

**PLANNING COMMISSION AGENDA  
TUESDAY, OCTOBER 10, 2023**

**6:00 P.M.**

THE CITY OF SUTTER CREEK PLANNING COMMISSION MEETING WILL BE AVAILABLE  
VIA ZOOM AND IN PERSON.

Join Zoom Meeting

<https://us02web.zoom.us/j/9568520224>

*Please note: Zoom participation is only available for viewing the meeting.*

*\*Public comment will not be taken from Zoom.\**

*or*

Dial by phone:

301-715-8592

Meeting ID: 956 852 0224

- 6:00 P.M.**
- 1. CALL TO ORDER AND ESTABLISH A QUORUM FOR REGULAR MEETING**
  - 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
  - 3. PUBLIC FORUM** – *Discussion items only, no action to be taken. Any person may address the Commission at this time upon any subject within the jurisdiction of the Planning Commission; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent meeting. Please note – there is a five (5) minute limit per topic.*
  - 4. CONSENT AGENDA** – *Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of the Commission or the Public.*
    - A. Planning Commission Minutes of September 11, 2023.  
*Recommendation: Approval of Minutes.*
  - 5. PUBLIC HEARINGS**
    - A. **SITE PLAN PERMIT - Valley View Way and Bowers Road (APN 040-020-057).**
      1. ***CONTINUED TO NOVEMBER 13, 2023*** -Public Hearing regarding Site Plan application for the development of the approximately 2.06-acre parcel on the corner of Valley View Way and Bowers Road. The project is proposed to provide

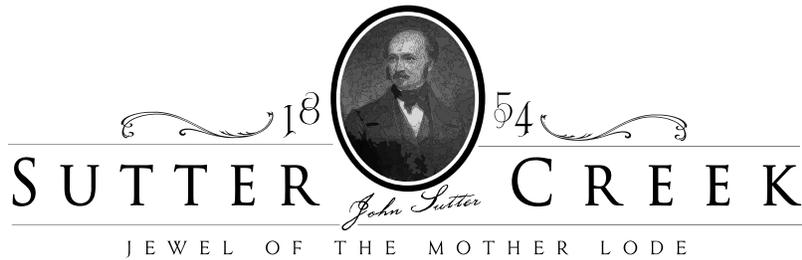
permanent supportive housing for homeless individuals and those with mental health needs.

**B. SITE PLAN PERMIT - 440 HWY 49, Mother Lode Deli**

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorical Exempt under 15301 (Existing) CEQA Guidelines; and
3. Adopt Resolution 23-24-\*\* approving a Site Plan Permit for the Mother Lode Deli to rehabilitate an existing structure based on the proposed Findings and subject to the proposed Conditions of Approval for APN 018-300-013.

**6. ADMINISTRATIVE AGENDA – None.**

**7. ADJOURNMENT**



**PLANNING COMMISSION MINUTES  
 MONDAY, AUGUST 14, 2023  
 6:00 P.M.**

- 1. **CALL TO ORDER AND ESTABLISH A QUORUM FOR REGULAR MEETING**  
 Chairman Kirkley Administered the Oath of Office to new Planning Commissioners Athena Padilla-Gordon and Lisa Ryan and called the meeting to order at 6:00 p.m.

Commissioners Present:  
 Baggett Padilla-Gordon, Macon, Ryan and Kirkley  
 Staff Present:  
 Karen Darrow and Erin Ventura

- 2. **PLEDGE OF ALLEGIANCE TO THE FLAG**  
 Chairman Kirkley led the Pledge of Allegiance
- 3. **PUBLIC FORUM- None**
- 4. **CONSENT AGENDA** – *Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of Commission or the Public.*

- A. Planning Commission Minutes of August 14, 2023.  
*Recommendation: Approval of Minutes.*
- B. Sign Permit Application: 71 Main St.: Applicant: Zita Makkos Photography  
*Recommendation: Approval of sign application as submitted*
- C. Sign Permit Application: 78 Main St.: Applicant: Rhythm and Brews  
*Recommendation: Approval of sign application as submitted*
- D. Sign Permit Application: 54 Main St.: Applicant: Serra  
*Recommendation: Approval of sign application as submitted*

**M/S Baggett/Padilla-Gordon to approve the Consent Agenda, as presented.**

**AYES: Baggett, Padilla-Gordon, Ryan, Macon and Kirkley**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: None**

**MOTION CARRIED**

**5. PUBLIC HEARINGS**

**A. Variance- 302 Eureka Street**

- 1. Conduct a public hearing and receive public input; and;
- 2. Adopt Resolution 23-24-\* approving the variance request for 301 Eureka Street.

City Planner Erin Ventura outlined current zoning restrictions and presented the staff recommendation.

Commissioner Macon asked about fence set back requirements and Commissioner Baggett asked for clarification if the previous owners had chickens since there is an existing chicken coop.

Ms. Ventura confirmed that the previous owner had livestock on the property.

Chairman Kirkley opened the Public Hearing at 6:13 p.m.

Will Cabezas, Sutter Creek resident, submitted email comments in opposition.

Sutter Creek residents Ed Struffenegger, Mary McKenzie and Elaine Struffenegger spoke in opposition.

Sutter Creek resident Terrance Beard and another neighboring resident spoke in favor.

Dylan Ely, applicant/property owner, noted his intention is to have low density livestock for 4-H and FFA projects and fire mitigation.

Chairman Kirkley closed the Public Hearing at 6:36 p.m.

Chairman Kirkley noted that neighboring properties have had animals with no complaints but over grazing, usually by horses can be a problem. The current zoning is inappropriate, and the previous owners had animals.

Commissioner Ryan stated that the previous owners had animals and she liked it.

Commissioner Baggett noted that with proper management of the animals there should not be a problem on that size lot and that it would be beneficial for fire mitigation.

Commissioner Macon noted that a setback fence should be made necessary for the protection of the animals and the neighbors and asked about irrigation plans.

Dylan Ely explained that there is irrigation to the lawn and pasture is not irrigated.

**M/S Baggett/Ryan to Adopt Resolution 23-24-03 approving the variance request for 301 Eureka Street subject to the recommended Conditions of Approval that include the amended language: *Limited to two large animals, and four small animals, plus twelve chickens are permitted on the property. No roosters are allowed.***

**AYES: Baggett, Padilla-Gordon, Ryan and Kirkley**  
**NOES: Macon**  
**ABSTAIN: None**  
**ABSENT: None**  
**MOTION CARRIED**

**6. ADMINISTRATIVE AGENDA- None.**

**ADJOURNMENT**

The meeting was adjourned at 7:01 p.m.

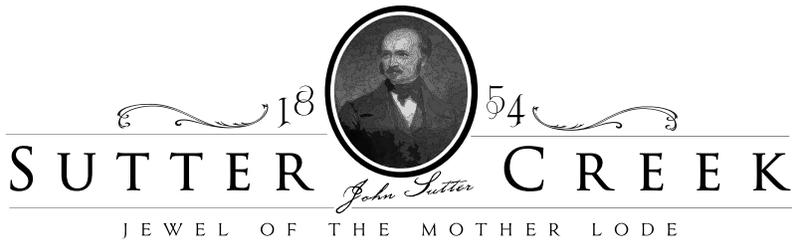
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Michael Kirkley, Chairman

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Karen Darrow, City Clerk

Date Approved:



**TO:** CITY OF SUTTER CREEK PLANNING COMMISSION  
**MEETING DATE:** OCTOBER 10, 2023  
**FROM:** ERIN VENTURA, PLANNING CONSULTANT  
**SUBJECT:** SITE PLAN PERMIT, 440 HWY 49, MOTHER LODE DELI (APN 018-300-013)

**RECOMMENDATION:**

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorically Exempt under 15301 (Existing) CEQA Guidelines; and
3. Adopt Resolution 23-24-\*\* approving a Site Plan Permit for the Mother Lode Deli to rehabilitate an existing structure based on the proposed Findings and subject to the proposed Conditions of Approval for APN 018-300-013.

**BACKGROUND:**

The applicant submitted an application for a Site Plan Permit to remodel an existing single-family dwelling into a deli/sandwich shop located at 440 Highway 49 in Sutter Creek. The project consists of interior renovations, ADA improvements and access and site work to provide the required parking. The existing structure is located on a 1.37 acre lot, accessed off of Highway 49. Only the portion of the lot fronting on Highway 49 is proposed for development at this time.

**Table 1. Relevant Summary of Proposed Site**

Description	Proposed	Meets Requirements?
Site	440 Highway 49	-
Building Plan	Addition of a ADA ramp and site improvements	Yes
Lot Size	1.37 acres/59,677 square feet	Yes
Zoning	C-2	Yes
General Plan Land Use Description	Commercial	Yes
Is this in the Main Street Historic District?	No	-
Historic District?	No	-
Parking	Parking is proposed as part of this application.	Code requires 1 space per 4 seats. The applicant is proposing 8 parking spaces. Therefore, they can have a total of 32 seats in the restaurant.
Access	Proposing one 25' entry access driveway off of Highway 49	Yes
Fencing	None proposed	-
Trees and Landscaping per 13.24.120	7 tree removals, 4 of which are oaks	Yes. 4 California Native Oaks proposed plus additional Crepe Myrtles and landscaping.

## Map 1. Aerial Photo



### **DISCUSSION:**

General Plan: The site was previously used as a single family residence which is inconsistent with the General Plan Land Use of Commercial. The applicant is proposing a commercial use, a sandwich shop/deli, in the existing building on the site. The use is consistent with the existing General Plan Land Use designation.

Zoning: The site is zoned C-2 and a restaurant is an allowed use within that zone. The proposed use is consistent with the uses of neighboring properties.

Parking: The applicant is proposing improvements to the lot that includes paving for 8 parking spaces, one of which is an accessible parking space. Sutter Creek Municipal 18.48.030 requires 1 parking space for every 4 seats in a restaurant.

Access: Access will be off of Highway 49 from an existing driveway. The applicant has been working with CalTrans on an encroachment permit and site improvements. CalTrans has reviewed the propped plans and granted the applicant an encroachment permit. A Condition of Approval has been added to ensure all requirements of the permit are met.

Landscaping: The applicant is proposing to remove 7 existing trees, 4 of which are oak trees. They are proposing to replace the 4 oak trees with new oak trees and to provide additional landscaping including Crepe Myrtles.

California Environmental Quality Act (CEQA) Guidelines: This application qualifies for a Categorical Exemption under 15301 (Existing Facilities).

**REFERRALS:**

The application was reviewed by the City Engineer, Building Inspector, and Cal Trans as part of the planning review process. The comments received have either been incorporated into the proposal or included as Conditions of Approval.

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Staff recommends approval of the Site Plan application as presented, with the following Findings and Conditions of Approval:

**FINDINGS:**

1. The proposed use of the property is essential or desirable to the public convenience or welfare.
2. The proposed use is in compliance with the Sutter Creek General Plan goals, policies, and Commercial C-2 designation.
3. The proposed use will not impair the integrity and character of the zoning district because the use is consistent with activities within the C-2 Zone and the existing adjacent uses.
4. The proposed use would not be detrimental to public health, safety or general welfare because appropriate conditions of approval have been attached to the project.
5. The proposed use of the property implements the Sutter Creek General Plan and the purposes of the Planning Title.

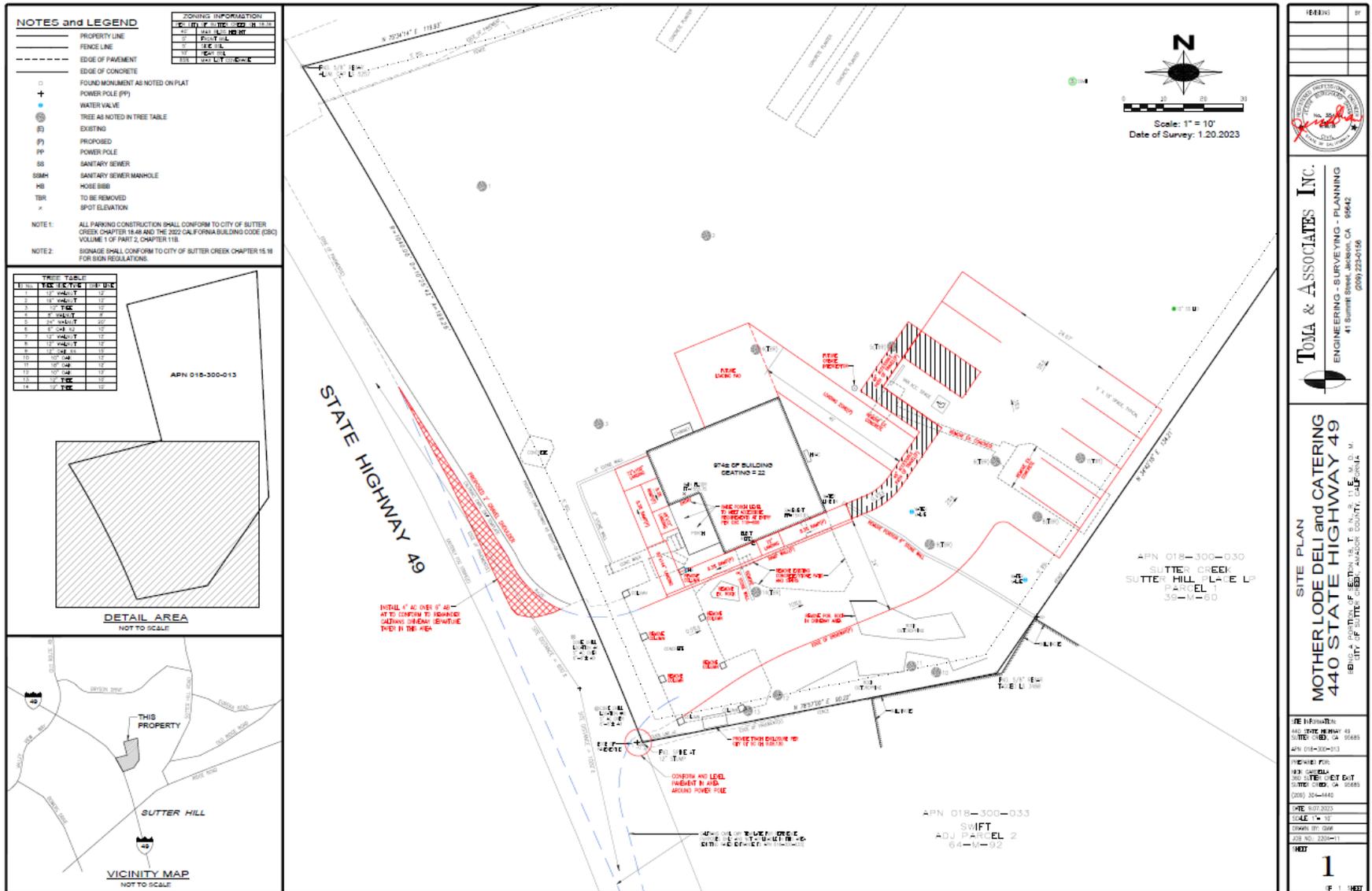
**CONDITIONS OF APPROVAL:**

1. The applicant shall provide 4 replacement trees on the property. The size and type shall be approved prior to final building permit approval.
2. Relocate the trash enclosure outside of the 5' setback. Provide additional details regarding materials and size.
3. Provide a lighting plan for review prior to issuance of building permit.
4. Applicant shall provide approval from Amador Water Agency
5. Applicant shall provide approval from the City's wastewater engineer for the proposed use.
6. The applicant shall receive approval from Sutter Creek Fire Department.
7. Any proposed signage must be approved prior to installation.
8. A final grading, utility and improvement plan shall be prepared by a licensed professional for review and approval by City staff.
9. A drainage study shall be provided which includes analysis of existing down gradient facilities, proposed conduits, diversion ditches and swales. The drainage study and proposed improvements must conform to City Standards (including onsite project detention) and be subject to review and approval of the City Engineer.
10. Encroachment, driveways, and parking shall be a hard surface either Hot mix asphalt or Portland cement concrete.
11. Maintain a valid City of Sutter Creek Business License.
12. Meet the requirements of the Amador Water Agency and health department for Water Service.
13. Meet the requirements for City Sewer Service.
14. Meet all requirements of the CalTrans encroachment permit.
15. If there is a change in the exterior colors or materials of the existing building, additional review may be required.
16. There shall be no temporary canopies or tents or modular buildings of any kind on the property without a site plan review by the Planning Commission.

**EXHIBIT A  
440 Highway 49  
APPLICATION**

<b>City of Sutter Creek</b> 18 Main Street Sutter Creek, CA 95685 209-267-5647 www.cityofsuttercreek.org		RECEIVED: <u>7-11-22</u> FEE PAID: <u>\$1600.00</u>
<b>Submission Requirements</b> 1- Application* 2- Map* 3- Fees (Refer to current fee schedule. All Fees must be paid at City Hall) *All documentation must be submitted via the application portal on the City website		
<b>SITE PLAN APPLICATION</b> Page 1 of 8		
<b>Project Applicant:</b> Name: <u>NICK GARDELLA</u> Mailing Address: <u>36 MAIN ST</u> City: <u>JACKSON</u> State: <u>CA</u>		Phone: <u>209 304-4440</u> Email: <u>MUTHER LOBE MARKER</u> <u>@HOTMAIL.COM</u> Zip: <u>95642</u>
<b>Property Owner:</b> Name: <u>NICK GARDELLA / ALMA IVIGAS</u> Mailing Address: <u>36 MAIN ST</u> City: <u>JACKSON</u> State: <u>CA</u>		Phone: _____ Email: <u>MUTHER LOBE MARKER</u> <u>@HOTMAIL.COM</u> Zip: <u>95642</u>
Is this person the project contact? If not, please specify who the contact person is. Name: <u>RANDY KORSICANAU</u> Email: <u>RA222975</u> Mailing Address: <u>PO BOX 1946 SUTTER CREEK CA 95685</u> Email: <u>RKORAN@COM</u>		
<b>Project Location:</b> APN: <u>018-300-013-0000</u> Project Address: <u>440 HWY 49 SUTTER CREEK</u>		
Is this located in the Historic District? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please see checklist for Design Review.		
Deer References (book and page): _____		
General description of location: <u>2 ACRES FRONTING CRR HWY 49</u>		
Zoning District: <u>C-2</u> General Plan Land Use Designation: _____		
Applicant certification, signature(s), and agreement to pay application processing costs.		
I hereby certify that the statements furnished herein and on any attached pages present the data required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.		
I hereby certify that I own or am the authorized representative of the owner of the land hereby requesting Certificate of Compliance approval and that I am aware of and do agree to pay the hourly rates as established by Resolution of the City of Sutter Creek for the time spent by the City staff as necessary to process, review and provide consultation to the City concerning this application. I am also aware that said hourly charges are in addition to all fees required for preliminary review and administration and may also include charges to monitor compliance with conditions of approval if my request is approved.		
Printed Name: <u>RANDY KORSICANAU</u>	Signature: 	Date: <u>7-11-22</u>

# Site Plan



**RESOLUTION 23-24-\***

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF SUTTER CREEK APPROVING THE SITE PLAN  
FOR APN 018-300-013 AT 440 HIGHWAY 49**

**WHEREAS**, on the Planning Commission of the City of Sutter Creek did on Tuesday October 10, 2023, hold a public hearing for a site plan application for the remodeling of an existing building for use as a deli (Mother Lode Deli); and

**WHEREAS**, the Planning Commission did at said public hearing receive a report from the planning staff, receive input from the Applicant and members of the public in attendance at said public hearing, and at the closing of said public hearing did deliberate and consider the same; and

**WHEREAS**, the Planning Commission does find the proposal is exempt from environmental review as a Class 15301 (Existing Facilities) Categorical Exemption under CEQA.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Sutter Creek hereby approves a Site Plan Permit for APN 018-300-013 based on the following Findings:

1. The proposed use of the property is essential or desirable to the public convenience or welfare.
2. The proposed use is in compliance with the Sutter Creek General Plan goals, policies, and Commercial C-2 designation.
3. The proposed use will not impair the integrity and character of the zoning district because the use is consistent with activities within the C-2 Zone and the existing adjacent uses.
4. The proposed use would not be detrimental to public health, safety or general welfare because appropriate conditions of approval have been attached to the project.
5. The proposed use of the property implements the Sutter Creek General Plan and the purposes of the Planning Title.

**BE IT FURTHER RESOLVED** the Planning Commission hereby approves the Site Plan Permit, subject to the following Conditions of Approval:

1. The applicant shall provide 4 replacement trees on the property. The size and type shall be approved prior to final building permit approval.
2. Relocate the trash enclosure outside of the 5' setback. Provide additional details regarding materials and size.
3. Provide a lighting plan for review prior to issuance of building permit.
4. Applicant shall provide approval from Amador Water Agency
5. Applicant shall provide approval from the City's wastewater engineer for the proposed use.
6. The applicant shall receive approval from Sutter Creek Fire Department.
7. Any proposed signage must be approved prior to installation.
8. A final grading, utility and improvement plan shall be prepared by a licensed professional for review and approval by City staff.
9. A drainage study shall be provided which includes analysis of existing down gradient facilities, proposed conduits, diversion ditches and swales. The drainage study and proposed improvements must conform to City Standards (including onsite project detention) and be subject to review and approval of the City Engineer.
10. Encroachment, driveways, and parking shall be a hard surface either Hot mix asphalt or Portland cement concrete.
11. Maintain a valid City of Sutter Creek Business License.
12. Meet the requirements of the Amador Water Agency and health department for Water Service.
13. Meet the requirements for City Sewer Service.
14. Meet all requirements of the CalTrans encroachment permit.
15. If there is a change in the exterior colors or materials of the existing building, additional review may be required.

16. There shall be no temporary canopies or tents or modular buildings of any kind on the property without a site plan review by the Planning Commission.

**PASSED AND ADOPTED** by the Planning Commission of the City of Sutter Creek on Monday the 10th day of October, 2023 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

**THE CITY OF SUTTER CREEK**

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**Michael Kirkley, Chairman**

**ATTEST:**

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**Karen Darrow, City Clerk**