

**MINUTES
CITY OF PLACERVILLE
REGULAR PLANNING COMMISSION MEETING
TUESDAY, NOVEMBER 6, 2018, 6:00 P.M.
TOWN HALL, 549 MAIN STREET, PLACERVILLE, CALIFORNIA**

CALL TO ORDER: *The Meeting was called to order at 6:00 p.m. by Vice Chair Kiehne.*

PLEDGE OF ALLEGIANCE TO THE FLAG: *Vice Chair Kiehne led the Pledge of Allegiance.*

ROLL CALL:

Present: Dziuba, List, Vice Chair Kiehne
Absent: Chair Frenn

Staff Present: Pierre Rivas, Development Services Director
Andrew Painter, Planning Commission Executive Secretary / City Planner
Jason Tanger, Information Technology Analyst

1. CONSENT CALENDAR:

1.1 Adoption of Agenda

1.2 Adoption of October 16, 2018 Regular Meeting Minutes

No public comment was received on the Consent Calendar. Items 1.1 and 1.2 were pulled for separate actions on motion by Member Dziuba and second by Member List. Motion passed on 3-0 voice vote.

2. ITEMS PULLED FROM CONSENT CALENDAR

1.1 Adoption of Agenda

Member List moved adoption. Second by Member Dziuba. Motion passed on 3-0 voice vote.

1.2 Adoption of October 16, 2018 Regular Meeting Minutes

The Minutes were approved as submitted on Motion by Member Dziuba, second by Vice Chair Kiehne. The motion passed on 2-0-1 voice vote (Ayes: Dziuba, Kiehne. Noes: None. Abstention: List).

3. ITEMS OF INTEREST TO THE PUBLIC

3.1 Written Communication

None received.

3.2 Oral Communication

None received.

4. PUBLIC HEARING

4.1 136 FORNI ROAD - NIEMANN'S AUTO TOUCH: GENERAL PLAN AMENDMENT (GPA) 18-01, CONDITIONAL USE PERMIT (CUP) 18-01, SITE PLAN REVIEW (SPR) 18-02, AND ENVIRONMENTAL ASSESSMENT (EA) 18-01:

Request for: 1. General Plan Amendment 18-01: Amend the Commercial (C) land use designation within Part I. Land Use / Circulation Diagrams and Standards of the General Plan Policy Document, removing language that excludes auto sales and services as allowable uses within the Commercial designation; 2. Conditional Use Permit 18-01: A request to operate an auto service detailing facility, a conditional use within the HWC zone, and 3. Site Plan Review 18-02: A request involving site grading for the construction of a 5,818 square-foot, single-story, automobile detailing shop facility metal building, with attached 1,455 square foot covered vehicle wash station, along with site improvements including rockery retaining walls, landscaping, on-site storm water detention and treatment facilities, a sand-oil separator, and paved surfacing. Location: 136 Forni Road. Assessor's Parcel Number: 325-310-99. General Plan Designation: Commercial (C). Zoning: Commercial Zone (C). Applicant: Jim Dillingham, D&Z Structural Engineering, Inc. Property Owner: Ron Thompson. Environmental Determination: Mitigated Negative Declaration (MND).

Speakers: Jim Dillingham, Ron Thompson.

Member Dziubu moved recommendation by staff, second by Member List to:

I. Receive and file Staff's report, including all exhibits and figures as part of the public record;

II. Make the following findings:

- 1. The Planning Commission conducted a duly-noticed public hearing on November 6, 2018 to receive and consider public input regarding GPA18-01, CUP18-01 and SPR18-02;*
- 2. The Planning Commission considered the Initial Study / Mitigated Negative Declaration (IS/MND) prepared and circulated for the project, before making its recommendation to the City Council regarding GPA18-01, CUP18-01 and SPR18-02.*

III. Make the following recommendations to City Council:

- A. Make the following findings with respect to the Initial Study /Mitigated Negative Declaration (IS/MND) prepared for the project:*
 - 1. On the basis of the whole record before the City Council, including Staff's report, application materials, public comment and the Initial Study prepared for the project, there is no substantial evidence that the project will have a significant effect on the environment.*
 - 2. The IS/MND prepared for the project reflects the City's independent judgment and analysis.*
- B. Receive, adopt and file the IS/MND prepared for the project, including the Mitigation Measures and Mitigation Monitoring and Reporting Program contained within the Initial Study.*

- C. *Adopt a resolution amending the Commercial (C) land use designation within Part I. Land Use / Circulation Diagrams and Standards of the General Plan Policy Document, removing language that excludes auto sales and services as allowable uses within the Commercial designation.*
- D. *Make the finding as follows for CUP18-01:*
1. *The requested auto service use would be desirable, convenient and beneficial to the public in that it would be located in an area containing existing, concentrated, auto oriented uses near access to and from US 50. As described in the staff report, the request would be consistent with the amended Commercial land use designation, as well as applicable land use goals and policies of the General Plan. It would not be detrimental to surrounding property, in that it is designed and as conditioned to comply with regulations within City Code regarding grading, drainage, building construction and aesthetics, along with environmental mitigation measures involving noise and cultural resources that would lessen potential impacts to a less than significant level.*
- E. *Conditionally approve CUP18-01, a request to allow the conditional use of an auto detailing facility, an auto service use, within the Commercial Zone, located at 136 Forni Road (APNs 325-310-99), subject to the Mitigation Measures adopted under the IS/MND for the project and Conditions of Approval herein.*
- F. *Make the findings as follows for SPR18-02:*
1. *Building design shares appearance, form, scale and function to not detract from the nature and character of adjacent auto sales and service uses. The request is therefore consistent with Goal I and Policy 1 of the General Plan Community Design Element.*
 2. *Site grading is minimal to accomplish project construction. The request is therefore consistent with Policy 4 of Goal I of the General Plan Community Design Element.*
 3. *Building identification is limited to the site address being placed on the exterior wall. The request is therefore consistent with Goal J and Policy 1 of the General Plan Community Design Element.*
 4. *This request is consistent with City Code Section 10-4-9: Site Plan Review, in that it encourages orderly and harmonious development throughout the City while maintaining public health, safety and welfare, and property and improvement values throughout the community through the provision of building, site and other feature designs that are compatible consistent with the community as a whole.*
- G. *Conditionally approve SPR18-02, a request to allow the construction of a 5,818 square-foot, single-story, automobile detailing shop facility metal building, with attached 1,455 square foot covered vehicle wash station, along with site improvements including rockery retaining walls, landscaping, on-site storm water detention and treatment facilities, a sand-oil separator, and paved surfacing, the Niemann's Auto Touch facility, located at 136 Forni Road (APNs 325-310-99), subject to the Mitigation Measures adopted under the IS/MND for the project and Conditions of Approval herein.*

*CUP1801 and SPR18-02 Conditions of Approval and Mitigated Negative Declaration
Mitigation Measures and Mitigation Monitoring and Reporting Plan*

Mitigated Negative Declaration Mitigation Measures and Mitigation Monitoring and Reporting Plan

CR-1: If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease within one-hundred (100) feet of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the Project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the Project record.

If adverse impacts to tribal cultural resources, unique archaeology, or other cultural resources occurs, then consultation with Native American Representatives from culturally affiliated Native American Tribes regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments. A note to this effect shall be placed on the construction plans.

Timeframe for Implementation: During grading and construction activities
Responsibility for Implementation: Developer and qualified archaeologist
Oversight of Implementation: Development Services – Engineering and Planning Divisions

CR-2: If, during the course of site development, any paleontological resources (fossils) are discovered, the Project proponent for any future residential development on the site shall notify and the City of Placerville Development Services, Planning Division. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist with the cost of such investigation born upon the Project developer/applicant.

The City shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The Project applicant shall be required to implement any mitigation necessary for the adequate protection of paleontological resources. A note to this effect shall be placed on the construction plans.

Timeframe for Implementation: During grading and construction activities
Responsibility for Implementation: Developer and qualified paleontologist
Oversight of Implementation: Development Services – Engineering and Planning Divisions

NOI-1: The Project proponent for the commercial development on the site shall control all construction related to development on the Project site so that it is limited to the hours

between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction shall be allowed on Sunday, or on City-recognized or federally-recognized holidays. A note to this effect shall be placed on the construction plans.

Timeframe for Implementation: During construction activities

Responsibility for Implementation: Developer

Oversight of Implementation: Development Services Department

Conditions of Approval

Development Services Department

- 1. Project Location. The Project site is located at 136 Forni Road, Placerville. APN: 325-310-99. CUP18-01 and SPR18-02 shall apply only to the project location and cannot be transferred to another parcel.*
- 2. Runs with the Land. The terms and conditions of approval of the conditional use permit and 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.*
- 3. Any deviations from the project description, conditions, or 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. The project shall be substantially in conformance with the approved site plan, landscaping plan, and building elevations, as follows:*
 - Sheets T1, T2, C0.1, C1.1, C1.2, C1.3, C1.4, C1.5, C1.6, C1.7, C2.1, C2.2, C2.3, E0.1, A1.1, A1.2, A1.3, A2.1, A2.2, A2.3, A2.4, A3.1, A3.2, A4.1, A4.2, A4.3, A5.1, S1.1, S1.2, S2.1, S2.2, S3.1, U2.1, U2.2, dated 4/18, prepared by D&Z Structural Engineering, Inc;*
 - Lithonia Lighting D-Series Size 2 pages 1, 2, 3 and 4;*
 - Sheet L1 and L2 dated 08/28/18, prepared by Adams Landscape Design & Consulting; and*
 - Sheet 1 of 1: 1000 Gallon Sand-Oil Interceptor, dated 6/18, prepared by D&Z Structural Engineering, Inc.*
- 4. Building design and colors, parking lot and landscape improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Commission review and approval as authorized under City Code Section 10-4-9(P).*
- 5. Permits. The applicant shall obtain a building permit for the Commission approved scope of work. Three complete copies of plans shall be submitted to the Development Services Department for processing. Construction drawings submitted for permit processing shall include a sheet containing all approved mitigation measures and conditions of approval under the approved CUP18-01 and SPR18-02 project.*

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. *Substantial Conformance.* The use shall be implemented in substantial conformance to the Conditional Use Permit and Site Plan Review as approved by the City.
8. *Revisions.* Any proposed change to the Project Description or conditions of approval shall be submitted to the Development Services Department, Planning Division for determination of appropriate procedures.
9. *Conditional Use Permit and Site Plan Review Expiration.* The approval of the conditional use permit and site plan review 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 conditional use permit and 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.
10. *The developer/property owner shall submit landscape and irrigation plans, consistent with the shading and water efficiency requirements under Section 10-4-9 and 10-6-1 to 10-6-17 of the City Code, to the Development Services Department for review and approval prior to issuance of a construction permit for the commercial building.*
11. *The project applicant or his/her successors, heirs, assigns shall record a Landscaping Maintenance Agreement prior to the issuance of a Certificate of Occupancy for the site in accordance with City Code Section 10-4-9 (Site Plan Review).*
12. *Parking spaces, accessible space and loading berth shall comply with City Code.*
13. *This Site Development project shall comply with all pertinent City Ordinances and City standard street cross-section details available at the office of the City Engineer. All remaining Development Services/Engineering items, except for sewer and water, will be designed in accordance with the County of El Dorado Design and Improvement Standards Manual, as revised May 18, 1990; the County of El Dorado Drainage Manual, dated March 14, 1995; and the 2010 State of California Department of Transportation (Caltrans) Standard Plans and Standard Specifications. Sewer service will be provided by the City and shall be designed and constructed in accordance with El Dorado Irrigation District (EID) Design and Construction Standards, dated July 1999, except when otherwise directed by the City Engineer. Water distribution is within the EID service area and shall comply with their standards and conditions of approval.*
14. *The Applicant shall reimburse the City for associated project costs incurred by the City for any outside consultants, City staff time, and other expenses for special design needs above and beyond normal items covered by the City's fee schedule.*
15. *Appropriate land rights shall be obtained from the affected property owners as necessary to allow any required grading and/or facilities to be installed outside the site plan boundaries. A copy of the written authorization(s) shall be included with the final improvement plan submittal.*

16. *All Capital and Impact Fees are to be calculated and paid at time of Building Permit issuance.*
17. *Improvements shall comply with Fire District requirements, including locations and spacing of fire hydrants, building sprinkler requirements, fire flows, and traffic and emergency circulation.*
18. *The required water system, including all fire hydrants, shall be installed and accepted by EID and the El Dorado County Fire Protection District prior to any combustible building material being placed on site.*
19. *A meter award letter or similar document from EID shall be provided by the Applicant prior to receiving a building permit.*
20. *A sand-oil interceptor system is required; location and type shall meet City and EID standards for this type of installation.*
21. *The sanitary sewer lateral shall connect to the existing 12-inch sewer main located in the sewer easement behind the existing Thompson's Toyota building and shall be installed by the applicant.*
22. *Sewer and water laterals shall have a 10' minimum separation from connections at the respective mains to the point of connection with the structure.*
23. *Where the finished floor elevation of a structure is less than 6 inches above the upstream manhole lid elevation, provide backwater valve installation per EID standards or protect with other method as approved by the City Engineer.*
24. *An encroachment permit shall be obtained from the City Engineering Division prior to beginning any work on this development within the City sewer easement.*
25. *Drainage facilities shall be designed and included in the final improvement plan submittal. Drainage and detention facilities shall be designed and constructed to keep post-development flows leaving the site at or below pre-development levels. Drainage calculations will be required to show that these conditions are being met. Changes to historical and existing drainage patterns will not be allowed without specific City approval. All areas of concentrated drainage flow shall be contained in a pipeline or improved channel to a City-approved discharge point.*
26. *Interceptor ditches are required at the top of all slopes and retaining walls or as directed by the City Engineer. Water collected by this ditch shall be taken to a drainage system.*
27. *All drainage inlets shall be marked "Do not Dump – Flows to Creek."*
28. *Surface drainage, drainage swales or concentrated lot drainage is not allowed to sheet flow across sidewalks.*
29. *Storm drain pipes shall be RCP, PVC, HDPE, or other materials as approved by the City Engineer.*

30. *A maintenance plan and agreement with the City for the detention pond is required to be submitted per Section 5.3 of the CEDDM. The Engineering Division will provide the owner with agreement documents that will be subsequently recorded at the County.*
31. *Electric, telephone, and cable TV shall be placed underground within the project boundary and where connections are made to existing overhead facilities. Location of these improvements, both on and off-site, shall be shown on the improvement plans.*
32. *Drainage easements for improvements such as, but not limited to, drainage swales, ditches, pipelines, detention basins, etc., consistent with the County of El Dorado Drainage Manual, the Final Drainage Plan.*
33. *All grading shall conform to the City Grading Ordinance and to all other relevant laws, rules, and regulations governing grading in the City of Placerville. Prior to commencing any grading, which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Engineering Division.*
34. *All retaining walls shall be reviewed and approved by the City prior to construction, including material types, colors, and surface finishes.*
35. *Submit final geotechnical report for this development with recommendations for the construction of building pads, retaining walls, sub-drains and roadways.*
36. *The improvement plans shall include an erosion and sediment control plan, which incorporates standard erosion control practices and best management practices, subject to the approval of the City Engineer. The plan shall be prepared by a Registered Civil Engineer or Certified Professional Hydrologist in accordance with the High Sierra Resource Conservation and Development Council Guidelines for Erosion and Sediment Control, and shall be included in an agreement with the construction contractor prior to the issuance of a grading permit. The following measures shall be included:*
 - a) *Any mass grading shall be restricted to dry weather periods between April 1 and October 31.*
 - b) *If other grading activity is to be undertaken in wet-weather months, permanent erosion and sediment controls shall be in place by October 15, and construction shall be limited to areas as approved by the City Engineer. A winterization plan must be submitted by September 15 and implemented by October 15.*
 - c) *Construction activity including clearing, grading, disturbances to the ground, such as stockpiling, or excavation will result in soil disturbances of more than one acre of total land area, the applicant shall obtain and provide a Notice of Intent (NOI) from the Regional Water Quality Control Board prior to issuing a construction permit.*

The internet site for information and application on the NOI can be found at <http://www.waterboards.ca.gov/smarts/>

- d) *Sedimentation basins, traps, or similar BMP controls shall be installed prior to the start of grading.*

- e) *Mulching, hydro seeding, or other suitable revegetation measures shall be implemented. Planting shall also occur on areas of cut and fill to reduce erosion and stabilize exposed areas of later construction phases. All disturbed areas with a slope greater than 5% shall receive erosion control.*
 - f) *Excavated materials shall not be deposited or stored where the materials could be washed away by storm water runoff.*
37. *Graded slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) unless otherwise approved by the geotechnical engineer.*
38. *Obtain proper permits prior to demolition or grading of any hazardous materials, underground storage tanks, mines, tunnels, shafts, septic systems, water wells, graves, or other existing underground utilities or unforeseen features. Requirement to obtain additional permits shall be clearly stated on the grading plans.*
39. *The proposed grading plan shows an export of excavated material. Prior to obtaining a grading permit the applicant shall have obtained approval for the export location (unless the location is outside the City limits) from the City Engineer. An Environmental Assessment shall be submitted to the Planning Department for approval and shall include the borrow site information.*
40. *Mitigation measure related to noise and work hours shall be clearly stated on the Cover Sheet for the final improvement and/or grading plans.*

County of El Dorado – Air Quality Management District (AQMD)

41. *Fugitive Dust: The project construction will involve grading and excavation activities, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations (AQMD Rules 223 and 223.1) for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. This plan shall be implemented by the Developer during grading as required by the City and the El Dorado County Air Quality Management District (AQMD). A permit from AQMD shall be submitted to the City prior to approval of the improvement plans.*
42. *Paving: Project construction will involve paving and shall adhere to Rule 224, AQMD Cutback and Emulsified Asphalt Paving Material.*
43. *Painting/Coating: The project construction will involve the application of architectural coating, which shall adhere to AQMD Rule 215, Architectural Coatings.*
44. *Open Burning: In the event that land development clearing involves the burning of waste, such burning must be permitted through the AQMD under Rule 300, Open Burning. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire.*
45. *Construction Emissions: During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§2449 et al, Title 13, Article 4.8, Chapter 9, California Code of Regulations (CCR)). Questions on*

applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.

46. New Point Source: Prior to construction/installation of any new point source emissions units (e.g. auto body paint booths, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD per AQMD Rules 501 and 523. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

47. Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

The motion passed on a 3-0 voice vote (Ayes: Dziuba, Kiehne, List; Noes: None).

4.2. ZONING CHANGE (ZC) 18-01 - CANNABIS BUSINESS OVERLAY ZONE

Request: That the Planning Commission hear public comment with respect to and make recommendation to City Council regarding the creation of the "Cannabis Business Overlay Zone" to be applied to select commercial properties generally adjacent to Main Street, Broadway, Placerville Drive, Green Valley Road, Pierroz Road, Cold Springs Road, and Middletown Road as shown on map Exhibits A and B; and modifications to the zoning text allowing for cannabis business operations in the Commercial and Highway Commercial Zone Districts.

Director Rivas requested this item be continued. No public comment was received. Motion by Member List. Second by Member Dziuba to continue the item to the December 4, 2018 Regular Meeting.

The motion passed on 3-0 voice vote (Ayes: Dziuba, Kiehne, List; Noes: None).

5. MATTERS FROM COMMISSIONERS AND STAFF

5.1 Matters from Commissioners

None received.

5.2 Matters from Staff

Executive Secretary Painter announced:

- Map Amendment 18-01, as recommended by the Commission, will be considered by City Council on November 13, 2018;*
- Regular Meeting of November 20, 2018 would be cancelled, and*
- Friday, November 9, 2018 is submittal deadline for application for vacant Planning Commission seat.*

6. ADJOURNMENT

Meeting was adjourned at 6:40 p.m.