

**CITY OF ANGELS
PLANNING COMMISSION**

A G E N D A

**Thursday, November 9, 2017
6:00 PM**

City of Angels Fire House
1404 Vallecito Road
Angels Camp, California

The Planning Commission appreciates your interest and encourages your participation. Regularly scheduled meetings are held the 2nd Thursday of each month.

Note: The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Chair or other Commission Members. **All request shall be directed to the Chair who, at his/her discretion, will refer to staff.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Chair John Broeder, Vice-Chair Gary Gordon, Commissioner Patsy Gonzalez,
Commissioner Robert Moncada, and Commissioner Randy Davis

APPROVAL OF AGENDA

Approval of Regular Agenda for November 9, 2017.

APPROVAL OF MINUTES

1. Approval of Regular Meeting Minutes of September 14, 2017.
2. Approval of Special Meeting Minutes of October 25, 2017.

PUBLIC COMMENTS

At this time any person may comment on any item that is not on the agenda. Please state your name and address for the record, and write your name and address on the sign-up sheet. Action will not be taken on any item. If a non-agendized item requires action, it will be referred to staff and/or placed on the next agenda.

PUBLIC HEARINGS

None

PLANNING MATTERS

3. Revocation of Conditional Use Permit Resolution 2017-16, a Resolution for revoking a Conditional Use Permit for Project 2015-12, Pet Bath House located at 172 S. Main Street APN 058-016-005.

Commission Action: Adopt Resolution 2017-16, a Resolution for revoking a Conditional Use Permit for Project 2015,12 Pet Bath House located at 172 S. Main Street APN 058-016-005.

COMMITTEE REPORTS

4. General Plan Implementation Committee – Planning Director Hanham
Information item only - No action will be taken
5. DAC – Planning Director Hanham
Information item only - No action will be taken

COMMISSIONER'S REPORTS

Information item only - No action will be taken

STAFF REPORTS

Information item only - No action will be taken

ADJOURNMENT

NOTES:

Availability of Public Records: All public records relating to this notice, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public review at the Community Development Dept, 200B Monte Verde Street, Angels Camp for 10 days prior to the public hearing date. In compliance with Title II of the Americans With Disabilities Act, 28 CFR Part 36, if you require any disability related modification or accommodation, including auxiliary aids or services in order to participate in this meeting, please contact Angels Camp City Hall at (209)736-2181 or fax your request to (209)736-0709. Notification must be made 72 hours in advance of the hearing to ensure accessibility. Agendas and other writings may also be requested in alternative formats, as outlined in Section 12132 of the Americans with Disability Act. Any decisions of the Planning Commission may be appealed to the City Council with 15 days of final action, by submitting a written request and applicable fee to Angels Camp City Hall.

All meetings are tape-recorded pursuant to Municipal Code Section 17.85.170.B.

**CITY OF ANGELS CAMP
PLANNING DEPARTMENT**

**STAFF REPORT
PLANNING COMMISSION HEARING
NOVEMBER 9, 2017**

ITEM NO. 3

DATE: November 3, 2017

FROM: David Hanham, Director of Planning & Building

**APPLICANT/
BUSINESS NAME:** Vonna Faye Hughes
c/ Pet Bath House
172 S. Main Street
Angels Camp, CA 95222

PROPERTY OWNER: Vonna Faye Smith
172 S. Main Street
Angels Camp, CA 95222

LOCATION: The project is located at 172 S. Main Street, Suite 209 (APN 058-016-005)

PROPOSED ACTION: Staff is recommending the Planning Commission either amend or revoke the existing Conditional Use Permit

Background:

Vonna Faye Smith applied for a conditional use permit application for the purpose of having a full scale animal grooming, daycare, and boarding establishments as well as live in the building located at 172 S. Main Street.

The Planning Commission at its regular meeting of April 9, 2015 adopted Resolution 2015-07 approving the uses proposed by Ms. Smith. The Planning Commission approved 18 conditions. At the time of the approval, The Pet Bath House completed all of the improvements and completed all of the conditions.



The Planning Commission at its regular meeting on September 9, 2017 recommended to Staff the revocation of the Conditional Use Permit for the Pet Bath House located at 172 S. Main Street.

Analysis:

As a part of the Conditional Use Permit approval, the Planning Commission is required to adopt five (5) findings: I have listed the findings below:

Section 17.78.030 Conditional Use Permit Findings:

1. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this chapter are needed to make said use compatible with land uses in the neighborhood.
2. The site for the proposed use is related to street and highways adequate in width and surface type to carry the quantity and kind of traffic generated by the proposed use
3. The proposed use will have no significant adverse effect on affected property
4. The conditions stated in the decision are deemed to protect the public health, safety and general welfare;
5. The conditions stated in the decision are deemed to protect the public health, safety and general welfare.

In regards to the findings and the conditions for the Pet Bath House, there have been a number of issues with compliance of the Conditions of Approval. The Findings that were approved in 2015 are still being maintained based on the Staff Report dated April 2, 2015. I have listed the finding from the April 2, 2015 report below:

1. ***The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this chapter are needed to make said use compatible with land uses in the neighborhood.***

The property is approximately 25,200 square feet (sq ft)/.57 acres. The yard that is being proposed is approximately 1,386. The site has 6 parking spaces along the side of the fence, including a handicapped stall. The property has a 7 foot wood double-sided fence, that includes a cement border that goes at least 24 inches under the ground. The property has landscaping in front of the building that meets zoning code specifications. All of the uses around the building are commercial that have regular business hours. The building is an existing building that has been at this location for at 50 years. This finding is met.

2. ***The site for the proposed use is related to street and highways adequate in width and surface type to carry the quantity and kind of traffic generated by the proposed use***



The site has direct access to SR-49. The traffic generation of this project will not require any widening or changes in surfaces. The parking lot is paved and the traffic generated by this project is transient, as well as the fact that this site has had a number of uses on it. This finding is met.

3. *The proposed use will have no significant adverse effect on affected property*

The proposed use is in an existing building that has been review environmentally. A Notice of Exemption will be filed. The project proponents have made building renovations, as well as added new fencing. The project will not have a significant adverse effect on the affected properties. This finding is met.

4. *The conditions stated in the decision are deemed to protect the public health, safety and general welfare;*

The Planning Commission has applied conditions of approval for this project to adequately protect the public health, safety and general welfare. This finding is met.

5. *The proposed use is in compliance with the general plan and this title.*

The proposed use is a general service within our community. The Community Commercial Zone district encourages businesses that have a The Pet Bath House owner will be living on-site. This use is in compliance with the General Plan. This finding is met.

In terms of the Conditions of Approval, there have been a number of violations that are needed to reviewed. Based on reports from Angels Camp Police Department, Calaveras County Animal Services, Local Vets within the County and the public at large, Staff will be reviewing the Conditions of Approval that are in violation.

Condition 10 states that the yard should have some separation for large and small dogs, as well as aggressive dogs.

When the business opened, there was a room for aggressive dogs, however, there was no permanent separation in the yard. After doing a site review on Sept 1, 2017, there was no separation in the yard for large or small dogs.

Condition 17 states that all injuries and/or deaths at the facility shall be reported to both the Angels Camp Police and Calaveras County Animal Services.

Based on events at the Pet Bath House, there have been numerous injuries to dogs and people that have not been reported. There has been at least one death of an animal within her care, however at this time, it has not been determined whether or not the death actually occurred on the property of the Pet Bath House.



Staff sent a letter to the Pet Bath House September 20, 2017 regarding the action of the Planning Commission. To this date, we have not had any contact with Vonna Faye Smith, however, we have heard from her attorney regarding the time and place of this hearing.

Recommendation:

Since there has been no response from the Pet Bath House, Staff recommends that the Planning Commission adopt Resolution 2017-16 revoking the Conditional Use Permit 2015-07, based on the violations of Conditions 10 & 17.

Attachments:

1. Planning Commission Resolution 2017-16
2. Planning Commission Resolution 2015-07
3. Letters from Citizens.



ATTACHMENT 1

**Planning Commission Resolution
2017-16**



**CITY OF ANGELS
PLANNING COMMISSION**

Resolution No. 2017-16

**RESOLUTION PASSED AND ADOPTED BY THE
CITY OF ANGELS PLANNING COMMISSION FOR
THE REVOCATION OF A CONDITIONAL USE PERMIT FOR
PROJECT 2015-12, PET BATH HOUSE
LOCATED AT 172 S. MAIN STREET, (APN 058-016-005)**

WHEREAS, Project No. 2015-12 an application for a Conditional Use Permit for the Pet Bath House located at 172 S Main Street, (APN 058-016-005) in the City of Angels for the purpose of opening a full scale dog grooming, dog daycare, and dog boarding; and

WHEREAS, the Municipal Code of the City of Angels requires that such a plan must be approved with a Conditional Use Permit; and

WHEREAS, it has been determined that the project complies with the applicable Municipal Code Section of the City of Angels and is consistent with the 2020 General Plan; and

WHEREAS, the Pet Bath House has been in violation of Conditions 10 & 17 of Resolution 2015-07, based on reports from local vets as well as the incidents that have taken place regarding the three pit bulls.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Angels approves the revocation of the Conditional Use Permit for the Pet Bath House, Project No 2015-12 per the application and drawings received on March 23, 2015 and the staff report dated November 3, 2017

The foregoing resolution was introduced and moved for adoption of November 9, 2017 by Commissioner and duly seconded by Commissioner

PASSED AND ADOPTED this 9th day of November 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Broeder, Chairman

Attest:

Jennifer Preston, Deputy City Clerk

ATTACHMENT 2

Planning Commission Resolution
2015-07



**CITY OF ANGELS
PLANNING COMMISSION**

Resolution No. 2015-07

**RESOLUTION PASSED AND ADOPTED BY THE
CITY OF ANGELS PLANNING COMMISSION FOR
A CONDITIONAL USE PERMIT FOR
PROJECT 2015-12, PET BATH HOUSE
LOCATED AT 172 S. MAIN STREET, (APN 058-016-005)**

WHEREAS, Project No. 2015-12 an application for a Conditional Use Permit for the Pet Bath House located at 172 S Main Street, (APN 058-016-005) in the City of Angels for the purpose of opening a full scale dog grooming, dog daycare, dog boarding, and dog academy; and

WHEREAS, the Municipal Code of the City of Angels requires that such a plan must be approved with a Conditional Use Permit; and

WHEREAS, it has been determined that the project complies with the applicable Municipal Code Section of the City of Angels and is consistent with the 2020 General Plan; and

WHEREAS, a Notice of Exemption was prepared and will be circulated in accordance with the California Environmental Quality Act and shall be filed in accordance with the California Environmental Quality Act and the City of Angels.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Angels approves the Conditional Use Permit for the Pet Bath House, Project No 2015-12 per the application and drawings received on March 23, 2015 and the staff report dated April 2, 2015 subject to the attached conditions, and based on the following findings:


A. Findings of the Conditional Use Permit: note All of the facts that back up the findings are found in the Planning Commission Staff Report dated April 2, 2015.

- | |
|---|
| <ol style="list-style-type: none">1. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this chapter are needed to make said use compatible with land uses in the neighborhood; and2. The site for the proposed use is related to street and highways adequate in width and surface type to carry the quantity and kind of traffic generated by the proposed use; and3. The proposed use will have no significant adverse effect on affected property; and4. The conditions stated in the decision are deemed to protect the public health, safety and general welfare; and5. The proposed use is in compliance with the general plan and this title |
|---|


The foregoing resolution was introduced and moved for adoption of April 9, 2015 by Commissioner Gordon and duly seconded by Commissioner Gonzalez

PASSED AND ADOPTED this 9th day of April 2015, by the following vote:

AYES: Chair Broeder, Vice-Chair Rudolph, Commissioner Gonzalez and Commissioner Gordon
NOES: 0
ABSTAIN: 0
ABSENT: Commissioner Moncada


John Broeder, Chairman

Attest:


Jennifer Preston, Deputy City Clerk

CONDITIONS OF APPROVAL

Project No. 2015-07
Conditional Use Permit
Pet Bath House
172 S. Main Street
APN: 058-016-005

General:

1. Applicant agrees to defend, indemnify and hold harmless the City of Angels, its officers, agents and employees from any and all claims, actions, proceedings or liability of any nature whatsoever (including attorneys fees and cost awards) arising out of, or in connection with, the City's review or approval of the proposal, or the acts or omissions of the developer. 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.
2. Any new sign or sign structure shall require a Sign Permit from the Community Development Department prior to its installation in accordance with Section 15.12 of the City of Angels Municipal Code.
3. Animals that are being boarded must have up-to-date vaccines records on file within your establishment at the time of boarding.
4. Prior to operation, a full inspection from the Community Development Department and Calaveras County Animal Services shall be done for the compliance with conditions set forth in this Resolution.
5. Pet Bath house will be allowed to have no more than 50 animals (dogs, cats, birds) at the facility per day unless additional reviews are completed by Calaveras County Animal Services and approved by the Planning Commission of the City of Angels. The number of animals will be based on the number and size of the kennels.
6. When are dogs being boarded over night, there shall be a minimum of two person on site at all times.
7. The Applicant shall maintain a minimum of two exits and signed accordingly
8. The proprietors shall submit Certifications from an accredited grooming school, prior to teaching students pet grooming.
9. The fence shall be maintained at all times, any vandalism shall be repaired, repainted, etc within one business day from the time discovered.
10. The yard should have some separation for large and small dogs, as well as aggressive dogs.

- 11 All of the animals shall have yard time and not be kenneled for more than 8 hours at a time unless they are injured or aggressive.
- 12 The inside of the Kennels shall be cleaned daily if in use.
- 13 The Applicant must install hair filters and prior to operation shall be reviewed by the Wastewater Department of the City of Angels.
- 14 The yard must be cleaned at least a minimum of 8 times a day or for dog feces and discarded into the waste receptacle.
15. There shall be no expansion of the facility unless approved by the Planning Commission.
16. The Planning Commission will review this Conditional Use Permit in 18 months or as necessary.
17. All injuries and/or deaths at the facility shall be reported to both the Angels Camp Police and the Calaveras County Animal Services Department by Pet Bath House.
18. Prior to operation of the Pet Bath House, the applicant shall have the plumbing inspected for cross connections by the City of Angels Public Works Staff.

ATTACHMENT 3

Letters from Citizens



To: Angels Camp Commissioners
c/o Jennifer Preston, Development Support Specialist
jenniferpreston@angelscamp
200 B. Monte Verda Street
Angels Camp, CA 95222
209)736-1346

RECEIVED

NOV 01 2017

CITY OF ANGELS

Commissioners:

I respectfully request that you revoke the CUP for the Pet Bath House according to all the evidence included in the minutes of the Sept 14th meeting.

After you revoke the CUP we request that you turn the PBH over to Code Enforcement for closure within 10 business days.

Also, please make sure that this letter is included in your records.

Thank you,

Signed.

Amy Jensen
711 Amey Ct.
Murphys, Ca
95247

728-2534
doglover@goldrush.com

October 23, 2017

Angels Camp Commissioners
c/o Jennifer Preston, Development Support Specialist
200 B. Monte Verda Street
Angels Camp, CA 95222

RECEIVED
OCT 30 2017
CITY OF ANGELS

Commissioners ~

I respectfully request that you revoke the CUP for the Pet Bath House according to all of the evidence included in the minutes of the September 14, 2017 meeting.

After you revoke the CUP I request that you turn the PBH over to Code Enforcement for closure within 10 business days.

Additionally, please ensure that this letter is included in your records for the 11/9/17 meeting. Thank you.

Sincerely,



Lanelle A. Lovelace
P.O. Box 283
Columbia, CA 95310

Jennifer Preston

From: Kim deArrillaga [goldpup55@aol.com]
Sent: Sunday, October 22, 2017 10:44 AM
To: jenniferpreston@angelscamp.gov
Subject: Pet Bath House

To: Angels Camp Commissioners
c/o Jennifer Preston, Development Support Specialist
jenniferpreston@angelscamp.gov
200 B. Monte Verda Street
Angels Camp, CA 95222
209)736-1346

Commissioners:

I respectfully request that you revoke the CUP for the Pet Bath House according to all the evidence included in the minutes of the Sept 14th meeting.

After you revoke the CUP we request that you turn the PBH over to Code Enforcement for closure within 10 business days. Also, please make sure that this letter is included in your records.

Thank you,

Kim deArrillaga
Goldpup55@aol.com

Jennifer Preston

From: Ja Nell Harris [harrisjanell47@gmail.com]
Sent: Sunday, October 22, 2017 4:30 PM
To: jenniferpreston@angelscamp.gov
Subject: From an Angels Camp Resident concerning the Pet Bath House

Commissioners:

I respectfully request that you revoke the CUP for the Pet Bath House according to all the evidence included in the minutes of the Sept 14th meeting.

After you revoke the CUP we request that you turn the PBH over to Code Enforcement for closure within 10 business days.

Thank you,

Signed.
Harris

Jennifer Preston

From: Carol Schmollinger [cschmollinger@asai.us]
Sent: Monday, October 23, 2017 1:51 PM
To: jenniferpreston@angelscamp.gov
Subject: CUP - Pet Bath House

To: Angels Camp Commissioners
c/o Jennifer Preston, Development Support Specialist
jenniferpreston@angelscamp.gov
200 B. Monte Verde Street
Angels Camp, CA 95222
209)736-1346

Dear Commissioners:

I respectfully request that you revoke the CUP for the Pet Bath House according to all the evidence included in the minutes of the Sept 14th meeting.

After you revoke the CUP we request that you turn the PBH over to Code Enforcement for closure within 10 business days.

Also, please make sure that this letter is included in your records.

Thank you,

Carol Schmollinger
1035 Deveggio Lane
Angels Camp, CA 95222



This email has been checked for viruses by AVG antivirus software.
www.avg.com