

**MINUTES
REGULAR MEETING
CITY OF PLACERVILLE PLANNING COMMISSION
TUESDAY, FEBRUARY 18, 2020, 6:00 P.M.
TOWN HALL, 549 MAIN STREET, PLACERVILLE, CALIFORNIA**

1. CALL TO ORDER

Chair Kiehne called the Regular Meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Chair Kiehne led the audience in the Pledge of Allegiance to the Flag.

3. ROLL CALL:

Members Present: *Chair Kiehne, Frenn, Lepper, Vice Chair List, Raines*

Members Absent: *None*

Staff Present: *Director Rivas, City Planner Painter, I.T. Analyst Tanger*

4. CONSENT CALENDAR:

4.1 Consideration to Approve Agenda

4.2 Consideration of Approving Regular Meeting Minutes – February 4, 2020

Action: Motion made by List, seconded by Lepper to approve the Consent Calendar as amended, changing the order of posted Agenda Items 7.1 and 7.2. Motion approved on the following voice vote:

Ayes: Chair Kiehne, Frenn, Lepper, Vice Chair List, Raines

Noes: None

5. ITEMS PULLED FROM CONSENT CALENDAR (if applicable)

No items were pulled from the Consent Calendar.

6. ITEMS OF INTEREST TO THE PUBLIC

None received.

7. PUBLIC HEARING:

7.1 423 Main Street – Special Temporary Use Permit (TUP) 20-01 - Sidewalk Dining

Area Permit: Consideration of an application from Ben Butler, business owner of Bene! Ristorante Italiano, for a sidewalk dining area permit within the City's Main Street right-of-way, adjacent to the business. The subject property is located at 423 Main Street, Assessor's Parcel No. 001-211-011. The subject site is located in the Central Business District. If approved, TUP 20-01 would be granted for twelve months.

City Planner Painter presented staff's report. Speaker - Ben Butler, applicant addressed the Commission.

Action: Motion made by Lepper, seconded by Raines to:

I. Adopt the Staff Report as part of the public record.

II. *Make the following findings of fact in support of Special Temporary Use Permit (TUP) 20-01 - Sidewalk Dining Area Permit Request – 423 Main Street:*

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, umbrellas and the wrought iron barrier) on the City sidewalk accessory to the existing Bene! Ristorante Italiano commercial business.*
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 follows:*

1. *Special Temporary Use Permit (TUP) 20-01 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. Three portable square umbrellas (6'6" by 6'6"), fastened to the barrier railing provide the shading of the sidewalk seating area. The minimum vertical clearance from the sidewalk surface to the umbrellas would be eight feet. Layout would provide a minimum of 5' of unobstructed pathway between the barrier and streetscape furniture, such as the street tree 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.

2. *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.*

3. *Permit holder (applicant) shall comply with all Operational Standards along with the Development Standards under Placerville Zoning Ordinance (PZO) 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.

- 4. 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.*
- 5. Permit holder shall obtain an Encroachment Permit from the City Engineer per PZO 10-4-19(I) before any sidewalk dining is permitted, and shall obtain and maintain general liability insurance per PZO 10-4-19(E).*
- 6. 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.*

Motion approved (5-0) on the following roll call vote:

Ayes: Kiehne, Frenn, Lepper, List, Raines

Noes: None

7.2 3148 Sacramento Street – Site Plan Review (SPR) 20-01 - Historic District

Review: Consideration of an application received from property owner Lori Voelker for Historic District Review to replace windows and siding at the home located at 3148 Sacramento Street, Assessor's Parcel No. 003-091-012, within the Sacramento Street – Chamberlain Street Residential District, pursuant to PMC 10-4-10 (H) and 10-4-9 (C)6.

City Planner Painter presented staff's report. Speakers: Lori Voelker, applicant; Kirk Smith.

Action: *Motion made by Kiehne, seconded by Frenn to continue the request to March 17, 2020 to allow the applicant to provide the Commission with examples of materials proposed for the alteration of windows, siding and rock veneer. Motion approved (5-0) on the following roll call vote:*

Ayes: Kiehne, Frenn, Lepper, List, Raines

Noes: None

8. NEW BUSINESS:

- 8.1 Zoning Interpretation (ZON) 20-01 - City Zoning Ordinance 10-4-7 (A): Special Temporary Use Permits:** A City-initiated request that the Planning Commission deem by resolution that temporary parking lot uses within the Business-Professional Zone be within the intent and purpose of City Zoning Ordinance 10-4-7 (A).

Development Services Department Director Rivas presented staff's report. No public comments were received.

Action: Motion made by Raines, seconded by Lepper to:

1. Enter Staff's report into the public record;
2. Consider the request, under the authority granted to the Planning Commission pursuant to City Code Section 10-4-7(A), and public comment received; and
3. Adopt Resolution 2020-01: RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACERVILLE INTERPRETING THAT A TEMPORARY PARKING LOT IS A USE PERMITTED SUBJECT TO A SPECIAL TEMPORARY USE PERMIT UNDER SECTION 10-4-7(A) OF THE ZONING ORDINANCE WITHIN THE BUSINESS PROFESSIONAL ZONE.

Motion approved (5-0) on the following roll call vote:

Ayes: Kiehne, Frenn, Lepper, List, Raines

Noes: None

- 9. MATTERS FROM COMMISSIONERS AND STAFF:** This item involves Commission Member and staff comments /reports.

Staff announced the following – Cancellation of March 3, 2020 Regular Meeting due to lack of agenda item; upcoming items for the March 17, 2020 Regular Meeting; City Council to consider on February 25, 2020 the appeal of the Planning Commission conditional approval of the house demolition at 3095 Cedar Ravine Rd.

10. ADJOURNMENT

By unanimous consent, Chair Kiehne announced adjournment at 7:43 P.M.

Andrew Painter, Executive Secretary
Placerville Planning Commission