



MEMORANDUM

City of Angels Planning Commission

Date: October 9, 2025

To: City of Angels Planning Commissioners

From: Amy Augustine, AICP - City Planner

Re: Resolution 25-14 (A or B) Finding of Architectural Conformity and Conditional Use Permit with Sign Permit for 49er Eats

RECOMMENDATION:

The Planning Commission may take one of the following actions:

1. Approve the project with conditions as proposed [Resolution 25-14A] – Attachment C
2. Approve the project with amendments to conditions as proposed [Resolution 25-14A] – Attachment C
3. Deny the project [Resolution 25-14B] – Attachment D

Note: Appeals of planning commission decisions may be made to the city council. If the applicant or any aggrieved party is dissatisfied with the decision of the planning commission, he/she may, within ten calendar days of the date of the decision, appeal to the city council. The appeal must be filed in writing with the city clerk, stating what action is being appealed and stating the reasons for appeal. An appeal must be accompanied by the appropriate fee as established by the city council. The current fee is \$714.00. Failure to provide the fee with the appeal invalidates the appeal.

PROJECT DESCRIPTION:

OWNER: Roland Wheeler, Trustee et al.

APPLICANT: Roland and Nancy Wheeler

LOCATION: 1104 South Main Street (Upper Level off SR 49)

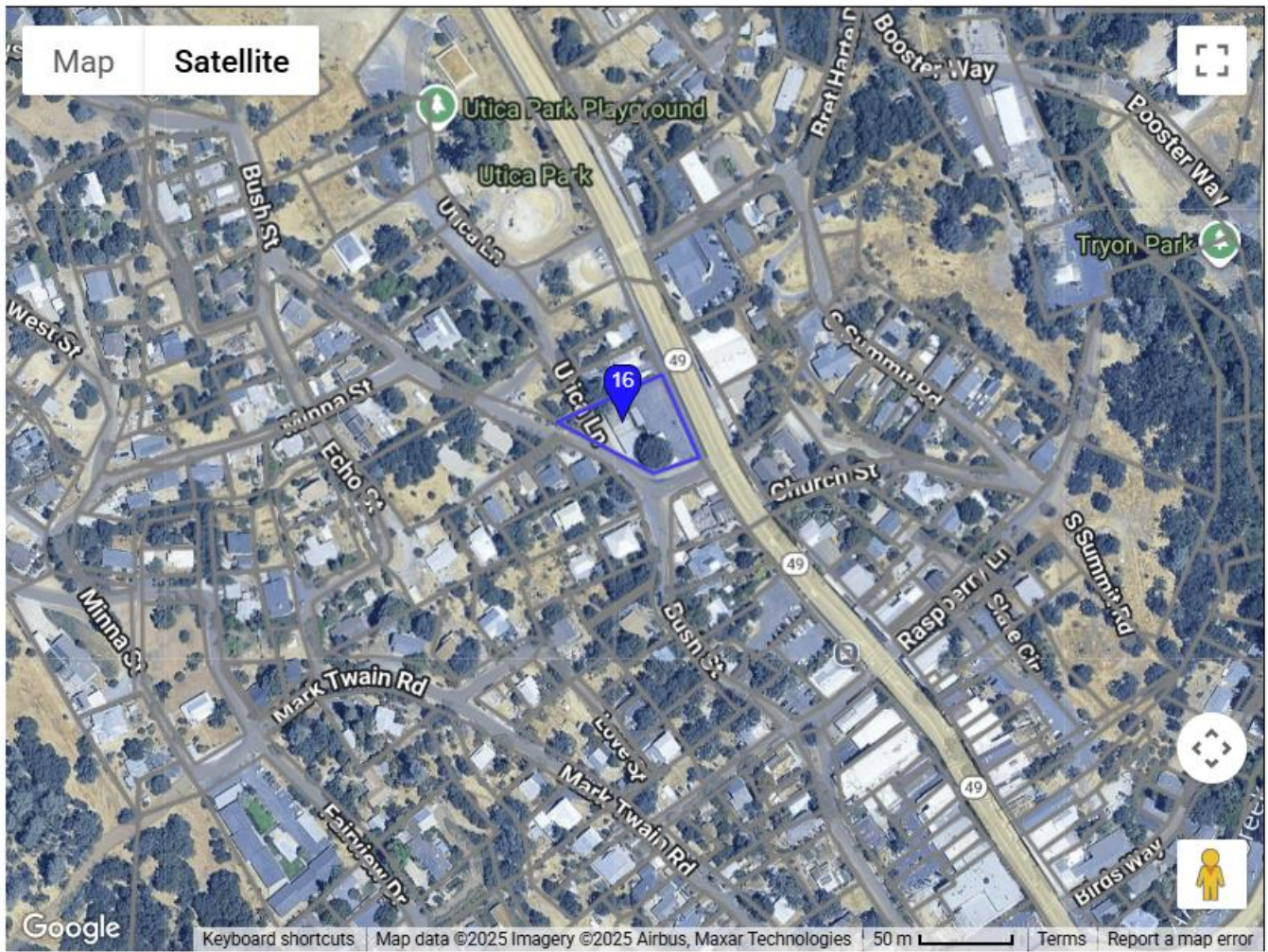
**ASSESSOR'S
PARCEL NO.:** 060-010-025 and a portion of 060-010-024 (southwest side of Utica Lane)

**GENERAL PLAN/
ZONING:** Historical Commercial (HC)

PROJECT DESCRIPTION:

Finding of Architectural Conformity and Conditional Use Permit with a Sign Permit for four food trucks, picnic tables and parking. The proposed sign will use the existing sign configuration and sign. A short portion of the existing building façade will be demolished (**Figure 2**). Please refer to attached site plan and project description (**Figures 3-5**). See Also Attachment A, project proponent's application.

Figure 1: Project Location



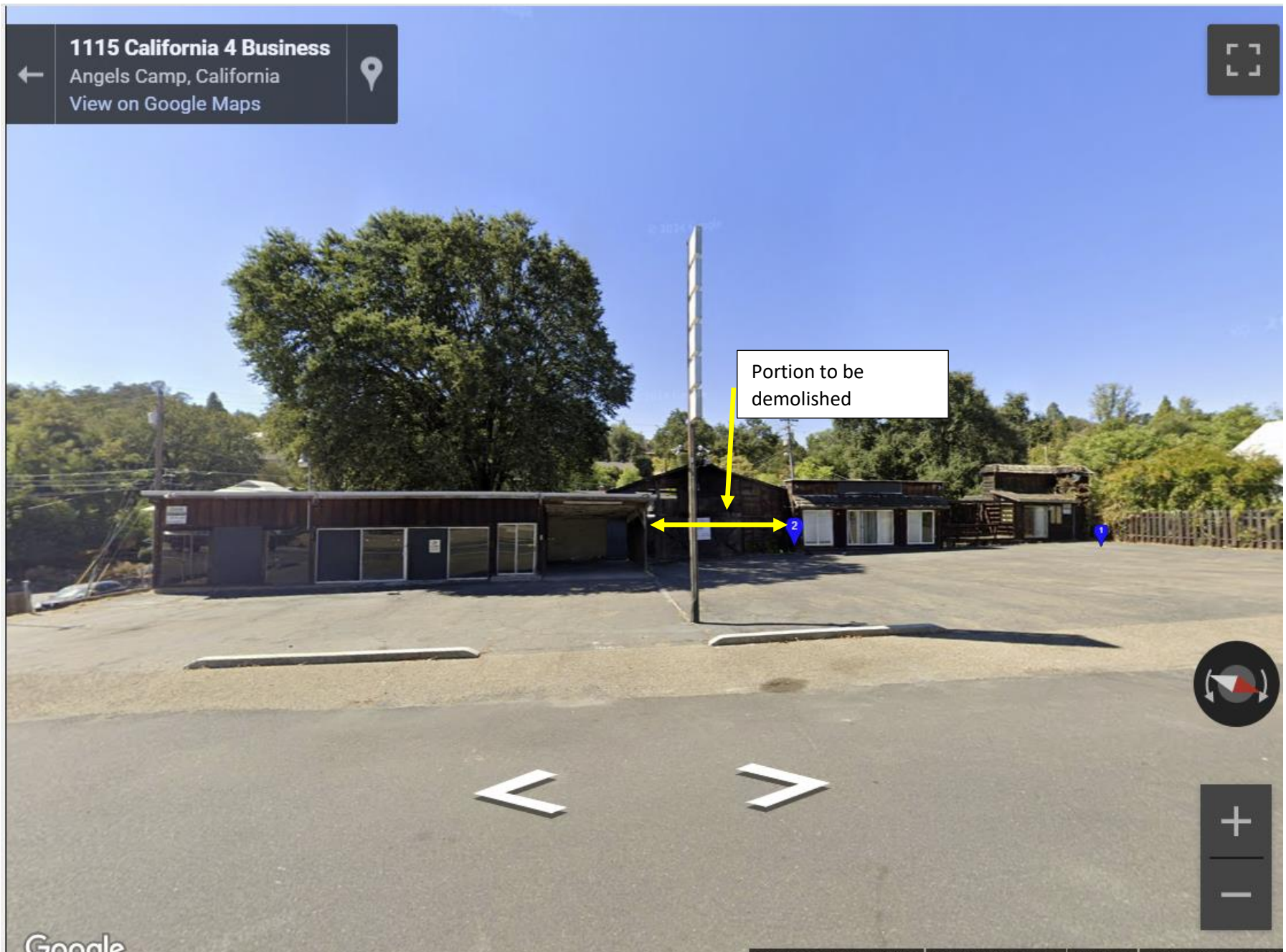


Figure 2: Project site view from SR 49

Figure 3: Site Plan (per applicant)

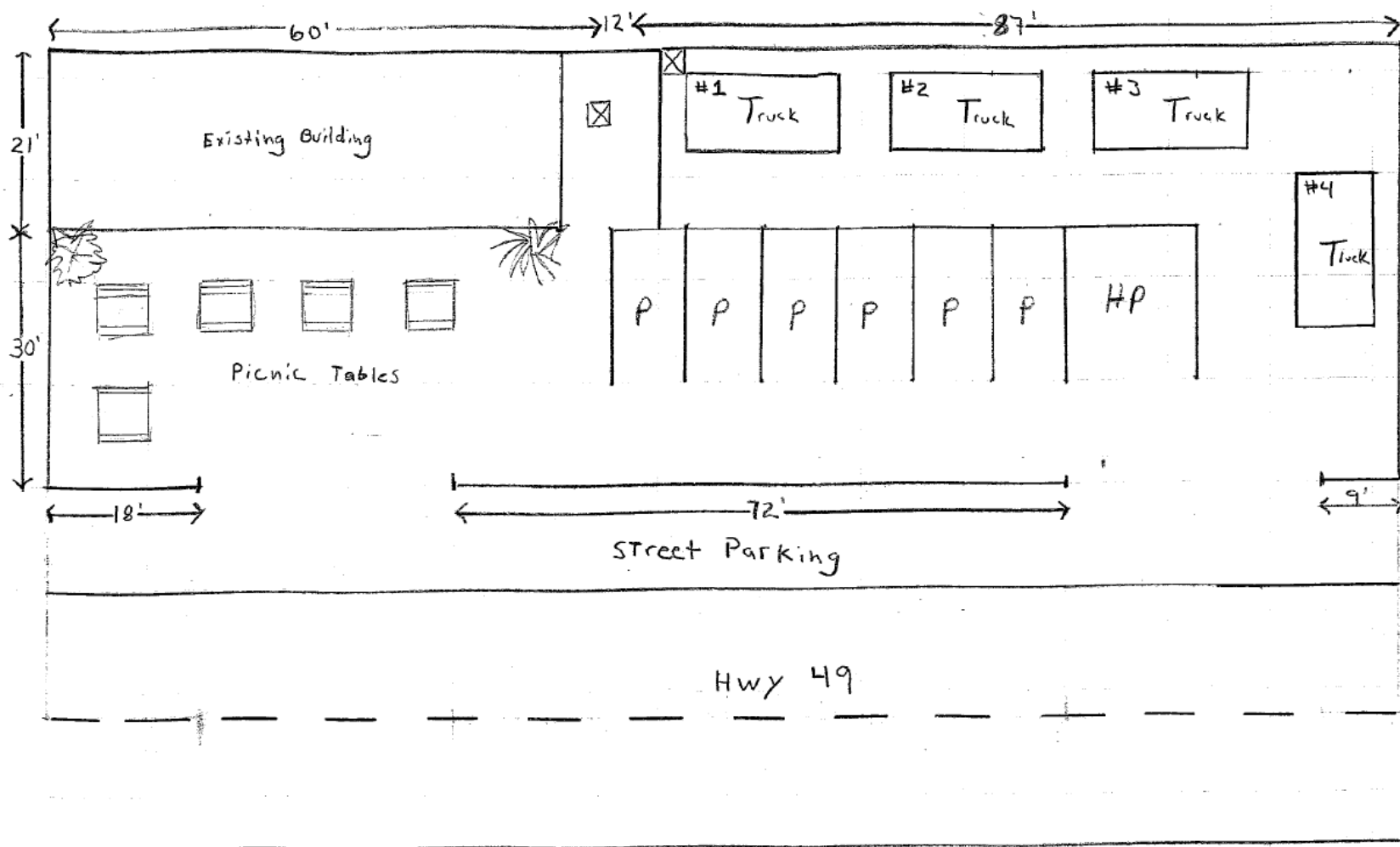


Figure 4: Alternative Site Plan (Option 1)



Figure 5: Alternative Site Plan Option 2



BACKGROUND:

The project parcel (Parcel 1 below) is tiered with two levels. The upper level (the proposed project) borders SR 49. The lower level (bordering Utica Lane), has a boxing gym. The landowner also owns the adjacent parcel (Parcel 2). A portion of Parcels 1 and 2 extend to a portion of a “triangle” that is currently used for neighborhood parking and is adjacent to a City owned parcel within the same “triangle.” Vegetation on the “triangle” has recently been cleared. Lines on the following map are not precise. A portion of the triangle could be used for additional parking for the project.



Figure 6: Off-site parking

ANALYSIS:**FINDING 1: CONSISTENCY WITH AMC SECTION 17.26.040(F)**

The Planning commission must first consider whether or not the use is allowable pursuant to a conditional use permit pursuant to Angels Municipal Code Section 17.26.040(F).

The property is zoned Historical Commercial (HC). The Angels Municipal Code Section 17.06.070 classifies food trucks as mobile food vendors. Mobile food vendors currently are allowed with an administrative conditional use permit in the Community Commercial (CC), Shopping Center Commercial (SC) and Business Attraction and Expansion (BAE) zoning districts. The use was not included in HC district under mobile food vendors during code amendments addressing mobile food vendors, based on an assumption that a finding of architectural conformity could not be made in the HC zoning district for

mobile food vendors, except for their use during temporary special events only (e.g., events of 1-2 days occurring once or twice annually).

Therefore, the proposed use is not a permitted use in the HC zoning district. The use is not specified as a conditional use in the HC zoning district. However, the municipal code has provisions for the planning commission to consider uses not listed as conditional uses if the following findings can be made per AMC Section 17.26.040(F):

- F. Historical retail business conducted on the premises and that is not objectionable due to noise, odor, dust, smoke, vibration or similar causes and which does not contain more than three thousand square feet of floor area or that employs more than five persons at any one time such as bakeries, print or photocopy shops, dry cleaners, electronic appliance repair shops, shoe repair, flower shops, upholstery shops, cabinet shops and other uses considered to be similar in the opinion of the planning commission.*

Historical



The concept of food trucks began with chuckwagons serving cowboys on cattle drives and began appearing in urban areas in the early 1900s as shown in the following photo circa 1919.

Therefore, mobile food vendors may be considered an historical retail business.

Odor

The City of Angels currently permits two “full time” food vendors (one in the Community Commercial zoning district and one in the Shopping Center Commercial zoning district). Neither has been a source of odor complaints. Odor complaints could be associated with improper or inadequate waste disposal. The proposed project includes, as conditions of project approval, garbage disposal requirements. Therefore, odors are not anticipated to be an issue with the proposed use with approval of the attached conditions.

Noise, vibration

Food vendors could use generators, which create vibrations and noise. However, the landowner has agreed that all food vendors will operate from electrical outlets on site and not use generators (except during power outages). The permit for this project proposes conditions to specify use of electrical outlets rather than generators. Therefore, vibrations and noise are not anticipated to be objectionable with approval of the attached conditions.

Dust, smoke

The site is paved, and dust generally is not generated by food vendors based on the nature of the use. Therefore, dust is not anticipated to be objectionable. Some smoke can exit the food truck during cooking, but in small quantities and soon dissipates for food trucks operating in compliance with state regulations (as required herein). Therefore, smoke is not anticipated to be objectionable.

Not more than 3,000 square feet nor more than 5 employees

Food trucks do not generally exceed 24' X 10'. Therefore, 4 trucks are expected to total approximately 1,000 square feet. Each truck is expected to be operated by the owner plus one employee (i.e., a total of 4 employees). Therefore, the proposed use may be found to comply with this criterion.

Based on the preceding, the Planning Commission may find that the use is a consistent use with a conditional use permit pursuant to AMC Section 17.26.040(F).

FINDING 2: FINDING OF ARCHITECTURAL CONFORMITY

Pursuant to AMC Section 17.26.080 a finding of architectural conformity is required for this use as follows:

*All buildings or structures which may hereafter be constructed or altered as to their exterior appearance, situated within the historical commercial district and fronting upon the streets or alleys within or bounding said district, shall as to their exterior appearance within public view substantially conform with the Mother Lode **architectural** style. A determination of conformity with the Mother Lode **architectural** style, as defined in Chapter [17.09](#), shall be made by the planning commission unless otherwise specified.*

Per AMC Chapter 17.09, the Mother Lode Style of Architecture is defined as:

*"Mother Lode **architectural** style" shall mean any one of the multiple **architectural** styles exhibited in Angels Camp. The historically and **architecturally** significant buildings in Angels Camp are diverse in style, as well as in method and period of construction. They were built of stone, brick, frame, and concrete and had sidings of brick, wood, stucco, and plaster. The **architectural** styles represented include: Greek Revival, Neoclassical, Italianate, Queen Anne, False-Front Commercial, Craftsman, Spanish Eclectic, and Art Deco.*

Denial:

Modern food vendor trucks are generally brightly colored and are not made of materials defined as the “Mother Lode Architectural Style.” Should the Planning Commission determine that the proposed use is not consistent with the “Mother Lode Style of Architecture,” the proposed use would be denied based

on a finding that the project does not conform with the Mother Lode Style of Architecture (Resolution 25-14B).

Approval:

Alternatively, the Planning Commission may determine that the project substantially conforms with the Mother Lode Style of Architecture due to the addition of the following historical elements to be incorporated into the site plan:

- A. *Split rail fencing along the site boundaries (see site plan)*
- B. *Landscaping (trees in wine barrels or alternative approved planters made of stone, wood, metal) along the site perimeter (see site plan)*
- C. *Prohibit temporary signs except that the following is permitted:*
 - i. *One "A" Frame signs and/or one menu sign exceeding 10 square feet total for both signs, consistent with HC design standards would be permitted immediately adjacent to each food truck.*
 - ii. *Each food truck is required to apply for and secure a sign permit for any sign used for the food truck prior to installation. Food trucks may apply singly or as a group for their sign permit. No moving signs or signs prohibited per the AMC shall be approved.*
- D. *Restricting permanent signage to the single "49er Eats" sign proposed*
- E. *Wooden picnic tables*
- F. *Umbrellas for picnic tables using colors in the Benjamin Moore Historical Color Palette*
- G. *Outdoor portable toilets are prohibited.*
- H. *The landowner is responsible for ongoing maintenance of landscaping and picnic tables*
- I. *Covered, commercial trash disposal to be located out of view of SR 49 (See site plan)*
- J. *Require all on-site lighting to be aimed downward onto the site*

Should the Planning Commission determine that the proposed use is consistent with the "Mother Lode Style of Architecture," based on the preceding (or as may be amended by the Planning Commission), the proposed use would be approved based on a finding that the project conforms with the Mother Lode Style of Architecture subject to attached conditions (Resolution 25-14A).

FINDINGS 3: CONDITIONAL USE PERMIT FINDINGS A- F

Pursuant to 17.78.010 of the AMC, the purpose of a conditional use permit is to allow public review and City discretion in the control of certain uses which may be necessary, but which may cause public concern, affect property values or disturb the character of a neighborhood if they are not carefully located or designed. The use permit process is necessary to carry out review and exercise discretion over this category of potentially inappropriate or incompatible uses. Conditional use permits may be approved or denied by the planning commission. Pursuant to AMC Section 17.78.030, the following findings are required for issuance of a conditional use permit:

- A. The proposed use is consistent with the City of Angels Municipal Code; and
- B. The proposed use is consistent with the City of Angels general plan; and

- C. The proposed use will not overburden existing municipal facilities; and
- D. The size and terrain of the parcel are suitable for the proposed use; and
- E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood;
- F. The proposed use and design are consistent with adopted city design standards, codes, adopted city short- and long-range plans, and accepted planning and engineering practices.

Finding A: The proposed use is consistent with the City of Angels Municipal Code

Pursuant to Angels Municipal Code 17.26.040(F), the use requires a conditional use permit. As discussed under Finding 1, this finding can be made.

Pursuant to AMC Section 17.26.080, a finding of architectural conformity is required. This finding may be pursuant to Finding 2.

Approval of this proposed conditional use permit and a finding of architectural conformity would make the proposed use consistent with the Angels Municipal Code subject to the proposed project conditions and Finding A could be made.

Finding B: The proposed use is consistent with the City of Angels general plan

Applicable general plan goals, policies, and programs focus on cultural resources preservation, economic development and community design. Applicable General Plan 2020 goals, policies and programs include:

Goal 8B *Maintain the cultural heritage of Angels Camp through the enlightened management, preservation, use, enhancement, restoration, rehabilitation and study of its cultural resources.*

Policy 8.B.2 *Assist in retaining the special character of historic buildings, structures and districts and promote compatible development within historic districts by providing flexible development standards to encourage preservation of historic buildings, structures, sites and districts.*

Goal 10A *Maintain and enhance the city's economic vitality while conserving the city's social, cultural, environmental, and aesthetic resources.*

Policy 11.A.1 *Integrate the varied local issues and needs of all sectors of the community (e.g., business, government, health, environment) in community design, to the maximum extent feasible.*

Policy 11.A.2 *Conserve the city's natural, scenic and cultural resources.*

Policy 11.A.3 *Encourage new development to blend with the existing landscape and streetscape.*

Finding 2, Finding of Architectural Conformity for the project, addresses consistency with the character of the Historical Commercial (HC) District. As noted, the Planning Commission may approve or deny the project based largely on its consistency with the character of the HC District and whether or not attached conditions are sufficient to make the proposal compatible with the HC District.

Policy 10.A.1 *Encourage a mixture of uses and activities that will maintain the vitality of the downtown area.*

Relative to economic development, the proposed use could add to the mix of uses downtown and encourage economic vitality.

Based on the preceding, Finding B could be made.

Finding C: The proposed use will not overburden existing municipal facilities

The project was reviewed by the local and state agencies. Those agencies identified the following:

Engineering:

Waste (e.g., wastewater) is generated by food trucks. It can often include extensive grease. Food trucks can haul waste off-site for disposal. In practice, food trucks frequently dump waste down the nearest drain in violation of state law and City code.

Because of this, the City Engineer is requiring the following prior to opening for business – both are included as conditions of project approval:

1. Clarify location where kitchen wastewater will be disposed.
2. Wastewater must be discharged in a sewer service line that includes a grease trap which has been sized by a professional engineer to satisfy the expected load. See Grease Trap Detail SS-8 of the City Standards. Identify location of sewer service and grease trap.
3. In addition, the City Engineer requested submittal of a new parking plan identifying parking spaces and circulation aisles noting that the applicant's submittal does not appear to show enough space to park and back out. The plans shall further identify circulation for vehicular traffic ingress and egress. Staff have proposed a conceptual alternative parking and circulation design currently under review. As noted, the plan will need to be provided to Caltrans for review and comments.
4. The existing site shall be compliant with ADA grades, parking, food truck areas, and picnic table areas. An ADA plans shall be provided prior to commencing business showing accessible routes to each truck and to the picnic area.

Caltrans:

Caltrans reviewed the proposed project and responded:

1. The City should continue to coordinate with Caltrans to address pedestrian safety and cumulative transportation impacts.
2. The project shows two access points. Caltrans recommends removing the access 18 feet to the north of the intersection of SR 49/Pine and keeping the second access 130 feet north of the intersection of SR 49/Pine.

Caltrans further requests an exhibit showing the corner sight distance and stopping sight distance at the entry point per Chapter 200 and Chapter 400 of the Caltrans Highway Design Manual for the proposed access point on SR 49 for Caltrans review.

3. Caltrans recommend that the project proponent install a sidewalk adjacent to SR 49 in order to enhance the safety of the pedestrian walking in and out of the proposed project site. The proposed sidewalk and access point will need to be design up to current Caltrans standard.
4. An encroachment permit will be required for any work that needs to done within the State Right of Way (ROW).

In response, staff provides the following:

Access Staff is proposing an alternative site layout that removes the encroachments nearest SR 49/Pine and substitutes one-way ingress/egress at the two encroachments furthest from SR 49/Pine. This alternative has not been reviewed and approved by Caltrans. Prior to opening for business, the applicant is required to submit an amended exhibit to Caltrans showing the proposed ingress/egress.

Prior to opening for business, the applicant shall provide the requested exhibit to Caltrans showing the corner sight distance and stopping sight distance at the entry point per Chapter 200 and Chapter 400 of the Caltrans Highway Design Manual for the proposed access point on SR 49 for Caltrans review.

Pursuant to AMC 12.20.120, Curbs, gutters and **sidewalks** shall be installed along all portions of State Highways 49 and 4 for any new construction and for any enlargement of an existing building on any parcel that adjoins State Highway 49 or 4 and along all city streets when commercial buildings are newly constructed, and when existing commercial buildings are enlarged. In this particular case, the food trucks are not considered new construction. Therefore, at this time, sidewalks fronting the property are not being required. However, at such time as a more permanent construction project is proposed, sidewalks will be required pursuant to 12.20.120.

At this time, no work within the Caltrans ROW is proposed. The project will be conditioned to state that any work in the State ROW shall require an encroachment permit from Caltrans.

Building

Building notes that demolition of a portion of the façade on site (Figure 2) will require a demolition permit, or waiver and installation of a 42" high railing/barrier to replace the façade and prevent falls from the drop-off that will exist post demolition.

The City's Chief Building Official reviewed the project for issues related to ADA compliance and concurs with the condition included by the City Engineer.

Calaveras County Environmental Health Department

Food trucks must have a current commissary agreement on file with the Calaveras County Environmental Health Department

In addition, it is noted that on-site bathrooms for customers are not required. A restroom for employees is required within 200 feet (Health and Safety Code 114250). The restroom exists at the adjacent boxing gym. Employees will be provided with a key for access. A pathway of travel

for employees to the bathroom will be required in an updated site plan required prior to opening for business.

Subject to the proposed conditions, Finding C can be made.

Finding D: The size and terrain of the parcel are suitable for the proposed use

The site is flat and paved. The parking configuration in **Figure 3** does not allow for safe ingress/egress nor are the parking spaces and parking aisles sufficient. To address this, staff are providing two alternative site layouts. Dependent upon the site layout adopted, the size of the site can be made sufficient to support the proposed use including parking and ingress egress (**Figure 4** and **Figure 5**).

Adoption of site layouts in **Figure 4** or **Figure 5** would allow for this finding to be made.

Finding E: Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood

Landowners within 300 feet were notified of the proposed project. Three responses were received. Attachment A includes the responses. One approved of reusing the vacant space. One expressed concerns related to traffic. One expressed concerns about noise, including loud music.

The City Engineer reviewed the proposed project and stated that the proposed ingress and egress does not provide sufficient area for entering and exiting parking spaces. Staff recommends amending the project's ingress and egress as per **Figures 4** or **5**. This ingress/egress would allow for one-way in and one-way out with sufficient (24 ft wide) drive aisles on both sides of parking spaces. No backing up would be necessary. Therefore, traffic conflicts would be minimized.

Noise is addressed, in part, in Finding 1 (i.e., limited use of generators). The application does not include playing music. Because residences do exist within hearing distance of the project site and it is outdoors, excluding outdoor music is included in the conditions of project approval. Therefore, noise will be minimized.

Based on the preceding, Finding E can be made.

Finding F: The proposed use and design are consistent with adopted city design standards, codes, adopted city short- and long-range plans, and accepted planning and engineering practices.

Yards, spaces, walls, fences, landscaping

Pursuant to AMC 17.26.060, site development standards in the HC zoning district are:

Development Standard	Complies, Does not Comply, Not Applicable (N/A)
Minimum lot area for new lots, 2,500 square feet	N/A - No new lot is proposed. Existing lot is 0.57± acre (24,829± square feet) and complies. Of this, approximately 11,076 square feet would be used for the proposed project.
Impervious surfaces, 50% maximum	N/A - No changes to existing building coverage are proposed, therefore, the project complies
Maximum building height, 40 feet	N/A No changes to existing building height are proposed, therefore, the project complies. None of the proposed food trucks will exceed 40 feet in height.

Development Standard	Complies, Does not Comply, Not Applicable (N/A)
Lot width: Per planning Commission on a case-by-case basis	No changes to lot size are proposed, therefore, the project complies
Lot depth: Per planning Commission on a case-by-case basis	No changes to lot size are proposed, therefore, the project complies
Front, Rear, Side setbacks - Per planning Commission on a case-by-case basis.	None of the proposed food trucks will be placed closer to the front parcel boundary than five feet to ensure site distance is maintained at the project exit. The Planning Commission may alter this setback if determined necessary.

Parking

Parking in the Historical Commercial Zoning District is governed by AMC Section 17.69.110 as follows:

- B. New Development, Expansions beyond Existing Building Footprints, Changes in Use to Mixed Use. Expansions, new development, changes of use involving mixed uses on parcels zoned HC or within the historical commercial district boundaries as described in Section [17.26.010](#) regardless of zoning shall be treated as a shopping center and provide parking at a ratio of one parking space per two hundred fifty square feet of new gross floor area added, except as follows:*

Only square footage for new gross floor area added shall be included in calculations to determine parking requirements for expansions.

For this project, the addition of up to 1,000 square feet of food trucks requires a minimum of four parking spaces. Four parking spaces, including one handicapped space, are required for the project.

However, it is noted that, with four vendors, 100% of the new parking spaces will be used. Therefore, as a condition of project approval, off-site parking for business owners and employees is being required off-site as follows:

Per AMC 17.69.110:

- C. Parking requirements for uses in the historic commercial zone or district may be provided using one or more of the following:*

- 1. Off-street parking provided on a noncontiguous, separate parcel or parcels subject to all of the following requirements:*
 - a. The off-street parking shall be approved as part of the land use permit and comply with all applicable standards of Chapter [17.63](#) (Landscaping) and this chapter.*
 - b. The parcel(s) on which the parking is proposed to be provided shall be located within three hundred feet from the parcel containing the use the parking is intended to serve.*
 - c. The review authority shall find that it is not feasible to provide the required off-street parking on the parcel containing the use due to existing site conditions.*
 - d. The parcel(s) on which the parking is proposed to be provided is under the control of the same business or ownership entity as the parcel containing the use, and a deed restriction is recorded in the Calaveras County recorder's office on the parcels. The deed restriction shall prohibit the conveyance or transfer of the parcels separately from each other during the period the use is operating.*

As previously noted, and shown in **Figure 6**, the landowner owns an adjacent parcel, and a portion of the project parcel extends across Utica Lane to a "triangle." A condition of project approval shall

require employees and business owners to park off-site at the triangle, except temporarily for unloading.

Landscaping and Fencing

The site is paved and joins SR 49 (paved). Therefore, landscaping will necessarily have to be in planters and sized accordingly. As noted under Finding 2, landscaping in barrels or similar planters could be a tool used in support of a Finding of Architectural Conformity by the Planning Commission for this use. Staff recommends that wine barrels or similar planters approved by the Planning Commission, or staff, made of wood, stone, or metal be used in the locations shown on the project "Alternative" Site plans (**Figures 4 and 5**). Staff recommend planting trees in the barrels and planting six evenly spaced barrels in the locations shown in **Figures 4 and 5**.

Recommended trees include, but are not limited to, 5-gallon flowering crabapple, Japanese maple, Bay, or other tree approved by the City prior to planting.

For the same reason, rustic fencing, such as split rail surrounding the project site, also is identified as a tool that could be used in support of a Finding of Architectural Consistency. This provision is included in the project's conditions of project approval.

Proper implementation of the proposed conditions could allow Finding F to be made.

ENVIRONMENTAL ANALYSIS

The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state and City guidelines for the implementation of CEQA pursuant to Section 15303, Class 3 (Conversion of small structures) and 15332, Class 32 (in-fill development) of the guidelines. The project includes a commercial structure not involving the use of significant amounts of hazardous substances and not exceeding 2500 square feet in floor area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The site is surrounded by development on all sides. None of the exceptions in Section 15300.2(a-f) apply as described in the following:

The site was previously a used car lot. No cultural or biologically significant resources exist on the site. The project will not remove any trees or rock/stone outcrops along a scenic highway.

ATTACHMENTS:

- A. Project Proponent Statement in Support of Application
- B. Adjoining Landowner Responses
- C. Planning Commission Resolution 25-14 A with conditions of project approval
- D. Planning Commission Resolution 25-14 B with findings for denial

Attachment A
Project Proponent Statement in Support of Application

49er Eats – Conditional Use Permit Application

Address: 1104 S. Main Street, Angels Camp, CA 95222

Applicants: Roland True Wheeler & Nancy Airola Wheeler

Zoning: Historic Commercial (HC) Zone

1. Project Description

The proposed project is the creation of **49er Eats**, a permanent food truck lot in the Historic Commercial Zone of Angels Camp. The project will occupy an existing paved lot measuring approximately **159 feet in width** and **51 feet in depth** on the southern side, with an existing building measuring **60 feet wide by 21 feet deep** fronting the street. In front of this building, the remaining **30-foot-deep by 60-foot-wide** paved space will be converted into a picnic seating area with tables.

A **12-foot-wide by 21-foot-deep** carport is located immediately north of the existing building. The site will be configured to accommodate up to **four food trucks**, arranged to maintain safe circulation and maximize customer access.

The **picnic area** will feature seating and landscaping elements — including shrubs, trees, and decorative barrel planters — to beautify the space and blend with the historic character of downtown.

2. Site Features and Utilities

- **Restroom Access:** Employees will have access to an existing restroom inside the warehouse building. This restroom is for employee use only and will not be available to the public.
- **Lighting:** LED string lighting will be installed from existing 49er light poles to provide energy-efficient illumination for evening operations.
- **Electricity:** Provided via existing on-site electrical hookups.
- **Trash & Recycling:** Service provided by Cal Waste, with bins located on the west side of the property adjacent to the warehouse.

3. Signage

The existing 49er pole sign at the front of the property will be preserved and updated to display **"49er Eats"** vertically on both sides. The sign will be backlit to improve visibility without increasing glare to adjacent properties.

4. Hours of Operation

- **Daily:** 10:00 AM – 9:00 PM

5. Justification & Findings

1. Consistency with the General Plan & Zoning

- The project is located in the Historic Commercial (HC) Zone, where food service uses are conditionally permitted.
- The design preserves historic structures, maintains existing building facades, and does not alter permanent exterior architectural features.

2. Compatibility with Surrounding Uses

- The lot is located along a commercial corridor that already supports restaurants, retail, and tourism-based activities.
- The addition of landscaped seating and tasteful lighting will improve the pedestrian experience and strengthen the local economy.

3. Public Convenience & Necessity

- The project will provide a safe, convenient dining option for residents and visitors, increasing foot traffic for surrounding businesses.
- The inclusion of four food trucks allows for a rotating variety of cuisine, enhancing community dining options.

4. Minimization of Negative Impacts

- Employee-only restroom facilities are provided without burdening public facilities.
- Trash and recycling will be handled by a contracted waste service, with containers screened from public view.
- Noise levels will be consistent with typical restaurant activity, and operations will end by 9:00 PM.

6. Environmental Checklist Summary

- **Aesthetics:** No permanent building changes; new landscaping will enhance the streetscape.
- **Traffic/Parking:** No significant increase beyond existing commercial use; on-site and street parking available.
- **Noise:** Operations limited to 10 AM – 9 PM, keeping activity within acceptable commercial noise levels.
- **Utilities:** No new infrastructure required; existing utilities will be used.
- **Historic Resources:** No disturbance or alteration of historic buildings or features.

7. Site Plan Narrative

The site plan shows four food trucks positioned along the primary paved lot with safe pedestrian walkways connecting to the picnic seating area. Decorative landscaping will be added to the seating space, with possible trees for shade. The existing building to the south will remain, with the employee restroom located inside the warehouse. The existing 49er pole sign will be updated and remain in its current location.

Attachment B
Adjoining Landowner Responses



COMMUNITY DEVELOPMENT

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

PROJECT: 49er Eats – Conditional Use Permit

Date: 9-5-25

Contact Person: Bill Waid

Contact Phone/E-mail: 736-2168

Comments: Bad idea. Will cause Traffic problems

CHECK HERE IF YOU WISH TO BE NOTIFIED OF THE PUBLIC HEARING FOR THIS PROJECT TENTATIVELY SCHEDULED FOR 10/9/25 Please provide your e-mail address for notification:

Please submit your comments by September 8, 2025, to the following:

Amy Augustine, AICP – Contract City Planner
City of Angels Camp
200 Monte Verda, Building B
P.O. Box 667
Angels Camp, CA 95222
planning@angelscamp.gov
(209) 736-1736 / (209) 743-2323 (cell)



HOME OF THE JUMPING FROG



COMMUNITY DEVELOPMENT

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

PROJECT: 49er Eats – Conditional Use Permit

Date: 9.8.25

Contact Person: Lorena Darby

Contact Phone/E-mail: 209 736 1691

Comments: I'm concerned about noise.
We are a residential area all around
this piece of property so I don't
think we need loud noises or
music being played. I hope they
plan on being a good neighbor.

Thank you

Lorena Darby

☒ CHECK HERE IF YOU WISH TO BE NOTIFIED OF THE PUBLIC HEARING FOR THIS
PROJECT TENTATIVELY SCHEDULED FOR 10/9/25 Please provide your e-mail address for
notification: lorena.fiscus74@att.net

Please submit your comments by September 8, 2025, to the following:

Amy Augustine, AICP – Contract City Planner
City of Angels Camp
200 Monte Verda, Building B
P.O. Box 667
Angels Camp, CA 95222
planning@angelscamp.gov
(209) 736-1736 / (209) 743-2323 (cell)



HOME OF THE JUMPING FROG



COMMUNITY DEVELOPMENT

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

PROJECT: 49er Eats – Conditional Use Permit

Date: 9/7/25

Contact Person: Sandy Price

Contact Phone/E-mail: mothernature@me.com

Comments:

Would be good to see this

dead space used again.

Please approve!

Sandy Bob-634-6024

CHECK HERE IF YOU WISH TO BE NOTIFIED OF THE PUBLIC HEARING FOR THIS PROJECT TENTATIVELY SCHEDULED FOR 10/9/25 Please provide your e-mail address for notification:

Please submit your comments by September 8, 2025, to the following:

Amy Augustine, AICP – Contract City Planner
City of Angels Camp
200 Monte Verda, Building B
P.O. Box 667
Angels Camp, CA 95222
planning@angelscamp.gov
(209) 736-1736 / (209) 743-2323 (cell)



HOME OF THE JUMPING FROG

Attachment C
Resolution 25-14A and Conditions of Project Approval

**CITY OF ANGELS
PLANNING COMMISSION**

Resolution No. 25-14A

**RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS PLANNING
COMMISSION FOR**

**CONDITIONAL USE PERMIT WITH SIGN PERMIT AND FINDING OF ARCHITECTURAL
CONFORMITY 49ER EATS
1104 SOUTH MAIN STREET**

APNS: 060-010-025 AND A PORTION OF 060-010-024 (SOUTHWEST SIDE OF UTICA LANE)

WHEREAS, the City received an application for food trucks at 1104 South Main Street; and

WHEREAS, the City of Angels Municipal Code requires that such development requires a conditional use permit; and

WHEREAS, the City of Angels Municipal Code requires that such development requires the Planning Commission to make a finding of architectural conformity for the project within the historical commercial zoning district:

WHEREAS, at a duly noticed public hearing the Planning Commission heard and considered public input on the proposed project;

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Angels hereby approves the Conditional Use Permit and makes a Finding of Architectural Conformity based on the following findings and subject to the attached conditions:

1. The project is consistent with the Mother Lode Style of Architecture and, therefore the Commission makes this Finding of Architectural Conformity; and
2. Conditional Use Permit
 - A. The proposed use is consistent with the City of Angels Municipal Code; and
 - B. The proposed use is consistent with the City of Angels general plan; and
 - C. The proposed use will not overburden existing municipal facilities; and
 - D. The size and terrain of the parcel are suitable for the proposed use; and
 - E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood;
 - F. The proposed use and design are consistent with adopted city design standards, codes, adopted city short- and long-range plans, and accepted planning and engineering practices.

3. Environmental

G. The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state and City guidelines for the implementation of CEQA pursuant to Section 15303, Class 3 (Conversion of small structures) and 15332, Class 32 (in-fill development) of the guidelines.

The foregoing resolution was introduced and moved for adoption October 9, 2025, by

_____ and duly seconded by Commissioner _____.

PASSED AND ADOPTED THIS 9th day of October, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Broeder, Chairman

ATTEST:

Caytlyn Schaner, City Clerk

City of Angels

CONDITIONS OF PROJECT APPROVAL

CONDITIONAL USE PERMIT FOR 49ER EATS

Finding of Architectural Conformity and Conditional Use Permit with a Sign Permit for four food trucks, picnic tables and parking

THIS IS NOT A BUILDING PERMIT

1. This conditional use permit, Finding of Architectural Conformity and sign permit is issued for 49er Eats allowing four food trucks, picnic tables and parking in compliance with the site plan as approved by the Planning Commission on October 9, 2025, and subject to these attached conditions.
2. To the fullest extent permitted by law, Applicant shall defend, indemnify, and hold harmless City and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, any applicable Permit, or subsequent City approvals. Applicant's duty to indemnify and hold harmless shall not extend to any claim, action, or proceeding arising from the gross negligence or willful misconduct of City or City's Agents.

Upon receiving notice of a claim, action, or proceeding, Applicant shall assume the defense of the claim, action, or proceeding through the prompt payment of all attorneys' fees and costs, incurred in good faith and in the exercise of reasonable discretion, of City's counsel in defending such an action. City shall have the absolute and sole authority to control the litigation and make litigation decisions, including, but not limited to, selecting counsel to defend City and settlement or other disposition of the matter. The modification of a proposal by the applicant or the imposition of conditions by the City shall not alter the effectiveness of this indemnity obligation.

3. Communicable Disease Waiver and Release: Applicant waives and releases the City from any and all claims, causes of action, allegations, or assertions that may arise relating to infection of any person by COVID-19 or other communicable disease that occurs, or is alleged to occur, during any activities undertaken at the project site. Applicant also agrees to defend, indemnify, and hold City harmless from any and all claims, causes of action, allegations, or assertions made against City or City's employees arising from or relating to actual or alleged infection occurring during any event at the site, except where caused by the sole negligence or willful misconduct of the City.

Prior to commencing operations pursuant to this permit:

4. The project proponent shall sign and acknowledge these conditions of approval.
5. A final landscaping plan identifying the location, size and number of planters and trees including a minimum of six, 5-gallon trees in planters shall be submitted to the City Planning Department for review and approval. Recommended trees include, but are not limited to flowering crabapple, Japanese maple, Bay, or other tree approved by the City prior to planting. Plants shall be installed and a drip irrigation (or alternative) provided prior to commencing operations. Alternatively, the applicant may provide a bond, or equivalent to complete the work.
6. A sign plan shall be submitted to the City Planning Department for approval. The plan shall show the size and dimensions and materials of the proposed sign and its location and shall be

approved before the sign is manufactured. The sign shall be the same size and dimensions of the existing sign and shall replace copy only. Should significant changes to the existing sign, other than copy, be proposed, the Planning Commission's sign committee shall review the sign prior to approval. The sign shall be installed as per the approved plans.

7. A fencing plan identifying a split rail fencing along SR 49 and Pine Street along the property boundaries will be submitted to the City Planning Department for approval. Fencing shall be installed and maintained as per the approved plans.
8. A revised utility plan shall be provided to the City Engineer for review and approval that shall:
 - A. Clarify the location where kitchen wastewater will be disposed.
 - B. Show that wastewater is discharged in a sewer service line that includes a grease trap which has been sized by a professional engineer to satisfy the expected load. See Grease Trap Detail SS-8 of the City Standards. Identify location of sewer service and grease trap.

Improvements shall be installed in compliance with approved plans.

9. An ADA plan shall be submitted to the City for review and approval identifying ADA routes to and from the parking areas, food trucks and picnic areas.

The pathway of travel for employees to the bathroom also will be provided to the City prior to opening for business for review and approval by the City.

10. A 42" railing shall be installed after façade demolition occurs along the edge of the property (Figure 2).
11. A life safety inspection shall be conducted for each food truck prior to commencing operations by the Code Inspector. All improvements and requirements identified by the Code Inspector shall be installed and maintained throughout the life of the project or as applicable.
12. A covered commercial trash bin shall be provided and located out of view of SR 49. A plan shall be submitted for review and approval by the Planning Department prior to installation.
13. Prior to opening for business, the applicant shall provide an exhibit to Caltrans showing the corner sight distance and stopping sight distance at the project's entry/exit point per Chapter 200 and Chapter 400 of the Caltrans Highway Design Manual for Caltrans review and approval. None of the proposed food trucks will block site distance for ingress or egress along SR 49.

Note: The ingress/egress contained herein has not been reviewed and approved by Caltrans. Prior to opening for business, the applicant is required to submit an amended exhibit to Caltrans showing the proposed ingress/egress. The City may make minor adjustments to the ingress/egress based upon Caltrans review.

14. A revised parking and ingress/egress plan will be submitted (see preceding condition). The City Engineer shall review and approve the final parking and circulation configuration in cooperation with Caltrans. One handicapped parking space shall be provided and an ADA approved route to the food trucks identified and provided. All 4 required Parking spaces shall be lined in compliance with the configuration approved by the City Engineer, including exit and entry arrows for traffic flow. Entrances that will not be used shall be blocked off to prohibit entry.

Landscaping (or alternative approved by the City) shall be located to avoid obstructing the site exit.

15. An encroachment permit will be required for any work that needs to be done within the State Right of Way (ROW).
16. All food trucks shall have a current commissary agreement on file with the Calaveras County Environmental Health Department and maintain a current agreement throughout the life of the project.

Throughout the life of the project:

17. Operating hours are 10 a.m. to 9 p.m. The City may allow minor changes to these hours upon prior request made by the landowner.
18. No outdoor music is permitted. Noise levels shall not exceed the levels established in the General Plan.
19. Outdoor portable toilets are prohibited. The restroom shall be maintained and made accessible to the project employees during all open hours for the food trucks. Employees will be provided with a key for access.
20. Extension cords shall not be substituted for permanent wiring in accordance with CFC 603.6.
21. Food trucks shall be plugged in to on-site electrical outlets and shall not use generators. Generators may be used during power outages. Should new wiring be required to accommodate this condition, a building permit shall first be secured.
22. Employees/owners of food trucks shall park in the landowner's Utica Lane owned parking area and not at the project site. Food truck vendors may park temporarily to load and unload supplies.
23. All on-site lighting shall be aimed downward onto the site.
24. A Building Permit is required for any existing building or structure alterations or improvements. It is the responsibility of the owner and applicant to check with the City Building Department before undertaking building alterations.
25. Maintain existing landscaping. Dead or dying landscaping shall be replaced within twenty days of receiving notification from the Community Development Department unless an alternative timeline is established by the City to address drought or other extraordinary circumstances. The City may request bonding from the property owner or other responsible entity to support re-planting when re-planting must be deferred. Adequate site distance for pedestrians and vehicles on and off-site shall be established and maintained at the project's driveway intersections with SR 49. Failure to maintain landscaping in accordance with this measure is subject to the City's code enforcement provisions. Throughout the life of the project, the Project Proponent is, and individual landowners are, responsible for maintaining vegetation in compliance with the City's fire-

safe vegetation management requirements as necessary to reduce wildland fire hazard. Landowners shall be responsible for cutting grasses to below 4" in height, trimming tree branches, removing dead and dying vegetation as necessary to separate ladder fuels, and other measures as deemed necessary by the City Fire Marshall. Failure to maintain landscaping in accordance with this measure is subject to the City's code enforcement provisions.

26. Outdoor storage associated the project visible from any public right-of-way or neighboring property is prohibited. No outdoor sales of non-food truck-related articles is permitted.
27. A single permanent sign is permitted (replacing copy on the former 49er sign). No additional signs are permitted without first securing a sign permit from the City.
28. Temporary signs are permitted except that each food truck is allowed:
 - i. One "A" Frame signs and/or one menu sign exceeding 10 square feet total for both signs, consistent with HC design standards would be permitted immediately adjacent to each food truck.
 - ii. Each food truck is required to apply for and secure a sign permit for any sign used for the food truck prior to installation. Food trucks may apply singly or as a group for their sign permit. No moving signs or signs prohibited per the AMC shall be approved.
29. New signage, temporary or permanent, shall occur only after issuance of a sign permit by the City.
30. The Project shall remain in compliance with all applicable local, state and federal regulations.
31. Significant changes to the above conditions shall require an amendment to this Conditional Use Permit.
32. The City Planner, in consultation with the City Building Inspector, may approve minor deviations from these conditions.
33. The Project Proponent (landowner) will maintain a valid City business license throughout the life of the project.
34. Each individual food truck operator will maintain a valid City business license throughout the life of the project.
35. The Project shall comply with all provisions of the Project Description and these land use entitlements as approved herein.

I, (we) _____, have read, understand, and acknowledge the preceding conditions.

(Print Name _____)

Owner

(Print Name _____)

Applicant

Attachment D
Resolution 25-14B
Denial

CITY OF ANGELS
PLANNING COMMISSION

Resolution No. 25-14B (DENIAL)

**RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS PLANNING
COMMISSION FOR**

**DENIAL OF CONDITIONAL USE PERMIT WITH SIGN PERMIT AND FINDING OF
ARCHITECTURAL CONFORMITY 49ER EATS
1104 SOUTH MAIN STREET**

APNS: 060-010-025 AND A PORTION OF 060-010-024 (SOUTHWEST SIDE OF UTICA LANE)

WHEREAS, the City received an application for food trucks at 1104 South Main Street; and

WHEREAS, the City of Angels Municipal Code requires that such development requires a conditional use permit; and

WHEREAS, the City of Angels Municipal Code requires that such development requires the Planning Commission to make a finding of architectural conformity for the project within the historical commercial zoning district:

WHEREAS, at a duly noticed public hearing the Planning Commission heard and considered public input on the proposed project;

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Angels hereby denies the project based on the following finding:

1. The project is inconsistent with the Mother Lode Style of Architecture and, therefore, the Commission cannot make a Finding of Architectural Conformity; and, therefore, the proposed use is inconsistent with the City of Angels Municipal Code.

The foregoing resolution was introduced and moved for adoption October 9, 2025, by

_____ and duly seconded by Commissioner _____.

PASSED AND ADOPTED THIS 9th day of October, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Broeder, Chairman

ATTEST:

Caytlyn Schaner, City Clerk

City of Angels