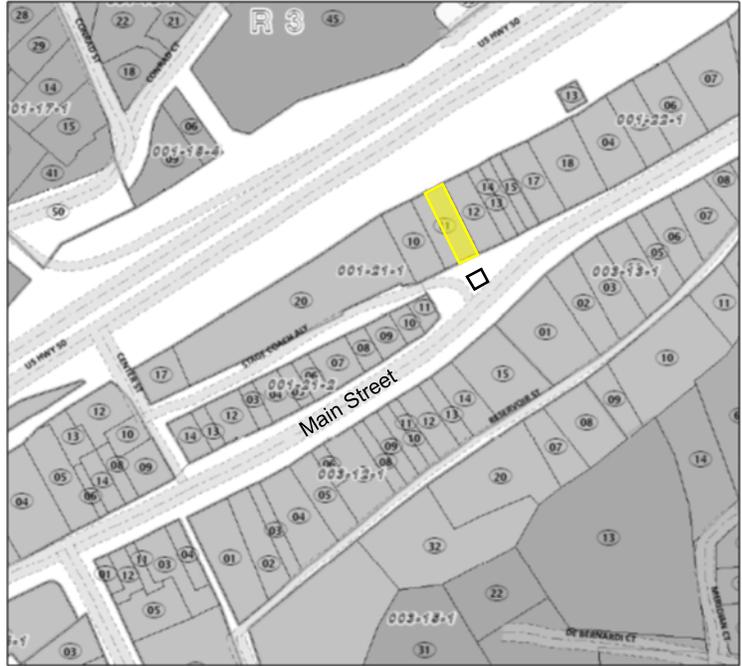




**CITY OF PLACERVILLE
PLANNING COMMISSION STAFF REPORT**

ITEM 4.1

APPLICATION Special Temporary Use Permit (TUP) 17-04		APPLICANT/PROPERTY OWNER Applicant: Ben Butler, Bene Ristorante Italiano Property Owner: Vivian Woo	
PUBLIC HEARING DATE December 19, 2017		PROPERTY ADDRESS 423 Main Street APN: 001-211-11	
SUMMARY OF REQUEST Applicant seeks approval from the Planning Commission under the City's Sidewalk Dining Regulations (City Code Section 10-4-19(H-1(b))), for the use of the sidewalk within the City public Main Street right-of-way adjacent to the Bene Ristorante Italiano business for outdoor sidewalk dining. 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. A matching gate with 37" opening would provide accessible access to the dining area. All tables and chairs would be removed from the outdoor dining area and stored within the restaurant after restaurant's evening 10:00 p.m. closure. See Attachment A: Applicant Submittal Package. Existing storefront soffit lighting would illuminate dining area for evening use. Italian food, beer and wine would be served.		LOCATION  Project Site	
EXISTING ZONING CBD (Central Business District)	EXISTING LAND USE CBD (Central Business District)	SURROUNDING LAND USE North: US Highway 50 East, South and West: retail, retail services, restaurants, professional offices	SITE IMPROVEMENTS Existing restaurant is located within the three-story stretcher bond, brick building called the Old Town Centre, also known as the Masonic Building. Structure was built in 1893. It is listed on the City's Historic Resource Inventory. A retail bike store is located on the ground floor, with offices upstairs.
STAFF RECOMMENDATION Conditional approval.			
GENERAL PLAN CONSISTENCY <i>Policy LU-C1. The City shall promote the development and renewal of the downtown as the commercial center of Placerville.</i> Staff Comment: Sidewalk dining is a permitted use through the issuance of a Sidewalk Dining Area Permit (Temporary Use Permit) as provided under Section 10-4-19 of the Zoning Ordinance. The request as designed, analyzed by staff, and as conditioned under the Development and Operation Standards will enhance and enliven the Main Street streetscape. <i>Policy LU-C2. The City shall assist the private sector in maintaining and improvement the economic vitality of downtown through the provision of public facilities and services and the enactment of land use policies and decisions supportive of downtown's primary commercial role.</i> Staff Comment: Sidewalk dining is expected to attract customers and would therefore improve the economic vitality of the private sector business that serves residents, visitors and employees in Placerville.			
Summary The sidewalk dining design is consistent with General Plan policies that promote development within and improving the economic vitality of downtown.			

ZONING CONSISTENCY

The purpose and intent of the Sidewalk Dining Regulations (City Code Section 10-4-19) 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 sidewalk dining furniture and barrier design would enhance the streetscape. No physical changes to the building are proposed, therefore no physical impacts would occur to the City's Historic Resource. 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.

Development Standards and the Operational Standards (Section 10-4-19 (F)) for sidewalk dining areas would become TUP 17-04 conditions of approval, applicable during sidewalk dining operations. These are provided as Attachment B.

ATTACHMENTS

A. APPLICANT SUBMITTAL PACKAGE

B. RECOMMENDED SPR17-04 CONDITIONS OF APPROVAL

ENVIRONMENTAL ASSESSMENT

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

PUBLIC NOTICE AND COMMENT

Public Notice for this request was published in the Mountain Democrat on Friday, November 24, 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.

CONCLUSION

Proposed request would serve as an amenity for locals and visitors alike.

Staff recommends that the Commission approve the request by 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 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 Attachment B.

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

ATTACHMENTS:

- A. Applicant Submittal Package
- B. Special Temporary Use Permit 17-04 Conditions of Approval

The decision of the Planning Commission is final unless the project or project conditions are appealed to the City Council within ten calendar days.

ATTACHMENT A

Applicant Submittal Package

PROPOSED OUTDOOR DINING AREA 423 MAIN STREET, PLACERVILLE, CA

The Applicant's proposal is to create an outdoor dining area in front of Bene! Ristorante Italiano, 423 Main st., in the heart of beautiful downtown Placerville, at the Bell Tower. The outdoor seating would provide a very inviting atmosphere for customers to enjoy dining and beverages while admiring the local historic town surrounding the Bell Tower. The outdoor dining area is in accordance with ordinance no. 1689, passed by the Placerville City Council on February 28, 2017. The following describes the proposed outdoor area in more detail.

1. Applicant intends to use the outdoor seating area for Bene! Ristorante Italiano customers during regular business hours. The restaurant is open for lunch and dinner, and hours of service are 11:00 am, until approximately 10:00 pm. Italian food, beer and wine would be served.
2. The dining area will be defined and separated from the sidewalk, where pedestrians walk, with a custom made wrought iron fence with decorative grape vines and grape clusters also made from iron. As illustrated on page 2 of the site plan drawings - the fence railing is 36" tall and 12' long; It has a split gate, similar to saloon doors, with a 37" wide opening; is 18" away from the front entrance door of the restaurant; is ADA compliant; has a minimum clearance of 5' for pedestrians to pass on the sidewalk.
3. The outdoor furniture to be used are four 28" x 28" square metal tables, with two metal chairs per table. All tables and chairs will be removed from the outdoor area each and every evening after closing, and will be stored inside the restaurant.

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CITY OF PLACERVILLE
COMMUNITY DEV. DEPT.

Bambino

RISTORANTE
ITALIANO

OLD TOWN
RESTAURANT

RESTAURANTE ITALIANO

Bambino
RISTORANTE ITALIANO

RISTORANTE

NAPOLETANAS





Bene!

OPEN

SINCE 2014
Bene!
NAPOLETANA STYLE PIZZA

RISTORANTE ITALIANO

CUCINA ITALIANA * CRAFT BEER * FINE WINE





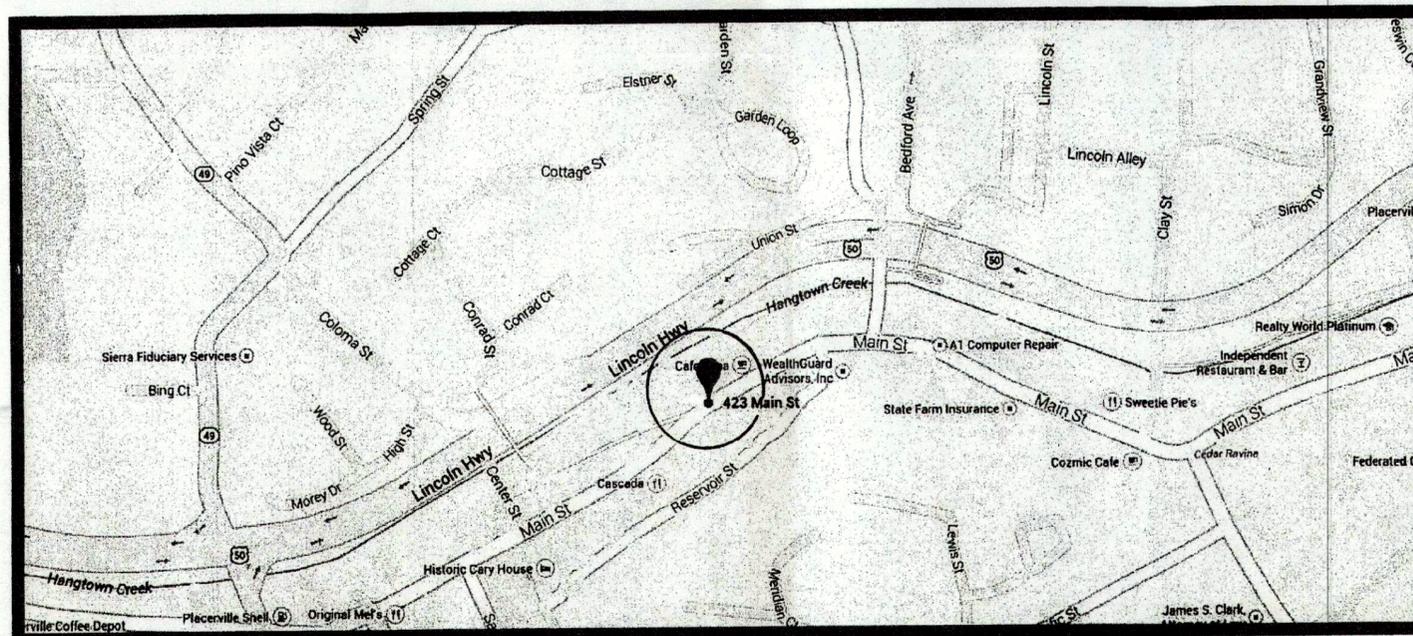
RISTORANTE ITALIANO

423 MAIN STREET, PLACERVILLE CA 95667

Meets 2016 CBC

Meets 2016 ADA Code

Meets 2017 Section 10-4-19
Ordinance 1689
Chapter 4
Title 10



Bene! Ristorante Italiano

423 Main St, Placerville

CA 95667

APN: 001211111

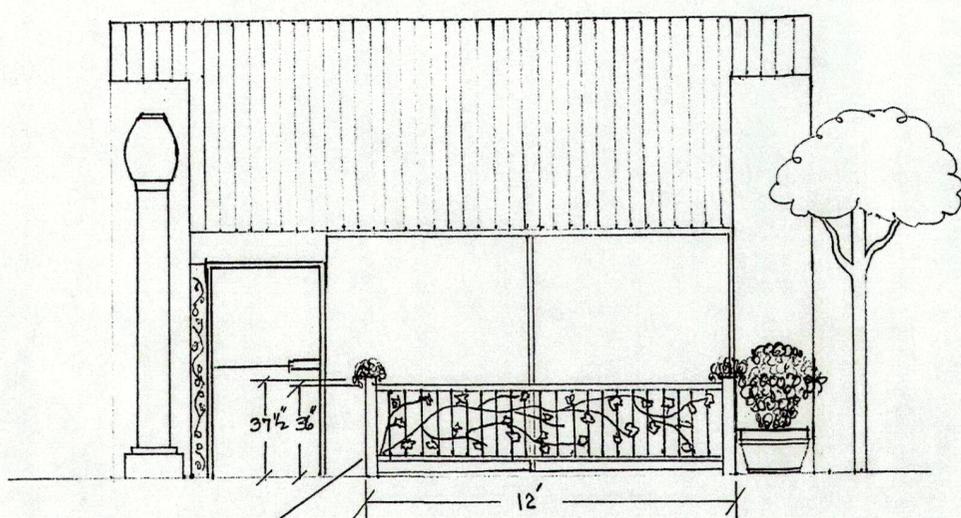
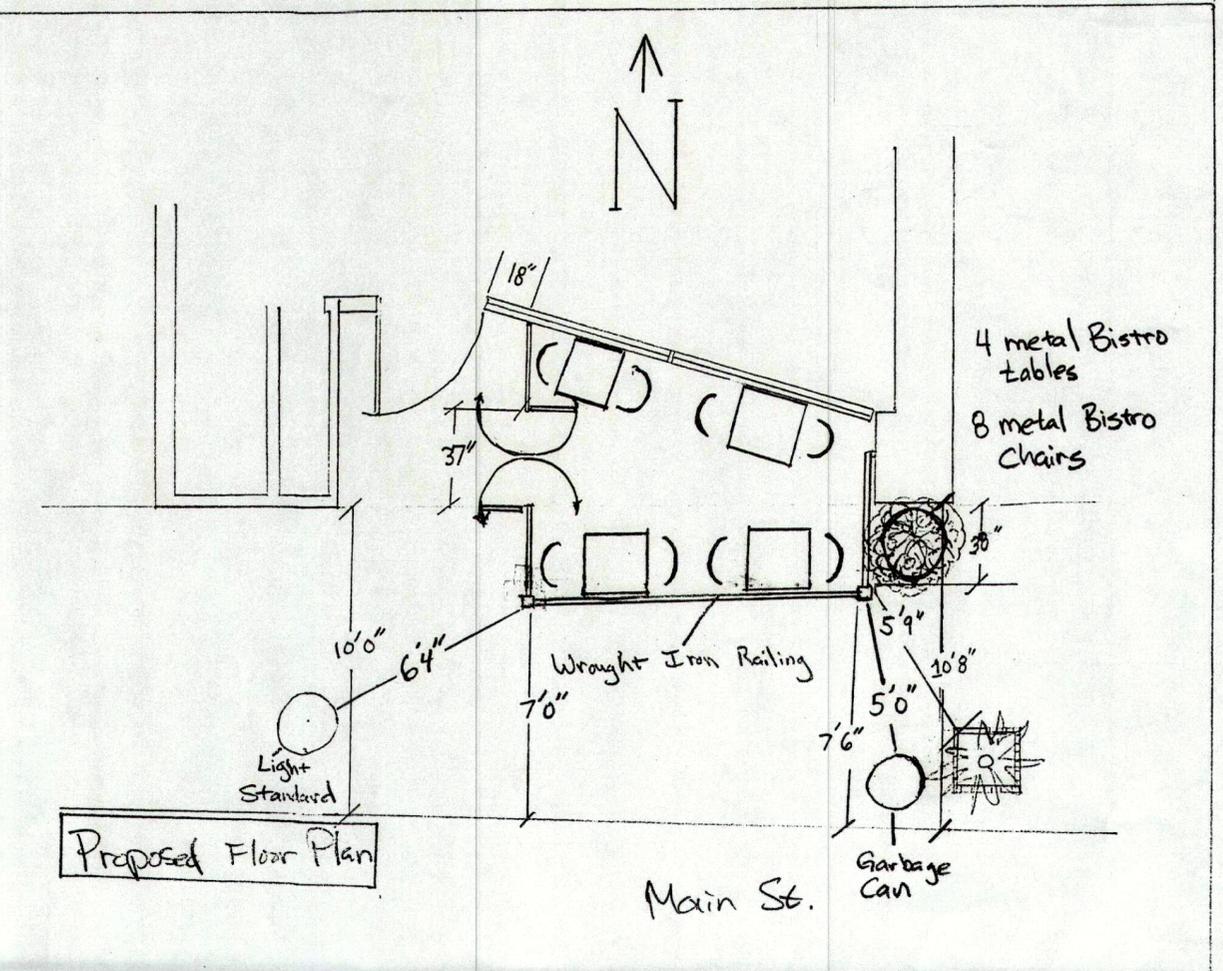
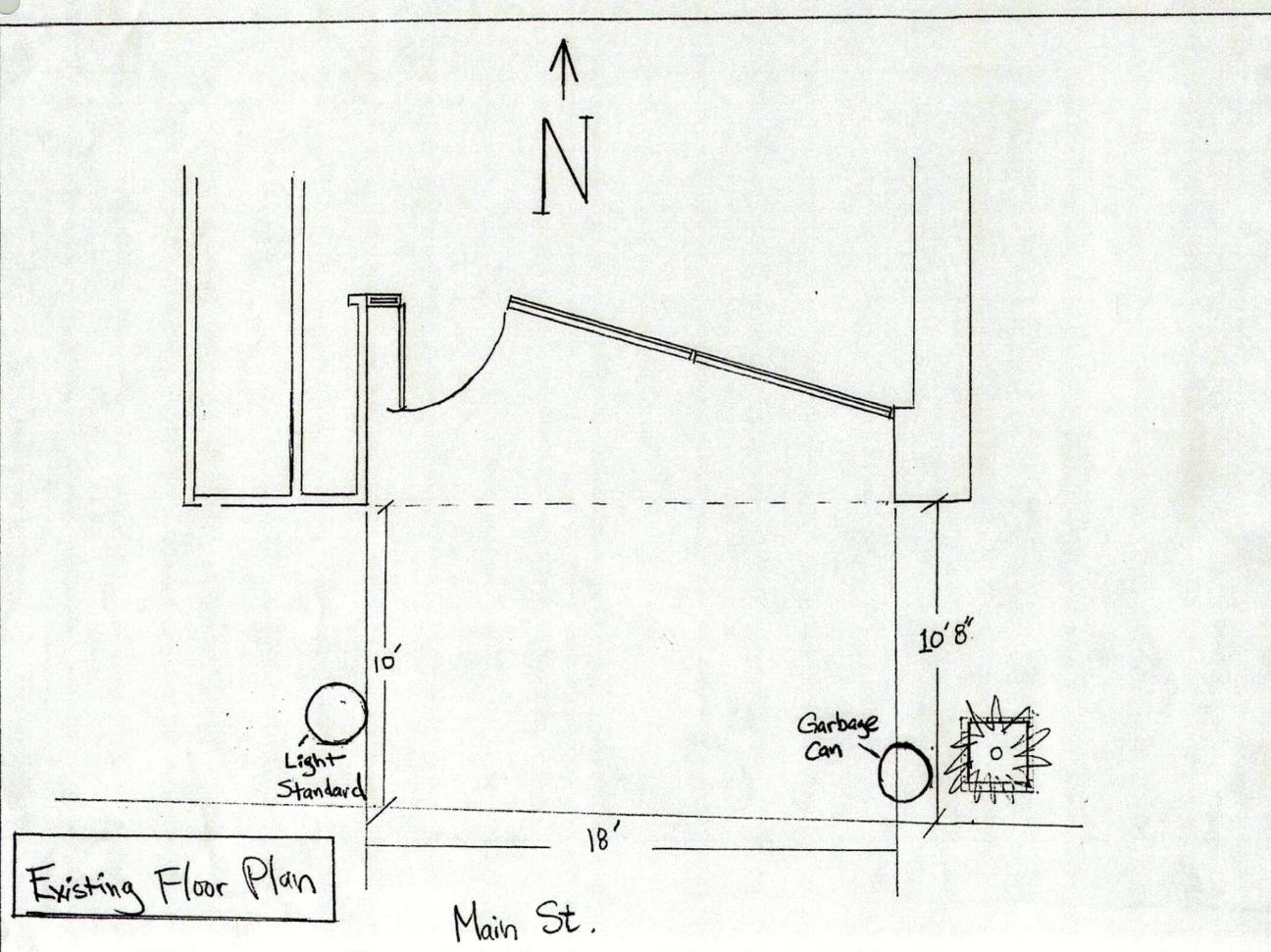
Drawn by - Ben Butler

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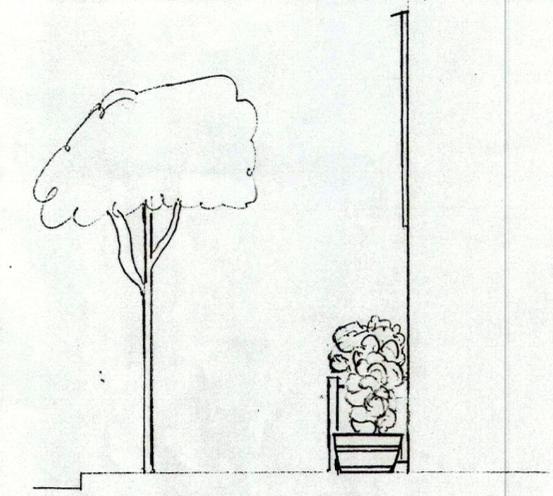
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July 15, 2017

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Scale 1/4" = 1"



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Bene! Ristorante Italiano
423 Main St, Placerville
CA 95667
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July 15, 2017
Page 2

ATTACHMENT B

Sidewalk Dining Area Permit Conditions of Approval Special Temporary Use Permit (TUP) 17-04

- I. 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.

- II. 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.
- III. 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.
- IV. 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.
- V. 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).
- VI. 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 V, and upon receipt from the Development Services Department of an official Special Temporary Use Permit.