

STAFF REPORT

TO: CITY COUNCIL
MEETING DATE: OCTOBER 6, 2025
FROM: ERIN VENTURA, PLANNER
SUBJECT: QUASI JUDICIAL HEARING: APPEAL OF PLANNING COMMISSIONS DECISION TO DENY A CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL 23 MAIN STREET, SUTTER CREEK, APN 018-232-011

RECOMMENDATION:

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorically Exempt under Class 1 (Existing Facilities) of the CEQA Guidelines; and
3. If approved, Adopt Resolution 25-26-* approving the Conditional Use Permit for Ten Fifteen LLC to operate a Short-Term Rental at 23 Main Street based on the proposed Findings and subject to the proposed Conditions of Approval outlined in this report.

BACKGROUND:

On September 8, 2025, the Planning Commission considered a request from Ten Fifteen LLC for a Conditional Use Permit to operate a short-term rental in an existing single-family residence located at 23 Main Street. The Commission denied the application, citing an inability to make the required findings under Sutter Creek Municipal Code (SCMC) Section 18.60.040 A, B, C, and E. The planning commission cited finding A, in the motion for denial, that the proposed used of the property is not desirable or essential to public conveniences or welfare. The audio recording of the meeting can be found [here](#), with discussion of the item beginning 4:00.

At the meeting, staff had recommended approval of the CUP based on existing City’s ordinances pertaining to STRs and CUPs. The applicant has filed a timely appeal (attached) to the City Council requesting that the Council overturn the denial and approve the Conditional Use Permit [Project Information](#)

The applicant, Ten Fifteen LLC, submitted an application for a Conditional Use Permit to use a single family residence as a short term rental. The house located at 23 Main Street contains 3 bedrooms and 2 bathrooms.

Site Location	23 Main Street (APN 018-232-011)
Building Plan	3 bedroom, 2 bath house, approx. 2,174 sf

Lot size	12,632 Sq. Ft.
Zoning	R1 (Single Family Residential)
General Plan Land Use Designation	RSF (Residential Single Family)
Main Street Historic District	Yes
Historic District	Yes
Parking Required per Municipal Code Section 18.48.030 Parking Requirements by Land Use, Transient occupancy. The requirement is one (1) space for each guest room plus one (1) space for each five (or less) guest rooms.	3 spaces required.



Street View- 23 Main Street

DISCUSSION:

General Plan Consistency and Zoning

The property’s RSF land use designation supports single-family residential uses and compatible accessory uses. A short-term rental, operating under a Conditional Use Permit, is consistent with the General Plan goals of promoting economic vitality, tourism, and the adaptive reuse of existing structures while maintaining neighborhood character.

Zoning and Conditional Use Permit Requirements

The home is located in a single-family Residential Zone (R-1). Under SCMC 18.60.020(B), Bed and Breakfast Inns (and by extension short-term rentals) are permitted in R-1 zones with approval of a CUP. The subject property meets all applicable development standards, including lot size and setbacks.

Parking

SCMC 18.48.030 requires (1) parking space per guest room one plus (1) space for each five (or less) guest rooms. Three off-street parking spaces are required; the property provides four (driveway and garage), thereby exceeding the minimum requirement.

Historic District Considerations

No exterior alterations are proposed. The existing residential structure will remain unchanged, thereby preserving the historic character of Main Street and complying with applicable historic district guidelines.

Requires Findings Under SCMC18.60.040

Staff believes the City Council can make the following findings in support of granting the appeal and approving the Conditional Use Permit:

A. The proposed use of the property as a short-term rental is desirable to the public convenience and welfare by expanding visitor lodging options, supporting local tourism, and encouraging economic activity within Sutter Creek.

B. The proposed use will not impair the integrity or character of the surrounding neighborhood or the R-1 zoning district. The property retains its residential appearance and use, and operational conditions (parking, occupancy limits, quiet hours) will maintain compatibility with adjacent properties.

C. The proposed use will not be detrimental to public health, safety, or general welfare. Adequate off-street parking, compliance with noise and nuisance regulations, and adherence to City standards will ensure the use does not create adverse impacts.

D. Adequate public utilities and services are available to support the proposed use. No new infrastructure or off-site improvements are required.

E. The proposed use of the property is in harmony with the various elements and objectives of the General Plan and the purposes of the Zoning Title by preserving a historic residence, maintaining neighborhood character, and promoting a balanced mix of housing and visitor accommodations.

California Environmental Quality Act (CEQA) Guidelines

This use qualifies for a Categorical Exemption under Class 1 (Existing Facilities)

Public Notice

Notice of the City Council hearing was provided in accordance with the SCMC.

Staff asks that the City Council disclose any conversations they may have had with the applicant or other interested parties. This includes any new information that may not be included in this report.

RECOMMENDATION

Staff recommend the City Council do the following:

1. Conduct a public hearing and receive public input, and

2. Find that the project is Categorically Exempt under Class 1 (Existing Facilities) of the CEQA Guidelines; and
3. Uphold the appeal of Ten Fifteen LLC and overturn the Planning Commission's denial of the Conditional Use Permit (CUP) for a short-term rental at 23 Main Street; and
4. Adopt Resolution 25-26-* approving the Conditional Use Permit for Ten Fifteen LLC to operate a Short-Term Rental at 23 Main Street based on the proposed Findings below and subject to the proposed Conditions of Approval outlined in this report.

Conditions of Approval

1. Maintain the exterior appearance of the vacation rental unit compatible with the single-family residence.
2. Maintain three (3) off-street parking spaces that are available for use by vacationing families.
3. Maintain a valid City of Sutter Creek Business License.
4. Pay the monthly Transient Occupancy Tax to the City of Sutter Creek.
5. Provide the City with proof of insurance.
6. Provide the City with a Site Plan and Floor Plan for the short-term rental.
7. Provide a completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) It is the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
8. The maximum number of overnight guests for a short-term rental unit shall not exceed two persons per bedroom, except that children under the age of four shall not be counted for purposes of calculating this limitation so long as the children sleep in the same bedroom as at least one of their parents or legal guardians. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m., with the maximum daytime guests not to exceed two persons per bedroom plus four.
9. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
10. The owner or operator shall provide each occupant of the short-term rental unit with the following information prior to occupancy of the unit and shall post such information in a prominent location within the unit:
 - A. The contact information for the operator, with 24-hour availability.
 - B. The maximum number of overnight occupants and the maximum number of daytime occupants as permitted under this permit;
 - C. Trash pick-up day and applicable rules and regulations pertaining to

leaving or storing trash on the exterior of the property;

- D. A copy of the Chapter 10.50 of this Code concerning noise; and
 - E. Notification that the occupant or owner may be cited or fined by the City in accordance with this Code.
11. While a short-term rental unit is rented, the owner, operator, or local contact person shall be available 24 hours per day, seven days per week for the purpose of responding within 60 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit or their guests.
 12. The owner, operator, or local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit.
 13. Prior to occupancy of a short-term rental unit, the owner or operator shall obtain the name, address, and a copy of a valid government identification of the responsible person and require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants of the short-term rental unit and their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental unit.
 14. The owner, operator, or local contact person shall upon notification that the responsible person and/or any occupant and/or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, promptly respond within 60 minutes and appropriate manner to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants and/or guests. Failure of the owner, and/or operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental unit within 60 minutes and appropriate manner shall be subject to all administrative, legal, and equitable remedies available to the City.
 15. The owner, operator, or local contact person shall report to the City Manager the name, violation, date, and time of disturbance of each person involved in *any* disorderly conduct activities, disturbances, or other violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term unit.
 16. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days. The owner or operator shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 9.08 of the City's Municipal Code.

17. A violation of any provision of this Chapter by any occupant, owner, or operator shall constitute grounds for modification, suspension, or revocation of the short-term rental permit. In addition, the failure of the owner or operator to satisfy any of its obligations and requirements of Chapter 4.16 concerning transient occupancy taxes shall be an independent basis for modification, suspension, or revocation of any permit issued under this Chapter.
18. Whenever any owner or operator fails to comply with any provision of this Chapter, the City, after giving the operator or owner ten days written notice specifying the time and place of a hearing before the Planning Commission, and requiring him to show cause why the short-term rental permit should not be modified, suspended, or revoked, may modify, suspend, or revoke the permit held by the operator or owner.
19. The City may enforce this Chapter, including the terms and conditions of any permit granted under this Chapter, by any means provided for in Chapter 1.16 of this Code or by any other means authorized by law.
20. This is a non-transferrable permit.

ATTACHMENTS:

1. Application for a Short Term Rental at 23 Main Street
2. Floor Plan
3. Photos
4. Applicant's appeal
5. Planning Commission Staff Report- 9/8/25
6. Resolution 25-26-* approving the Conditional Use Permit for Ten Fifteen LLC to operate a Short-Term Rental at 23 Main Street.

City of Sutter Creek
18 Main Street
Sutter Creek, CA 95685
209-267-5647
www.cityofsuttercreek.org

RECEIVED: 8/12/25
FEE PAID: 6000 DP

Submission Requirements

- 1- Application*
 - 2- Map*
 - 3- Fees (Refer to current fee schedule. All Fees must be paid at City Hall)
- *All documentaion must be submitted via the application portal on the City website

CONDITIONAL USE PERMIT APPLICATION

Page 1 of 1

Project Applicant: TEN FIFTEEN II LLC

Project Address: 23 Main St. Sutter Creek

Phone: (209) 770-2710 **Email:** sharon L@Volcano.net

APN: 018-232-011 **Is this located in the Historic District?** Yes No
If yes, please see checklist for Design Review.

Property Owner:
Name: TEN FIFTEEN II LLC

Mailing Address: PO Box 695

City: Pine Grove **State:** CA **Zip:** 95665

Phone: 209-770-2710 **Email:** sharon L@Volcano.net

Is this person the project contact? If not, please specify who the contact person is.

Name: Desiree Lundgren

Mailing Address: 13940 Cedar Dr. Pine Grove Ca 95665

Phone: 209-304-2051 **Email:** Desiree.lundgren@gmail.com

Description of work to be performed: (please provide a detailed description using the back if necessary)

Decription of Property: 3 Bed 2 Bath Residential Property

Proposed Use of Property: Short-Term Vacation Rental

Describe how land is being used currently on adjacent parcels

North: Residential
East: "
South: "
West: "

Additional Information: _____

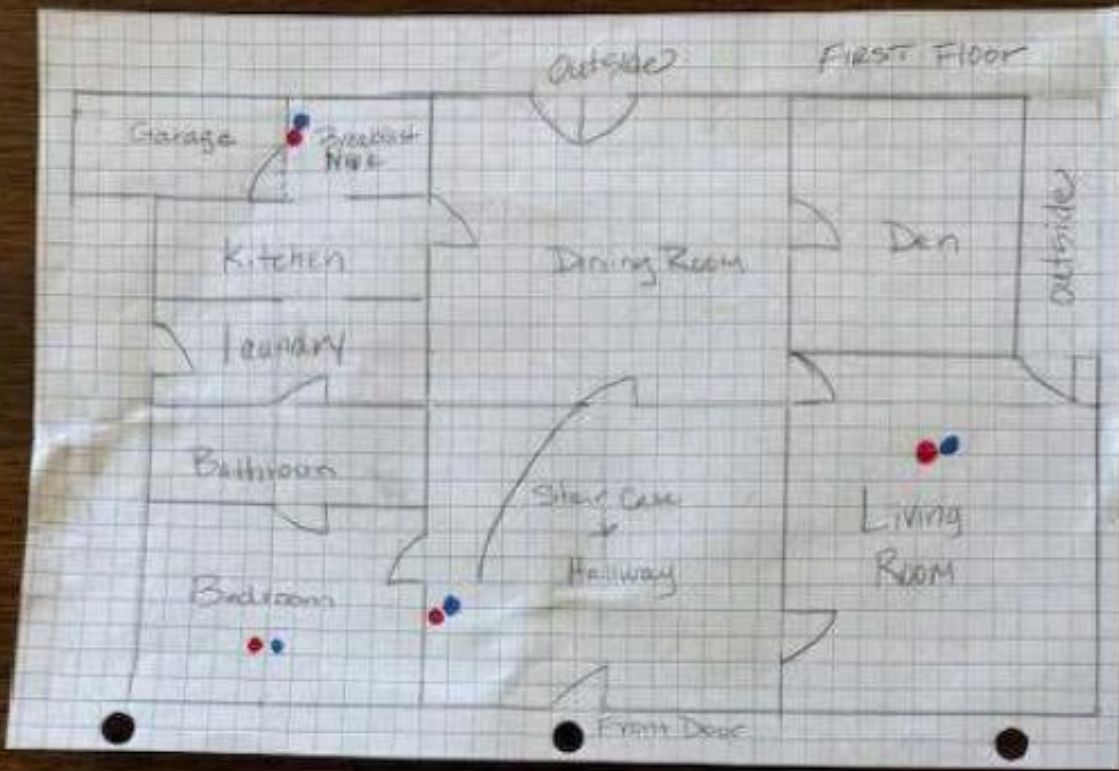






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