



## Legislation Text

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**File #:** 18-1497, **Version:** 1

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HEARING - To consider a request submitted by the El Dorado Hills Townhouses Association appealing the Planning Commission's August 23, 2018 approval of Design Review Revision DR-R18-0001/Saratoga Retail Phase 2 to allow reducing the square footage by 6,883 square feet, and revising building 3 to include a drive-thru aisle to DR08-0003/The Shops at El Dorado Hills, which was approved by the Planning Commission on January 22, 2009 on property identified by Assessor's Parcel Numbers 120-690-07 and 120-690-08, consisting of 1.71 acres, in the El Dorado Hills area; and staff recommending the Board take the following actions:

- 1) Approve the project thereby denying the appeal by the El Dorado Hills Townhouses Association based on the Findings (Attachment C) and subject to the Conditions of Approval (Attachment D); and
- 2) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff (Attachment E) (Est. Time: 2 Hr. called with 18-1498)

(Supervisory District 1)

### **DISCUSSION / BACKGROUND**

This is a request by the El Dorado Hills Townhouses Association appealing the Planning Commission's August 23, 2018 approval of Design Review Revision DR-R18-0001/Saratoga Retail Phase 2 (Project) to allow reducing the square footage by 6,883 square feet, and revising building 3 to include a drive-thru aisle to DR08-0003/The Shops at El Dorado Hills, which was approved by the Planning Commission on January 22, 2009. The property, identified by Assessor's Parcel Numbers 120-690-07 and 120-690-08, consisting of 1.71 acres, is located on the west side of El Dorado Hills Boulevard, south of the intersection with Saratoga Way, in the El Dorado Hills area, Supervisorial District 1. (County Planner: Efren Sanchez) (Mitigated Negative Declaration prepared)

The Project is a revision to the approved Design Review DR08-0003/The Shops at El Dorado Hills. The site is zoned Community Commercial -Design Review Community Combining Zone District (CC-DC) with a General Plan Land Use Designation of Commercial (C). Drive-thru restaurants and commercial retail buildings are an allowed use by right in Community Commercial Zones. The Design Review Combining zone requires a Design Review permit approval from the County prior to issuance of building permits pursuant to Section 130.52.030 (Design Review Permit) of the Zoning Ordinance. The Design Review Permit process is established in specific areas of the County to ensure compatibility with historical, scenic, or community design criteria (Section 130.52.030.A). The Project is required to comply with the California Environmental Quality Act (CEQA) and all other adopted rules, regulations, and ordinances.

The Planning Commission originally approved the shopping center under a Design Review permit (DR08-0003/The Shops at El Dorado Hills) on January 22, 2009 with specific site layout, building design, hardscape, and sign program. This Design Review permit resulted in the construction of the existing Walgreens as Phase 1. The applicant proposed a revision to Phase 2 in 2016. That proposal included two drive-thru restaurants and one commercial building and was submitted on December 07, 2016.

The Planning Commission denied without prejudice application Design Review Revision DR08-0003-

R/Saratoga Retail on January 11, 2018. The denial was based on Findings outlined in the Staff Memo dated January 8, 2018, which indicated that there was inadequate information provided to justify the requested deviation from applicable zoning standards for parking and loading, and the Negative Declaration for the Project.

A revised application was submitted on May 15, 2018. The Planning Commission held a public hearing on August 23, 2018, and approved the Project, Design Review Revision DR-R18-0001/Saratoga Retail Phase 2, based on a reconfigured site plan, new information, and a new Mitigated Negative Declaration (Attachment B).

Pursuant to the County Zoning Ordinance, there is an appeal period of 10 working days after approval. El Dorado Hills Townhouses Association filed an appeal on September 5, 2018 (and \$239 appeal fee) within 10 working days. The Zoning Ordinance provides that the appeal of a Planning Commission decision be decided at a public hearing with the Board of Supervisors.

### Appeal

The appeal (Attachment A) asserts that the Project is a departure from promises made, is segmented into phases, does not comply with County regulations, studies were not properly conducted, and an Environmental Impact Report (EIR) was not prepared. The appeal items are listed verbatim below in bold with County staff responses immediately following in italics.

#### **1) “Blatant departure from promises made. Segmenting into phases.”**

*County Response: The Design Review Revision is a process that allows for modifications or departures from the previously approved Design Review (DR08-0003/The Shops at El Dorado Hills). The previous Design Review, DR08-0003 permit, authorized the construction of the Project into two phases, and Phase 1 was the construction of Walgreens. The applicant’s decision to revise the site plan is grounds for a revision to the Design Review, and rationale for this Phase 2 entitlement process. It is a common practice for the construction of development to be scheduled out in compartmentalized phases, so long as the Project meets the current zoning ordinance and applicable General Plan policies.*

#### **2) “Entire project does not comply with county regulations.”**

*County Response: The Design Review Revision DR-R18-0001/Saratoga Retail Phase 2 was analyzed against all applicable El Dorado County General Plan policies and Zoning Ordinance requirements. The Project does comply with County regulations as discussed in the Findings section of the Staff Report. A copy of the Findings section is available as Attachment C.*

#### **3) “Studies have not been properly conducted”**

*County Response: The studies supplied for Design Review Revision DR-R18-0001/Saratoga Retail Phase 2 are the independent research methods, analysis, and conclusions of experts in their respective fields of study. Numerous technical reports and studies have been conducted on the subject property that include Air Quality Analysis, Greenhouse Gas Emissions Analysis, Noise Analysis, Geotechnical Engineering Report, and seven other studies that are listed in Table 2: Technical Report Summary of the Initial Study: Mitigated Negative Declaration (Attachment E). These*

*studies are also available within both Attachments F and G. The Traffic Study was conducted by Kimley-Horn who generated a study consistent with the methodology contained in the Trip Generation Manual, 9<sup>th</sup> Edition, published by the Institute of Transportation Engineers (ITE). The Transportation Impact Analysis was performed in accordance with the County's transportation impact study guidelines, which is available in the document titled "Transportation Impact Study Guidelines: El Dorado County Community Development Agency, Long Range Planning (November 2014)." It is worth mentioning that although the traffic study for this Project was drafted by Kimley-Horn, an independent traffic consultant firm, the draft document was peer-reviewed by DKS Associates in collaboration with the County of El Dorado Department of Transportation, Long Range Planning.*

#### **4) "EIR not prepared"**

*County Response: No significant impacts that could not be mitigated to less than significant level were identified within the Mitigated Negative Declaration Initial Study (Attachments E, F, and G). As a result, no EIR is required for the Design Review Revision.*

Conclusion: It is the Planning Director's recommendation that the appeal should be denied and the decision of the Planning Commission on August 23, 2018 be upheld because the Project is consistent with the Zoning Ordinance, General Plan, and CEQA as determined by the Planning Commission. Should the Board choose to approve the appeal, thus denying Design Review Revision DR-R18-0001/Saratoga Retail Phase 2, the Board would be required to make Findings of Denial.

#### **ALTERNATIVES**

The Board may elect to approve the appeal and reverse the action taken by the Planning Commission on August 23, 2018, resulting in the denial of Design Review Revision DR-R18-0001/Saratoga Retail Phase 2. A Denial of the application should be continued to a date certain so that staff can prepare Findings of Denial.

#### **CONTACT**

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