PLANNING COMMISSION
MONDAY, FEBRUARY 12, 2018
COMMUNITY BUILDING
33 CHURCH STREET
Sutter Creek, California
7:00 P.M.

AGENDA

1. Call to order at 7:00 p.m.

2. The Pledge of Allegiance.

3. PUBLIC MATTERS NOT ON THE AGENDA
   Any person may address the Planning Commission regarding matters not on the agenda and within the purview of the Commission.

4. INFORMATION/CORRESPONDENCE – For Information Only.
   A. Monthly Calendar – February, March, April 2018.

5. PLANNING COMMISSION MATTERS
   A. Approval of Sign Permit – Le Mulet Rouge – 59 Main Street (APN 018-154-004)
      Zoning = Downtown Commercial (DTC). Request for approval of one (1) double sided sign <16 sq.ft. and window lettering of 1.213 sq.ft. = Total 17.213 sq.ft.

6. PUBLIC HEARINGS - 7:00 P.M. OR AS SOON THEREAFTER AS THE MATTERS MAY BE HEARD. Discussion/Action.
   A. HOME OCCUPATION USE PERMIT – TOM RHOADES
      290 GOLD STRIKE COURT – APN 018-331-016
      Tom Rhoades has submitted an application for approval of a Home Occupation Permit to conduct a home office for two separate businesses. 1) Inventory Management Hardware and Software Sales, 2) Solar and Solar Water Heater Sales. The Commission will review the findings, conditions of approval, and CEQA compliance and provide direction to staff.
   B. CONDITIONAL USE PERMIT – VACATION RENTAL - JUAN CARLOS YSALGUE
      225 PATRICIA LANE – APN 018-281-002
      Juan Carlos Ysalgue has submitted an application for a Conditional Use Permit to use his three-bedroom/two-bath single family home as a vacation rental unit. The Commission will review the findings, conditions of approval, and CEQA compliance and provide direction to staff.

REPORTS
   A. Planning Commissioner Reports– Discussion Item Only
   B. Design Review Committee Update – Discussion Item Only
   C. Planning Department Reports – Discussion Items Only

ADJOURNMENT

The next meeting of the Planning Commission will be held on Monday, March 12, 2018.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact City Hall staff at (209) 267-5647 or (209) 267-1655(fax).

Requests must be made as early as possible and at least two-full working days before the start of the meeting.

Any writing that is distributed to a majority of the Commission by any person in connection with an agenda item is a disclosable public record (subject to any exemption under the Public Records Act) and is available for inspection at City Hall, 18 Main Street, Sutter Creek, CA 95685 during regular business hours.

Any public documents distributed to the Commission less than 72 hours prior to a meeting will be posted at City Hall.
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STAFF REPORT

TO: PLANNING COMMISSION
MEETING DATE: FEBRUARY 12, 2018
FROM: MARY BETH VAN VOORHIS, ADMINISTRATIVE ANALYST
SUBJECT: SIGN PERMIT APPROVAL – LE MULET ROUGE
59 MAIN STREET, SUTTER CREEK, APN 018-154-004

RECOMMENDATION:
Planning Commission approval of a sign permit application for Le Mulet Rouge Wine Tasting at 59 Main Street for one, double sided, hanging sign, totaling <16 sq.ft. and window lettering totaling 1.213 sq.ft. for a total signage request of 17.213 sq.ft.

BACKGROUND:
Applicant Jody Yehle, Le Mulet Rouge, is seeking approval for signage @ 59 Main Street (APN 018-154-004) for one 4’ x 2’ (8 sq.ft.), double sided = <16 sq.ft. total, hanging sign which will be hang by chains at the front of the building along with front window lettering of 58.25” x 6” = 2.427/2 = 1.213 sq.ft. for a total signage request of 17.213 sq.ft. Zoning = Downtown Commercial / Historic District.

DISCUSSION:
Chapter 15.16 of the Municipal Code regulates signs within the City of Sutter Creek. Chapter 15.16.070 regulates signage within the Historic District which Le Mulet Rouge Wine Tasting is located. Pursuant to Chapter 15.16.070(F) the aggregate area of all signs of any one business shall not exceed twenty-five square feet, Chapter 15.16.070(E) limits the largest individual sign to sixteen square feet in area. As previously mentioned, the proposed hanging sign is 4’ x 2’ (8 sq.ft. per side) and is double sided (8 x 2 = 16 sq.ft.) and window lettering of 1.213 sq.ft. for a total signage request of 17.213 sq.ft. The proposed sign colors are a rusted metal background with antique white lettering for the largest portion of the sign with a printed mule graphic on the end. Window lettering will also be antique white. The bottom of the sign must provide a minimum of 8’ clearance from the pavement. No additional signage for this business at this location is requested. The remaining balance for signage at this location is 7.787 square feet.

ENVIRONMENTAL:
The project is Class 11 CEQA exempt based on section 15311(a) On-premise signs. No further environmental review is required.

BUDGET IMPACT:
None.
Parcel Map Location
018-154-004
59 Main Street

59 Main Street

(formerly Lizzy Anne Bubble Gum Bookstore)
SIGN PERMIT APPLICATION

Date Submitted: 11/23/16              Received By:      Check No.: 112-1    Fee Paid: $90.00

July 1, 2017

NOTE: PROVIDE ALL APPLICABLE INFORMATION OR THE PLANNING COMMISSION MAY NOT BE ABLE TO TAKE ACTION.

APPLICANT NAME: LE MULIT ROUGE, JODY YEHELE
TELEPHONE: 209-267-8538
BUSINESS NAME: 2m3Ys LLC DBA LE MULIT ROUGE
TELEPHONE: 209-245-3150
BUSINESS MAILING ADDRESS: 85 MAIN ST. MOVING 2/22/18
BUSINESS SITUUS ADDRESS: 69 MAIN ST SUTTER CREEK, CA 95685

(Assigned City Address) Nearest Cross Street: SPANISH ST.

ASSessor PARCEL NUMBER WHERE BUSINESS IS LOCATED: 019-154-004

PURSUANT TO THE SIGN ORDINANCE, WHICH DISTRICT IS THIS BUSINESS LOCATED:
Historic District (Downtown Main St) / Historic Corridor (Downtown but off Main St) / Commercial or Industrial Zone

SIGNS TO BE PREPARED BY: DESIGNER: JOLENE STARK; FABRICATOR: RHINO DESIGN STUDIOS

BUILDING FRONTAGE @ PRIMARY ENTRANCE:

EXISTING SIGNS TO BE UTILIZED FOR THIS BUSINESS:
(INCLUDE NUMBER OF SIDES AND DIMENSIONS FOR EACH SIGN)

PROPOSED SIGNS: FOR EACH PROPOSED SIGN ATTACH A SKETCH PHOTO SHOWING THE FOLLOWING:
(CHECK EACH BOX UPON COMPLETION)

☐ Sign design: Window vinyl, hanging ID (Attached lettering and graphics, drawn to scale)
☐ Type of Materials to be used: Luminore / OSB (briefly describe)
    Vinyl, acrylic

☐ Total signage requested: 19.75 Sq.Ft.
☐ Method of attachment: chain

☐ Total allowable signage: 25 Sq.Ft. (Per Sign Ordinance)
☐ Total number of sides: 2

☐ Location of sign(s): Window, door, window, hanging sign attached to eave.
☐ Colors: Rust, antique white (Including letters, graphics, & background)

I hereby certify that I am the Owner of the business applying for this Sign Permit (or the Owner’s authorized representative) and agree to abide by the requirements of the Sutter Creek Sign Ordinance as codified in Chapter 15.16 of the Sutter Creek Municipal Code.

[Signature]

Property Owner Approval of proposed signage:

PROPERty OWNer SIGNATURE 11/23/16

The signs proposed under this Sign Permit Application meet the requirement of the Uniform Building Code (where applicable).

[Signature]

BUILDING INSPECTOR 12/16/16

PLANNING COMMISSION ACTION:

APPROVED: (VOTE)       DENIED: (VOTE)     MEETING DATE: ____________

18 Main Street  Sutter Creek, CA 95685  Telephone (209) 267-5647  Fax (209) 267-0639
MEETING DATE: February 12, 2018
FROM: Mary Beth Van Voorhis, Administrative Analyst
SUBJECT: HOME OCCUPATION PERMIT – Tom Rhoades
290 Gold Strike Court (APN 018-331-016) Sutter Creek, CA 95685
Inventory Management Hardware and Software & Solar/Solar Water Heater Sales
Zoning = R1 (Single Family Residential)
General Plan Land Use Designation = RSF (Residential Single Family)

RECOMMENDATION:
1) Conduct a public hearing and receive public input, and;
2) Approve Resolution #17-18-* for a Home Occupation Permit with the attached Conditions of Approval for Tom Rhoades, to conduct a home office for Inventory Management Hardware and Software and Solar/Solar Water Heater sales.

BACKGROUND:
Tom Rhoades has submitted the attached application for a Home Occupation Permit to conduct a home office for two separate businesses. 1) Inventory Management Hardware and Software Sales, 2) Solar and Solar Water Heater Sales.

The home based business will be located at 290 Gold Strike Court (APN 018-331-016). The property is zoned Single Family Residential (R-1) and carries a Residential Single Family (RSF) General Plan Land Use Designation.

Parcel Map
Chapter 18.08.260 describes a Home Occupation as “an occupation carried on by the occupant of a dwelling as a secondary use in connection with a personal business in which there is no display; no stock in trade nor commodity sold upon the premises; no person employed on the premises; and no mechanical equipment on the premises used except such electrical or electronic devices utilized for the business. Also includes individuals who conduct ‘telecommuting’ in conjunction with regular employment”.

The procedures outlined in Municipal Code Chapter 18.06 have been met; however, Municipal Code Chapter 18.60.050 – Home Occupation Use Permits directs applications for a home occupation use permit to be processed in the same manner as site plan permits pursuant to Chapter 18.50. The issue with processing under Chapter 18.50 is that 18.50.020(A) states “provisions of this chapter shall apply to all R-3, R-4, commercial and industrial zones” and the application before the Commission is for a single family residence in the R1 zone.

DISCUSSION:

The application meets the standards established in Chapter 18.08.260 and this Chapter does not limit the zone in which a home occupation may be conducted. The procedures of Chapter 18.60.050 have been met including processing per Chapter 18.50. The Staff interprets that the application meets the requirements of the zoning code for Home Occupations and the processing requirements of Chapter 18.50. The staff recommends that the requirement of 18.50.020 (A) is not applicable to the processing of Home Occupation permits. It is recommended the Planning Commission approve the Home Occupation permit and direct the City Attorney to review the provisions of the Municipal Code and recommend modifications to clarify the processing of Home Occupation permits.

The project qualifies for a California Environmental Quality Act Categorical Exemption under Section 15300.1 – Ministerial Projects.

BUDGET IMPACT:

No impact.
City of Sutter Creek

HOME OCCUPATION PERMIT APPLICATION

Name of Applicant: TOM RHOADES Phone # 209-267-8288
Address: 290 GOLD STRIKE COURT City SUTTER CREEK State CA

Property Owner (if different than applicant) 018-331-0146
Address: __________________________ City _________ State _______

APPLICANT: I swear that all statements contained herein are true and correct, and it is my intention to pursue the following home occupation:
HOME OFFICE FOR DCSI AND ACR SOLAR. NO INVENTORY ON SITE AND NO SIGNAGE TO BE UTILIZED. DCSI SELLS INVENTORY MANAGEMENT HARDWARE AND SOFTWARE AND ACR SOLAR SELLS PV SOLAR AND SOLAR WATER HEATERS

Signed: __________________________ Date: 1/11/2018

PROPERTY OWNER AUTHORIZED AGENT: I have read this application, and consent to its filing.
Signed: __________________________ Date: __________________________

Information to be completed by Community Development Department

Home Occupation Permit No: __________________________
Fee: $175 $50 Receipt No. CK# 5020 $225
Zoning: R1 General Plan (land use designation): LSF
Date Approved: __________________________ By: __________________________
Date Business License Approved: __________________________
Notes: __________________________
City of Sutter Creek

HOME OCCUPATION PERMIT AND CONDITIONS OF APPROVAL

Your application for Home Occupation Permit No.________ to operate a business within your residence is hereby approved subject to the following conditions:

1) The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.

2) The approval of this permit constitutes approval only to the extent that the project complies with the City of Sutter Creek Zoning Ordinance Section 18.60.050 and 18.50 and other applicable City of Sutter Creek Municipal Code regulations.

3) Discarded items, junk or inoperable machinery shall not accumulate or be stored on the property.

4) The home occupation activities shall be limited as follows:
   A. There shall be no exterior evidence of the conduct of the home occupation, including, but not limited to, deliveries, outside storage, electrical interference, dust, smoke, vibration, noise, odors, or fumes.
   B. It is conducted in the home, an attached garage, or in a residential accessory building.
   C. It shall be conducted only by persons residing at the dwelling unit in which the home occupation exists. Employees not residing at the dwelling unit shall be prohibited from working on the property, or meeting at the property for business purposes.
   D. It will generate no customer vehicle trips.

5) The permit shall not be transferable if ownership of the property changes.

6) No advertisement signs shall be allowed for this project.

7) If any of the above conditions are violated, revocation proceedings to revoke your permit will be initiated immediately.

APPLICANT

I, ________________________________, the undersigned and applicant for Home Occupation Permit No.________ located at 290 GOLD STRIKE COURT, SUTTER CREEK, CA 95685

Assessor’s Parcel No. ________________________________, do hereby agree to all of the conditions stated above.

[Signature]

1/11/2018

Date
City of Sutter Creek
Planning Commission
RESOLUTION NO. 17-18-**
A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SUTTER CREEK
APPROVING
A HOME OCCUPATION PERMIT FOR
Tom Rhoades
@ 290 Gold Strike Court – APN 018-331-016

WHEREAS, the Planning Commission of the City of Sutter Creek did on Monday, February 12, 2018 hold a public hearing on a Home Occupation Permit for Tom Rhoades at 290 Gold Strike Court (APN 018-331-016); 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 in compliance with Section 15300.0 - Ministerial Projects; and

WHEREAS, the Planning Commission does find the Project is consistent with the General Plan and Zoning Code.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Sutter Creek hereby approves a Home Occupation Permit for 290 Gold Strike Court by Tom Rhoades based on the Findings attached hereto as "Exhibit A," and subject to the Conditions of Approval attached hereto as "Exhibit B."

PASSED AND ADOPTED by the Planning Commission of the City of Sutter Creek on this Monday the 12th Day of February 2018 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

____________________________
Frank Cunha, Chairman

____________________________
Mary Beth Van Voorhis, Administrative Analyst
EXHIBIT A

FINDINGS

1. The proposed use of the property is essential or desirable to the public convenience or welfare because it will continue to provide local-related service to the community.

2. The proposed use is in compliance with the Sutter Creek General Plan goals and policies.

3. The proposed use will not impair the integrity and character of the zoning district because the use is permitted within the R1 - Single Family Residential Zone.

4. The proposed use meets the standards established in Chapter 18.08.260.

5. The procedures of Chapter 18.60.050 have been met including processing per Chapter 18.50.
EXHIBIT B

CONDITIONS OF APPROVAL

1) The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.

2) The approval of this permit constitutes approval only to the extent that the project complies with the City of Sutter Creek Zoning Ordinance Section 18.60.050 and 18.50 and other applicable City of Sutter Creek Municipal Code regulations.

3) Discarded items, junk or inoperable machinery shall not accumulate or be stored on the property.

4) The home occupation activities shall be limited as follows:
   A. There shall be no exterior evidence of the conduct of the home occupation, including, but not limited to, deliveries, outside storage, electrical interference, dust, smoke, vibration, noise, odors, or fumes.
   B. It is conducted in the home, an attached garage, or in a residential accessory building.
   C. It shall be conducted only by persons residing at the dwelling unit in which the home occupation exists. Employees not residing at the dwelling unit shall be prohibited from working on the property, or meeting at the property for business purposes.
   D. It will generate no customer vehicle trips.

5) The permit shall not be transferable if ownership of the property changes.

6) No advertisement signs shall be allowed for this project.

7) Maintain a valid City business license.

8) If any of the above conditions are violated, revocation proceedings to revoke your permit will be initiated immediately.

If the use or activity by this planning permit is, or has been unused, abandoned, or discontinued for a period of twelve months, said planning permit shall become null and void and of no effect.