

AMADOR CITY

AGENDA OF THE MEETING OF THE CITY COUNCIL

THURSDAY September 17, 2020 7:00 p.m.

SPECIAL NOTICE

Pursuant to Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020, as a response to mitigating the spread of coronavirus known as COVID-19, during the July 16, 2020, meeting of the City Council of Amador City, California members of the public will be allowed to join Zoom Meeting.

David Groth is inviting you to a scheduled Zoom meeting.

Topic: Amador City Council Meeting

Time: Sep 17, 2020 07:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85927080314?pwd=Z2x6bWhwRmlzQ1lwbkxyd1lSaXdFQT09>

Meeting ID: 859 2708 0314

Passcode: 846731

One tap mobile

Members of the public wanting to address the Council, either during public comment or for a specific agenda item, or both, are requested to send an email notification no later than 6:00 p.m. on the day of the meeting to the Amador City Council Clerk, Joyce Davidson, at cityclerk@amadorcity.net. Public comment should identify the agenda item it seeks to address, and be limited to 300 words or less. Public comment will be read at the time such agenda item it references is called.

Discussion and possible action on all items

1. CALL TO ORDER
2. Pledge of Allegiance
3. ROLL CALL-
APPROVAL OF AGENDA –
4. CONSENT AGENDA – Minutes of August 20, 16, 2020
5. PUBLIC MATTERS NOT ON THE AGENDA – Discussion items only, no action to be taken. Any person may address the council at this time on any subject matter within the jurisdiction of the Amador City Council. Any item that requires action will be deferred to a subsequent council meeting. Five minute time limit. -
6. **Public Hearing**
 - A. Variance Request from Larry Arguello and Heidi Kaiser - 14470 West School Street
 - B. Letter from Richard and Kathleen Lynch regarding stability of retaining wall located on Amador Creek SE of 14215 Main Street.
 - C. Resolution #578 – Approve Local Hazard Mitigation Plan
 - D. Front Patio – Imperial Hotel – Discussion

Committees: Maintenance, ARSA, Air,EVC, Fire Dept, Culbert Park, ACTC/REMF, LAFCO, Homeless, Museum, Air BnB,

AMADOR CITY

MINUTES OF THE MEETING OF THE CITY COUNCIL

THURSDAY August 20, 2020, 7:00 P.M.

SPECIAL NOTICE

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Mayor Groth is inviting you to a scheduled Zoom meeting.

Topic: Amador City Council Meeting

August 20, 2020 07:00 PM Pacific Time (US and Canada)

Join Zoom

<https://us04web.zoom.us/j/75782414823?pwd=S1Q1THNrMVZkbmhrUFhSbi9nS3gzQT09>

Meeting ID: 757 8241 483

Password: 5McnKt

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Discussion and possible action on all items

1. CALL TO ORDER
2. Pledge of Allegiance
3. ROLL CALL- Groth, Bragstad, Marks, Robinson, Kel-Artinian present
APPROVAL OF AGENDA – Kel-Artinian moved, 2nd by Bragstad, approved unanimously
4. CONSENT AGENDA – Minutes of July 16, 2020 – Kel Artinian moved, 2nd by Bragstad, approved unanimously
5. PUBLIC MATTERS NOT ON THE AGENDA – Discussion items only, no action to be taken. Any person may address the council at this time on any subject matter within the jurisdiction of the Amador City Council. Any item that requires action will be deferred to a subsequent council meeting. Five minute time limit. -
6. **Public Hearing**
 - A. **Varianc Request from Larry Arguello and Heidi Kaiser - 14470 West School Street – Discussion only – to be on September agenda**
 - B. **Letter from Richard and Kathleen Lynch regarding stability of retaining wall located on Amador Creek SE of 14215 Main Street.- Larry White to research ownership of wall and location of property line**
 - C. **Proposal to develop small storage facility on A-1 zoned parcel on Amador Creek Road/East School Street. – Discussion only – Parcel not zoned for requested use which was 20 unit commercial storage facility. Soil report to be provided in October.**

- D. Status of Grant Requests re: Covid 19 lockdown for retail businesses - \$1,000 grant to Victorian Closet (Sally Knudson) and Vintage Vault (Carol Reardon)
- E. Sign Application from Chris Kelley – IDYLL -Bragstad moved, Kel-Artinian second to approved sign, approved unanimously
- F. Request from Ginger Budrick to apply for two licenses from ABC – 1st License is for temporary catering authorization to allow food and drinks to be served on sidewalk; 2nd License is for permanent ABC license to serve on sidewalk in front of restaurant (will require construction of barrier). See attached letter.- Bragstad moved, second by Kel-Artinian, approved unanimously. Design Review to look at plans, city to be named as additional insured.
- G. Request from Mary Louise Nixon to modify monthly financial statements – Council wants to compare modified version with present version
- H. Design Review: Munson – Extension of deck – Fleehart Street; Bissel – Addition to residence on School Street – Approved with set backs modified to meet code
- I. Resolution #576 -Break Even Brewing, LLC. (Kevin Carter) Authorizing city to grant Easement for ingress/egress and maintenance and make Public Benefit Findings (14166 Hwy 49)
Easement Agreement
Legal Description
Plot Map, Improvements – Special meeting for Wed. at 7:00 – to be closed session
- J. Resolution #577– Placing Delinquent Sewer Bill Balances on Tax Roll-Robinson moved, 2nd by Marks, approved unanimously
- K. Front Patio – Imperial Hotel – Discussion – Nothing to report
- L. ACTC Grant – Speed Calming Signs-Will seek matching funds, cost approx.. \$5,000 each
- M. Amador City Street Parking – Sutter Creek Fire Department – Discussion
- N. Highway 49 Tree and Blackberry Trimming – Discussion -S.C. Fire Dept. will handle
- O. Women's Public Restroom Light – Discussion – Bruce Smith and Chris Kelley will handle
- P. Cemetery Watering – Discussion – Indemnification forms to be signed by volunteers
- Q. Ordinance 86 – Mining – Discussion
- R. Committees: Maintenance, ARSA, Air,EVC, Fire Dept, Culbert Park, ACTC/REMF, LAFCO, Homeless, Museum, Air BnB,

AUG 13 2020

CITY OF AMADOR CITY

MEMORANDUM

TO: City Council

FROM: City Engineer-City Planner

RE: Arguello-Kaiser Variance Request
14470 W. School Street, Amador City
APN 008-286-006

DATE: August 11, 2020

BACKGROUND

Applicants own a single-family residential unit at this location with paved parking extending from School Street's edge into the property approximately 25 feet. This area has been used for vehicle parking for some time without any setback from the property line. At this time, the applicant proposes a carport structure over this parking area, the front support columns of which are proposed right on the property line (i.e. no setback).

ISSUE

City Code typically requires a setback of 20 feet from the property line for any structure in a residential zone. To allow construction as proposed, a variance must be granted pursuant to Chapter 17.76, "Variances and Zone Changes," of the City Code which requires findings A, B, C, and D of Section 17.76.030, "Necessary Conditions," by the City Council as it acts as the Planning Commission. The Necessary Conditions are:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone and vicinity;
- B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

- C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity;
- D. That the granting of such variance will not adversely affect the comprehensive general plan.

CONSIDERATIONS

Since the proposal is to cover an existing and allowed parking area, the question becomes whether allowing the construction of the parking area with a permanent structure ... “assure that the spirit and purpose of this title (i.e. Chapter 17.76)...” be observed, public safety and welfare secured, and substantial justice done.

There are examples of similar construction in the City as well as denial of similar requests along old Highway 49.

Subject to testimony heard or written received at City Council meetings, the City Council could make these findings and conditionally grant a parking area setback variance. Conditions A and C are key in this application.

Recommended conditions, should the variance be granted, are:

1. No portion of the structure, including roof overhang, shall extend beyond the property line.
2. All construction activity, including material storage or contractor parking shall be conducted on private property and shall not obstruct School Street traffic.
3. Applicant shall secure building permit with plan view and notes that reference these conditions.
4. Construction shall be completed within 30 days of permit issuance unless a time extension is granted for cause by City Building Official.

cc Gregory Wayland, City Attorney

#2839/nlm

Memo to Council-Arguello-Kaiser_2020-08-11.docx

AUG 31 2020

Aug, 31, 2020

Amador City Council,

Please do not
grant variance for
car port set back on
property 14470 W. School St.

Janet & Raymond
Spencer

14450 W School St
Amador city

September 12, 2020

SEP 10 2020

To: Amador City Council, City Attorney, City Clerk (Please distribute as needed)

From: Undersigned Amador City Residents

Subject: Arguello-Kaiser Variance Request

Referencing: Memo by City Engineer-City Planner of August 11, 2020
City Code Chapter 17.76 and 17.76.030

The above-referenced Memo and City Code notes that several conditions have to be met before the City Council can grant a variance. The Code, in place for many decades, does not appear to provide for discretionary action/s outside the wording of the City Code.

- A) Quoting from the Memo/Code: "exceptional or extraordinary circumstances or conditions applicable to the property involved..." must be met for a variance to be granted. For instance, if the resident needed accommodation for a ramp for wheelchair access, this would qualify for a variance. There is no accommodation for discretionary considerations. We believe that a Carport is completely discretionary.
- B) Unknown: Impact on the public welfare unless sightlines/vehicular safety is impacted.
- C) Again quoting from the Code/Memo: "such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity" For instance if many property owners in Amador City had covered parking within the 25-foot setback this would qualify for a variance. In point of fact, numerous Amador City residents have neither covered parking nor on-property parking.
- D) Unknown effect on the comprehensive general plan unless granting this request opens up the flood gates for requests for carports in the setback areas throughout the City. Thus being materially detrimental to the nature of the City.

Discussions of design and/or design review activities are completely inappropriate at this time until a determination on the Variance Request is made. Such design reviews would be getting the "cart in front of the horse" and obscure the importance of the initial City Council decision-making process.

A bit of historical background might be useful:

* In a chance meeting between Kirk Lindsay and Mr. Weber, he could not recall **any** variance being granted in his long association with Amador City. He did, however, remember that several requests had been denied as they did not meet the condition/s noted above. He also thought that an encroachment permit might be required as the carport could extend into the West School's narrow street which has limited sightlines.

* In a nearly parallel situation, a few years ago there were discussions of a possible variance request in Amador City for a garage expansion into a side yard set back (not the more important front yard setback) for a cul de sac residence where there were no through traffic considerations. The opposition from neighbors was so strident that the property owners moved out of town.

Thus, the undersigned residents oppose this request for a variance.

Dale Coe 14467 CHURCH ST S.C. 95601
Wynne Luxemburg 11031 Amador Creek Rd
Kirk Lindsay 14461 W. School Street
Karrie Lindsay 14461 W. School Street

Note: Additional signatures are possible

JUL 30 2020

July 9, 2020

Kathleen and Richard Lynch
PO Box 78
Amador City, CA 95601

City of Amador City
PO Box 200
Amador City, CA 95601

Dear Amador City Council Members,

This letter is to notify you of our concern in regards to the stability of a retaining wall located on Amador Creek in the southeast corner of our rental property at 14215 Main Street.

We have been advised by Engineer, Roark Weber, who has looked at the wall, to write this letter to inform you of a potential hazard to the Amador City sewer line that crosses above the creek next to the wall should the wall fail. You can see by the photographs included, that the wall is cracked and leaning towards the creek and the sewer line. The sewer line goes through the wall to the manhole located on the SE corner of the property. Permission was granted to the City many years ago to run the main sewer line through the back of this lot and our adjoining property to the sewer pond at the west end of town.

The wall has been leaning for many years but more recent movement with additional breaks in the concrete have warranted this notification. It could potentially remain in this condition for another 100 years, who knows.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Lynch". The signature is written in black ink and is positioned above the typed name and address.

Kathleen Lynch
14219 Main St.
Amador City

cc: Weber Ghio and Associates
Weatherby Reynolds

JUL 30 2020





Appendix D Adoption Resolution

Note to Reviewers: When this plan has been reviewed and approved pending adoption by FEMA Region IX, the adoption resolutions will be signed by the participating jurisdictions and added to this appendix. Two model resolutions are provided below. The first sample resolution is for the County and incorporated communities; the second is for participating districts.

Sample Resolution: Amador County and incorporated communities

Resolution # 578

Adopting the Amador County Local Hazard Mitigation Plan Update

WHEREAS, The (Name of Government/District/Organization seeking FEMA approval of hazard mitigation plan) recognizes the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, the U.S. Congress passed the Disaster Mitigation Act of 2000 (“Disaster Mitigation Act”) emphasizing the need for pre-disaster mitigation of potential hazards; and

WHEREAS, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

WHEREAS, an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

WHEREAS, the (Name of Government/District/Organization seeking FEMA approval of hazard mitigation plan) fully participated in the FEMA-prescribed mitigation planning process to prepare this local hazard mitigation plan; and

WHEREAS, the California Office of Emergency Services and Federal Emergency Management Agency, Region IX officials have reviewed the Amador County Local Hazard Mitigation Plan and approve it contingent upon this official adoption of the participating governing body; and

WHEREAS, the (Name of Government/District/Organization seeking FEMA approval of hazard mitigation plan) desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Amador County Local Hazard Mitigation Plan by reference into the Safety Element of the General Plan in accordance with the requirements of AB 2140; and

WHEREAS, adoption by the governing body for the (Name of Government/District/Organization seeking FEMA approval of hazard mitigation plan) demonstrates the jurisdiction’s commitment to fulfilling the mitigation goals and objectives outlined in this Local Hazard Mitigation Plan; and

WHEREAS, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

NOW, THEREFORE, BE IT RESOLVED that the (Name of Government/District/Organization seeking FEMA approval of hazard mitigation plan) adopts the Amador County Local Hazard Mitigation Plan as an official plan; and

BE IT RESOLVED, that the (Name of Government/District/Organization seeking FEMA approval of hazard mitigation plan) adopts the Amador County Local Hazard Mitigation Plan by reference into the safety element of their general plan in accordance with the requirements of AB 2140; and

BE IT FURTHER RESOLVED, the (Name of Government/District/Organization seeking FEMA approval of hazard mitigation plan) will submit this adoption resolution to the California Office of Emergency Services and FEMA Region IX officials to enable the plan’s final approval in accordance with the requirements of the Disaster Mitigation Act of 2000 and to establish conformance with the requirement of AB 2140.

Passed: _____
(date)

Certifying Official