) 202 CA3d 296. A negative declaration requiring formulation of mitigation measures at a future time violates the rule that members of the public and other agencies must be given an opportunity to review mitigation measures before a negative declaration is approved. (Pub. Res. Code §21080(c)(2).) Lastly, if there is substantial evidence in the record that a fee-based mitigation program will not actually mitigate the project’s impacts, an agency cannot rely on a project’s contribution to the program to support a mitigated negative declaration. *California Native Plant Soc’y v. County of El Dorado* (2009) 170 CA4th 1026. According to the County Directors and Board of Supervisor, the current Saratoga Expansion project does not include widening the road

at the Saratoga Retail location. Thus, payment into the fee program will not specifically address the traffic created by the proposed design. Further, the TIM program does not have any concrete plans to address the traffic impacts to surrounding intersections (Arrowhead and Mammoth) and neighborhoods as described in more detail below.

For these reasons, the County's mitigation findings are wholly inadequate and do not comply with CEQA.

Public Comments Regarding Significant Impact:

The public is entitled to review and comment on a proposed mitigated negative declaration. (14 Cal. Code Regs. §§ 15072-15073.) The lead agency must consider such comments when deciding whether to approve the negative mitigated declaration (14 Cal. Code Regs. §15074(b).)

Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence for a fair argument that a particular project will significantly impact the environment. So may expert opinion if supported by facts, even if not based on specific observations as to the site under review. (See, *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903.)

To constitute substantial evidence, statements by the public must be supported by adequate factual foundation. An adequate foundation may be established by relevant personal observations of the public. For example, neighbors' testimony about noise impacts based on past noise events constituted substantial evidence. *Keep our Mountains Quiet v. County of Santa Clara* (2015) 236 CA4th 714. **Further, an owner of adjacent property, may, based on personal observations, testify to existing traffic conditions.** *Citizens Ass'n for Sensible Dev. v. County of Inyo* (1985) 172 CA3d 151.

The residents who assisted in the preparation of this commentary collectively submit the following substantial evidence of significant impact for the County's record and consideration. All of which, either on its own, or collectively mandates that this project be stayed while a formal EIR is performed.

A. Aesthetics: Scenic, Visual, Light and Glare Impact. The project will have a significant impact on the aesthetics of the surrounding community. Attached as Exhibit A to this commentary are copies of all supportive documentation relied upon in making this determination.

- a. Summary of Substantial Evidence: Research supports that convenience stores and fast food restaurants located within close- proximity to a major thoroughfare are at a much higher risk of criminal activity than others. To this point, it was only a year ago that the Walgreens in the lot adjacent to the proposed site, had a truck drive through the front doors,

wrap a chain around the ATM, and attempted to drag the machine out the door.

“Corporations very often target specific demographics that equal high traffic and potential profit, while failing to properly prepare for the increased crime that invariably accompanies such site selections.”
(J. R. Robert Security, You Want Fries with that Knuckle Sandwich?
<http://www.jrrobertssecurity.com/fast-food-crime-prevention-2/>)

Research shows that fast food restaurants devalue nearby properties. First impressions last, and as you enter El Dorado County, the quality in La Borgata and Town Center, should be echoed within the Saratoga Retail area as well.

“We find that neighborhood context, especially access to fruit and vegetable outlets, is capitalized into, or associated with, higher housing values. Fast food and convenience store access are associated with lower housing values.”

“All neighborhood incomes types place negative value on fast food access and convenience store access.” (The price of access: capitalization of neighborhood contextual factors, Henry Shelton Brown, III and Lisa M Yarnell, Aug. 8, 2013)

A study done in the UK showed that premium restaurant brands had a positive effect on house price values, while “value” brands such as fast food, had an adverse effect on house prices. The statistics point to a decreased property value in homes located within walking distance of up to 24%.

“These places tend to cheapen a neighborhood, drive out other businesses and lower residential property values. Fast-food chains have the market power to establish themselves in a neighborhood thus depriving residential shoppers of the much-needed small retailers offering local services.

For these reasons, the industry's arguments that its restaurants raise taxes and create employment are quite simply false. They drive out local businesses, have no net effect on employment and actually lower property values. Further, they cause a flight of capital from the city. Large franchises send a large amount of profit out of the city back to corporate headquarters. Local shopkeepers, to the contrary, spend and reinvest their money right here at home.” (Fast Food? In Our Neighborhood? June 23, 1985, The Washington Post)

"[T]here are some areas in which aesthetics and economics coalesce, areas in which a discordant sight is as hard an economic fact as an annoying odor or sound. We refer not to some sensitive or exquisite preference but to concepts of congruity held so widely that they are inseparable from the enjoyment and hence the value of property.^{4 1}"

"The first major state court decision after Berman was the Wisconsin case of *State ex rel. Saveland Park Holding Corp. v. Wieland*" which was based upon both aesthetics and the protection of property values.

The ordinance required that in order for a building permit to be issued, the city's zoning board had to find that the exterior architectural appeal and functional plan of the proposed building would not cause a substantial diminution of property values within the neighborhood.^{1 8} The court felt that the preservation of property values was a legitimate ground for the exercise of the police power. The judgment was based on the conviction that anything that destroys property values ultimately affects the prosperity and general welfare of the community," (*Aesthetic Zoning: Property Values and the Judicial Decision Process*; Sheldon Elliott Steinbacht, *Missouri Law Review*, Volume 35 Issue 2, Spring 1970)

B. Air Quality: The project will have a significant impact on the air quality of the surrounding community. Attached as Exhibit B to this commentary are copies of all supportive documentation relied upon in making this determination.

- a. Summary of Substantial Evidence: Mattingly et al, 2008, *A Model for Estimating NO_x Emission Reductions after Closing Drive-Thrus*

This study demonstrates that closing a drive-through restaurant reduces local atmospheric NO_x (oxides of nitrogen) concentrations by 61-67% due to the elimination of idling automobiles. Conversely, we can infer that introducing a new drive-through restaurant will increase local NO_x concentrations to 250-300% of baseline levels.

Brand, 2016, *Beyond 'Dieselgate': Implications of unaccounted and future air pollutant emissions and energy use for cars in the United Kingdom*

Real-world vehicular NO_x emissions may be as much as 40 times higher than those claimed by vehicle manufactures and subsequently incorporated into environmental studies. Following this revelation, public policy must reconsider relevant regulations to account for unreported pollutants. Prior regulations crafted using false information may endanger public health if uncritically observed going forward.

Jerret et al, 2014, Traffic-related air pollution and obesity formation in children: a longitudinal, multilevel analysis

Air pollution has been correlated with the development of obesity in children. Traffic-generated atmospheric pollutants, such as NO_x, may cause inflammation which invokes further metabolic processes leading to diabetes and BMI increase. Proximity to freeways increases NO_x exposure, creating an elevated baseline of contact upon which additional sources (e.g., drive-throughs) must be added.

Kondo et al, 2014, Place-Based Stressors Associated with Industry and Air Pollution

Residing in proximity to a source of atmospheric pollution incurs not only physical effects from the respiration of fumes, but also psychological and social effects from the stigma of being associated with a blighted area and defensive apathy as a coping mechanism against the indifference of local government inadequately handling the situation.

Nykiforuk et al, 2018, Adoption and diffusion of zoning bylaws banning fast food drive-through services across Canadian municipalities

Fast food drive-through service bans may play a role in promoting healthier food environments. Reasons cited for banning fast food drive-throughs in various North American municipalities include addressing air pollution, idling, and environmental concerns as well as traffic, community safety and aesthetics, and many others.

Hill et al, 2016, An Evaluation of the Effects of Drive-Through Configurations on Air Quality at Fast Food Restaurants

Different fast food drive-through configurations (number of lanes, number of stops, etc.) result in different automotive emissions profiles. Aggregate vehicle idle time is a major source of pollution.

Kamieniecki et al, 1991, Intergovernmental Relations and Clean-Air Policy in Southern California

Automotive emissions within a valley geography result in concentrated air pollution, which affect negatively property, public health, and the environment in the amount of several billion dollars per year.

- b. Critique of Proposed Mitigation: In addition to being a precursor compound to smog, NO_x also contributes to ozone (O₃) formation, per the AQMD website

https://www.edcgov.us/Government/AirQualityManagement/Pages/air_quality_plans.aspx):

Ozone (O3) is a gas composed of three oxygen atoms. It is not usually emitted directly into the air. Generally ozone is created by a chemical reaction between oxides of nitrogen (NOx) and volatile organic compounds (VOC) in the presence of sunlight.

Furthermore, according to the same AQMD website:

The Sacramento Region is currently designated nonattainment for the following criteria pollutants: ozone and particulate matter.

The logical conclusion here is that introducing a drive-through restaurant will increase atmospheric NOx concentrations, thereby increasing ozone concentrations, which in turn drive this Region further from Ozone attainment status as established by the National Ambient Air Quality Standards (NAAQS). No mitigation has been proposed to address this.

The project proposal offers no mitigation. The research recommends a detailed study (e.g., an EIR) to accurately assess vehicle queueing patterns and wait times to estimate overall emissions from the indirect source.

- c. Sensitive Receptors: Children and seniors all within .4 miles of the proposed project and idling cars with pollutants and emissions. The same AQMD website catalogs ozone's adverse health effects:

Ozone is a strong irritant that adversely affects human health...

We disagree that there would be no impact to sensitive receptors because "there are no nearby sensitive receptors." At a minimum, the proposed introduction of an ozone-generating business in close proximity to known Sensitive Receptors (Senior residents of Versante, children waiting at schoolbus stops on Kings Canyon Drive and otherwise living in the neighborhood) warrants a full EIR to assess potential impact. The County of El Dorado Senior Day Care for the elderly with "dementia and other chronic health issues" and the Senior Center is less than a half a mile away.

- C. Greenhouse Gas Emissions. The project will have a significant impact with regard to greenhouse gas emissions into the surrounding community. Attached as Exhibit C to this commentary are copies of all supportive documentation relied upon in making this determination.**

- a. **Summary of Substantial Evidence:** Chick-Fila's website touts a drive-thru customer base of 90 cars, per hour, and operating from 6:30 am to 10pm (15.5 hours, 6 days a week/ 93 hours per week/4,836 per year)

"Business Insider" also published a comprehensive study demonstrating that the average "wait-time" per customer is 4 min 16 sec.

The City of Fort Collins, in cooperation with the EPA, determined that the average car- running at idle for 1 minute, produces 3.82 grams of carbon.

100 cars per hour X 15.5 hours per day (hours of operation) X 256 seconds (avg wait time) X 3.82 grams Carbon per minute, X 6 days per week X 52 weeks = 15,340 pounds of carbon, per year.

- D. Land Use & Planning: The project will have a significant impact on the land use and planning for this county, the project is not compliant with county codes and regulations. Attached as Exhibit E to this commentary are copies of all supportive documentation relied upon in making this determination.**

- a. **Summary of Substantial Evidence:** For the reasons identified in the sections above regarding the design's failure to comply with County Design Standards, namely section 2, failure to comply with the general plan, and other county ordinances, this project triggers a full environmental report. Evidence that a project is inconsistent with land use standards adopted to mitigate environmental impacts can support a fair argument that a project might have significant adverse effects on the environment. *Pocket Protectors v. City of Sacramento* (2004) 124 CA4th 903.

- E. Noise: The project will have a significant impact in that it will generate and exceed acceptable levels of noise disrupting the surrounding community. Attached as Exhibit F to this commentary are copies of all supportive documentation relied upon in making this determination.**

- a. Summary of Substantial Evidence: It makes no sense that the Mitigated Negative Declaration/Initial Study for DR-R18-0001 Saratoga Retail Phase 2 is currently being presented with either "No Impact" or "Less Than Significant Impact" checked in the Aesthetics and Noise areas. How is this even possible given that potentially significant impacts were identified in Aesthetics and Noise in a Mitigated Negative Declaration in 2009? In 2009, a Mitigated Negative Declaration was prepared for the approved DR 08-0003/The Shops due to the "Potentially Significant Impact" of Aesthetics, Noise, Air Quality and Transportation/Circulation.

The Saratoga Retail Phase 2 proposal will result in more traffic noise, lighting/advertising signage and non-traffic noise (e.g., drive-thru window,

more HVHC units, additional compressors for the freezers/refrigeration systems, swamp coolers for the grill hoods, outside patio noise/music, car alarms, etc.) than were identified in 2009. The outside grease disposal containers and additional trash containers, etc. are not even addressed in terms of noise and aesthetics.

The drive-through order window proposed for building 3 would likely be in operation during nighttime hours (past 10 p.m.) according to the Initial Study (page 43). For a drive-thru which is "pushed right next to a residential neighborhood" it is a "Never-ending nuisance of late-night hours." There is "extended documentation of the noise, trash, and passed out people..." "Because late-night drive-thrus don't offer bathrooms, many people simply urinate in the alley... It is more like a wild after-party with cars idling, full of occupants yelling and radios blaring and horns honking" (MINNPOST, 8/28/15). Ironically, the proposed conditions also state "Walgreens includes a 24-hour drivethrough pharmacy" when it currently is not open past 10:00 p.m.

DR08-0003/ Saratoga retail Findings for Denial (January 8, 2018) states: "Of note, the Planning Commission finds that additional information and analysis is required to address potentially significant impacts to the following areas.... b. Noise: The record does not contain sufficient information or analysis to assess potential noise impacts associated with the Project. Although a noise analysis was performed, evidence presented at the hearing raised questions concerning the need to assess potential impacts to adjacent residents in two-story homes above the sound wall."

The project continues to rely on the August 31, 2017 Noise Analysis identified as "The Habit Burger Restaurant Project Noise Assessment." It states the "HELIX Environmental Planning, Inc. (HELIX) has performed a noise assessment for the operational impacts of the proposed The Habit Burger Restaurant Project (project)." Specifically, the "Project" is being defined as "The Habit Burger" and not DR08-0003/Saratoga Retail, which should include a noise study that includes all four buildings.

Because of the Highway 50 Project, which realigned Saratoga Way, certain mitigation measures were implemented. These mitigation measures included a sound wall, dual paned windows in only the second story of a handful of the impacted residences. At no time did the noise study measure actual noise levels after the rerouting of Saratoga Way or test the effectiveness of the mitigation measures. Most residences did not receive dual pane windows including townhouse residents who are at a higher elevation than the first row of six two story townhouses. Even the single-

story homes at a higher elevation have a clear, unobstructed view of Saratoga Way.

The neighboring Crescent Ridge homes by Finders Way are not benefitting from any noise reduction measures being implemented on the new Saratoga Estates homes. The inability to mitigate noise with a sound wall for homes at a higher elevation is also discussed in the Saratoga Estates Project Draft EIR. "Thus, it is possible that a 29 foot sound wall could potentially achieve the reduction necessary. However, this level of reduction would be considered 'very difficult' by FHWA standards. The Draft EIR states that "This impact would be significant and unavoidable."

There were assurances from both the developer and staff at the June 26, 2018 Saratoga Retail Neighborhood Meeting included that the 2009 Findings would remain intact. Limiting truck deliveries between the hours of 6 a.m. and 10 a.m. only was explicitly noted as a continued requirement. However, the Conditions of Approval deletes the requirement to limit strike-through, leaving neighbors with the possibility of being awakened by truck deliveries all night. Therefore, the nighttime noise from truck deliveries was not addressed.

The staff purpose of the condition was due to mitigate conflicting pedestrian traffic and trucks. However, its origins also come from the concern about noise. At the 2009 Planning Commission Hearing, Lou Rain, District 1 took the lead to ensure that truck deliveries for all buildings should be restricted so that people would not be awakened during the night. The 2009 Planning Commission agreed to require Building 1 (Walgreens) to also have restrictions on truck deliveries.

DR08-0003/ Saratoga retail Findings for Denial (January 8, 2018) states: "Of note, the Planning Commission finds that additional information and analysis is required to address potentially significant impacts to the following areas:" "The record also does not contain sufficient information or analysis of potential impacts generated by the Project's plan for product delivery, inclusive of the cumulative effect of the Project's anticipated deliveries with the existing Walgreen's product deliveries."

The Traffic Infusion on Residential Environment (TIRE) index for Mammouth Way, Arrowhead Drive and Finders Way was not identified, and therefore, there were no results to trigger a study of the impacts (e.g., noise, safety, harmful effects on human beings) within the neighborhood. A previous study (Dowling Associates, 2007) forecasted a TIRE Index of 2.9 for Arrowhead (860 cars daily) and a 3.0 for Finders (940 cars) in 2030. "The TIRE Index of 3.0 is normally used to determine that point at which a

residential street changes character and operates as a traffic facility.” “Yet, any traffic change of 0.1 or more would be noticeable to street residents. Streets with TIRE levels above the mid-range index of three are traffic - dominated while those with indexes below three are better suited for residential activities.” Dowling and Associates further stated that the analysis “Does not include traffic due to anticipated Mixed Use Center/Office Building Development in reference to reported neighborhood cut-through/diverted traffic volumes.”

F. Transportation/Traffic: The project will have a significant impact on the traffic for the surrounding community. Attached as Exhibit H to this commentary are copies of all supportive documentation relied upon in making this determination.

- a. Summary of Substantial Evidence: What follows below is traffic study information regarding three projects in EL Dorado Hills that will affect the traffic impact at several intersections. A very important, yet not studied, aspect is all of the traffic that will be generated when Saratoga Way is connected to Iron Point Road in Folsom. This connection will serve as a conduit for vehicles to get from El Dorado Hills to the many Broadstone Shopping Centers in Folsom in order to avoid the very heavily trafficked intersection of Scott Road / East Bidwell and Iron Point Road. Saratoga is poised to become heavily trafficked by local residents and NONE of the environmental studies addresses this traffic impact to El Dorado Hills Blvd. and Saratoga Way.

In light of the fact that there is NO information regarding the traffic effects of connecting Saratoga to Iron Point road, attached is Attachment A - “Traffic Study Analysis of Data 2018” conducted by Kim Shultz. The analysis uses the traffic data from the traffic studies submitted by the developers for the Saratoga Estates (Attachment B), the Town Center Apartments (Attachment C, Attachment D) and the new updated Saratoga Retail DR-R 18-0001 (Attachment E) and inputs the data into one Microsoft Excel spreadsheet. The purpose of this exercise is to show the varying outcomes of each projects traffic impact data in one document for comparison purposes. Ms. Shultz listed each projects study tables and subsequent results. Tables can be found in Attachment documents.

An important note is that the traffic studies for the Saratoga Estates and the Town Center Apartments that include affected intersections (namely Saratoga Way and El Dorado Hills Blvd and Latrobe Road / Town Center / Post Street) were conducted prior to the change in the updated DR-R 18-0001 with the addition of a fast food drive thru (Chik Fil A) and likely included the data from the previous DR-08-0003 which did not include a

fast food drive thru. Attachment F – “TC APTS Transportation Long Term Projects” lists the projects in their traffic study and a fast food drive thru Chik Fil A on Saratoga Way is not one of them.

Even without the consideration of the updated DR-R 18-0001 the Cumulative traffic impacts with those two residential building projects (Saratoga Estates and the Town Center Apartments) projects an unacceptable LOS F at these two intersections.

According the El Dorado County General Plan Policy TC-Xd (Attachment G), “The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table.” Interpreting this to mean: Level of Service (LOS) F is unacceptable.

In addition, because the traffic studies for the two projects (Saratoga Estates and the Town Center Apartments) were conducted before the updated DR-R 18-0001 with the addition of a fast food drive thru (Chik Fil A), the projected Level of Service for the freeway on and off-ramps may also be affected and according to the California Department of Transportation’s “Guide for the Preparation of Traffic Impact Studies (Caltrans 2002),” it states, among other considerations, that, “In addition, a project impact is said to occur when the addition of project trips causes a queue on the off-ramp approach to a ramp terminal intersection to extend beyond it’s storage area and onto the freeway mainline.” Because Chik Fil A strives to deliver in the neighborhood of 100+ cars per hour during peak hours (Attachment I), combined with the LOS F data of the other two projects, the off-ramp (and on-ramps) may be affected, an EIR with an independent traffic consulting firm (a second opinion if you will) should be conducted.

In the DR-R 18-0001 Saratoga Retail, evidence is provided of Trip Generation data for three other Sacramento Area Chik Fil A’s. This data was gathered only on one day in April, April 17, 2018. Making projections of traffic impacts from only one day’s worth of data is misleading and misrepresentative of the true traffic impact that a popular fast food chain garners. Also, these Chik Fil A restaurants are not adjacent to a freeway whose very nature is to draw “eyeballs and hungry bellies” to it’s tourist serving location. The other three locations do not share the kind of visibility from the freeway that the Saratoga location engenders. According to the County of El Dorado General Plan (Attachment G) “the addition of 10 or more trips during the am peak hour or the pm peak hour” and / or the “addition of 100 or more daily trips” defines these situations as “worsening”, in the DR-R 18-0001 (Attachment E) the project proposes 2700 new daily trips! This scenario appears to be much worse.

Because of the impacts of the two aforementioned development projects, not to mention other area projects that have not been considered here, as well as the non-studied connection of Saratoga Way to Iron Point Road in Folsom, the combined traffic impact studies are resulting in conflicting data points that appear to not give an adequate accounting of the REAL traffic impact. Only a full environmental impact report that considers all the projects and their potential impact can help adequately address the transportation effects of a fast food drive thru, Chik Fil A, at the Saratoga / EDH Blvd. intersection as well as the residential roads Mammoth, Arrowhead and others.

Furthermore, each of these traffic studies was conducted by the same company, Kimley Horn, which their own data shows calculations between different projects is varying (Attachment A). Because of the critical nature of these impacts and studies it is suggested that an independent traffic agency conduct new studies to provide data and a report to either verify or not verify the Kimley Horn studies, a "second opinion" for all intents and purposes is needed.

- b. Cumulative projects: Refer to Attachment A - "Traffic Study Analysis of Data 2018" conducted by Kim Shultz. The analysis uses the traffic data from the traffic the Saratoga Estates (Attachment B), the Town Center Apartments (Attachment C, Attachment D) and the new updated Saratoga Retail DR-R 18-0001 (Attachment E) and inputs the data into one Microsoft Excel spreadsheet. The purpose of this exercise is to show the varying outcomes of each projects data in one document for comparison purposes. Ms. Shultz listed each projects study tables and subsequent results. This cumulative analysis does not include the impact of the traffic that will be generated by connecting Saratoga Way to Iron Point Road as there appears to be no information regarding this issue in any of these studies.

In Summary, the combined cumulative projects for 2035 even with the mitigation suggested says the impact will generate a LOS F for the Saratoga / EDH Blvd intersection as well as the Latrobe Road / Town Center / Post Street intersection. The traffic impact studies for Saratoga Estates and the Town Center Apartments were conducted prior to the updated study for the DR-R 18-0001 and the cumulative outcomes are still LOS F for the two intersections. Further study by an independent second agency is needed.

- c. Critique of Proposed Mitigation: The proposed mitigation of the project relies on the mitigation of two other projects that have been approved by the County of El Dorado: Saratoga Estates and the Town Center Apartments, as well as mitigation by El Dorado County's planned Capacity-Enhancing Roadway Improvements.

The proposed project relies on the mitigation of another project (Attachment C – TC APTS – LOS F Saratoga Transportation). However the mitigation for the Town Center Apartments is not scheduled to occur until sometime in the future, “Additionally, the County’s annual Intersection Needs Prioritization Process will identify if the intersection triggers a LOS impact prior to 2035. Should the LOS become unacceptable, the potential intersection improvements can be added, by the Board of Supervisors, to the CIP as funding becomes available.” IF the funding becomes available.

The Town Center Mitigation also states, “As the proposed project is not a single-family residential subdivision, the second paragraph under Policy TC-Xf is the guiding policy for mitigation of this project’s impact. Therefore, payment of Traffic Impact Mitigation (TIM) fees will satisfy the project’s fair share portion of the improvement project. Mitigation Measure C-TRANS-1 is set forth below to ensure that the project will pay TIM fees to mitigate its impact at this intersection.”

The above mitigation scenarios in insufficient and do not meet the standards adopted by CEQA. The arguments above on the failures of the County’s mitigation proposal are adopted and incorporated herein. Further, based on representations from County officials, there is no plan to expand Saratoga Way at the site of this proposed drive-through. Any expansion at this specific location would be determined on a further study performed by a different entity. This is wholly improper.

In a lawsuit the 167 Cal.App.4th 1099, Court of Appeal, Fifth District of California, *Gray v. County of Madera* (2008) the court agreed that "the EIR failed to adequately analyze the Projects impacts on traffic because it improperly deferred mitigation measures relating to traffic. We agree." To address their mitigation measure for road improvements the appellants charged among other things that "there is nothing in the mitigation measures that requires Caltrans or Madera County to actually impose impacts" furthermore the court found that "the County made no finding regarding the limitation or the feasibility of the County guaranteeing funding for roadway improvement." The court agreed. "... "the letters show intent to make improvements but no definite commitment on when the improvements will take place." "Furthermore, there is no evidence that the County has a mitigation plan in place involving the improvement or maintenance of the various local roadways because of the increased vehicle traffic. Thus, the mitigation measures relating to traffic impacts are inadequate." El Dorado County General Plan and the accompanying Measure E require:

Policy TC-Xa3

All necessary road capacity improvements shall be fully completed to prevent cumulative traffic impacts from new development from reaching Level of Service F during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county before any form of discretionary approval can be given to a project.

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 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.

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 condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element.

High Rate of Speed: In Section 4.7 of the Saratoga Estates FEIR (Attachment J) there is yet another concerning factor, page 2-4 says that Saratoga Way will be a 45mph zone. It is not rational to assume that Park Village Residents will not only have to navigate getting onto a road that will have hundreds and hundreds of more cars, but that those cars will be traveling at a rate of speed that is likely a traffic accident scenario. This situation has also not been studied and needs to be addressed in a full environmental impact report.

Southbound right turn lane: This mitigated feature addresses only the traffic coming from El Dorado Hills Blvd. from Lassen Lane. How does this address the traffic coming from the freeway? This mitigation does not apply to the location that most of the traffic is being generated from which further implies that it won't affect the left turn traffic from EDH Blvd. onto Saratoga, or the right turn traffic from Saratoga to EDH Blvd. The feasibility that this mitigating factor be applied to the major source of traffic is non-existent and therefore this mitigating factor is very misleading and won't alleviate the LOS F traffic.

In Attachment E the DR-R 18-0001 Saratoga Retail states:

M1. Intersection #1, El Dorado Hills Blvd @ Saratoga Way/Park Drive

This intersection operates at acceptable LOS E during the PM peak-hour without the project, and the project results in LOS F. Consistent with the findings of the previous Saratoga Retail Phase 2 Cumulative (2035) Conditions analysis 1, the impacts at this intersection can be mitigated by off-site improvements including optimization of the Latrobe Road coordinated signal system and the restriping of the westbound Town Center Boulevard approach to include one left-through lane, and two right-turn lanes, with a permitted-overlap phase for the westbound right-turns. The El Dorado Hills Town Center Apartments project is responsible for, among other things, the lane designation and signal phasing mitigations described above. This mitigation affects an approach on a privately-owned roadway, and therefore, the improvement should be coordinated with the County and the property owner. As shown in Table 13, this mitigation measure result in the intersection operating at LOS D during the PM peak-hour. Therefore, this impact is less than significant.

M2. Intersection #4, Latrobe Road and Town Center Boulevard

This intersection operates at Los F during the PM peak-hour without the project, and the project contributes more than 10 trips. Consistent with the findings of the previous Saratoga Retail Phase 2 Cumulative (2035) Conditions analysis1, the impact at this intersection can be mitigated by optimization of the Latrobe Road coordinated signal system, along with the following improvements: the restriping of the westbound Town Center Boulevard approach to include one left-through lane, and two right-turn lanes, with a permitted-overlap phase for the westbound right- turns. The El Dorado Hills Town Center Apartments project is responsible for, among other things, the lane designation and signal phasing mitigations described above. This mitigation affects an approach on a privately- owned roadway, and therefore, the improvement should be coordinated with the County and the property owner. As shown in Table 13, this mitigation measure results in the intersection operating at LOS E during the PM peak-hour. Therefore, this impact is less than significant.

The DR-R 18-0001 is relying on traffic mitigation that may or may not happen in the near future and according to case law cited above, this is not acceptable.

Additionally, the proposed signalization mitigation may have it's own drawbacks and further study is necessary to determine if this method of

traffic control will work in this scenario of a left turn from El Dorado Hills Blvd onto Saratoga Way as well as the right turn from Saratoga Way onto El Dorado Hills Blvd. Attachment H - "Traffic Signal Synchronization in the Saturated High-Density Grid Road Network" is just one of a few research studies that indicates traffic scenarios that may or may not benefit from certain types of signalization. If area projects are relying on a type of signalization to mitigate for LOS F traffic impacts it is imperative that this method is proved reliable in this particular scenario.

For example, this particular study states, "Unfortunately, when applied in the saturated HGRN, the performance of these systems has not been satisfactory. When the network is saturated, there is no extra time and space to optimize the traffic signals. Therefore, the regional signal control systems cannot optimize the signal control parameters at the intersections, and the control systems may operate as fixed-timed control systems. In this situation, the traffic system is more fragile and prone to traffic congestion."

"Besides, the signalized intersections are densely distributed, and the accommodation space for the vehicle queues is limited. As a result, if congestion occurs at one intersection, the congestion will cause a domino effect, which may cause the regional congestion in the HGRN. Meanwhile, once it happens, the mobility in the HGRN will be difficult to restore."

It is also imperative that while adding 2700 cars per day to the existing traffic pattern, in addition to the two proposed projects traffic impacts, and the extension of Saratoga Way to Iron Point Road in Folsom, that while consideration is given to adding a fast food drive thru such as Chik Fil A, consideration must also be given to Park Village and its residents who will feel the brunt of all of these traffic impacts.

There are more traffic impact issues that this document has not addressed. Should the burden of addressing all the pertinent issues derived from a number of area projects that affect Saratoga Way and Park Village Residents fall to the community? Isn't it the planning departments responsibility to adequately and thoroughly address impacts via a proper Environmental Impact Report?

CONCLUSION:

The residents responsible for this submission have worked tirelessly to present thoughtful and authenticated arguments against the proposed Saratoga Retail Project. It should not be the job of the residents to ensure the Planning Department is adhering to the laws of this County when reviewing applications and presenting findings to the Commission for

consideration. The Saratoga Retail – Phase II revision application failed initially for the same reasons that it now fails: it is non-compliant with the laws of this County. A DRIVE-THROUGH FACILITY CANNOT BE CONSTRUCTED ON THIS LOT AND MEET THE 8 SPECIFIC CONDITIONS ADOPTED BY THE COUNTY AS MANDATORY OBLIGATIONS.

Consistent application and adherence to the laws of this County is crucial. The Planning Department does not have the power to selectively choose which laws it applies to which projects. Instead the mission statement is clear, the Planning Department is tasked with ensuring that all development proposed for this County complies with all LAWS of this County.

Much has been argued about the tenant, Chick-Fil-A, and these arguments are proper and should be considered. In addition, we remind the planning department and commission that once built a drive-through becomes a permanent structure that can be occupied by a number of different tenants. This is important because, a subsequent tenant will likely be open on Sundays, and may be open 24-hours. Accordingly, any mitigation that is adopted based on the tenant occupancy of Chick-Fil-A is improper. Instead, the measure is any drive-through that may operate in that facility, including those that may increase traffic on Sundays and at peak am and pm hours.

In reliance on all of the arguments above, residents respectfully request that this Commission resolve the drive-through issue precluding further applications for this non-conforming use. Accordingly, this Commission is requested to deny the Saratoga Retail – Phase II project with prejudice. In the alternative, a full and comprehensive environmental impact report should be issued.