



**El Dorado Hills Area Planning Advisory Committee**

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El Dorado Hills, CA 95762

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October 8, 2018

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

**RE: APPEAL HEARING of DR-R18-0001 Saratoga Retail Phase 2  
Legistar Calendar Files 18-1497 & 18-1498**

Dear County of El Dorado Board of Supervisors,

The El Dorado Hills Area Planning Advisory Committee (“EDHAPAC”) would like to offer these comments to be included in the public record, prior to your consideration of the two appeal requests of the Planning Commission’s August 23, 2018 approval of Design Review Revision DR-R18-0001/Saratoga Retail Phase 2.

On August 17, 2018 EDHAPAC submitted to the Planning Commission the result of our unanimous vote of Non-Support for the Project as proposed

[<https://eldorado.legistar.com/View.ashx?M=F&ID=6464991&GUID=37F64D7D-8468-4FA9-9CF1-B6D16E2F110E> – also, attached].

After reviewing the documents on file for the Project from the Planning Department and the Planning Commission, EDHAPAC believed significant issues regarding traffic, RV parking, internal circulation, and design review standards existed, that were not mitigated by the project as proposed by the applicant, and found legitimate concerns regarding the MITIGATED NEGATIVE DECLARATION prepared by County Planning Staff. EDHAPAC was concerned and confused 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 (H.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 Zoned Neighborhood.

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, (in fact the original and very first El Dorado Hills village, Park Village) and the County’s intent was and is to protect residential neighborhoods from the intrusiveness of such an establishment.

At the August 23, 2018 El Dorado County Planning Commission Hearing, it was presented to the public by County Staff and the Planning Commissioners that in reference to The Community Design Standards for Parking and Lodging, Section H Subsection 2 (H.2) that the phrase “**driveways**” was meant to indicate only the vehicle access areas of the drive thru facilities, and not the driveways used to access the project property from the public road – Saratoga Way. This stands in direct conflict with California Streets and Highways Code § 5870 definition of “**driveway**”:

*According to California Streets and Highways Code, "**Driveway**" means a **paved portion of a public street providing an unobstructed passage from the roadway to an offstreet area** used for driving, servicing, parking, or otherwise accommodating motor vehicles. [Cal Sts & Hy Code § 5870] [https://leginfo.ca.gov/faces/codes\_displaySection.xhtml?lawCode=SHC&sectionNum=5870. ]*

In reviewing municipal codes, ordinances, design standards, and design guidelines regulating drive thru facilities in several other California municipalities and California County jurisdictions, we find that they consistently, and tellingly, use the phrase **driveway** as defined in the California Streets and Highways Code § 5870, and use the phrases “**Drive Aisle**”, “**Drive Thru Aisle**”, “**Drive Lane**”, “**Drive Thru Lane**”, “**Aisle**”, and “**Lane**” to define the vehicle access areas of the drive thru facilities themselves. We cite several examples herein:

### **Citation 1:**

#### **City of Roseville CA**

<http://roseville.ca.us/common/pages/DisplayFile.aspx?itemId=8836813>

#### **Design Guidelines for Commercial Development**

##### I. Site Design Guidelines

##### A. Site Planning and Building Siting

##### Design Guidelines

CC-4 Consideration should be given to the orientation of service bays, *drive-thru lanes*, pickup windows, and other utilitarian building functions toward the street.

- If *drive-thru lanes* must be adjacent to the street, they shall be screened through the use of low walls and/or landscaping.
- If pickup windows must be oriented toward the street, they shall be de-emphasized through screening and/or architectural treatment.

CC-27 Paving material for **driveways**, *drive aisles*, and walkways should be consistent with the architectural style of the buildings and should incorporate similar accent elements.

##### Technical Guidelines

CC-30 *Drive through aisles for fast food restaurants* shall provide a minimum of 180 feet of stacking distance (measured from the pickup window) that does not conflict with the on-site parking and circulation system.

Other similar operations such as car washes and automatic teller machines shall provide a minimum of 100 feet of stacking.

##### F. Service and Storage

CC-35 *Drive-thru lanes* adjacent to roadways should be screened from view through a combination of low screen walls (“knee walls”), berming, and landscaping.

CC-66 Trees and shrubs planted at all intersections and **driveways** shall be selected and located to maintain safe sight line distances per the City’s Clear Vision Triangle as defined in the Zoning Ordinance.

##### III. Public Space Guidelines

##### A. Streetscape Design

##### Design Guidelines

CC-51\* Projects shall address bicycle and pedestrian needs in their design. Options to achieve this include, but are not limited to:

- Providing physical separation from streets and *drive aisles* through landscaping to encourage walking.
- Providing pedestrian pathways through parking lots separated from *drive aisles*.

## Design Guidelines for Office and Industrial Development

### E. Access, Circulation, and Parking

OI-20 Vehicular access to the site, internal circulation, and parking lot designs should consider the following:

- **Drive through aisles** for automatic teller machines shall provide a minimum of 100 feet of stacking distance that does not conflict with the on-site parking and circulation system.
- The determination of adequate stacking for project **entry driveways** shall account for security gates, checkpoints and guard shacks if applicable.

OI-22 Paving material for **driveways**, **drive aisles**, and walkways should be consistent with the architectural style of the buildings and should incorporate similar accent elements.

### F. Service and Storage

OI-29 **Drive-thru lanes** adjacent to roadways should be screened from view through a combination of low screen walls (“knee walls”), berming, and landscaping.

## Appendix B

### Parking Lot Shading Requirements

Parking areas not subject to the shading requirement include:

1. Truck loading areas in front of overhead doors;
2. Truck maneuvering and parking areas separate from other vehicle parking areas;
3. **Driveways**;
4. Surfaced areas not accessible for vehicle parking, driving or maneuvering;

### **Citation 2:**

#### **City of Elk Grove**

#### **Chapter 23.78**

#### **DRIVE-IN AND DRIVE-THROUGH FACILITY**

<https://www.codepublishing.com/CA/ElkGrove/html/ElkGrove23/ElkGrove2378.html>

23.78.030 Development standards.

The development standards in this section are intended to supplement the standards in the underlying zoning district for drive-in and drive-through uses. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply.

A. **Drive-Through Aisles**. The minimum standards for **drive-through aisles** are as follows:

1. **Drive-through aisles** shall have a minimum ten (10' 0") foot interior radius at curves and a minimum twelve (12' 0") foot width.
2. Drive-up windows and remote tellers shall provide at least one hundred eighty (180' 0") feet of stacking space for each facility, as measured from the service window or unit to the entry point into the drive-up lane. Nonfood and/or nonbeverage businesses may reduce the stacking space to a minimum of sixty (60' 0") feet.
3. Each **drive-through entrance/exit** shall be at least fifty (50' 0") feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least twenty-five (25' 0") feet from the curb-cut on an adjacent property. Exceptions may be granted by the designated approving authority when **drive-through** pull-out spaces are provided.
4. Each entrance to an **aisle** and the direction of traffic flow shall be clearly designated by signs and pavement markings.
5. Each **drive-through aisle** shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.

### **Citation 3:**

#### **Sacramento City Code**

17.228.109 Drive-through restaurant.

B. Development standards. The development standards in this subsection B shall be used to analyze the adequacy of the design of a drive-through restaurant.

1. A minimum stacking distance of 180 feet shall be provided to each pick-up window or automated machine.
2. A drive-through restaurant service facility with a separate ordering point and pick-up window shall provide stacking space for at least four vehicles in advance of each ordering point and stacking space for at least four vehicles between each ordering point and pick-up window.
3. Entrances to *drive-through lanes* shall be at least 25 feet **from driveways** entering a public or private street or alley.
4. A drive-through restaurant service facility shall not be considered as justification for reducing the number of required parking spaces.
5. The minimum width of each *drive-through lane* is 11 feet. The entrance to the lane and the direction of traffic flow shall be clearly designated by signs and pavement marking or raised curbs.

C. Guidelines. The guidelines in this subsection C shall be used in analyzing the adequacy of the design of the drive-through restaurant. The decision-maker may require redesign of a drive-through restaurant to comply with these guidelines.

3. Interior landscaping shall be installed on the site to offset the extensive pavement area devoted to the *drive-through lane*. (Ord. 2013-0020 § 1; Ord. 2013-0007 § 1)

**Citation 4:**

**City of Rancho Cordova**

<http://www.cityofranhocordova.org/home/showdocument?id=361>

**DESIGN GUIDELINES**

2. Automobile dependent land uses (e.g. car lot sales lots, gas stations, drive-up restaurants and other drive-up facilities) should be designed to reduce conflicts with pedestrians, by the following means:
- Place the building at the building setback line with an entry from the public sidewalk to help define the “street edge” and encourage pedestrian access (e.g. to a convenience store, restaurant, or a car dealer showroom);
  - Create a direct pedestrian connection between public sidewalk and pad building entries without crossing a *drive through lane*;
  - Place the *drive through area* away from pedestrian areas.

**AVOID**

- Pedestrian crossings of vehicular **driveways** without adequate protections.

**COMMERCIAL AND COMMERCIAL MIXED USE**

The City seeks to create rich, inviting, pedestrian oriented urban streetscapes as part of its commercial development, especially in a “Main Street” pattern. To accomplish this, the front and street side building setbacks have been modified, as described in the table below, based on project size. The distance is measured from the back of curb of the ultimate right-of-way width. A minimum of 50 percent of this setback envelope shall be occupied by either a primary building frontage (having the main entrance(s) to the building) or pedestrian feature(s). In no instance shall on-site parking or *drive-thru aisles* be located within this setback, however on-street parking, subject to review by the Public Works department, may be provided. *Drive aisles* connecting the parking areas to the public street are allowed in the setback area. The setback area may include

landscaping or other pedestrian amenities as described in this document or the City Zoning Code. The design review authority may grant exemption when the intent is met by unique development features or there are unique site characteristics or patterns that preclude such action.

4. Corner and mid-block pad buildings should be oriented towards the street and public sidewalk and shall meet the following requirements:

- Drive-thru windows, **driveways**, and parking shall not be designed in a manner that isolates the building from the sidewalk or connecting walkways.
- Service windows and stacking *lanes* for drive thru business shall not face public streets. Rather, orient automotive service bays away from public streets. The intent is that service bays should not dominate the public street frontage.

**Citation 5:**

**City of Citrus Heights**

[https://library.municode.com/ca/citrus\\_heights/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH106ZO\\_CH106.42STSPLAUS\\_S106.42.080DRROFA](https://library.municode.com/ca/citrus_heights/codes/code_of_ordinances?nodeId=COOR_CH106ZO_CH106.42STSPLAUS_S106.42.080DRROFA)

Municipal Code Sec. 106.42.080. - Drive-Through Facilities

Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), drive-through facilities shall comply with the requirements of this Section.

A. General standards.

1. Design objectives. A drive-through facility shall be designed and operated to mitigate problems of congestion, excessive pavement, litter, and noise.
2. Limitation on location. A drive-through facility shall be planned and designed to minimize its visibility from a public right-of-way.
3. Screening. The *drive-through aisle* and stacking area shall be screened from the view of the street by a combination of decorative low walls, berming, and landscaping, as determined by the review authority.

B. On-site circulation standards. A drive-through facility shall be provided internal circulation and traffic control as follows:

1. *Drive-through aisle* design.

- a. The entrance and exit of a *drive aisle* shall both be a minimum of 25 feet **from any driveway providing access to the site from a public street.**
- b. Each *drive aisle* shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.

2. Stacking area. A clearly identified area shall be provided for vehicles waiting for drive-through service that is separated from other on-site traffic circulation on the site.

- a. Location. A stacking area shall not be located adjacent and parallel to a street or public right-of-way, unless the review authority determines that there is no feasible alternative.
- b. Capacity. A *drive-through aisle* that provides access to a service window shall be designed to provide the following length of stacking space, measured from the service window to the entry point into the *drive-through lane*.

(1) Restaurants. An aisle accessing a food service window (ordering or pickup, whichever occurs first in a *drive through aisle*) shall be designed to provide at least 120 feet of stacking space.

E. Signs. Each entrance to, and exit from a *drive-through aisle* shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs.

**Citation 6:**

**City of San José, California**

**CRITERIA FOR THE REVIEW OF DRIVE-THROUGH USES**

<https://www.sanjoseca.gov/DocumentCenter/View/3877>

CRITERIA

The following criteria shall be applied to all applications for development of establishments with drive-through facilities which meet the applicable conditional requirements:

#### I TRAFFIC

- A. Primary ingress and egress to drive-through type use parking lots should be from at least a four-lane major street.
- B. The *drive-through stacking lane* shall be situated so that any overflow from the stacking lane shall not spill out onto public streets or major aisles of any parking lot. Overflow capacity shall be 50 percent of required stacking for overflow restricted to the parking lot and 100 percent of required stacking if the overflow is directed to the street.
- C. No ingress and egress points shall conflict with turning movements of street intersections.
- D. No drive-through use shall be approved with ingress or egress **driveways** within 300 feet of a signalized intersection operating at a Level of Service D, E, or F unless a traffic analysis demonstrates, to the satisfaction of the Director of Public Works, that vehicles entering or leaving said use will not impair the efficiency or operation of the intersection.
- E. The *drive-through stacking lane* shall be separated physically from the user's parking lot and shall have a capacity of:
1. Financial Institutions—8 cars per *lane* or 16 total\*;
  2. Restaurants—8 cars per *lane*\*;
  3. Photo Uses—2 cars per *lane*\*;
  4. Self-Service Car Washes—5 cars per *lane*\*;
  5. Full-Service Car Washes—15 cars\* (may be in multiple *lanes*);
  6. Other—Capacity requirement to be determined on an individual basis.
- \*Allow 20 feet per car
- The storage required for savings and loans may be less than for banks, and should be reviewed on an individual basis.
- Eight (8) vehicles per *lane* for a drive-through restaurant is a maximum. Certain types of fast-food restaurants may require less storage if substantiated by acceptable data.
- F. No pedestrian crossing of the *drive-through lane* shall be allowed.
- G. Proposed drive-through uses at or near signalized intersections may compound existing traffic congestion and make it intolerable even if the intersection meets the Transportation LOS Policy. In these situations, proposed drive-through uses should be discouraged.

#### **Citation 7:**

#### **Riverside CA Municipal Code**

<https://www.riversideca.gov/municode/pdf/19/article-7/19-475.pdf>

#### D. *Drive-thru Lane* Standards

1. Restaurants shall maintain *drive-thru lanes* that are a minimum of 180 feet in length to provide on-site storage for a minimum of 10 vehicles, as measured from the forward most drive-thru window to the entrance to the queuing space.
  2. All other uses shall maintain drive-thru lanes that are a minimum of 36 feet in length to provide on-site automobile storage for a minimum of 2 vehicles.
  3. Each *drive-thru lane* shall be a minimum of 12 feet in width. The *lane* shall be independent of any on-site parking, parking maneuvering areas, public streets, alleys or traffic ways.
- E. Additional requirements for *drive-thru lanes* associated with restaurants:
1. Drive-thru windows are discouraged on any building elevation directly facing a street frontage.
  2. *Drive-thru lanes* shall be designed in such a way as to be screened from view from the street through elevation differences, landscaping, arbors, trellises, canopies, walls and other architectural features used to reduce the visual presence of drive-thru operations.
  3. Freestanding drive thru restaurants should be located on lots with at least 30,000 square feet, except for drive thru restaurants in master planned integrated commercial complexes with shared parking and access.
  4. A minimum five-foot-wide landscaped planter should be installed between the *drive-thru lane* and parking lot maneuvering area when adjacent to one another, as determined necessary on a case-by-case basis.



F. Additional requirements for a business with *drive-thru lane*(s) within the MU-U and MU-V Zones:  
1. Drive-thru pick-up windows shall not be located on any building elevation facing a street.  
2. *Drive-thru lanes* shall be located at the rear of the building and screened from view from adjacent streets. For corner properties, a combination of walls and other architectural and landscape features, such as arbors, trellises, canopies, and landscape berms may be used to screen the drive-thru lane from one adjacent street. (Ord. 7408 §1, 2018; Ord. 7331 §74, 2016; Ord. 7100 §1, 2010; Ord. 6966 §1, 2007)

**Citation 8:**

**County of San Diego Parking Design Manual**

[https://www.sandiegocounty.gov/pds/docs/Parking\\_Design\\_Manual.pdf](https://www.sandiegocounty.gov/pds/docs/Parking_Design_Manual.pdf)

2. Parking Aisles

d. *Drive-Through Aisles*

All projects which feature drive-through facilities (bank, pharmacy, fast-food, etc.) shall provide a *drive-through aisle* capable of a reasonable queuing of vehicles without impeding the circulation of traffic within the parking area or abutting **driveway** or street travel way. *Drive-through aisles* should not cross pedestrian pathways and be clearly designated with striping and/or signage. See the Zoning Ordinance for specifications.

3. Access **Driveways**

The construction, repair, and maintenance of all **driveways**, curbs and gutters, and sidewalks are the responsibility of the property owner, developer, or tenant. The responsibility includes the entire area of **driveway** from the edge of the existing pavement of traveled way to the property line and all culverts or other structures necessary for property drainage control.

A residential **driveway** is any **driveway** serving property used solely as a private single, duplex, or triplex residential dwelling unit, including farms or ranches not used as retail outlets. All other driveways are considered commercial **driveways**. For specifications on residential **driveways**, see Section III D.

All residential and commercial **driveways** designated as a fire access road shall comply with the County's Consolidated Fire Code.

To minimize interference with the flow of traffic and provide optimum access, **driveway** design should also consider:

- line of sight,
- offset to adjacent and opposing **driveways**, and
- proximity to nearby intersections.

Parking facilities should be designed to minimize the number of **driveways** to private property from streets and highways.

Not more than 40% of property frontage on residential lots and 60% of property frontage on non-residential or multi-family residential lots may be allocated for **driveway** curb openings, except for lots with frontage of 50' or less, which are entitled to one 16' **driveway** with a 22' curb opening.

Refer to the County of San Diego Public Road Standards and Standards for Private Roads for additional information.

It seems evident that the legal term "**driveway**" as used by these 8 citations from other California jurisdictions is being used consistent with California Streets and Highway Code § 5870 - and that each of these other 8 California jurisdictions consistently uses the alternate terms such as drive aisle, drive thru aisle, drive thru lane, as definitive descriptors of the features that comprise the access points of a drive thru facility. Therefore, the use of the term "**driveway**" in The Community Design Standards for Parking and Lodging, Section H Subsection 2 (H2), in accordance with California law as established in California Streets and Highway Code § 5870 refer to the four **driveways** directly accessing the project site from the public roadway, Saratoga Way, which each directly face a residential zone, and the project, as designed, is not in compliance with El Dorado County Community Design Standards Parking and Loading Standards Section H, 1-8 Subsection 2.

In the applicant response(s) dated 10-5-18 in the Legistar Calendar files for both appeals, 18-1497 & 18-48 [ Applicant Response BOS Rcvd 10-5-18 BOS 10-9-18

<https://eldorado.legistar.com/View.ashx?M=F&ID=6666297&GUID=1E427F86-6C42-4106-866D-76062660785F> ] the applicant offers:

*“In an effort to find any adopted regulation with which the application is not consistent, the appellants point out that Section H.2 of the Community Design Standards which prohibits siting drive-through facilities on driveways facing residential zones. They argue that since the encroachment on Saratoga Way for the Saratoga Retail Center is facing residentially zoned property it is in violation of this provision. However, careful reading of the provisions associated with drive-through regulations makes it clear that the term "drive-through facility" refers to that portion of the building which contains the window and equipment where the drive-through transaction actually occurs. This is most evident in Section H.1 of the regulations which provides that a drive-through facility shall be located at the rear or side of a commercial structure. Clearly this reference isolates the "facility" to the drive through and does not characterize the entire building or center as the facility, as the appellants would like. The project clearly complies with this requirement by having the driveway serving the drive-through facility directed towards El Dorado Hills Blvd at its point of ingress and towards the Walgreens store at the point of egress.”*

In this response the applicant ignores the legal definition of “driveway” as established in California Streets and Highway Code § 5870:

**Driveway** means a **paved portion of a public street providing an unobstructed passage from the roadway to an offstreet area** used for driving, servicing, parking, or otherwise accommodating motor vehicles. [Cal Sts & Hy Code § 5870]

The drive aisles **inside the project**, an offstreet area used for driving, servicing, parking, or otherwise accommodating motor vehicles, are not driveways by California code. In this response the applicant refers to access points from a public roadway (Saratoga Way) as encroachments, but in the original project application the applicant refers to them as driveways. County Planning Staff also refers to these access points as driveways in the original DR09-0003-R as well as in DR-R18-0001/Saratoga Retail Phase 2 Planning Commission/August 23, 2018 Findings.

In the El Dorado County Community Design Standards Parking and Loading Standards Section H.2 the standard mentions both drive-through facilities and driveways – clearly these are meant to mean two distinct items, to wit:

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

The Applicant defines the drive aisles, stacking area, order point(s), and service window(s) as drive-through facilities. Section H.2 cites drive-through facilities AND driveways, with the requirement that driveways not face residential zoned areas.

The four project driveways as legally defined by California Streets and Highway Code § 5870 are the driveways to access the project from the public roadway, Saratoga Way, and each of these faces a residential zoned area, which leaves the project in noncompliance with El Dorado County Community Design Standards Parking and Loading Standards Section H, 1-8 Subsection 2 (H.2).

EDHAPAC has taken the time to point out this one specific design standard, in which this project fails to be in compliance as currently proposed as one example. Further, it is the duty of County Planning Staff, the Planning Commission, and the Board of Supervisors to uphold and adhere to El Dorado County’s municipal ordinances and design standards. But beyond this, EDHAPAC and area residents still have many other valid concerns about this Project at this location – significant negative impacts that the operation of a drive thru restaurant adjacent to homes would have in terms of traffic, noise, air quality, visual blight, crime, and for area residents, the quiet enjoyment of their property.

As with our August 17, 2018 letter to the El Dorado County Planning Commission, EDHAPAC reiterates: Assuming for the sake of argument that the Project proponent has a right to build the Project as presented in regards to existing commercial zoning, it does not mean that it is the right, or responsible thing to do. EDHAPAC volunteers do not seek to “approve” or “deny” any commercial or residential projects – the goal of



EDHAPAC volunteers is to make projects the best fit for our community, which is why EDHAPAC volunteers offered a letter of Non-Support for the project as proposed, to the El Dorado County Planning Commission.

As always, EDHAPAC appreciates the County of El Dorado Board of Supervisors for considering our concerns, and appreciates the assistance provided by Planning Department Staff in our review of this Project, and wishes to thank the Project Applicant and the members of his team for attending the EDHAPAC August 2018 meeting and answering questions about the Project.

Sincerely,

*John Davey*

John Davey – 2018 EDHAPAC Vice Chair

cc: Read File