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DATE: January 11, 2018 Agenda of: January 11, 2018
TO: Planning Commission
FROM: Efren Sanchez, Assistant Planner
SUBJECT: DR08-0003-R/Saratoga Retail; Findings for Denial (Revised: Changes are demonstrated as underlined text)

The Saratoga Retail Design Review Revision (DR08-0003-R) (“Project”) was considered by the El Dorado County Planning Commission at a duly noticed public hearing on December 14, 2017. The revision would have added 1 building, reduced the square footage by 6,907 square feet, and added two drive-through restaurants to the previously approved Design Review Permit DR08-0003/The Shops at El Dorado Hills on January 22, 2009. Upon conclusion of the public hearing, the Planning Commission voted 5-0 to conceptually deny the Project, subject to the adoption of Findings. Based on the evidence presented at the December 14, 2017, hearing, including both documentary evidence and oral testimony, staff recommends that the Planning Commission make the following Findings of Fact in support of its action to **deny the Project without Prejudice:**

CEQA FINDINGS

1. The Planning Commission considered the Negative Declaration together with the comments received during the public review process and, based on the entire record, cannot find that there is “no substantial evidence that the project will have a significant effect on the environment” as required by CEQA Guidelines Section 15074. Of note, the Planning Commission finds that additional information and analysis is required to address potentially significant impacts to the following areas:
 - a. Transportation/Traffic: The record does not contain sufficient information or analysis to assess the near-term traffic impacts of the Project in order to account for nearby development and anticipated changes in traffic circulation (e.g., completion of the extension of Saratoga Way into the City of Folsom and potential impacts to turning movements from Mammoth to Saratoga). 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. Additionally, the record does not contain sufficient information or analysis concerning the Project’s impacts to pedestrian travel.
 - 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.
 - c. Aesthetics: The record does not contain sufficient information or analysis to assess potential aesthetic impacts because the precise parameters of the Project’s proposed signage (e.g., location and height) were not identified.

- d. Air Quality: The record does not contain sufficient information or analysis to assess greenhouse gas emissions. Although a Greenhouse Gas Emissions Analysis was performed, evidence presented at the hearing raised specific questions about vehicular contributions to greenhouse gas emissions.
2. Although a significant amount of testimony focused on the proposed occupants of the Project, the Planning Commission's findings herein are based on the potential environmental effects of the Project without consideration of the identity of the proposed occupants. Moreover, although there was testimony expressing concern about increased criminal activity due to the Project, the Planning Commission finds that there was no substantial evidence to support such concerns and that, in any event, such social effects that do not produce changes in the physical environment are beyond the reach of CEQA.
3. As a result of the foregoing, the Planning Commission finds that it cannot adopt the Negative Declaration as presented. CEQA Guidelines Section 15074 requires the Planning Commission to adopt the negative declaration before approving the Project. Similarly, El Dorado County Zoning Ordinance Section 130.51.030(D) requires the Planning Commission to certify the applicable CEQA document before taking action to approve an application. Accordingly, because the Planning Commission cannot adopt the negative declaration as presented, it cannot approve the Project.

ZONING FINDINGS

1. El Dorado County Zoning Ordinance Section 130.35.030 requires that the Project include one RV space for every twenty parking spaces. That requirement can be reduced upon a finding that (a) the intent of the parking ordinance is preserved, (b) the parking provided is sufficient to serve the use for which it is intended, and (c) the modification will not be detrimental to the public health, safety, or welfare.
2. The Planning Commission finds that there is insufficient evidence in the record to support the Project applicant's request to waive the RV parking requirement. In particular, the Planning Commission finds that evidence in the record indicates that, due to the inclusion of drive-through facilities and the Project's visibility from Highway 50 that may attract RVs to the Project, waiver of the RV parking requirement would be detrimental to the public health, safety, or welfare.
3. The Planning Commission finds insufficient evidence that no loading bays are required pursuant to Community Design Standards 4.5.A. The applicant or the applicant's traffic study did not provide the projected demand intensity for the use.
4. Accordingly, the Planning Commission finds that the Project as presented does not comply with the El Dorado County Zoning Ordinance's parking requirements and, as such, must be denied.
5. El Dorado County Zoning Ordinance Section 130.54.080(A) Resubmittals states, "For a period of 12 months following the date of the disapproval of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion of the site, except where the Director determines that substantial new evidence or proof of changed circumstances warrants further consideration." In order to allow the Project applicant to address the bases for denial stated herein and to resubmit its application within 12 months, the Planning Commission makes its denial **without prejudice**.

CONCLUSION

The Planning Commission made the above Findings of Fact in support of its action to **Deny without Prejudice** DR08-0003-R/Saratoga Retail.