



*"Placerville, a Unique Historical Past Forging into a Golden Future"*

## Planning Commission Staff Report

**Meeting Date:** November 17, 2020

**Prepared By:** Andrew Painter, City Planner

### ITEM 5: 301 MAIN STREET – CONDITIONAL USE PERMIT (CUP) 20-06

#### PROJECT INFORMATION SUMMARY

**Request:** To consider a Conditional Use Permit (CUP) to allow the conversion of the ground floor of the Herrick Building at 301 Main Street Permit to operate a place of entertainment facility (e.g. meetings, performing arts and other entertainment events, and private gatherings such as birthday, anniversary and retirement parties, etc.) with maximum capacity of 100 people, within the Central Business District (CBD) Zone; all assembly activities would be conducted within the building; no modifications to the exterior of the building have been proposed; a 260 square foot warming kitchen would be added within the interior; and, to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303, "Conversion of Small Structures."

#### Recommendations:

- 1) Open/close the public hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15303 – "Conversion of Small Structures" of the CEQA Guidelines;
- 3) Approve Conditional Use Permit No. CUP20-06 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

#### Project Site, Size, Location and Parcel Number:

Property Owners: Timothy Taylor & Susan Taylor	
Addresses: 301 Main Street	
APNs: 001-212-014	Lot Area: 0.05 acres (2,226 sf)
General Plan: Central Business District	Zoning: CBD, Central Business District
Existing Use: Vacant	
Site Improvements:	<ul style="list-style-type: none"> <li>• Two story commercial building, and the adjoining building at 305 Main Street, rehabilitated under Site Plan Review (SPR)12-02 and City Construction Permits;</li> <li>• Curb, gutter and sidewalk installed along project's Main, Center and Stage Coach Alley street frontages</li> </ul>
Adjacent Uses:	North – City municipal building, public parking, US 50
	East – eating and drinking establishment, retail, retail service
	South – hotel, retail, general office
	West – professional office, retail, financial, bar commercial retail.

**Decision Making Authority:** Per Placerville Zoning Code (PZC) 10-3-1(C), the Planning Commission is the decision-maker for conditional use permits applications.

**Figure 1. Project Location**



### Building Elevations

**Figure 2. Main Street Elevation**



**Figure 3. Stage Coach Alley and Center Street Elevation**



### PUBLIC NOTICE

Written notice for this public hearing was mailed to property owners within three hundred feet (500') of the project site, posted at Placerville City Hall, as well as the City's website: [cityofplacerville.org](http://cityofplacerville.org), and published in the Mountain Democrat on November 2, 2020. Public comment received as of the date of this report is provided as Attachment C.

## **BACKGROUND AND PREVIOUS ACTIONS**

The subject building along with the adjoining two story building at 305 Main Street was surveyed in 1984 as part of a City-initiated project called the Historic Survey Inventory. This survey and its supporting material are provided as Attachment B. According to the survey the two story building has construction origins from the early to mid-1850s. The subject building shares a common roof with 305 Main Street, and also has frontage along Center Street and Stage Coach Alley.

In 2012, property owners Tim & Sue Taylor received Planning Commission approval under Site Plan Review (SPR) 12-02 for exterior alterations of 301 Main Street and the adjoining 305 Main St. building. Construction permits were granted for this work along with those for structural stabilization, heating and air equipment mounted on the roof, and business signs for ground floor business spaces in both buildings. No building or use occupancy has been granted by the City for use of the second stories of either the subject building or the adjoining building at 305 Main St.

## **PROJECT ANALYSIS**

**General Plan and Zoning:** The General Plan land use designation for the site is Central Business District. This land use designation and zone classification's intent and purpose are to provide for the following:

1. Provide for a broad range of pedestrian-oriented commercial, institutional, and public uses.
2. Protect the downtown area from encroachment by unrelated and incompatible uses.
3. Differentiate the downtown area from all other land use designations because of its unique character.

Allowable uses include retail sales, eating and drinking establishments, hotels and motels, business and professional offices, institutional uses, government facilities, and similar and compatible uses.

### **Applicable Land Use Section goals and policies**

Section I. Land Use Element, Goal C: To protect and provide for the expansion of Placerville's commercial services sector to meet the needs of both Placerville area residents and visitors.

- Policy 1. The City shall promote the development and renewal of the downtown as the commercial center of Placerville.
- Policy 2. The City shall assist the private sector in maintaining and improving the economic viability 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.

Section VII. Community Design Element, Goal B: To protect and upgrade the visual and historical character of downtown.

Policy 3. The City shall encourage creative uses of historic buildings which will permit their continued use and existencd.

**Zoning Classification and Regulations:** Per PZC 10-3-3, the Commission may approve conditional uses where such uses are:

- deemed essential or desirable to the public convenience or welfare;
- in harmony with the various elements or objectives of the general plan, and
- not detrimental to surrounding property.

Per PZC 10-3-6(D), the Commission may require such terms and conditions to the granting of a conditional use permit as the Commission may deem necessary.

**Central Business District (CBD): General Regulations & Use**

General Regulations (§10-5-14(D))		Min. Required	Existing	Proposed
Building Setbacks:	Front (Main St.)	None	0'	No change
	Side (Center St.)	None	0'	No change
	Rear (Stage Coach)	None	0'	No change
Awning Projections:	Front (Main St.)	None	6'	No change
	Side (Center St.)	None	4'	No change
	Rear (Stage Coach)	None	None	No change
Building Height:		40'	31'	No change
Permitted Uses:	Business and professional offices; eating and drinking establishments; government facilities; hotels and motels; retail sales; antique stores, pawn shops and consignment stores; residential units when above or below the ground floor.			
Conditional Uses:	Formula businesses, places of entertainment, used merchandise stores, parking facilities and lots, single-room occupancy facilities.			
Proposed Use:	Place of entertainment			
Parking Requirements:	None. Site was included within former downtown parking assessment district. Assessments accrued from this and other property owners within the district were used to assist financially in the construction of the Center Street Parking Garage. Because of this parking district assessment, changes in use within the existing building footprints do not trigger on-site parking requirements.			
Business Signs:	Approved SPR12-02 included an approved Master Sign Plan for the 301 and 305 Main Street buildings. The existing hanging sign below the awning above the sidewalk along the Main Street, and the wall sign along Stage Coach Alley will be refaced for the new occupancy use, with no changes to the sign material, framework, dimensions or color.			

**Consistency Analysis:** The purpose of the CUP is to ensure the proposed establishment is appropriately located and operated. In addition, conditions may be placed on the business in order to protect the public health, safety, peace, and welfare. The CUP process also allows the City to monitor the use and verify that it is operating in accordance with the terms of its CUP.

In reviewing the application and site conditions, staff finds the site is suitable and adequate for the proposed place of entertainment use and is in harmony with the various elements or objectives of the general plan, because it would be located within an area that is accessible by existing streets, the City's Center Street parking structure; it would not be located in a sensitive area; it would utilize the ground floor of an existing building that dates back to construction during the mid-1800s, with an interior change of occupancy necessary to operate use. In addition, the place of entertainment use is desirable for the development of the community, in that it would provide a flexible ground floor space in the downtown allowing assemblies of people for a potential variety of small gatherings (100 or less occupants) as described in the Applicant Submittal Package. These gatherings would bring people to downtown Placerville. Like other recent use requests before the Planning Commission involving vacant commercial spaces, this request has the potential for spill-over economic benefit to other businesses and business service uses within downtown and greater Placerville, therefore not a detriment to surrounding property.

The request furthermore as conditioned is consistent with the CBD zone regulations, in that the proposed place of entertainment will be compatible with the adjacent uses because the proposed use will be conducted entirely within the building. Also, there are no sensitive uses or receptors (e.g. schools, senior residential care facilities) in the area that would be negatively affected by the proposed use.

**Environmental Analysis:** This project qualifies as a Class 3 categorical exemption pursuant to Guidelines Section 15303 of the California Environmental Quality Act (Conversion of an Existing Structure from One Use to Another). CEQA Guidelines Section 15303 applies to projects that involve the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. The Project is a CUP to allow for the operation of a 2,026 square foot place of entertainment assembly use within the ground floor of the existing building at 301 Main Street. No modifications to the exterior of the building are proposed, with only minor changes to the interior involving a warming kitchen and portable stage platform. No special circumstances exist that granting a CUP would create a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Sections 15303 and no further environmental review is required.

## **CONCLUSION AND RECOMMENDATION:**

**Conclusion:** The request would provide a flexible floor space amenity in downtown Placerville. Request components are consistent with established City regulations, standards and guidelines. Staff enthusiastically supports the request.

**Recommendation:** Should the Planning Commission agree with staff's recommendation, staff recommends the Commission take the following action:

- I. Adopt the Staff Report as part of the public record.
- II. Make the following findings of fact in support of the CUP 20-06 request:
  - 1. The CUP20-06 request is exempt from the California Environmental Quality Act (CEQA) per CEQA Guideline 15303, which exempts projects involving the conversion of an existing facility from one land use to another when the new use is consistent with the current zoning and General Plan land use designation of the site.
  - 2. CUP20-06 is consistent and in harmony with the General Plan and all applicable provisions of the Zoning Code, in that it would be located within an area that is accessible by existing streets, the City's Center Street parking structure; it would not be located in a sensitive area; it would utilize the ground floor of an existing building that dates back to construction during the mid-1800s, with an interior change of occupancy necessary to operate use
  - 3. CUP20-03 is desirable for the development of the community, in that it would provide a flexible ground floor space in the downtown allowing assemblies of people for a potential variety of small gatherings (100 or less occupants) as described in the Applicant Submittal Package. These gatherings would bring people to downtown Placerville, with the potential for spill-over economic benefit to other businesses and business service uses within downtown and greater Placerville, therefore the use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large.
- III. Approve Conditional Use Permit CUP20-06 located at 301 Main Street, APN 001-212-014, based on the project information and findings included in the Staff Report, and subject to the recommended Conditions of Approval.

**Attachments:**

- A. Applicant Submittal Package
- B. 301 & 305 Main Street Historic Resource Survey
- C. Public Comment Received
- D. Recommended CUP 20-06 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**

**Attachment B.**

**301 & 305 Main Street Historic Resource Survey (1984)**



## **Attachment C**

### **Public Comment Received**

## **Attachment D.**

### **Recommended Conditions of Approval - CUP20-06**

1. Approve CUP20-06, involving the operation of a place of entertainment assembly occupancy, within the ground floor of the building located at 301 Main Street, APN 001-212-014, and within the Central Business District Zone (CBD).

Approval is based upon the analysis provided in staff's November 17, 2020 report to the Planning Commission, and limited to compliance with the project description, the Applicant Submittal Package set forth below, except were deviated under a separate Condition of Approval, and all other conditions of approval set forth herein:

- Planning and Conditional Use Permit Application, including narrative, received October 20, 2020; and,
- Floor Plan dated October 16, 2020, prepared by Sue Taylor, received October 20, 2020.

2. CUP20-06 shall become effective and be issued eleven (11) days after the Commission granted the permit unless an appeal has been filed, in which case CUP20-06 shall not be issued until the granting of the permit is affirmed on appeal.

Operation of the use shall not commence until a construction (building) permit for the change in occupancy from Mercantile (M) to Assembly (A-2) has first been obtained from the Development Services Department by the property owner/applicant, final inspection is completed and approved, and issuance of a Certificate of Occupancy by the Department.

3. CUP20-06 shall expire and become null and void eighteen (18) months after the date of Planning Commission approval unless the authorized use is carried on. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with the Conditions of Approval.
4. CUP20-06 use operation shall take place only within the ground floor of the existing 301 Main Street building.
5. CUP20-06 shall conform to the Conditions herein, all applicable regulations of the Placerville Zoning Ordinance and Placerville Municipal Code.
6. CUP20-06 conditions of approval shall be binding on the applicant and all successors in interest in the event the project site is sold to another party.
7. All Conditions of Approval shall be in addition to those established under Site Plan Review 12-02 and shall also be incorporated as the Conditions of Approval for CUP20-06 by reference.

8. Any proposed future change to the use or modification to the application beyond what is authorized under CUP20-06 shall be submitted to the Development Services Department for a determination of appropriate procedures.
9. During all events, the Property Owner /Applicant shall assign a manager on the premises who shall ensure compliance with the terms of this Permit, the City Code, and applicable state and federal laws.
10. Maximum occupancy of the facility under CUP20-06 shall be determined by the Development Services Department, Building Division. City authorized occupancy shall be managed by the proprietor to prevent over-crowding.
11. No outdoor amplification of sound is permitted. Operation of the facility, regardless of the hours permitted to be open to the public. Interior sound amplification shall be directed away from the principal entrance or directed toward the interior of the facility.
12. CUP20-06 shall not constitute a public nuisance as defined under PZC 1-4-3 and PZC 7-8-1.
13. CUP20-06 may be revoked, amended or suspended by the Planning Commission under the provisions of PZC 10-3-6(D).
14. There must be no pressure washing of the sidewalk, unless approved by City Engineering.