



City of Placerville

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MEMORANDUM ADDENDUM TO STAFF REPORT

Date: November 24, 2020

To: City of Placerville Planning Commission

Cc: Cleve Morris, City Manager
John Driscoll, City Attorney

From: Pierre Rivas, Development Services Director

Subject: 339 Main Street - CUP20-04 & SPR 20-04 - Therapy Stores
Revised Findings

Prior to the November 17, 2002 hearing on this matter, staff received a letter on behalf of the Placerville Downtown Association (PDA) from its attorney Patrick Soluri, dated October 30, 2020. Staff prepared a memo to the Planning Commission presenting staff's comments and responses with respect to the letter. Staff verbally read into the record additional recommended findings for the Planning Commission's consideration.

If the Commission is inclined to approve the project, staff recommends that the Commission takes the recommended actions in the staff report and makes the additional findings based on the November 12, 2020 memorandum / addendum to the staff report and staff's verbal report to include those shown here underlined added to the findings in the November 3, 2020 staff report.

RECOMMENDED ACTION:

- I. Adopt the Staff Report and make it a part of the public record.
- II. Make the following California Environmental Quality Act exemption findings for CUP20-04 and SPR20-04:

- A. This requested activity is exempt from CEQA per Guidelines Section 15061(a)(3), in that it can be seen with certainty that there is no possibility that the formula business retail use, along with the addition of one on-premise wall sign that would replace an existing wall sign in the same location, and the painting of the exterior of the site with grays and reddish orange colors would have a significant effect on the environment;
- B. This requested activity is also exempt from CEQA per Guidelines Section 15301 (Class 1- Existing Facilities), in that the proposed use will utilize an existing building with no change or alterations to the building with the exception of the change in the existing sign, along with painting the exterior using earth tone colors. The proposed use involves no negligible or no expansion of an existing use;
- C. This requested activity is also exempt from CEQA per Guidelines Section 15332 (Class 32 – In-fill development projects), in that the proposed project is consistent with the General Plan designation and applicable policies and applicable zoning district and its regulations; and the project is replacing a like kind business within a developed urban area with no value for wildlife habitat;
- D. This requested activity is exempt from CEQA per Guidelines Section 15311(a) (Class 11- On-Premise Sign), in that the proposed conditional use request includes the placement of a minor accessory wall sign that is appurtenant to the commercial retail use.
- E. The comments submitted by Philip G. King, PhD., do not provide credible or reliable factual and/or applicable information for consideration of this project and the Commission rejects said comments with respect to identification of a potential significant environmental impact resulting from the project.
- F. The categorical exemptions are appropriate based on the facts in the record and the findings that the exemptions are not negated by an exception pursuant to CEQA Guidelines, Section 15300.2. (a though f):
 - a. The project site is not environmentally sensitive as defined by the project's location. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The Theratore is a retail business proposing to locate in an existing retail building. There is no new construction except a new sign and exterior painting. These activities are insignificant in an established urban environment such as downtown Placerville.
 - b. The project and successive projects of the same type in the same place will not result in cumulative impacts: This project is a retail business which in and of itself has no cumulative impact as a retail business to the environment. There are no physical changes in the environment except for a change in signage and exterior painting. There is no substantial evidence in the record that these changes

or any other characteristic of the proposed project could result in significant adverse cumulative effects.

- c. There are no "unusual circumstances" present with respect the proposed use or setting that would result in any significant environmental effects: There is nothing unusual about a retail establishment moving into an existing retail store building in an established urban environment like downtown Placerville.

The re-occupancy of by a retail tenant in an existing, commercially zoned space with a similar type of use as is prevalent throughout the CBD is not unusual, nor is the setting of a small historic downtown with frequent business closings and re-openings. The situation of the pandemic is not unusual in that every jurisdiction in California is currently confronted with the same economic challenges.

- d. The project will not result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock, outcroppings, or similar resources, within an officially designated scenic highway: The installation of a new sign and the painting of the exterior of the building will not cause damage to any of these resources.

- e. The project is not located on a site that the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified, pursuant to Government Code section 65962.5, as being affected by hazardous wastes or clean-up problems: This subject property is not on an identified site burdened by toxic waste.

- f. The project will not cause a substantial adverse change in the significance of an historical resource. Nothing has been identified in the record to show that a substantial adverse change in the significance of an historical resource would occur with this project.

III. Make the following Findings for CUP20-04 and SPR20-04:

- A. The project site has a Central Business District General Plan Land Use and Zoning designation.
- B. The project location is an existing retail location at 339 Main Street, previously occupied by Combellack's Clothing.
- C. No changes are proposed to the physical characteristics (massing, floor area, windows, roofing or exterior stucco textures) of the buildings with the CUP20-04 and SPR20-04 Formula Business use request.

- D. One non-illuminated, raised lettered wall sign would be installed on the building's south elevation false front, centered above the marquee; the wall sign would replace in the same location and be no larger than an existing non-illuminated, raised lettered Combellack's wall sign with the CUP20-04 and SPR20-04 Formula Business use request.
- E. Painting of the exterior of the existing retail location would occur with the request, using grays and reddish orange colors.
- F. The CUP20-04 and SPR20-04 Formula Business use request is desirable, convenient and beneficial to the public, in that it would be located in pedestrian oriented downtown; it would offer a combination of clothing, clothing accessories, gift products and home décor store merchandise for retail sale to serve local residents and visitors to Placerville.
- G. The CUP20-04 and SPR20-04 Formula Business use request is in harmony with the purposes of the Central Business District General Plan designation and the goals and policies of the General Plan Land Use and Community Design Elements, in that the use would renew a commercial retail business within a building constructed in the mid-1800s; it would support downtown's primary role as a commercial area for the City; the proposed sign is consistent with City Sign Regulations for sign area; and the proposed sign is consistent with signage guidelines of design characteristics, sign placement and sign material of the City of Placerville Development Guide.
- H. The CUP20-04 and SPR20-04 Formula Business use request would not be materially detrimental to the public health, safety and general welfare nor injurious to the property or improvements in the vicinity and zone in which the site is located, in that the formula business would operate similarly to the former Combellack's commercial retail business that operated on-site for more than 100 years. The comments submitted by Philip G. King, PhD., do not provide credible or reliable factual and/or applicable information for consideration of this project and the Commission rejects said comments with respect to identification of materially detrimental impacts to the public health, safety and general welfare or injurious to the property or improvements in the vicinity and zone in which the site is located. Dr. King's comments provide only speculation and unfounded assumptions about worst-case hypothetical scenarios, not substantial evidence of any likely adverse economic effects so severe and pervasive that they could result in any significant physical impacts under CEQA.
- I. Based on the above findings and the analysis provided in staff's report dated November 3, 2020, the CUP20-04 and SPR20-04 Formula Business use request is consistent with General Plan goals and policies and the regulations and design criteria of City Code.

- IV. Based on the foregoing findings, approve CUP20-04 and SPR20-04, a request to operate a formula commercial retail business located at 339 Main Street, subject to the Conditions of Approval provided as Attachment 4 of staff's November 3, 2020 staff report.