



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

MEMORANDUM

DATE: July 7, 2009
TO: Honorable Board of Supervisors
FROM: Michael Johnson, Agency Director
**SUBJECT: ZONING TEXT AMENDMENT (PZTA T20090114)
OUTDOOR EATING AREAS**

ACTION REQUESTED

Amend Sections 17.56.190(A) (Restaurants, Outdoor Eating Areas), 17.04.030 (Definitions, "Restaurants and bars") and 17.54.060 (6) (Parking Standards, Retail Trade Uses) of the Placer County Zoning Ordinance in order to establish alternative standards for outdoor eating areas as approved by the Planning Commission.

BACKGROUND

The standards set forth by Section 17.56.190(A) (Restaurants, Outdoor Eating Areas) of the Placer County Zoning Ordinance have proven to be excessive in restricting the size of outdoor eating areas in zone districts that allow for a restaurant use. Currently, these standards restrict the outdoor dining capacity either by the percentage of the indoor dining area, number of tables, or the number of patrons. In those instances where outdoor eating areas exceed the limits set forth by this section, approval of a Minor Use Permit has been required. To address this, the Planning Department has proposed a Zoning Text Amendment to remove the capacity restrictions and the requirement for a Minor Use Permit from the Outdoor Eating Areas section of the Zoning Ordinance, and to amend this section to allow outdoor eating areas to be established as area and parking allows.

On May 14, 2009, the Planning Commission considered the proposed Zoning Text Amendment and unanimously adopted a motion (7-0) to recommend approval of this Zoning Text Amendment to the Board of Supervisors.

PROJECT DESCRIPTION

The Planning Department proposes to modify Section 17.56.190(A) (Restaurants, Outdoor Eating Areas) and amend sections 17.04.030 (Definitions, "Restaurants and bars") and Section 17.54.060(6) (Parking Standards, Retail Trade Uses) of the Placer County Zoning Ordinance in order to modify the requirements for the establishment of outdoor eating areas.

Chapter 17.56.190 (Discretionary Use Requirements) of the Placer County Zoning Ordinance is proposed to be modified as shown below. (Please note: deletions to the ordinance are illustrated with a strikeout and changes are illustrated in bold and underlined.)

Section 17.56.190(A) Restaurants, Outdoor Eating Areas

A. Outdoor eating areas. When restaurants and bars are allowed by Sections 17.06.030 et seq. (Allowable land uses and permit requirements) in the zone applicable to a site, any proposed outdoor eating areas are subject to the requirements of this section.

1. Permit Requirement. Outdoor eating areas shall be subject to those permit requirements established by this chapter for the restaurant or bar with which said areas are associated, where the outdoor eating area also conforms to the requirements of this section.

[Outdoor eating areas that do not conform to the requirements of this section (such as hot dog stands, shaved ice vendors, etc.) may be authorized by Minor Use Permit approval (see also Section 17.56.160(E) (Sales from Vehicles).]

- ~~2. Capacity of Outdoor Eating Area. An outdoor eating area shall not exceed the most restrictive of the following limits, except where authorized by Minor Use Permit approval:~~

~~a. Twenty five (25) percent of the indoor dining area of the restaurant; or~~

~~b. Five tables; or~~

~~c. A capacity of twenty (20) people.~~

- ~~2.3. Parking. Off-street parking shall be provided for use by patrons of the outdoor eating area at a ratio of one-half that required for the interior of the restaurant or bar by one parking space per four seats within an outdoor eating area, whichever is more restrictive. [See §section 17.54.060, (Parking space requirements by land use.)(ZO § 15.620)]~~

Chapter 17.04.030 (Definitions, Restaurants and bars) of the Placer County Code is proposed to be modified to include "Outdoor eating areas":

"Restaurants and bars" (land use) means restaurants, bars and other establishments selling prepared foods and drinks for on-premise consumption, as well as facilities for dancing and other entertainment that are secondary and subordinate to the principal use of the establishment as an eating and drinking place. Also includes drive-in restaurants, lunch counters, brew pubs, outdoor eating areas, wine tasting rooms not on winery premises and refreshment stands selling prepared goods and drinks for either immediate or off-premises consumption. Restaurants, lunch counters, and drinking places operated as subordinate service facilities within other establishments are not included here unless they are operated as leased departments by outside operators, includes catering services incidental to food preparation for on-site consumption. See Section 17.56.190(A) for specific use requirements applicable to restaurants with outdoor eating area.- (SIC: Group 58)

Chapter 17.54.060 (6) (Parking Standards, Retail Trade Uses) of the Placer County Code is proposed to be modified to include "Outdoor eating areas":

6. Retail Trade Uses shall provide the following number of off-street spaces, but no less than two spaces for each separate retail trade use or rental tenancy.

Retail Trade Uses	Number of Parking Spaces Required
Auto, mobile home, vehicle and parts sales	1 per 1,500 sq. ft. of use area
Building material and hardware stores	1 per 1,500 sq. ft. of use area
Farm equipment and supplies sales	1 per 700 sq. ft. of use area
Fuel and ice dealers	1 per 1,500 sq. ft. of use area
Furniture, furnishings and equipment stores	1 per 1,500 sq. ft. of use area
Grocery and liquor stores	1 per 300 sq. ft. of use area
Mail order and vending	1 per 300 sq. ft. of use area
Nursery products	1 per 1,500 sq. ft. of use area
Outdoor Retail Sales	As required by subsection (B)(1) for seasonal sales
	As required for principal use for other outdoor sales
Restaurants and bars	1 per 100 sq. ft. of floor area
Restaurants, fast food	1 per 100 sq. ft. of floor area
<u>Restaurants and bars, outdoor eating areas</u>	<u>1 per four seats within an outdoor eating area *</u>
Retail stores, general merchandise	1 per 300 sq. ft. of floor area
Roadside stands for agricultural products	1 per 100 sq. ft. of floor area
Secondhand stores	1 per 300 sq. ft. of floor area
Shopping centers	1 per 200 sq. ft. of floor area

***Seasonal outdoor eating areas established by relocating seating from the interior of the restaurant to the exterior of the restaurant that do not change the total possible number of patrons to be served shall not be required to provide additional parking required by this standard.**

PLANNING COMMISSION HEARING

On April 23, 2009, a Planning Commission hearing was held for the Zoning Text Amendment. After hearing reports from Development Review Committee staff, the Planning Commission took action to continue the public hearing. The Planning Commission directed staff to modify the proposed Zoning Text Amendment to include provisions that would allow restaurateurs to migrate existing seating from the interior of the restaurant to the exterior of the restaurant on a seasonal basis, without the requirement for additional parking. This proposal would not expand a restaurant's total eating area because there would be no *addition* of seating for the restaurant and therefore, no additional parking would be necessary.

On May 14, 2009, a second Planning Commission hearing was held for this Zoning Text Amendment. The Development Review Committee brought forward a revised proposal to accommodate the direction of the Planning Commission. This proposal included a definition for "seasonal" outdoor eating area that would be asterisked at the bottom of the parking chart for Retail Trade Uses [Section 17.54.060(6)]. The Planning Commission determined that the

revised Zoning Text Amendment satisfied their intent and therefore recommended approval of the proposed Zoning Text Amendment to the Board of Supervisors.

PARKING CALCULATIONS

At the April 23, 2009 Planning Commission hearing, the Planning Commission directed the DRC to revise the ZTA proposal for Outdoor Eating Areas to include provisions that would allow for seasonal outdoor eating areas, or as otherwise stated, seating that is brought from inside the restaurant and placed outside the restaurant with no increase to total dining capacity. The purpose of this request is to allow restaurants the flexibility to include outdoor seating without the requirement for additional parking. In order to address the Planning Commission's comments, the DRC modified the restaurants and bars outdoor eating areas [Section 17.54.060(6)] parking requirements as follows:

- Restaurants and bars, outdoor eating areas - one parking stall per four seats within an outdoor eating area *

*Seasonal outdoor eating areas established by relocating seating from the interior of the restaurant to the exterior of the restaurant that *do not* change the total possible number of patrons to be served shall not be required to provide additional parking required by this standard.

These modifications will allow restaurants to establish seasonal outdoor eating areas without the need to provide additional parking.

ENTITLEMENTS

The Placer County Zoning Ordinance currently includes a provision that requires a Minor Use Permit for the addition of outdoor eating areas that exceed the current limitations established by the "Restaurants; Outdoor eating areas" section of the Zoning Ordinance. As a part of this Zoning Text Amendment, the Planning Department proposes to remove this requirement from the Zoning Ordinance in order to establish a more simple process for the placement of outdoor eating areas. Any change to the exterior appearance of a restaurant that is located within a Design Review combining district will be required to complete a Design/Site Review Agreement, regardless of the type of outdoor seating provided (additional or seasonal). At the time that a Design/Site Review is applied for, the Planning Department will review the location of the outdoor eating area and determine the amount of additional parking required. The County's review of the new outdoor eating areas will mainly be through the Design/Site Review process, but could also include review through the building permit process.

RECOMMENDATION

Staff brings forward the Planning Commission's recommendation that the Board of Supervisors approve the Zoning Text Amendment as it relates to Outdoor Eating Areas.

FINDINGS:

1. CEQA

The proposed Zoning Text Amendment is categorically exempt from environmental review pursuant to the provisions of Section 15301 of the California Environmental Quality Act Guidelines and Section 18.36.030 of the Placer County Environmental Review Ordinance (Class 1), Existing Facilities.

2. Zoning Text Amendment

The Zoning Text Amendment is consistent with the Placer County General Plan, and will service the public's interest as highlighted in this staff report.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Community Development Resource Agency Director

EXHIBITS:

Exhibit A - ORDINANCE AMENDING THE PLACER COUNTY CODE, CHAPTER 17, ZONING TEXT AMENDMENT (PZTA 20090114) RELATED TO OUTDOOR EATING AREAS.

Copies Sent by Planning:

Michael Johnson - Community Development Resource Agency Director
Paul Thompson - Deputy Planning Director
Karin Schwab - County Counsel
Phil Frantz - Engineering and Surveying Division
Vicki Ramsey - Environmental Health Services
Andy Fisher - Parks Department
Yu-Shuo Chang - Air Pollution Control District
Subject/chrono files

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**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

Ordinance No. _____

AN ORDINANCE AMENDING THE PLACER COUNTY CODE,
CHAPTER 17, ZONING TEXT AMENDMENT (PZTA 20090114)
RELATED TO OUTDOOR EATING AREAS.

**The following Ordinance was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____,
by the following vote on roll call:**

Ayes:

Noes:

Absent:

**Signed and approved by me after its
passage.**

Chairman, Board of Supervisors

Attest:

**Ann Holman
Clerk of said Board**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF
CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1: Article 17.04.030 of Chapter 17 of the Placer County Code is amended as follows:

17.04.30 Definitions

“Restaurants and bars” (land use) means restaurants, bars and other establishments selling prepared foods and drinks for on-premise consumption, as well as facilities for dancing and other entertainment that are secondary and subordinate to the principal use of the establishment as an eating and drinking place. Also includes drive-in restaurants, lunch counters, brew pubs, outdoor

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eating areas, wine tasting rooms not on winery premises and refreshment stands selling prepared goods and drinks for either immediate or off-premises consumption. Restaurants, lunch counters, and drinking places operated as subordinate service facilities within other establishments are not included here unless they are operated as leased departments by outside operators, includes catering services incidental to food preparation for on-site consumption. See Section 17.56.190 for specific use requirements applicable to restaurants with outdoor eating area. (SIC: Group 58)

Section 2: Article 17.54.060 of Chapter 17 of the Placer County Code is amended as follows:

17.54.060 Parking space requirements by land use

6. Retail Trade Uses shall provide the following number of off-street spaces, but no less than two spaces for each separate retail trade use or rental tenancy.

Retail Trade Land Uses	Number of Parking Spaces Required
Auto, mobile home, vehicle and parts sales	1 per 1,500 sq. ft. of use area
Building material and hardware stores	1 per 1,500 sq. ft. of use area
Farm equipment and supplies sales	1 per 700 sq. ft. of use area
Fuel and ice dealers	1 per 1,500 sq. ft. of use area
Furniture, furnishings and equipment stores	1 per 1,500 sq. ft. of use area
Grocery and liquor stores	1 per 300 sq. ft. of use area
Mail order and vending	1 per 300 sq. ft. of use area
Nursery products	1 per 1,500 sq. ft. of use area
Outdoor Retail Sales	As required by subsection (B)(1) for seasonal sales As required for principal use for other outdoor sales
Restaurants and bars	1 per 100 sq. ft. of floor area
Restaurants, fast food	1 per 100 sq. ft. of floor area
<u>Restaurants, outdoor eating areas</u>	<u>1 per 100 hundred sq. ft. of outdoor eating area, or one per four seats within an outdoor eating area, whichever is more restrictive*</u>
Retail stores, general merchandise	1 per 300 sq. ft. of floor area
Roadside stands for agricultural products	1 per 100 sq. ft. of floor area
Secondhand stores	1 per 300 sq. ft. of floor area
Shopping centers	1 per 200 sq. ft. of floor area

***Seasonal outdoor eating areas established by relocating seating from the interior of the restaurant to the exterior of the restaurant that do not change the total possible number of patrons to be served shall not be required to provide additional parking required by this standard.**

Section 3: Article 17.56.190 of Chapter 17 of the Placer County Code is amended as follows:

Section 17.56.190 Restaurants.

A. Outdoor eating areas. When restaurants and bars are allowed by Sections 17.06.030 et seq. (Allowable land uses and permit requirements) in the zone applicable to a site, any proposed outdoor eating areas are subject to the requirements of this section.

1. Permit Requirement. Outdoor eating areas shall be subject to those permit requirements established by this chapter for the restaurant or bar with which said areas are associated, where the outdoor eating area also conforms to the requirements of this section.

Outdoor eating areas that do not conform to the requirements of this section (such as hot dog stands, shaved ice vendors, etc.) may be authorized by minor use permit approval (see also Section 17.56.160(E) (Sales from Vehicles).

- ~~2. Capacity of Outdoor Eating Area. An outdoor eating area shall not exceed the most restrictive of the following limits, except where authorized by Minor Use Permit approval:~~

~~a. Twenty five (25) percent of the indoor dining area of the restaurant; or~~

~~b. Five tables; or~~

~~c. A capacity of twenty (20) people.~~

- ~~2.3. Parking. Off-street parking shall be provided for use by patrons of the outdoor eating area at a ratio of one half that required for the interior of the restaurant or bar by one parking space per 100 square feet of outdoor eating area or one parking space per four seats within an outdoor eating area, whichever is more restrictive by (See Section 17.54.060 (Parking space requirements by land use).~~

Section 4: This ordinance shall be in full force and effect upon thirty (30) days after its passage. The Clerk is directed to publish a summary of this ordinance within fifteen (15) days in accordance with Government Code Section 25124.