

**REGULAR MEETING MINUTES
PLACERVILLE PLANNING COMMISSION
TUESDAY, SEPTEMBER 15, 2020, 6:00 P.M.
VIA TELECONFERENCE (Virtual Meeting)**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

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

ROLL CALL:

Members Present: *Chair List, Vice Chair Lepper, Frenn, Kiehne, Raines*
Members Absent: *None*
Staff Present: *Director Rivas, City Planner Painter*

CONSENT CALENDAR:

- 1. Consideration to Approve Agenda**
- 2. Consideration to Approve Regular Meeting Minutes – July 21, 2020**

***Action:** Motion made by Frenn, seconded by Raines to approve the Consent Calendar. Motion approved unanimously on a voice vote.*

ITEMS OF INTEREST TO THE PUBLIC

None received.

PUBLIC HEARING

3. CONDITIONAL USE PERMIT 20-02 – KID’S TOWN PRESCHOOL – 163 PLACERVILLE DR:

Consider a conditional use permit request for a preschool / child care center for up to 26 children within an existing commercial building and site, a conditional use within the Commercial Zone. Project Location: On the west side of Placerville Drive, approximately 300 feet north of the intersection of Placerville and Armory Drives, identified as Assessor's Parcel Number (APN) 325-120-033. Designation and Zoning: Commercial (C).

City Planner Painter presented staff’s report. Addressing the Commission on this item were Applicant Reza Aldrich; Elizabeth Blakemore; Jenna Knight.

***Action:** Motion made by Vice Chair Lepper, seconded by Raines that the project 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.*

Motion approved on the following roll call vote:

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

Noes: None

Action: Motion made by Vice Chair Lepper, seconded by Raines, taking the following action regarding CUP20-02, located at 163 Placerville Drive, APN 325-120-033:

Project Findings:

1. The proposed use is consistent with the General Plan as set out in the staff report because it would expand childcare services within the community, desirable to the public convenience.
2. The proposed facility would be compatible with the uses in the immediate vicinity because the facility would be located within a free-standing building; the project site provides sufficient parking and circulation areas to meet the anticipated additional demands resulting from the proposed change in use to a child care center.
3. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the proposed facility would serve residents and employees in the vicinity. The child care center would bring vitality to the site and surroundings by occupying an existing building that has been vacant for an extended period of time; and, outdoor play is limited to a maximum of 12 children under State licensing that would minimize noise impacts on neighboring residential and commercial uses.

CUP20-02 Conditions of Approval:

1. Approve CUP20-02, located at 163 Placerville Drive, APN 325-120-033, involving the operation of a child care center, within the Commercial Zone (C).

Approval is based upon the analysis provided in staff's September 15, 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 August 26, 2020;
 - Site Plan dated September 2, 2020, prepared by Jon Westphal, received September 3, 2020, and
 - Floor Plan dated August 4, 2020, prepared by Jon Westphal, received August 26, 2020.
2. CUP20-02 shall become effective and be issued eleven (11) days after the Commission granted the permit unless an appeal has been filed, in which case CUP20-02 shall not be issued until the granting of the permit is affirmed on appeal.
 3. CUP20-02 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. CUP20-02 shall apply only to the address specified, regardless of any change of ownership, but may not be transferred to another parcel.*
- 5. CUP20-02 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.*
- 6. Comply with all requirements of the Placerville City Code (PCC), including the Placerville Zoning Code (PZC).*
- 7. Any proposed future change to the use or modification to the application beyond what is authorized under CUP20-02 shall be submitted to the Development Services Department for a determination of appropriate procedures.*
- 8. CUP20-02 shall conform to the Conditions herein, all applicable regulations of the Placerville Zoning Ordinance and Placerville Municipal Code.*
- 9. The operation of the child day care center shall be in full compliance with and subject to all licensing requirements of the State of California and any applicable Federal law. If the Development Services Director finds evidence that the operation of the facility is not in compliance with State or Federal licensing requirements, they may refer this Conditional Use Permit to the Planning Commission for review. If, upon such review, the Commission finds noncompliance with State or Federal licensing requirements, the Commission may modify or revoke the Conditional Use Permit.*
- 10. CUP20-02 may be revoked, amended or suspended by the Planning Commission under the provisions of PZC 10-3-6(D).*
- 11. The child care center business shall not constitute a public nuisance as defined under PCC 1-4-3 and PCC 7-8-1.*
- 12. The outdoor play area located west of the preschool / child care center building on the site shall not be in use before 9:00 A.M.*
- 13. The number of children served on-site at this location shall not exceed 26.*
- 14. Site access and exit for CUP20-02 shall be as shown on the Site Plan provided in Attachment A of Staff's report. Vehicle access into the site shall be by paved driveway encroachment from Placerville Drive, adjacent and east of the site. Parking provided using angled vehicle parking stalls. Circulation within the parking area shall be single-vehicle aisle, with traffic flow circulation through the site from east to the west, then north onto the private road Sunset Knoll located within the project parcel before exiting onto Placerville Drive.*

15. *The parking areas at the site shall be maintained to comply with City Parking and Loading requirements under PZC 10-4-4. Vehicle circulation within the site shall be marked and maintained with directional arrows on the paved surface to ensure the safe and efficient flow of vehicles as authorized under CUP20-02. Parking shall only be allowed where authorized under the approved CUP20-02 Site Plan.*
16. *There must be no pressure washing of parking or loading areas, trash storage area, or building site, unless the city approves a collection system to keep water from entering the storm drain.*
17. *A refuse receptacle/or cart shall be kept on the project site for the collection of CUP20-02 of solid waste. This includes wheeled bin receptacles authorized by the City under franchise agreement with a solid waste collection service.*

Should a dumpster be necessary to accommodate the preschool / child care center's operational waste generation, the CUP holder shall submit plans to the Development Services Department for its approval as to its proposed location, construction materials and screening necessary to comply with the California Building Code and the City of Placerville Development Guide.
18. *Any proposed change to the allowed use of a child day care center shall be first reviewed by the Planning Division, who shall determine appropriate procedures for compliance with City and State regulations and requirements.*
19. *Applicant shall submit a landscape exhibit to staff for approval showing the landscape area between the parking area and Sunset Knoll located on the project site along with the location within the landscape area of all pine and oak trees.*
20. *Applicant shall remove the invasive, non-native, Tree of Heaven (Ailanthus altissima) from within the site.*
21. *A City Construction Permit shall be obtained, all fees paid, all work inspected and successfully finalized by City Staff before the Certificate of Occupancy would be issued by the City.*
22. *The applicant shall meet all requirements of the currently adopted edition of the California Building and Fire Code, in effect at time of the building permit application.*
23. *Prior to issuance of a Certificate of Occupancy, a Landscape Maintenance Agreement between the City and the property owner shall be recorded. Agreement will specify that landscaping on the site shall be maintained in a viable and healthy condition; that landscaping areas are to be kept free of litter and diseased or dead plants; and, diseased, dead, damaged and/or disfigured plants shall be replaced as deemed necessary by the Development Services Department.*

24. *The applicant shall submit a separate application for a building sign permit at the City's Development Services Department. No banners or other temporary signs shall be permitted unless they conform to the City's sign ordinance.*

Motion approved on the following roll call vote:

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

Noes: None

- 4. CONDITIONAL USE PERMIT (CUP) 20-03 AND CHANGE TO SITE PLAN REVIEW (SPR) 88-06-R – BUZY BEEZ CHILDCARE - 2869 COLD SPRINGS RD:** Consider a conditional use permit request for a child care center for up to 36 children within an existing commercial building and site, a conditional use within the Commercial Zone; and, to consider a change to Site Plan Review (SPR) 88-06, authorized for an automobile dealership in 1988, to be changed to accommodate the proposed child care center use. Project Location: On the north side of Cold Springs Road, at the northeast corner of the intersection of Cold Springs Road and Pierroz Road, identified as Assessor's Parcel Number (APN) 323-440-013. Designation and Zoning: Commercial (C).

City Planner Painter presented staff's report. Addressing the Commission on this item were Applicant Gilinda Haverson; Shannon Roberts; Elizabeth Blakemore; Jenna Knight.

Action: *Motion made by Vice Chair Lepper, seconded by Raines that the project 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.*

Motion approved on the following roll call vote:

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

Noes: None

Action: *Motion made by Vice Chair Lepper, seconded by Raines, taking the following action regarding CUP20-03, located at 2869 Cold Springs Road, APN 323-440-013:*

Project Findings:

- 1. The proposed use is consistent with the General Plan as set out in the staff report because it would expand child care services within the community, desirable to the public convenience.*
- 2. The proposed facility would be compatible with the uses in the immediate vicinity because the facility would be located within a free-standing building; the project site provides sufficient parking and circulation areas to meet the anticipated additional demands resulting from the proposed change in use from auto sale to child care center.*

3. *The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the proposed facility would serve residents and employees in the vicinity. The proposed child care center would bring vitality to the site and surroundings by occupying an existing building that has been vacant, under-utilized for an extended period of time. Staggered scheduling of child use of the outdoor play area at the center that would minimize noise impacts on neighboring residential and commercial uses.*

CUP20-03 Conditions of Approval

1. *Approve CUP20-03, located at 2869 Cold Springs Road, APN 323-440-013, involving the operation of a child care center, within the Commercial Zone (C).*

Approval is based upon the analysis provided in staff's September 15, 2020 report to the Planning Commission, and limited to compliance with the project description, the Applicant Submittal Package set forth below, except where 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 August 31, 2020;*
 - *Site Plan dated August 28, 2020, prepared by Gilinda Haverson, received August 31, 2020, and*
 - *Floor Plan dated August 28, 2020, prepared by Gilinda Haverson, received August 31, 2020.*
2. *CUP20-03 shall become effective and be issued eleven (11) days after the Commission granted the permit unless an appeal has been filed, in which case CUP20-03 shall not be issued until the granting of the permit is affirmed on appeal.*
 3. *CUP20-03 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. *CUP20-03 shall apply only to the address specified, regardless of any change of ownership, but may not be transferred to another parcel.*
 5. *CUP20-03 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.*
 6. *Any proposed future change to the use or modification to the application beyond what is authorized under CUP20-03 shall be submitted to the Development Services Department for a determination of appropriate procedures.*
 7. *CUP20-03 shall conform to the Conditions herein, all applicable regulations of the Placerville Zoning Ordinance and Placerville Municipal Code.*

8. *The operation of the child day care center shall be in full compliance with and subject to all licensing requirements of the State of California and any applicable Federal law. If the Development Services Director finds evidence that the operation of the facility is not in compliance with State or Federal licensing requirements, they may refer this Conditional Use Permit to the Planning Commission for review. If, upon such review, the Commission finds noncompliance with State or Federal licensing requirements, the Commission may modify or revoke the Conditional Use Permit.*
9. *All Conditions of Approval shall be in addition to those established under Site Plan Review 88-06-R and shall also be incorporated as the Conditions of Approval for CUP20-03 by reference.*
10. *CUP20-03 shall not constitute a public nuisance as defined under PCC 1-4-3 and PCC 7-8-1.*
11. *CUP20-03 may be revoked, amended or suspended by the Planning Commission under the provisions of PZC 10-3-6(D).*
11. *The number of children served on-site at this location shall not exceed 36.*
12. *All use activities shall take place within the existing building or designated playground and garden areas. Parking shall only be allowed where authorized under CUP20-03 and SPR88-06-R.*
13. *There must be no pressure washing of the parking or driveway areas, the picnic and playground areas, the trash storage area, or building site, unless the city approves a collection system to keep water from entering the storm drain.*

Motion approved on the following roll call vote:

Ayes: Chair List, Vice Chair Lepper, Frenn, Kiehne, Raines
Noes: None

Action: Motion made by Vice Chair Lepper, seconded by Raines, taking the following action regarding SPR88-06-R, located at 2869 Cold Springs Road, APN 323-440-013:

Project Findings:

1. *The proposed site improvements, as conditioned and analyzed, are consistent with the Site Plan Review regulations.*

SPR88-06-R Conditions of Approval:

1. *SPR88-06-R shall apply only to the address specified, regardless of any change of ownership, but may not be transferred to another parcel.*
2. *SPR88-06-R 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.*

3. *Any proposed future change to the use or modification to the application beyond what is authorized under SPR88-06-R shall be submitted to the Development Services Department for a determination of appropriate procedures.*
4. *A construction permit shall be obtained, all fees paid, all work inspected and successfully finalized by City Staff before a Certificate of Occupancy would be issued by the City for the change in occupancy. A separate construction permit shall be required for the 10' x 12' "Tuff Shed."*
5. *The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire, and the Placerville City Code, in effect at time of the building permit application.*
6. *Parking spaces shall be striped and maintained to comply with City Parking and Loading requirements under PZC 10-4-4.*
7. *The applicant shall submit a separate application for a building sign permit at the City's Development Services Department. No banners or other temporary signs shall be permitted unless they conform to the City's sign ordinance.*
8. *A refuse receptacle or refuse cart shall be kept on the project site for the collection of CUP20-03 solid waste. This includes wheeled bin receptacles authorized by the City under franchise agreement with a solid waste collection service.*
9. *Should a dumpster be necessary to accommodate the preschool / child care center's operational waste generation, the CUP holder shall submit plans to the Development Services Department for its approval as to its proposed location, construction materials and screening necessary to comply with the California Building Code and the City of Placerville Development Guide.*
10. *Conditions "a," "d," "e," "f," and "g" approved in 1988 under SPR88-06 are eliminated as analyzed in Attachment "C" of Staff's September 15, 2020 report to the Planning Commission. Conditions "b" and "c" are re- worded and re-lettered as 10a and 10b, as follows:*
 - 10a. *Applicant shall submit a site, size and species specific landscaping and irrigation plan to staff for approval for the planter area along Cold Springs Road, between the sidewalk and the parking area onsite. Plan shall include existing shrub and trees, and new planting of native, drought-tolerant plant species to fill-in areas devoid of trees and shrubs. Only low growing landscaping species shall be installed within the sight distance clearance area necessary for vehicle drive visibility when exiting the site unto Cold Springs Road.*

Upon staff approval of the landscape and irrigation plan, the Applicant shall fully implement landscape plan by installing approved plantings. Work shall be completed prior to the issuance of a Certificate of Occupancy for the change in building occupancy construction permit.

10b. Fencing material in the parking and playground areas shall be of similar materials approved under the 1988 approved SPR88-06. Fencing slat colors shall be complimentary to the buildings color on the site. The applicants shall submit a detail of new fencing within the site to staff for approval.

11. Prior to issuance of a Certificate of Occupancy, a Landscape Maintenance Agreement between the City and the property owner shall be recorded. Agreement will specify that landscaping on the site shall be maintained in a viable and healthy condition; that landscaping areas are to be kept free of litter and diseased or dead plants; and, diseased, dead, damaged and/or disfigured plants shall be replaced as deemed necessary by the Development Services Department.

Motion approved on the following roll call vote:

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

Noes: None

- 5. VARIANCE (VAR) 20-01 – PVILLECA LLC – 651 MAIN ST:** Consider a variance request to allow for a reduction in the minimum distance required for a “Cannabis Business” from a “sensitive use,” from 250 feet to approximately 200 feet, as required under City Code Section 5-28-24. The sensitive uses identified are the Sierra Elementary School (1100 Thompson Way) and the Federated Church (1031 Thompson Way). Project Location: On the north side of Main Street, approximately 100 feet west of the intersection of Main Street and Locust Avenue. Designation and Zoning: Commercial (C).

Director Rivas presented staff’s report. Addressing the Commission on this item were Applicant Kelly Chiusano, PVILLECA LLC; Kara Taylor; Arne Johnson; Patricia Horn.

Action: Motion made by Frenn, seconded by Vice Chair Lepper, taking the following action regarding VAR20-01, located at 651 Main Street, APN 002-171-008:

- I. Adopt the Staff Report as part of the public record.*
- II. Make the following findings:*
 - (a) The project is categorically exempt from environmental review according to Section 15303(a) of the California Environmental Quality Act Guidelines, in that the request involves a minor setback variances not resulting in the creation of a new parcel.*
 - (b) Due to the existing topography, heavy vegetation, and the physical layout of the built environment and streets; the effective distances between the proposed commercial*

cannabis business location and the Sierra School and Federated Church are approximately 2,027 feet and approximately 1,562 feet respectively, exceeding the required distance of 250 feet of separation. Thus, the granting of this request does not constitute a special privilege not enjoyed by others in the vicinity and zone in which the property is located.

- (c) The proposed commercial retail cannabis business is located along an existing commercial corridor consisting of other retail, service and auto related uses. The effective physical distance between the proposed cannabis retail business and the Sierra School and Federated Church are approximately 2,027 feet and approximately 1,562 feet respectively exceeding, the required distance of 250 feet of separation. Thus, the granting of this variance request will not be detrimental to the public health, safety, convenience and welfare.*
- (d) The granting of this variance request will not adversely affect the General Plan and is in conformity with the application provisions of the Zoning Ordinance and the Commercial Zone District regulations.*

III. Approve Variance 20-01, subject to the following conditions and requirements:

- 1. These conditions and requirements shall apply to Variance 20-01 that allows for an approximate 186.2 feet distance from the Sierra Elementary School property and an approximate 190.4 feet distance from the Federated Church property where a minimum of 250 feet of distance is required from the location of the proposed commercial cannabis business location at 651 Main Street.*
- 2. Approval is granted for the Variance request described in the application date-stamped August 25, 2020, and staff's September 15, 2020 report to the Planning Commission, except as modified by the conditions of approval.*
- 3. These conditions of approval shall be binding on the applicant and all successors in interest in the event the project site is sold or transferred to another party.*
- 4. Any proposed future change to the site or modification to the application beyond what is authorized under this permit shall be submitted to the Development Services Department for a determination of appropriate procedures.*
- 5. The applicant, employees, and agents shall comply with City Code Title 5, Chapter 28 Commercial Cannabis Activity, Title 10 Zoning, and all applicable California State regulations.*

Motion approved on the following roll call vote:

Ayes: Vice Chair Lepper, Frenn, Kiehne

Noes: Chair List, Raines

MATTERS FROM COMMISSIONERS AND STAFF:

Staff announced that the October 4, 2020 Regular Meeting would be held to include a public hearing for a demolition request of the home at 3095 Cedar Ravine Rd located within the Cedar Ravine Residential Historic District.

Staff addressed Member Kiehne's question to staff if/when results of the City's Housing Policy Questionnaire will be made public that a workshop to release this information has not been set.

ADJOURNMENT:

Chair List announced adjournment at 7:50 P.M.

Andrew Painter, Executive Secretary
Placerville Planning Commission

DRAFT