

**REGULAR MEETING MINUTES  
PLACERVILLE PLANNING COMMISSION  
TUESDAY, FEBRUARY 6, 2024 6:00 P.M.  
TOWN HALL, 549 MAIN STREET, PLACERVILLE, CALIFORNIA**

**CLOSED SESSION:** None Scheduled

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**6:00 P.M. OPEN SESSION**

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

*Chair Frenn called the meeting to order at 6:01 p.m. and the Pledge of Allegiance to the Flag was recited.*

**2. ROLL CALL:**

**Members Present:** Carter, Chair Frenn, Vice Chair Kiehne, Lepper, Smith

**Members Absent:** None

**Staff Present:** Development Services Director Rivas, Associate Planner Hunter

**3. CLOSED SESSION REPORT:** *None*

**4. ADOPTION OF AGENDA:**

*Motion: In a single motion Commissioner Carter, seconded by Commissioner Lepper, moved to approve the Agenda as presented. Motion carried 5-0.*

**5. CONSENT CALENDAR:**

**5.1. Approve the Minutes of the Regular Planning Commission Meeting of December 19, 2023**

*In a single motion Commissioner Lepper, seconded by Commissioner Carter, moved to approve the Minutes of December 19, 2023 as written. Motion carried 5-0.*

**6. ITEMS PULLED FROM CONSENT CALENDAR (if applicable):** *None*

**7. ITEMS OF INTEREST TO THE PUBLIC – NON-AGENDIZED ITEMS:** *None*

**8. WRITTEN COMMUNICATIONS – NON-AGENDIZED ITEMS:** *None*

**9. PRESENTATIONS AND EDUCATIONAL WORKSHOP SESSIONS:** *None*

**10. ENVIRONMENTAL ASSESSMENTS / PUBLIC HEARINGS:**

**10.1. Special Temporary Use Permit (TUP) 23-13: Placerville Public House Sidewalk Dining.** Consideration of a TUP application within the Central Business District Zone: (1) For a sidewalk dining area permit within the public right-of-way, adjacent to the Placerville Public House, for six (6) seats and the serving of alcohol; and (2) To find the project categorically exempt from the California Environmental Quality Act (CEQA) per CEQA

Guidelines Section 15311; Location: 301 and 305 Main Street, Placerville, CA. / APN: 001-212-014 & -013; Property Owner: Tim and Sue Taylor; Applicant: Al and Darcy Griffen, Placerville Public House. Staff: Kristen Hunter.

*Associate Planner Hunter presented the Staff Report dated February 6, 2024. Director Rivas and Associate Planner Hunter answered questions of the Commission.*

*Public comment was heard from the property owner, Sue Taylor.*

*In a single motion, Commissioner Smith, seconded by Commissioner Lepper, moved to approve Special Temporary Use Permit (TUP) 23-13 as amended; and to:*

- I. Adopt the Staff Report as part of the public record.*
- II. Make the following findings in support of the Special Temporary Use Permit (TUP) 23-13 request:*
  - 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 on the City sidewalk accessory to the existing Placerville Public House commercial business.*
  - 2. The project site, APN 001-212-014 and -013, 301 and 305 Main Street, contains a two-story commercial building included on the City's Historical Resources Inventory as well as the State Register of Historic Places, and that is located within downtown Placerville.*
  - 3. The project request as amended meets the purpose and intent of the Sidewalk Dining Regulations (Zoning Ordinance Section 10-4-19) by allowing a limited encroachment of outdoor dining within into the public right-of-way, ancillary to the adjacent Placerville Public House 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. Conditionally approve TUP 23-13 located at 301 and 305 Main Street, based on the project information and findings included in the Staff Report, and subject to the recommended Conditions of Approval, including:*
  - 1. Special Temporary Use Permit (TUP) 23-13 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 35+/- sq. ft. of the City sidewalk right-of-way, immediately adjacent to the front door of the Placerville Public House food and beverage business located at 301 Main Street. The proposed design features six (6) metal bar stools and an L-shaped butcher block table 42-inches tall. The table*

*and landscape boxes under the table act as a barrier between the seating area and the sidewalk. The layout would provide a minimum of 5 feet of unobstructed pathway between the barrier and streetscape furniture, such as the street tree and streetlight.*

*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. The applicant shall submit to the City a revised site plan showing the location of all landscape planters, barrels, tables, and chairs.*
- 3. 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 holders shall make renewal requests prior to the expiration date for renewal by the Director.*
- 4. The applicant shall comply with all Development Standards and Operational Standards under Zoning Ordinance Section 10-4-19 (F), applicable during sidewalk dining operations, as follows:*
- 5. 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 the base does not obstruct the five (5) foot 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.*

## 6. *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.*
7. *The applicant 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. The applicant shall submit a copy of the approved ABC license delineating the outside seating area.*
8. *The applicant shall obtain an Encroachment Permit (if applicable) from the City Engineer before any sidewalk dining is permitted, and shall obtain and maintain general liability insurance per Zoning Ordinance Sections 10-4-19 (I) and 10-4-19 (E), respectively.*

*Action: Motion carried 5-0 on roll call vote  
Ayes: Carter, Frenn, Kiehne, Lepper, Smith  
Nays: None*

*Absent: None*

*Chair Frenn informed the public that there is a 10-day appear period.*

- 10.2. Conditional Use Permit (CUP) 24-01: The Prospector Entertainment Venue and Bar.** Consideration of a CUP request to: (1) Operate a place of entertainment facility (e.g. live music and arcade); and (2) Find the request categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303; Location: 594 Main Street, Placerville, CA. / APN 003-171-003; Property Owner: Kenneth Bell; Applicant: Ken Bell, The Prospector. Staff: Kristen Hunter.

*Associate Planner Hunter presented the Staff Report dated February 6, 2024. Director Rivas and Associate Planner Hunter answered questions of the Commission.*

*Public comment was heard by the applicant, Ken Bell.*

*In a single motion, Commissioner Lepper, seconded by Commissioner Carter, moved to approve Conditional Use Permit (CUP) 24-01 as amended; and to:*

- I. Adopt the Staff Report as part of the public record.*
- II. Find that the Conditional Use Permit is exempt from environmental review, in that the project qualifies for a Categorical Exemption under the California Environmental Quality Act (CEQA) Section 15303 (New Construction or Conversion of Small Structures), in that the project includes the change in use/occupancy from retail to a place of entertainment within an existing structure.*
- III. Make the following findings in support of the Conditional Use Permit (CUP) 24-01 for operation of a place of entertainment within the Central Business District (CBD) zone:*
  - 1. The project site, APN 003-171-003, contains a two-story commercial building on a total of 0.06-acre parcel, located within the Central Business District (CBD) Zone.*
  - 2. The project site, Pearson's Soda Works, is listed on the National Register of Historic Places. The project does not involve any exterior modifications that would jeopardize the building's listing on the National Register of Historic Places.*
  - 3. The project site previously operated as a place of entertainment under Conditional Use Permit (CUP) 92-02 from 1992 to as late as 2016.*
  - 4. The project request is consistent with Goal C of the Land Use Section and Goal B of the Community Design Section of the General Plan, as well as all applicable provisions of Title 10 of the City Municipal Code, as the project: is within an area that is accessible by existing streets; the City's Ivy House and Mooney Public Parking Lots; would not negatively impact a sensitive uses receptor; and would repurpose and reinvigorate an existing vacant building dating back to the mid-1800s.*
  - 5. The proposed use and its operating characteristics are consistent with Zoning Ordinance Section 10-3-3 (Conditional Use Permit) as the use is not detrimental to*

*the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the project area and will not result in the creation of a nuisance.*

6. *The request is desirable for the development of the community, in that it would provide an arcade, a place of entertainment currently not offered within City-limits, and live music venue. These uses would bring people to downtown Placerville, with more potential for spill-over economic benefit to other businesses and business services within downtown and greater Placerville. Therefore, the use would not be detrimental to the general welfare of the persons residing in the immediate vicinity, the neighborhood, or the community at large.*

IV. *Conditionally approve CUP 24-01 located at 594 Main Street, based on the project information and findings included in the Staff Report, and subject to the recommended Conditions of Approval, including:*

1. *Approval of CUP 24-01, authorizing the operation of an entertainment venue and bar located at 594 Main Street (APN: 003-171-003) and within the Central Business District (CBD) Zone. Approval is limited to compliance with the project description and includes live music, dancing, classes, meetings, and an arcade.*
2. *Any deviations from the project description, conditions, or 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.*
3. *Conditional Use Permit Expiration. The CUP shall become null and void eighteen (18) months after the date of Planning Commission approval unless the authorized use is carried there on. It is the responsibility of the applicant to monitor the time limit and make diligent progress towards implementation of the project and compliance with the Conditions of Approval.*
4. *This CUP shall become null and void should the use discontinue for 18 months.*
5. *Runs with the Land. The terms and Conditions of Approval of the Conditional Use Permit (CUP) shall run with the land; shall be binding upon and be to the benefit of heirs, legal representatives, successors, and assignees of the property owner.*
6. *The CUP may be revoked, amended, or suspended by the Planning Commission under the provisions of Zoning Ordinance Section 10-3-6(D).*
7. *The applicant shall comply with the Building Division and El Dorado County Fire requirements included as Attachment 5 of the Staff Report.*
8. *The roof sign shall be immediately removed.*

9. *The windows and doors on the east side of the building shall be closed during entertainment activities and the roof vent, if not already, shall be insulated to prevent any noise from leaving via the vent.*

*Action: Motion carried 5-0 on roll call vote  
Ayes: Carter, Frenn, Kiehne, Lepper, Smith  
Nays: None*

*Absent: None*

*Chair Frenn informed the public that there is a 10-day appeal period.*

**11. CONTINUED ITEMS:** *None*

**12. NEW ITEMS:** *None*

**13. MATTERS FROM COMMISSIONERS AND STAFF**

**13.1. Staff Reports:**

*Associate Planner Hunter informed the Commission that there will not be a meeting on February 20 or March 5, 2024. March 5, 2024 is the Primary Election.*

**13.2. Planning Commission Matters:**

*Commissioner Kiehne inquired about the approved landscaping for El Dorado Irrigation District (EID). Director Rivas and Associate Planner Hunter informed the Commission that Staff has met with EID regarding the landscaping plan for replanting and possible issues with the soil.*

**13.2.1. Special Committee Report(s):**

*Commissioner Carter indicated that the memorandum may be ready for the March 19 meeting. Planning Commission discussed introducing the item on March 19 and agendaize it for action at the following meeting.*

**14. ADJOURNMENT**

*Chair Frenn adjourned the meeting at 8:07 p.m.*



Pierre Rivas, Executive Secretary  
Development Services Director