

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



**City Manager's Report**  
**August 27, 2024, City Council Meeting**  
**Prepared By: Pierre Rivas, Development Services Director**  
**Kristen Hunter, Associate Planner**

**Item#: 10.2**

**Subject:** Consideration to amend the text of the City of Placerville Zoning Ordinance 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 (File: ZC 24-02).

**Recommendation:** Introduce and waive the first Reading of an Ordinance amending Zoning Ordinance Section 10-5-15, Commercial Zone, Subsections (B) and (C), with regards to a Place of Entertainment and new and used retail sales.

**Purpose:** To amend Zoning Ordinance Section 10-5-15, Commercial Zone, to clarify a place of entertainment and new and used retail sales and retail service not fully enclosed in a building as uses requiring approval pursuant to a Conditional Use Permit.

**Strategic Plan Strategy:** Maintain/Improve Quality of Life: Strategy 6 – Maintain and Update Planning Documents.

**Discussion:** Zoning Ordinance Section 10-5-15, Commercial Zone, was initially adopted by the City of Placerville under Ordinance 1474 on January 8, 1991.

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.

The proposed amendment would amend Subsections (B)8 and (C)8 as follows:

(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.”

On June 4, 2024, the Planning Commission considered the proposed amendments and recommended that the City Council approve of Zone Change (ZC) 24-02.

**Options:**

1. Adopt the ordinance as recommended by the Planning Commission and Staff.
2. Do not adopt the ordinance and provide direction to Staff.

**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) 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.

**Cost:** None

**Budget Impact:** None



M. Cleve Morris, City Manager



Pierre Rivas, Development Services Director

**Attachments:**

- A. Draft Ordinance
- B. June 4, 2024 Planning Commission Minutes
- C. June 4, 2024 Planning Commission Staff Report