



*"We are a welcoming, active and business-friendly rural foothill community built on California's rich gold rush history."*

## Planning Commission Staff Report

---

**Meeting Date:** June 4, 2024

**Prepared By:** Kristen Hunter, Associate Planner

### PROJECT INFORMATION SUMMARY

**Case File:** Zone Change (ZC) 2024-02

**Request:** Consideration of a request from the City of Placerville to: (1) Amend Zoning Ordinance Section 10-5-15, Commercial Zone to clarify Subsection (B), Permitted Uses, and Subsection (C), Conditional Uses, with regards to a Place of Entertainment and new and used retail sales, indoor and outdoor; (2) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, §15060(c)(2) and §15060(c)(3).

### BACKGROUND

Zoning Ordinance Section 10-5-15, Commercial Zone, was initially adopted by the City of Placerville under Ordinance 1474 on January 8, 1991. Since its adoption, the ordinance has been amended eight times, the last of which was Ordinance No. 1710 which allowed Short-Term Rentals (STR) within certain commercial zones (Commercial, Central Business District, and Highway Commercial).

The current Ordinance identifies a Place of Entertainment under both Subsections (B), Permitted Uses, and (C), Conditional Uses. In addition, Subsections (B) and (C) do not clearly differentiate that new and used retail sales and retail service uses are permitted by right when fully enclosed in a building versus requiring a conditional use permit for the same uses when not fully enclosed in a building. Typically, in instances where there is a conflict in the code, the more restrictive section(s) prevails. However, these conflicts do create confusion for staff and property owners.

On April 9, 2024, the City Council approved a Resolution of Intention (ROI) 2024-02, adopting Resolution No. 9297, initiating amendments to Zoning Ordinance Section 10-5-15 to clarify permitted and conditional uses with regards to a place of entertainment and new and used retail sales.

## PROPOSED AMENDMENTS

To clarify Permitted and Conditional Uses, Staff proposes the following amendments to Zoning Ordinance Sections 10-5-15(B)8 and 10-5-15(C)8:

(B)8: “Professional or business office bank, studio, ~~place of entertainment and~~ new and used retail sales and retail service when fully enclosed in a building, eating or drinking establishments, ~~retail service~~, exclusive of fast-food restaurants and automobile sales or service.”

(C)8: “Place of entertainment, new and used retail sales and retail service not fully enclosed in a building.”

**Environmental Review:** The City has determined that the request to amend the Zoning Ordinance as described is exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, §15060(c)(2) and §15060(c)(3)<sup>1</sup> in that the activity is not a ‘project’ as defined in Section 15378 of the CEQA Guidelines and has no potential for resulting in a physical change to the environment, directly or indirectly.

## RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends that the Planning Commission take the following action to approve ZC 24-02:

- I. Adopt as part of the public record the June 4, 2024 Staff Report for Zone Change 24-02;
- II. Recommend that the City Council:
  1. Find that the draft text amendments to Title 10 of the City Code, under Zone Change 24-02, are exempt from the California Environmental Quality Act under §15060(c)(2) and §15060(c)(3) of the CEQA Guidelines as the activity is not a ‘project’ as defined in Section 15378 of the CEQA Guidelines and has no potential for resulting in a physical change to the environment.
  2. Recommend that the City Council approve Zone Change 24-02, amending City Code §10-5-15: Commercial Zone as described in Attachment 1 of Staff’s June 4, 2024 Staff Report.

**ATTACHMENTS:**     [Draft Ordinance](#)

---

<sup>1</sup> §15060(c)(2) & §15060(c)(3): *Once an application is deemed complete, a lead agency must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if: (2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or (3) The activity is not a project as defined in Section 15378.*