

**MINUTES
REGULAR MEETING
CITY OF PLACERVILLE PLANNING COMMISSION
TUESDAY, DECEMBER 19, 2017, 6:00 P.M.
TOWN HALL, 549 MAIN STREET, PLACERVILLE, CALIFORNIA**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG

Member Wolfe called the meeting to order; led those in attendance in the Pledge of Allegiance.

ROLL CALL:

Members Present: Frenn, Kiehne, Wolfe

Members Absent: Chair Saragosa, Vice Chair List

Staff Present: Painter, Rivas

Action: Election of Member Wolfe to serve as Chair Pro-Tem due to absence of Chair and Vice Chair. Motion by Member Frenn, seconded by Member Kiehne to nominate Member Wolfe as Chair Pro-Tem. Voice vote. Motion Carried 3-0.

1. CONSENT CALENDAR

1.1 Adoption of Agenda

1.2 (*Removed from consent*) Approval of November 7, 2017 Regular Meeting Minutes

1.3 (*Removed from consent*) Approval of November 7, 2017 Joint Planning Commission and Recreation and Parks Commission Meeting Minutes

*Action: Approve Consent Calendar. Voice vote. Motion Carried 3-0.
Motion by Member Frenn, seconded by Kiehne.*

2. ITEMS REMOVED FROM CONSENT CALENDAR (IF APPLICABLE)

1.2 Approval of November 7, 2017 Regular Meeting Minutes

1.3 Approval of November 7, 2017 Joint Planning Commission and Recreation and Parks Commission Meeting Minutes

*Action: Continue Items 1.2 and 1.3 to the next scheduled Regular Meeting to allow Members present for November 7, 2017 meetings to consider Minute approvals.
Continuation approved by unanimous consent by quorum.*

3. ITEMS OF INTEREST TO THE GENERAL PUBLIC (PUBLIC COMMENT) NOT ON

AGENDA: This portion of the meeting is reserved for persons wishing to address the Commissions on any matter not on the Agenda.

3.1 Oral Communication

Michael Drobesh addressed the Commission concerning outdoor open fires of green waste, and exemptions from environmental review within scenic highway corridors.

3.2 Written Communication

None received.

4. PUBLIC HEARINGS

4.1 423 Main Street – Special Temporary Use Permit (TUP) 17-04 – Sidewalk Dining Area Permit: Request by Ben Butler, business owner of Bene Ristorante Italiano at 423 Main Street, for sidewalk dining area permit within the City's Main Street right-of-way, adjacent to the business. Assessor's Parcel No. 001-211-11. Zoning for the site is Central Business District. If approved, TUP 17-04 would be granted for twelve months. The request is categorically exempt from environmental review pursuant to Section 15311, Accessory Structures, of the California Environmental Quality Act Guidelines. (City Planner Painter)

City Planner Painter presented staff's report. Request applicant Ben Butler addressed the Commission. Public comment was received from Michael Drobesh.

Action: Approved request. Voice vote. Motion carried 3-0. Motion By Member Kiehne, Second By Member Frenn, to:

I. Adopt the Staff Report as part of the public record.

II. Make the following findings of fact in support of 423 Main Street – Special Temporary Use Permit 17-04:

1. *The request is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15311 of the CEQA Guidelines, in that it involves the placement of minor structures (chairs, tables and wrought iron barrier) accessory to the existing Bene Ristorante Italiano commercial business in the same locations on the City sidewalk.*
 2. *The request meets the purpose and intent of the Sidewalk Dining Regulations by allowing a limited encroachment of outdoor dining within into the public right-of-way, ancillary to the adjacent Bene Ristorante Italiano food and beverage establishment, where the development layout as proposed and conditioned does not unduly restrict public access, or detract from the appearance of the surrounding area.*
- III. *Approve the request, 423 Main Street – Special Temporary Use Permit 17-04, subject to the Conditions of Approval provided as follows:*

1. *Special Temporary Use Permit (TUP) 17-04 approval is based upon and limited to compliance with the approved site plan, project description, the Conditions of Approval set forth below:*

The project description is as follows: The operation of a sidewalk dining area encompassing approximately 90+/- SF of the City sidewalk right-of-way, immediately adjacent to the front door of the Bene Ristorante Italiano food and beverage business located at 423 Main Street. The proposed design features four (4) 28" square metal tables with two metal chairs per table. A barrier design consisting of a 36" tall and 12' in length decorative wrought iron fence, with grape vine and grape cluster motif would separate the dining area from the public walkway along Main Street. Layout would provide a minimum of 5' of unobstructed pathway between the barrier and streetscape furniture, such as an existing trash receptacle and street light. Barrier would be a minimum of 7' from the street curb.

Any deviations from the project description, conditions, or site plan exhibits shall be reviewed and approved by the City for conformity with this approval. Deviations may require approved changes to the permit. Deviations without the above described approval will constitute a violation of permit approval.

2. *This Special Temporary Use Permit is valid for one year from Planning Commission approval. Renewal permits may be extended for one year periods by the Director of Development Services. Permit holder shall make renewal request prior to the expiration date for renewal by the Director.*
3. *Permit holder (applicant) shall comply with all Operational Standards along with the Development Standards under Sections 10-4-19(F), applicable during sidewalk dining operations, as follows:*
 1. *Development Standards.*
 - (a) *Facilities and equipment shall be of a quality and style that is consistent with the Design Guidelines adopted by the City and any other applicable design standards and policies. The design, quality, materials and colors used for chairs, tables, lighting and other fixtures shall complement the architectural style and colors used on the adjacent buildings. Sidewalk dining furniture, equipment, and other amenities shall be constructed of metal, unless an alternative material is approved by the Director or the Planning Commission.*
 - (b) *Sidewalk dining areas that have more than four tables or more than eight chairs shall separate the dining area from the walkway with fencing, swag roping, decorative plants, landscape planters, or other architectural barriers that prevent encroachment of tables and chairs into the five-foot pathway being maintained for pedestrian access. The Planning Commission may relax this standard when it is clear that there is no reasonable possibility of tables or chairs being moved to encroach on the required pedestrian pathway.*
 - (c) *Lighting will be required for sidewalk dining areas where food will be eaten during the evening hours. The lighting fixtures must be decorative and complement the architectural character of the building and area. Lights mounted on the building shall not cause direct glare*

or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway, and should illuminate only the sidewalk area.

- (d) Portable umbrellas may be permitted provided they do not obstruct the public right-of-way or walkway, and do not contain advertising. The minimum vertical clearance from the pedestrian surface for any overhead obstruction including umbrellas shall be eight feet.*
 - (e) Furniture shall not be attached, drilled into, adhered to, chained to, or otherwise affixed to the sidewalk tree, pole, or other furniture, or to any permanent structure or building.*
 - (f) Sidewalk dining furniture shall be placed immediately adjacent to and abutting the eating establishment and shall not be placed adjacent to the curb. Exceptions to this requirement may be made by the Director or Planning Commission for self-serve seating (i.e., no table service).*
 - (g) Dining areas serving alcohol shall delineate and separate the sidewalk dining area with a non-affixed, removable barrier/fence (e.g. a planter box, rope, fence, or other material) approved by the approving authority. Each such barrier shall be easy to remove and store. No barrier shall exceed 36 inches in height. Dining areas that do not serve alcohol are not permitted to delineate the sidewalk dining area with a barrier in order to keep the appearance of an open sidewalk.*
 - (h) Use of sound amplification on the exterior of a sidewalk dining area is prohibited.*
 - (i) Sidewalk dining area permits are interruptible and terminable licenses for use granted by the City. No property interest shall be conveyed to the eating establishment or to any other person. The City shall have the right and power, acting through the Director or Planning Commission, to revoke, prohibit, or limit operation and use of a sidewalk dining area permit at any time by reason of anticipated, threatened, or actual problems or conflicts in the use for the sidewalk area. Such circumstances may arise from, but are not limited to, changing patterns of sidewalk use, scheduled festivals or similar event, parades or marches, repairs to the street or sidewalk, or for any other reason.*
 - (j) Any sidewalk dining area shall be temporary in nature and designed so that the entire dining area can be easily removed. Sidewalk dining area furniture, equipment, and other amenities must be removed from the public sidewalk dining area for extended periods of eating establishment closure (two weeks or more). The City may require removal during special events, etc. The City shall have the right to unilaterally remove unapproved exterior furniture and/or equipment from the sidewalk dining area, and costs of removal shall be borne by the eating establishment.*
- 2. Operational Standards:**
- (a) The owner of the primary business is responsible for proper operation of the sidewalk dining area. Sidewalk dining shall be continuously supervised by management or employees. Food establishments serving alcoholic beverages shall have a supervisor, at least 21 years of age, on-site at all times of operation. Any behavior that disturbs customers or passersby on the sidewalk will constitute grounds for revocation of any permit(s) to operate an outdoor dining area.*
 - (b) Establishment is required to maintain all areas in and around the sidewalk dining area in a manner that is clean and free of litter and debris.*
 - (c) The sidewalk dining hours of operation shall be limited to the hours of operation of the associated food or beverage establishment.*
 - (d) All plans and permits for the sidewalk dining area approved by the City must be kept on the premises for public inspection at all times during which the associated establishment is open for business.*

- (e) *Sidewalk dining areas shall be operated in a manner that meets all requirements of the El Dorado County Environmental Management Division and all other applicable regulations, laws, ordinances, and standards. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State Alcoholic Beverage Control Department.*
- (f) *Smoking and/or vaping of any substance shall not be permitted within any sidewalk dining or seating area authorized pursuant to this Section.*
- 4. *Permit holder shall obtain all required on-sale licensing from state agencies that authorizes the sale of all types of wine and malt beverages (e.g., beer, porter, ale, stout and malt liquor) for consumption on the premises.*
- 5. *Permit holder shall obtain an Encroachment Permit from the City Engineer per City Code Section 10-4-19(I) before any sidewalk dining is permitted, and shall obtain and maintain general liability insurance per City Code Section 10-4-19(E).*
- 6. *Permit holder shall not initiate approved sidewalk dining until after the 10-day appeal period, after the granting of the permit is affirmed on any appeal is heard by City Council if filed, an Encroachment Permit obtained under Condition 5, and upon receipt from the Development Services Department of an official Special Temporary Use Permit.*

4.2 73 Main Street – Site Plan Review (SPR) 79-07-R – Kentucky Fried Chicken: Request for exterior re-image (colors, awnings, exterior lighting, and removal of pyramid shroud on cupola) of an existing Kentucky Fried Chicken restaurant. Assessor's Parcel No. 003-022-02. Zoning for the site is Central Business District. The request is categorically exempt from environmental review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act Guidelines. (City Planner Painter)

City Planner Painter presented staff's report. Applicant representative Andria Lazzini addressed the Commission. Public comment was received from Michael Drobesch.

Action: Approved request. Voice vote. Motion Carried 3-0. Motion By Member Frenn, Second By Chair Pro-Tem Wolfe, to:

- I. *Adopt the Staff Report as part of the public record.*
- II. *Make the following findings:*
 - A. *The request involves minor alterations to an existing structure and site, therefore, is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301(a) of the CEQA Guidelines.*
 - B. *The commercial building at 73 and 63 Main Street is not listed on the City Historic Resources Inventory, the State Register of Historic Resources, or the Federal Register of Historic Places.*
 - C. *The request would have no significant adverse change to the O'Keefe Residence and Toll House, a City designated historical structure located at 82 Main Street and southeasterly of the project location. The Major Change request is located entirely within the 73 Main Street site and would not demolish, destroy, relocate or alter the appearance of the O'Keefe Residence and Toll House.*
 - D. *The request as conditioned is consistent with Goal B of the General Plan's Community Design Section, and Zoning Ordinance Section 10-4-9(G)3 and 4, in that the visual quality and use of durable materials of proposed alterations, involving exterior lighting and color scheme, will enhance the site and visually improve the commercial building as seen from US Highway 50 that is adjacent to the site.*

- E. *The project is consistent with Criteria 8. Community Design, of the Site Plan Review Ordinance (Section 10-4-9), in that the project is found to be consistent with the goals and policies established in the Community Design Element of the General Plan.*
 - F. *Conditions of Approval Nos. 3 and 4 of the 1979 approval and Conditions A and B of the 2001 approval of SPR 79-07 have been met and are deemed no longer necessary. Conditions 1, 2 and 5 from 1979 remain applicable.*
- III. *Approve Site Plan Review 79-07-R, a request to modify the existing commercial structure located at 73 Main Street, APN 003-022-02, as described in the Staff Report and Attachment A of December 19, 2017, and subject to the Conditions of Approval provided as follows:*
- 1. *Approval. Approval of SPR 79-07-R authorizes the removal of existing exterior lighting and the installation of new exterior wall sconces and wall light fixtures; exterior painting of the leased KFC space; the removal of existing window and door awnings and the installation of new awnings, and the removal of the existing cupola's pyramidal roof shroud. The project is approved as shown in Attachment A (Applicant Submittal Package) of staff's December 19, 2017 report, and as conditioned or modified below:*
 - 2. *Project Location. The Project site is located at 73 Main Street; northwest corner of the intersection of Main Street, Canal Street in the City of Placerville. APN: 003-022-02. SPR 79-07-R as amended shall apply only to the project location and cannot be transferred to another parcel.*
 - 3. *Substantial Conformance. The use shall be implemented in substantial conformance to the Site Plan Review as approved by the Planning Commission.*
 - 4. *Permit Expiration. The approval of the site plan review major change shall expire and become null and void eighteen (18) months after the date of approval unless a building permit has been obtained for any building thereon before the date of expiration. Should the building permit expire for any building thereon, then the site plan review approval shall also simultaneously expire. The planning commission may grant a one year extension for the project if the applicant makes such a request and pays a new fee prior to the expiration date. The Planning Commission shall consider any changes to this code or to the project when granting the extension.*
 - 5. *Permits. The applicant shall obtain all necessary and appropriate permits for the project prior to occupancy, including but not limited to building and encroachment permits, and payment of all required fees.*
 - 6. *Other Applicable Requirements. The project approval is subject to all applicable requirements of the Federal, State, City of Placerville and any other affected governmental agencies.*
 - 7. *During the construction plan review process the applicant shall submit revised photometric analysis and revisions to the luminaire light source for staff review approval for consistency with light intensity thresholds under Section 10-4-16(E) of City Code.*
 - 8. *Exterior lighting shall be installed and maintained per City regulations.*
 - 9. *Runs with the Land. The terms and conditions of approval of site plan review shall run with the land shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assignees of the property owner.*
 - 10. *Revisions. Any proposed change to the Project Description or conditions of approval shall submitted to the Development Services Department, Planning Division for determination of either a major or minor change to approved the site plan, per Section 10-4-9(P) of City Code.*
 - 11. *Condition of Approval No. 1, 2 and 5 approved by the Planning Commission in 1979 shall remain in effect and shall be included by reference with the major change approval; renumbered as 11a., 11b. and 11c. as follows:*

- a. *That an agreement can be made between the City and the property owner which would allow the parking to be located in the City's right-of-way, prior to the issuance of a building permit.*
- b. *An automatic irrigation system be installed.*
- c. *That the maximum height of the pole sign be 20 feet.*

5. NEW BUSINESS

5.1 Planning Commission Bylaws Review / Amendment

Item continued by unanimous consent to next meeting due to Bylaws provisions that prohibit amendment to Bylaws unless of all five Members are in attendance.

6. MATTERS FROM COMMISSIONERS AND STAFF

Member Frenn commented regarding recent fires within the State and open burning. Staff provided update regarding recently completed or ongoing construction of development projects previously considered by the Commission. Staff also announced the cancellation of the January 2, 2018 Regular Meeting, and announced that the January 16, 2018 Regular Meeting will take place with the 260 Wiltse Road –GPA17-01, ZC17-03 and EA17-03 to be heard.

7. PLANNING COMMISSION PHOTO AND ADJOURNMENT

Photo continued by general consent to next meeting due to lack of full Commission. Chair Pro-Tem Wolfe adjourned the meeting at 6:56 p.m.



Andrew Painter, Executive Secretary
Placerville Planning Commission