

**FINAL
REGULAR MEETING MINUTES
PLACERVILLE PLANNING COMMISSION
TUESDAY, May 3, 2022, 6:00 P.M.
TOWN HALL, 549 MAIN STREET, PLACERVILLE, CALIFORNIA**

CLOSED SESSION: None Scheduled

6:00 P.M. OPEN SESSION

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Chair Lepper called the meeting to order at 5:59 p.m. and the Pledge of Allegiance to the Flag was recited.

2. ROLL CALL:

Members Present: Chair Lepper, Vice Chair Gotberg, List
Members Absent: Frenn, Kiehne
Staff Present: Development Services Director Rivas, Associate Planner Hunter, I.T. Director Tanger

3. CLOSED SESSION REPORT:

None scheduled.

4. ADOPTION OF AGENDA:

Motion: In a single motion Commissioner Gotberg, second by Commissioner List, moved to approve the Agenda with Staff recommended changes. Motion carried 3-0.

5. CONSENT CALENDAR:

5.1. Approve the minutes of the Regular Planning Commission Meeting of April 5, 2022

Staff recommended changes to add Item #3 (Closed Session Report) to the meeting minutes and change item 12.1 to correct referenced year from 2020 to 2022.

Motion: In a single motion, Commissioner Gotberg, seconded by Commissioner Lepper, moved to approve the Consent Calendar; approving the April 5, 2022 minutes as revised. Motion carried 2-0 vote, Commissioner List abstained.

6. ITEMS PULLED FROM CONSENT CALENDAR (if applicable):

None.

7. ITEMS OF INTEREST TO THE PUBLIC – NON-AGENDA ITEMS:

No comments were received from the public.

8. WRITTEN COMMUNICATIONS – NON-AGENDA ITEMS:

None received.

9. PRESENTATIONS AND EDUCATIONAL WORKSHOP SESSIONS:

None.

10. ENVIRONMENTAL ASSESSMENTS/PUBLIC HEARINGS:

10.1. 251 Main Street – Conditional Use Permit (CUP) 22-01: Consideration to change in use from an existing restaurant and bar to a place of entertainment (e.g., live music, performing arts, live entertainment, private, corporate and community gatherings).

ENVIRONMENTAL DETERMINATION: California Environmental Quality Act Categorical Exemption, Section 15303. LOCATION: 251 Main Street, APN: 001-201-006 & -014, Zone: CBD (Central Business District). Staff: Pierre Rivas

Director Rivas presented the staff report dated May 3, 2022 and answered questions of the Commission.

Public Speaker: Kirk Smith

Motion by Commissioner Gotberg, seconded by Commissioner List, to approve CUP22-01 as recommended in the staff report and modification to Condition of Approval No. 6; and to:

I. Adopt the staff report as part of the public record.

II. Make the following findings of fact in support of CUP 22-01 request:

- 1. The 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. The request 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 Lot and the Parking Garage; it would not be located in a sensitive area; it would utilize an existing building that dates back to construction during the mid-1800s, with no interior changes necessary and does not require a change of occupancy under the building code to operate the requested use.*
- 3. The request is desirable for the development of the community, in that it would provide a flexible space in the downtown allowing assemblies of people for a potential variety of small gatherings (99 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 CUP22-01 located at 251 Main Street, APN 001-201-06-014, based on the project information and findings included in the Staff Report, and subject to the following Conditions of Approval:

- 1. Approve CUP 22-01, involving the operation of a place of entertainment assembly occupancy, within the building located at 251 Main Street, APN 001-201-006 & -014, and within the Central Business District Zone (CBD).*

Approval is based upon the analysis provided in staff's May 3, 2022 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 including: (1) Planning and Conditional Use Permit Application, including narrative, received April 14, 2022; and (2) The existing floor plan, received April 14, 2022 with the application.

- 2. CUP 22-01 shall become effective eleven (11) days after the Commission granted the permit unless an appeal has been filed, in which case CUP22-01 shall not be issued until the granting of the permit is affirmed on appeal.*

Operation of the entertainment venue may commence immediately since there is no change in occupancy [Assembly (A-2)].

- 3. CUP 22-01 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. CUP 22-01 shall conform to the Conditions herein, all applicable regulations of the Placerville Zoning Ordinance and Placerville Municipal Code.
5. CUP22-01 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. All Conditions of Approval shall be in addition to those established under Site Plan Review 84-15 and SPR 84-15-R and shall also be incorporated as the Conditions of Approval for CUP 22-01 by reference.
7. Any proposed future change to the use or modification to the application beyond what is authorized under CUP 22-01 shall be submitted to the Development Services Department for a determination of appropriate procedures.
8. During all events, the Property Owner /Applicant shall assign a manager on the premises, if owner is not on 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 CUP 22-01 shall be determined by the Development Services Department, Building Division. City authorized occupancy shall be posted and managed by the proprietor to prevent over-crowding.
11. No outdoor amplification of sound is permitted. Interior sound amplification shall be directed away from the principal entrance or directed toward the interior of the facility.
12. CUP 22-01 shall not constitute a public nuisance as defined under Code Section 1-4-3 and Code Section 7-8-1.
13. CUP 22-01 may be revoked, amended or suspended by the Planning Commission under the provisions of Zoning Code Section 10-3-6(D).
14. There must be no pressure washing of the sidewalk, unless approved by City Engineering.

Action: Motion approved 3-0 on roll call vote:

Ayes: Gotberg, Lepper, List

Nays: None

Absent: Frenn, Kiehne

11. CONTINUED ITEMS:

None

12. NEW BUSINESS

12.1. Election of Officers for 2022 (Chair and Vice Chair): Per Article 5(b) of the Planning Commission By-Laws, at first regular meeting on or after March 1st, the Commissioners shall elect the officers of Chair and Vice Chair for one-year terms. The Chair and Vice Chair shall take office at the following meeting.

Per Article 7(g) of the Commission By-Laws, there must be five members present at the meeting to elect officers otherwise the matter will be continued.

Postponed to the next meeting due to lack of five Commissioners in attendance.

13. MATTERS FROM COMMISSIONERS AND STAFF:

Director Rivas updated Commissioners on affordable housing developments at Middletown Road and Cold Springs, on Mallard Road on the Ridge at Orchard Hill property, and at the Placerville Armory site.

Director Rivas informed Commissioners of an upcoming preliminary plan review for a 130 room double brand hotel off of Forni Road next to the OfficeMax.

Director Rivas informed Commissioners of a property owner interested in utilizing SB 9 for a ministerial parcel split.

14. ADJOURNMENT

Chair Lepper adjourned the meeting at 6:20 p.m.

Pierre Rivas, Director
Development Services Department