

“Placerville, a Unique Historical Past Forging into a Golden Future”



**City of Placerville Planning Commission
 STAFF REPORT**

SUBJECT: Request by Gregory Phelps, business owner of Centro at 385 Main Street, for outdoor sidewalk dining within the City right-of-way, adjacent to the intersection of Stage Coach Alley and Main Street and the Bell Tower Plaza.

PROJECT ADDRESS: 385 Main Street, Placerville

ASSESSOR’S PARCEL NUMBER: 001-212-11

FILE NO: Special Temporary Use Permit (TUP) 17-02

PREPARED BY: Andrew Painter, City Planner

RECOMMENDATION: Staff recommends the Planning Commission grant request approval.

SITE DATA

Address	385 Main Street
Applicant	Gregory Phelps
Property Owner	Henry Cavigli
Zoning	Central Business District (CBD)
General Plan	Central Business District (CBD)
Environmental Status	Categorically Exempt (California Environmental Quality Act Guidelines Section 15311, Accessory Structures)

Project Location



1.0 AUTHORITY FOR APPLICATION

The Planning Commission is charged under City Code Section 10-4-7: Special Temporary Use Permits and Section 10-4-19 (H)1.(b) the authority to review and approve sidewalk dining areas with more than two tables or more than four chairs and/or dining areas serving alcohol. A Special Temporary Use Permit may be approved for a maximum of one year. Renewal permits, if requested, may be granted for one-year periods by the Development Services Director.

2.0 SITE INFORMATION AND PROJECT DESCRIPTION

The Centro business is located on the southwest corner of intersection of Stage Coach Alley and Main Street, adjacent and west of the Bell Tower Plaza, in the Central Business District (CBD). The building containing the Centro business is listed on the City’s 1984 Historic Resource Inventory (HRI). The building dates to the mid-1800s per the HRI Survey. The building was first known as the “Plaza Building.”

The 9+/- LF by 23+/- LF sidewalk dining area would encompass approximately 207+/- SF of the City sidewalk right-of-way, immediately adjacent to the front (Bell Tower Plaza facing) door. The proposed design features five (5) 24” round metal tables and bases, with two metal chair each, and one (1) 27” square metal table and base with three metal chairs. A barrier design that would separate the sidewalk dining area from a five (5) feet or more in width pedestrian pathway, would consist of a total of five fiberglass planters (espresso brown color) to contain boxwood hedges, three (3) of which would be 16” high by 16” wide by five feet in length, one (1) would be 24” high by 10” wide by three feet in length and one (1) would be 24” high by 10” wide by two feet in length; and a 58” swag rope would be strung between the two feet and three feet in length planters. An existing retractable awning, approved in 2016 by the Planning Commission under Site Plan Review 16-05, contains dimmable LED light fixtures that would illuminate the dining area during evening hours. Sidewalk dining furniture would be in place during the Centro business’s open hours of 7:00 am to 8:00 or 9:00 pm. Each evening all tables, chairs and planters would be moved and stored inside the business. In addition, during special events downtown the sidewalk dining area would not be assembled. See Exhibits A, B, C, D and E.

3.0 PROJECT ANALYSIS

3.1 Consistency with the Zoning Regulations

The City’s Sidewalk Dining Regulations comprise Section 10-4-19 of City Code. These regulations stipulate the location of where sidewalk dining may be permissible, development and operational standards, the review process, as well as permit requirements and enforcement mechanisms.

The purpose and intent of the Sidewalk Dining Regulations is to allow limited encroachment of outdoor dining within into the public right-of-way, ancillary to an adjacent food and beverage establishment, where they development layout does not unduly restrict public access, or detract from the appearance of the surrounding area. The request as designed, analyzed by staff, and as conditioned under the Development and Operation Standards under City Code meets the stated intent of Section 10-4-19.

The following are the Development Standards and the Operational Standards (Section 10-4-19 (F)) for sidewalk dining areas. After each Development and Operation Standard is staff’s analysis of the request provided in italicized font.

- (F) General standards for sidewalk dining areas:
 - 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.

The request includes the use of metal chairs and tables. Existing lights mounted in awning metal framework and located above the dining area contains LED lights. Fiberglass planters with live hedge plants provide an inviting transition into the space, but help delineate the sidewalk dining area from the clear pedestrian path. These furnishings appear of high quality, long lasting and durable material consistent with the guidelines within Chapter V.A4. Site Furnishings, of the City of Placerville Development Guide. Metal tables and chairs compliment the metal framed windows of the Centro business, and the metal framework comprising the Bell Tower monument located within Main Street. The espresso brown planter boxes compliment the black window framework of the Plaza Building.

Exhibit A

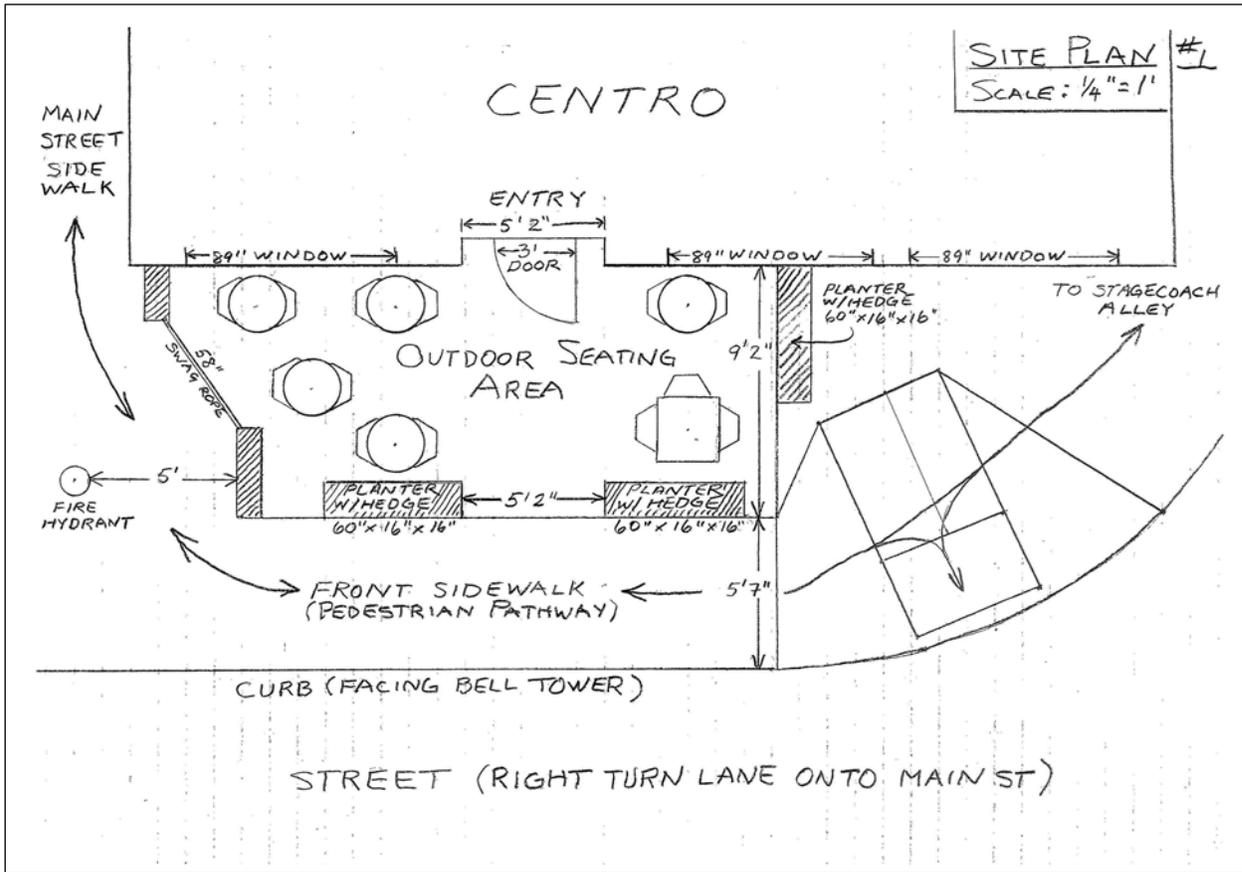


Exhibit B

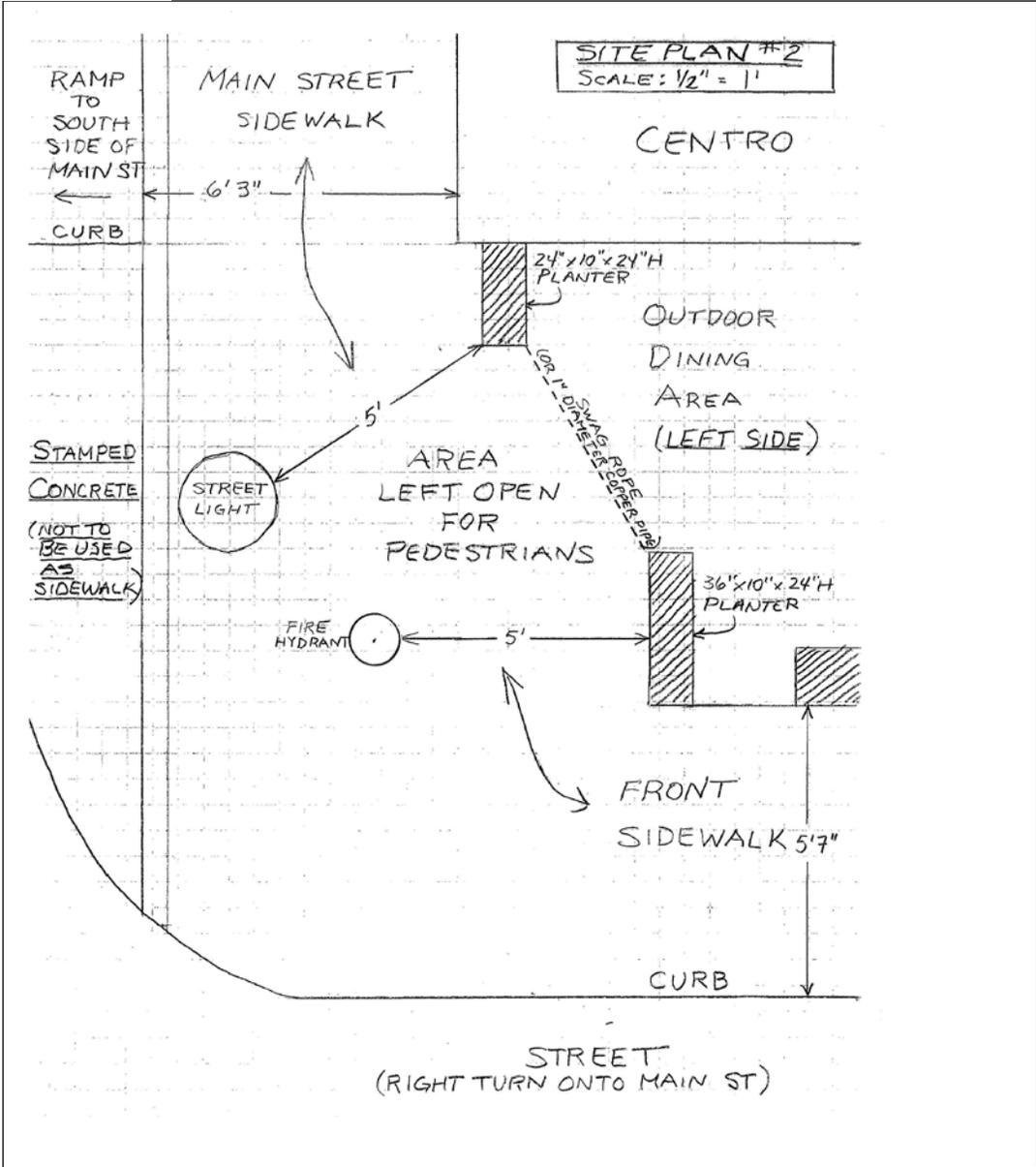


Exhibit C

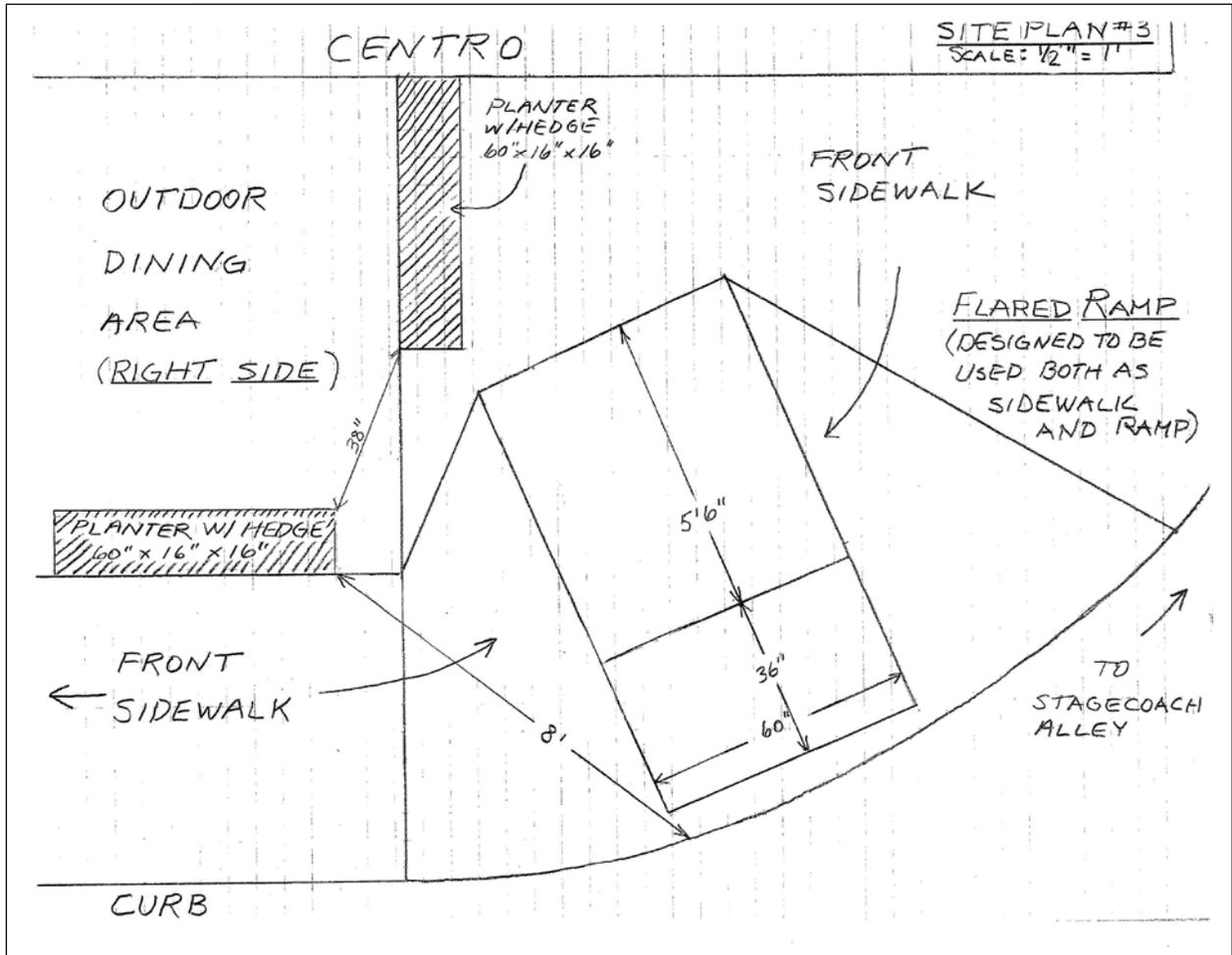


Exhibit D

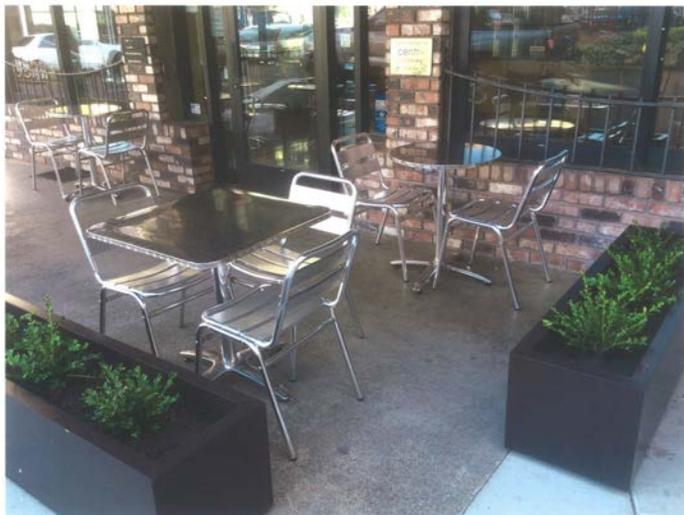


Exhibit E



- (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.

Five decorative planters and swag rope would be provided as shown in the applicant's site plan serving to separate the dining area from the five-foot minimum clear 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.

Existing and dimmable LED lighting that is embedded into the wall awning framework and mounted above the proposed sidewalk dining area would provide illumination for diners during evening hours.

- (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.

Existing retractable awning is mounted so that at full extension the vertical clearance from the pedestrian surface to the awning is nine 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.

Proposed furniture would not be affixed to the sidewalk, pole, or permanent structure or building. All tables and planter boxes would be equipped with lockable wheels.

- (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).

Proposed site plan shows all sidewalk dining furniture placed adjacent to the front door of the eating establishment. Five feet or more of a clear pedestrian pathway is provided from the dining edge area to the edge of the curb.

- (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.

The applicant intends to serve wine and beer by the glass. The removable planter boxes with heights ranging from 16" to 24" and the swag rope serve to delineate and separate the sidewalk dining area.

- (h) Use of sound amplification on the exterior of a sidewalk dining area is prohibited.

Proposal does not request the use of sound amplification.

- (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.

The applicant understands this requirement. The applicant's narrative states that the outdoor dining area would not be in place during special event held downtown.

- (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.

The applicant understands this requirement. Each evening all tables, chairs and planter boxes would be moved and stored inside the business. The applicant's narrative states that the outdoor dining area would not be in place during special event held downtown.

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) Establishments are required to maintain all areas in and around the sidewalk dining area in a manner which 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.

Each of the above Operational Standards along with the Development Standards under Sections 10-4-19(F) would become TUP 17-02 conditions of approval, applicable during sidewalk dining operations. In addition, conditions requiring the permit holder (applicant) to obtain and maintain general liability insurance per City Code Section 10-4-19(E); to 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; and, to operate the sidewalk dining area consistent with the approved site plan and the furniture described under the Applicant Submittal Package for TUP 17-02.

3.2 Environmental Analysis

The placement of minor accessory structures for an existing commercial business, such as those made part of the request (chairs, tables and planters) is Categorical Exempt from environmental review under the California Environmental Quality Act (CEQA) per Section 15311 of the CEQA Guidelines.

4.0 REVIEW AND COMMENT

Public Notice for this request was published in the Mountain Democrat on Monday, June 26, 2017; property owners within 500 foot radius were mailed notice of the Public Hearing for the project; also, public notice was posted on the City’s website. No public comment was received as of the date of this report.

5.0 CONCLUSION

Staff recommends that the Commission, by minute order, grant the TUP 17-02 request, making the findings contained herein and taking the following action:

- I. Adopt the Staff Report as part of the public record.
- II. Make the following findings of fact in support of 385 Main Street – Special Temporary Use Permit 17-02:
 - 1. The request is Categorical 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 planters) accessory to the existing Centro 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 an adjacent Centro 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, 385 Main Street – Special Temporary Use Permit 17-02, subject to the Conditions of Approval provided as Attachment B.

The Planning Commission’s decision is final unless appealed to City Council.

ATTACHMENTS:

- A. Applicant Submittal Package
- B. Special Temporary Use Permit 17-02 Conditions of Approval

Attachment A.

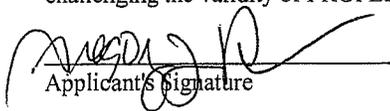
Applicant Submittal Package

I hereby certify that the statements and information contained in this application, including the attached drawings and the required findings of fact, are in all respects true and correct. I understand that all property lines must be shown on the drawings and be visible upon site inspection. In the event that the lines and monuments are not shown or their location found to be incorrect, the owner assumes full responsibility.

I further understand that if this request is subsequently contested, the burden will be on me to establish: that I produced sufficient factual evidence at the hearing to support this request; that the evidence adequately justifies the granting of the request; that the findings of fact furnished by me are adequate, and further that all structures or improvements are properly located on the ground. Failure in this regard may result in the request being set aside, and structures being built in reliance thereon being required to be removed at my expense.

PROPERTY OWNER agrees to and shall hold the CITY, its officers, agents, employees and representatives harmless from liability for damage or claims for damage for personal injury, including death, and claims for property damage which may arise from the direct or indirect operations of the PROPERTY OWNER or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relate to this project. PROPERTY OWNER agrees to and shall defend the CITY and its officers, agents, employees and representatives from actions for damages caused or alleged to have been caused by reason of the PROPERTY OWNER'S activities in connection with the project. This hold harmless agreement applies to all damages and claims for damages suffered or alleged to have been suffered by reason of the operations referred to in this paragraph, regardless of whether or not the CITY prepared, supplies or approved plans or specifications or both for the project.

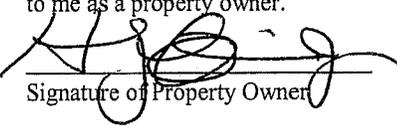
PROPERTY OWNER further agrees to indemnify, hold harmless, pay all costs and provide a defense for CITY in any action challenging the validity of PROPERTY OWNER'S project.


Applicant's Signature

GREGORY J PHELPS
Printed Name of Applicant(s)

06/01/2017
Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.


Signature of Property Owner

HENRY J. CAVIGLI
Printed Name of Property Owner

06/01/2017
Date

Signature of Property Owner

Printed Name of Property Owner

Date

NOTICE: Section 10-3-9 of the Placerville Municipal Code prohibits the occupancy of a building or a release of utilities prior to the issuance of a Certificate of Occupancy by the Building Division AND the completion of all zoning requirements and conditions imposed by the Planning Commission or City Council UNLESS a satisfactory performance bond or other acceptable security has been posted to insure completion. VIOLATIONS may result in prosecution and/or disconnection of utilities.

A Notice of Public Hearing and Staff Report will be prepared for applications requiring public hearing(s). Two Wednesdays prior to the hearing date, the Notice of Public Hearing will be sent to the Applicant and Owner; on the Thursday prior to the hearing date, the Staff Report will be sent to the Applicant and Owner. Notices and Staff Reports will be sent via email if addresses have been provided; if not, the documents will be sent to the mailing addresses provided on this form. Please list below any alternate or additional recipients, along with their contact information, or any alternate instructions for sending these materials to the Applicant or Owner.



City of Placerville

Development Services Department
3101 Center Street, Placerville, CA 95667
Planning (530) 642-5252 · Building (530) 642-5240 · Engineering (530) 642-5250

APPLICATION FOR SPECIAL TEMPORARY USE PERMIT

Project Site Address 385 MAIN ST, PLACERVILLE CA 95667
Assessor's Parcel No. (APN) 001-212-11-100 Site Size _____

Applicant Name GREGORY J. PHELPS

1. Legal Property Owner HENRY J. CAVIGLI
Mailing Address P.O. Box 823, EL DORADO CA 95623
Phone Number (530) 626-4460
Email (optional) cavigli@yahood.com

2. Authorized Representative (Primary Contact Person) _____
Mailing Address _____
Phone Number _____
Email (optional) _____

If the Authorized Representative is anyone other than the Legal Property Owner, please attach a letter of authorization for the Representative to act on the Owner's behalf.

3. Explain proposed temporary use in detail (including plot or site plan for clarification)

SEE ATTACHED PROPOSAL FOR OUTDOOR
DINING AREA

4. Duration of use / event: Start Date: UPON APPROVAL End Date: _____

I hereby certify that the information and statements above referred to are in all respects true and correct to the best of my knowledge and belief.

Signed [Signature] Date 06/01/2017
Applicant

STAFF USE ONLY

Existing Zoning _____
Existing Land Use _____

FILE NO.: TUP _____
FEE (PZ): \$200
DATE PAID: _____
RECEIPT NO.: _____
CLERK: _____

Approved _____
Date _____

ROUTED TO POLICE DEPT. FIRE DEPT. OTHER _____

PROPOSED OUTDOOR DINING AREA
385 Main Street, Placerville CA

The Applicant's proposal is to create an outdoor dining area, with a great view of the Bell Tower, in front of Centro at 385 Main St. in Placerville. As a result of the recent improvements to Main Street, the downtown area is now a wonderful place to sit outside while dining or enjoying a beverage. In accordance with ordinance no. 1689, passed by the Placerville City Council on February 28, 2017, the proposed area would be directly in front of Centro and would provide outdoor seating for customers while maintaining at least a 5 foot pedestrian pathway. The following describes the proposed outdoor area in more detail:

1. Applicant intends to use the outdoor seating area for Centro customers during regular business hours. In addition to its hot and cold drinks, Centro also serves pastries, breakfast sandwiches and various other food items. Applicant's plan is to expand Centro's current hours of operation to include three or more evenings per week, during which small plate appetizers and desserts would be served, along with wine and beer by the glass. Instead of closing every afternoon at 4, as is now the case, Centro would be open on those days until 8 or 9 P.M. Applicant intends to use the outdoor dining area year round, weather permitting. However, the outdoor area will not be in place during special events held downtown, including whenever the stagecoach rides are in operation.

2. The dining area will be defined and separated from the sidewalk by the use of three 5 foot planters (16" high and 16" wide) on the front and right side of the seating area. These fiberglass planters are commercial grade and are espresso brown in color to complement the exterior colors of Centro. Boxwood hedges have been planted in them, which helps to create an attractive and inviting space, as can be seen in the attached photographs.** On the left side of the dining area, it was not possible to use the same size planters and still maintain the minimum 5 feet of pedestrian pathway, due to the location of the street light and the fire hydrant in the middle of the current sidewalk. Instead, one 2 foot planter and one 3 foot planter (both 24" high and 10" wide) will be used on that side, along with a 58" swag rope (or, as an alternative, a 1" diameter copper tube rail) between the planters.

** While these photographs show how the outdoor seating area will look, the two planters and rope swag that will be used on the left side of the area are not shown (they are on order but not yet delivered).

Pg. 2

Proposed Outdoor Dining Area
385 Main Street
Placerville CA

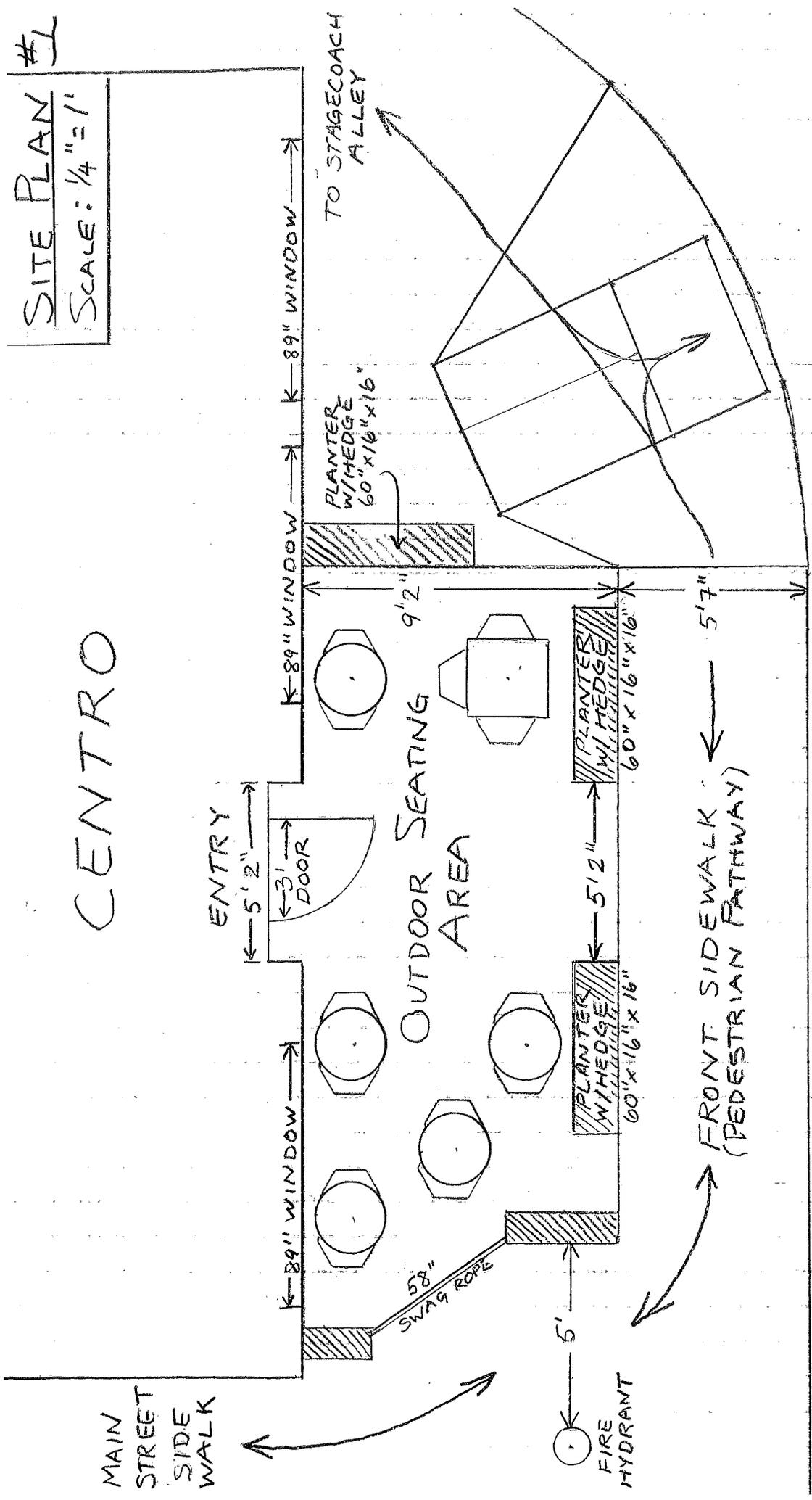
3. The 3 site plan drawings provided with this application show the layout of Centro's proposed outdoor dining area, including all relevant distances and dimensions. Site Plan #1 shows the entire dining area, including the layout of the proposed seating, and the required 5 feet area for pedestrian use. Site Plan #2 (left side of the dining area) shows in more detail how the required 5 feet of pedestrian pathway will be preserved around two main obstructions (fire hydrant and street lamp) that are currently in the pedestrian pathway. Site Plan #3 (right side of the dining area) shows in more detail how the required pedestrian pathway will be preserved in the area adjacent to the flared pedestrian ramp that was installed as part of the sidewalk expansion in front of Centro. Flared ramps are specifically designed to be used by pedestrians who cross over the ramp and continue on the sidewalk as well as by pedestrians who use the ramp to cross the street. This is accomplished by restricting the flared sides of the ramp to a maximum slope of 1V:10H (10%).

4. The outdoor furniture used will be five 24-inch round metal tables, with two metal chairs each, and one 27-inch square metal table with three metal chairs. The layout of the proposed seating can be seen in the attached drawing #3. All of the outdoor seating furniture and planter boxes (which are equipped with lockable wheels) can be easily and quickly removed. The outdoor seating area will only be in place during Centro's opening hours. Every evening, all tables, chairs and planters will be moved and stored inside.

5. Above the proposed outdoor dining area, Centro recently installed the 20-foot wide retractable awning that has been approved by the Placerville Planning Department. This awning (which has a sensor that automatically closes the awning in case of excess wind) provides shade during the day and an inviting space in the evening. The awning also includes dimmable LED lighting, for illumination of the outside dining area after dusk.

SITE PLAN
SCALE: 1/4" = 1'

CENTRO



CURB (FACING BELL TOWER)

STREET (RIGHT TURN LANE ONTO MAIN ST)

SITE PLAN #2

SCALE: 1/2" = 1'

CENTRO

MAIN STREET
SIDEWALK

RAMP
TO
SOUTH
SIDE OF
MAIN ST
←
CURB

6'3"

24" x 10" x 24" H
PLANTER

OUTDOOR
DINING
AREA
(LEFT SIDE)

5'

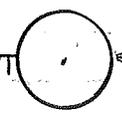


AREA
LEFT OPEN
FOR
PEDESTRIANS

100" DIA SWAGE
LOK COPPER PIPE

36" x 10" x 24" H
PLANTER

FIRE
HYDRANT



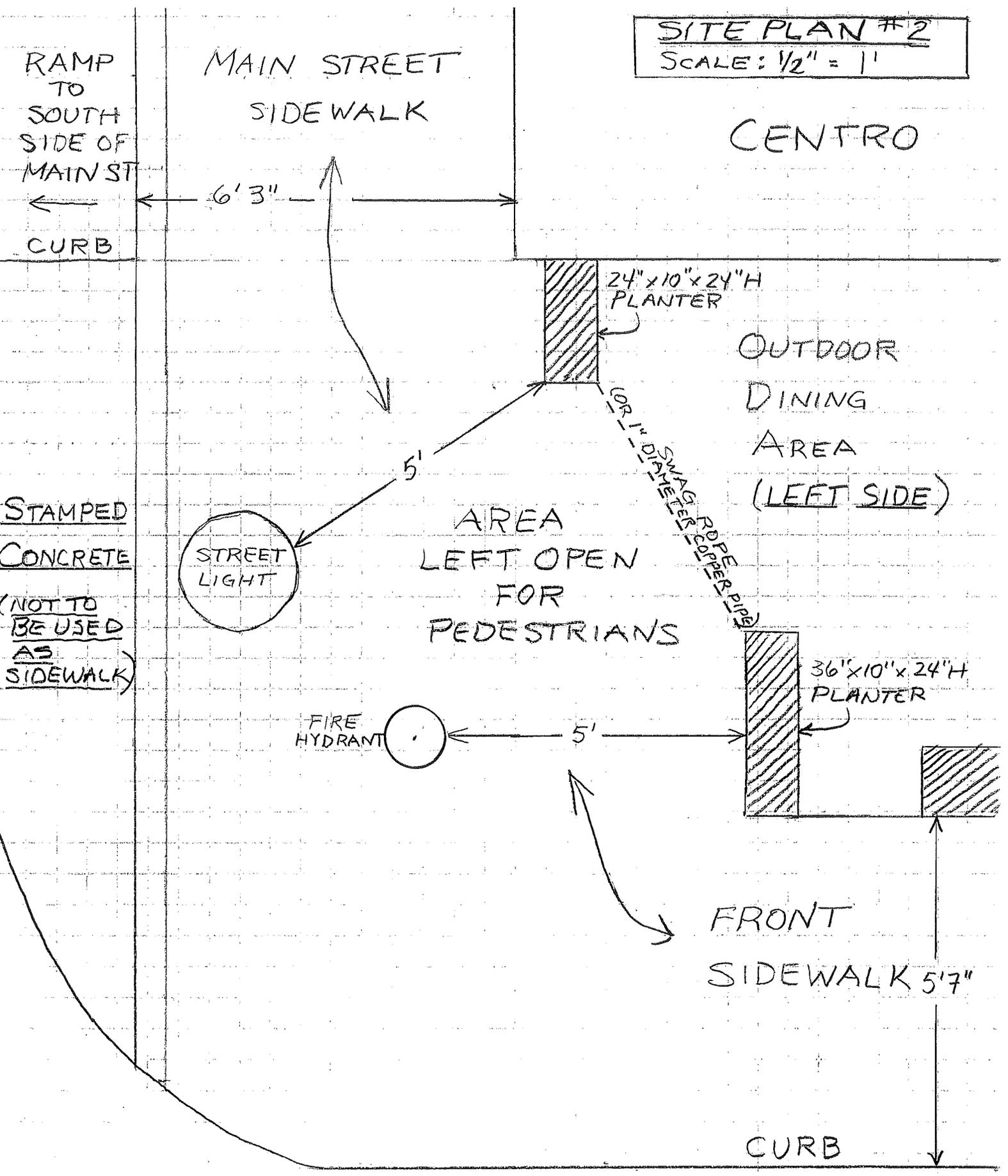
5'

FRONT
SIDEWALK 5'7"

CURB

STREET
(RIGHT TURN ONTO MAIN ST)

STAMPED
CONCRETE
(NOT TO
BE USED
AS
SIDEWALK)



SITE PLAN #3
SCALE: 1/2" = 1'

CENTRO

FRONT
SIDEWALK

FLARED RAMP
(DESIGNED TO BE
USED BOTH AS
SIDEWALK
AND RAMP)

TO
STAGECOACH
ALLEY

PLANTER
WI HEDGE
60" x 16" x 16"

5'6"

36"

60"

8'

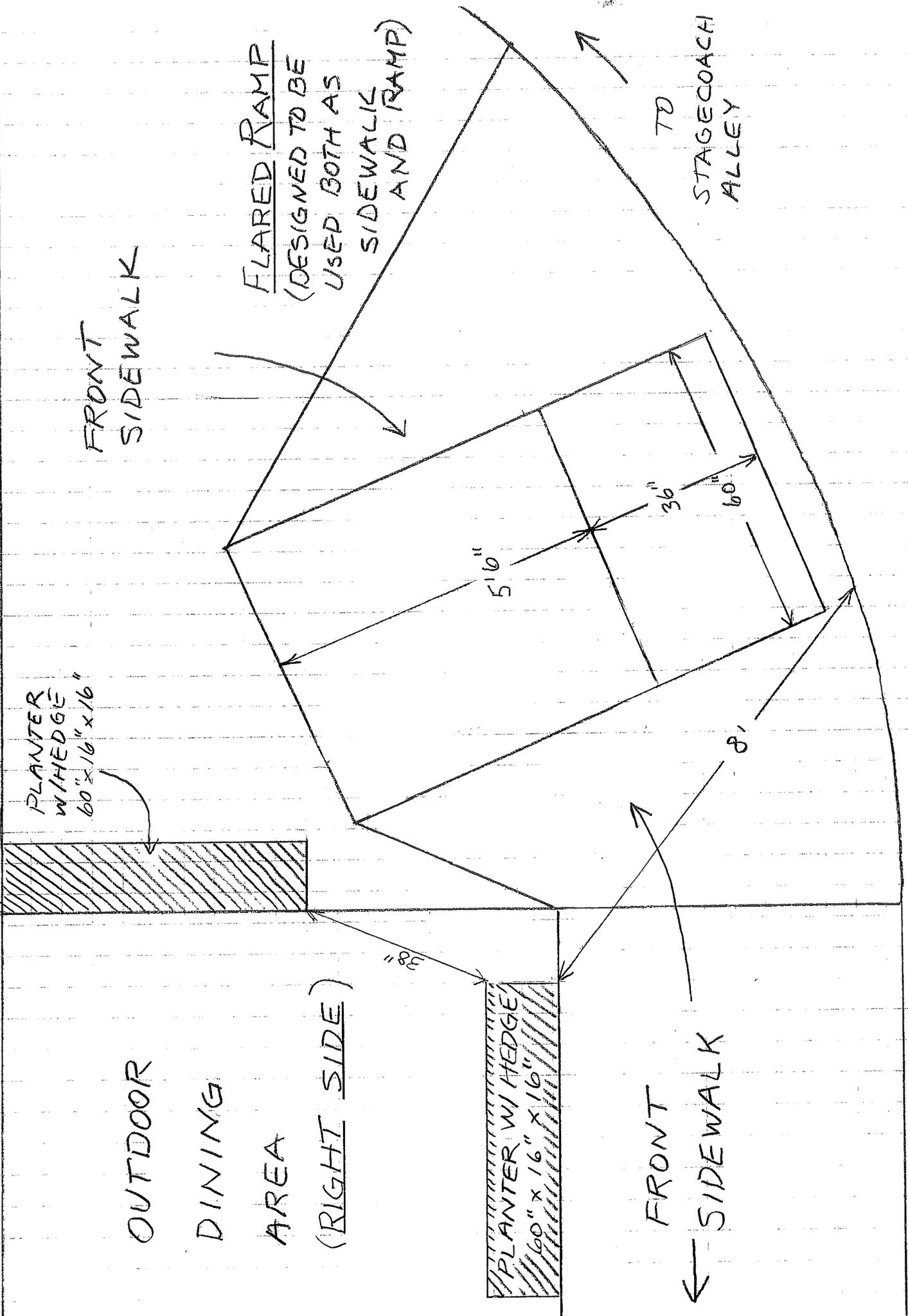
OUTDOOR
DINING
AREA
(RIGHT SIDE)

PLANTER WI HEDGE
60" x 16" x 16"

38"

FRONT
← SIDEWALK

CURB





center
business only

STATE



Attachment B

Special Temporary Use Permit 17-02 Conditions of Approval

1. Special Temporary Use Permit (TUP) 17-02 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 207+/- SF of the City sidewalk right-of-way, immediately adjacent to the front (Bell Tower Plaza facing) door of the Centro food and beverage business located at 385 Main Street. The dining area to contain five (5) 24" round metal tables and bases, with two metal chair each, and one (1) 27" square metal table and base with three metal chairs. The sidewalk dining area will be separated from a five (5) feet or more in width pedestrian pathway through the placement of five fiberglass planters (espresso brown color) containing boxwood hedges, three (3) of which would be 16" high by 16" wide by five feet in length, one (1) would be 24" high by 10" wide by three feet in length and one (1) would be 24" high by 10" wide by two feet in length; and a 58" swag rope is to be strung between the two feet and three feet in length planters.

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. 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.
3. 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.
4. 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).
5. This Special Temporary Use Permit is valid for one year. Renewal permits may be extended for one year periods by the Director of Development Services. Permit holder shall make request prior to the expiration date for renewal by the Director.
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 4, and upon receipt from the Development Services Department of an official Special Temporary Use Permit.