

**CITY OF ANGELS
PLANNING COMMISSION**

A G E N D A

**June 9, 2022
6:00 p.m.**

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.**

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair John Broeder, Vice-Chair Gary Gordon, Commissioner Robert Moncada,
Commissioner Kristopher Klerk, and Commissioner Joseph Whittle

APPROVAL OF AGENDA

Approval of Regular Agenda for June 9, 2022.

APPROVAL OF MINUTES

May 12, 2022

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 sign your name and address on the sign-up sheet (you may decline to provide this information). 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.

PRESENTATION

None

PUBLIC HEARING

1. Resolution No. 22-15: Conditional Use Permit 250 South Main APN: 058-026-019. The Smoke Shop.

COMMISSION BUSINESS

1. Planning Commission Re-Appointments.
2. Angels Creek Trail
3. Report on Planning Commission Training from May 13, 2022.

COMMITTEE REPORTS

Information item only, no action will be taken.

COMMISSIONER'S REPORTS

Information items only, no action will be taken.

STAFF REPORTS

Information items only, no action will be taken.

ADJOURNMENT

The next regularly scheduled meeting of the Planning Commission is **June 9, 2022**.

Availability of Public Records: All public records relating to this notice, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body will be available for public review at the Community Development Dept, 200-B Monte Verda Street North Main, Angels Camp for 10 days prior to the public hearing date.

Accessibility: 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 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.

Appeals: Any decisions of the Planning Commission may be appealed to the City Council within 10 days of the decision, by submitting a written request and applicable fee to Angels Camp City Hall.

CITY OF ANGELS
PLANNING COMMISSION
MINUTES

Regular Meeting of Thursday, May 12, 2022
City of Angels Fire House
1404 Vallecito Road
Angels Camp, California

OPEN HOUSE was conducted at 5:00 p.m.
Greenhouse gas emissions reduction measures presented for public input.

CALL TO ORDER

Chairman Broeder called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners Present: Chairman Broeder, Vice-Chairman Gordon, Commissioner Klerk,
and Commission Whittle

Absent: Commissioner Moncada

Staff Present: City Planner Amy Augustine, Deputy City Clerk Alicia Smith

AGENDA APPROVAL

Approval of Regular Agenda for May 12, 2022.

MOTION BY VICE-CHAIRMAN GORDON, DULY SECONDED BY COMMISSIONER WHITTLE, AND CARRIED 4-0 TO APPROVE THE REGULAR MEETING AGENDA FOR MAY 12, 2022.

MINUTES APPROVAL

Meeting minutes for April 14, 2022.

MOTION BY COMMISSIONER KLERK, DULY SECONDED BY VICE-CHAIRMAN GORDON, AND CARRIED 3-0-1 TO APPROVE THE MINUTES OF THE APRIL 14, 2022, MEETING WITH CHAIRMAN BROEDER ABSTAINING.

PUBLIC COMMENTS

OPENED AT 6:01 P.M.

Item Discussed: City Planner Amy Augustine noted for the record information that was not included at the last Planning Commission meeting on, April 14, 2022, in regard to Resolution 22-13, the variance under consideration at 195 Rocky Ridge Road, that the site map shows there is a 50 foot right of way that is not in the center of the road on Thistle Way and how the buildings on site were at an angle to the road. Commissioners commented, and staff responded.

CLOSED AT 6:23 P.M.

PUBLIC HEARING

Notice of Intent Resolution 22-14 Finding of Architectural Conformity for a sign and Administrative Site Plan Review to establish a rental hall available for one-day events in the Historic Commercial district. The Quarry will be located at 1177 South Main. Assessor's Parcel Nos: 062-004-064, by Nathaniel Allen, et al.

City Planner Amy Augustine presented plan.

Commission Recommendation:

None

Discussion:

Chairman Broeder, Vice-Chairman Gordon, Commissioner Klerk, and Commissioner Whittle commented. Staff responded.

Change to Staff Report:

None

Chairman Broeder opened the public hearing at 6:34 p.m.

Speakers:

None

Chairman Broeder closed the public hearing at 6:35 p.m.

MOTION BY COMMISSIONER KLERK, DULY SECONDED BY VICE-CHAIRMAN GORDON TO APPROVE RESOLUTION 22-14. AYES: CHAIRMAN BROEDER, VICE-CHAIRMAN GORDON, COMMISSIONERS KLERK AND WHITTLE. NOES: NONE. THE MOTION CARRIED 4-0 TO APPROVE RESOLUTION 22-14.

OLD BUSINESS

None

COMMISSION BUSINESS

1. Staff suggested presenting projects needing funding. Commission agreed.
2. Staff suggested everyone attend the Planning Commission Training scheduled for May 13, 2022 in Jackson.

3. 2022 Planning Goals and Discussion Items:

- A. Commissioner Broeder suggested goals to minimize, or update things that appear seedy or tacky in the City, such as:
- a. Swendeman's store
 - b. Weeds in front of Calaveras Lumber
 - c. Altaville Store wood stacked out front and stickers and posters covering all of the windows.
 - d. Salvage across from old City Hall. Add a vista point Turnout to enjoy the view.
 - e. Chain-link fence around the High School. Remove or replace with more attractive material such as wrought iron.
 - f. Vacant lot full of weeds south of old City Hall.
 - g. Old Subaru Dealership on both sides of Main Street.
 - h. Pickled Porch
 - i. Lode Hotel
 - j. Mt. Motivation – remove sign.
 - k. All Bikers Welcome – remove sign. Stickers all over the windows.
 - l. Utica Hotel – neon sign.
 - m. Old Thrift Store - posters and junk inside need to be removed.
 - n. Mercantile Building
 - o. Cut grass along Finnegan Lane
 - p. Plant street trees in their intended places.
 - q. Frogtown parking lot flood light needs to be adjusted downward on the parking lot.
 - r. Neon signs in general. Need to use something else.
 - s. In Old Town reduce speed limit to 25mph. Install changeable sign that adjusts the speed limit depending on the time of day.
4. Staff reminded the Planning Commission to disclose any ex parte communications, to recuse yourself if you have a financial interest in items on the agenda, or disclose your relationship with any applicants where you do not have a financial interest prior to hearing the item.

COMMITTEE REPORTS

Chairman Broeder was advised that the Sign Sub-Committee was established at last month's meeting to review sign applications on demand verses waiting and calendaring them on the next available agenda. Chairman Broeder was assigned as the third alternate member.

COMMISSIONER'S REPORTS

Vice-Chairman Gordon attended the Destination Angels Camp meeting last month. They discussed Integrated Waste Management, and capacity issues at the local solid waste disposal sites. Cal-Waste has ideas to address the issue. This will be a CEQA issue if solid waste capacity is insufficient. Vice-Chairman Gordon also mentioned that Greenhorn Creek is looking into restoring the Chimney at Selkirk House. Also, that Lynn Ayers is the new director at Habitat for Humanity.

Commissioner Broeder. Nothing to report.

Commissioner Klerk requested a presentation for sidewalks and traffic calming. Staff responded that she will ask the City Engineer, Rebecca Neilon to provide a presentation to the Planning Commission.

Commissioner Whittle. Nothing to report

STAFF REPORTS

- Nothing to report.

MOTION BY VICE-CHAIRMAN GORDON, DULY SECONDED BY COMMISSIONER KLERK, AND CARRIED 4-0 TO ADJOURN THE MEETING.

MEETING WAS ADJOURNED AT 7:28 P.M.

ATTEST:

John Broeder, Chairman

Alicia Smith, Deputy City Clerk



PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

DATE: June 9, 2022
TO: Planning Commission
FROM: Amy Augustine, City Planner
RE: Conditional Use and Sign Permit for a retail tobacco store (Smoke Shop)

RECOMMENDATION:

Staff recommends approving Resolution 22-15 with attached conditions.

PROJECT DESCRIPTION

OWNER: Michael Sidley (Savemart Shopping Center)
APPLICANT: Amer Wehbeh
LOCATION: 250 South Main Street (Between Savemart and Angels Nails)
ASSESSOR'S PARCEL NUMBER: 058-026-019
GENERAL PLAN: Community Commercial
ZONING: Community Commercial

PROJECT DESCRIPTION:
Conditional Use Permit for a Retail Tobacco Store (Smoke Shop).

BACKGROUND

The proposed Smoke shop is relocating from 520 North Main.

Figure 1: Project Location



ANALYSIS/FINDINGS:

Pursuant to the Angels Camp Municipal Code (AMC), Section 17.27.030(B), a smoke shop requires a conditional use permit in the Central/Community Commercial (CC) zoning district.

Per AMC Section 17.78.010 a conditional use permit allows 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 and 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 , conditional use permit approval requires the following findings A through E. An Administrative Site Plan Review was waived in accordance with Section 17.73.030(F) therefore, a sixth finding, Finding F, is required.

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

Pursuant to AMC 17.27.040, site development standards in the CC district are:

Development Standard	Complies, Does not Comply, Not Applicable (N/A)
Minimum lot area for new lots, 5,000 square feet	N/A – No new lot is proposed.
Maximum building height, 50 feet	N/A - No changes to existing building height are proposed.
Lot width: 40 feet	N/A – No changes to the existing lot configuration is proposed.
Lot depth: 80 feet	N/A – No changes to the existing lot configuration is proposed.
Front setback, Rear setback, Side setback: zero	The project meets these required setbacks.
Landscaping 15%	N/A – The project is one suite within a shopping center. Landscaping is included in the common area of the shopping center and therefore meets this criteria.
Parking	N/A - The project is one suite within a shopping center. Parking is shared for the entire shopping center. No additional parking requirements are triggered for the use.

Signage

A separate sign permit application has been submitted pursuant to AMC Chapter 15.12 (**Figure 2**). The City Planner normally issues sign permits outside the Historical Commercial (HC) zone. Because the Planning Commission is considering the conditional use permit application for the project, the sign permit is included herein for commission approval.

Proposed signage totals 20” X 252”, or 35± square feet. Signage will be interior lit. A master signage plan was previously approved for the Savemart Shopping Center signage pursuant to AMC 15.12.080. Therefore, the general size restrictions for signage do not apply and general consistency with other signage in the center is required.

However, it is noted that, per AMC Section 15.12. 060, total square footage for signage shall not exceed ten percent of the business front, but in no case shall exceed ninety square feet for the business. The store’s frontage is 26’ X 14.66’, or 528± square feet. Therefore, total allowable signage (outside of a shopping center) would normally be up to 52.8 square feet. The proposed signage is 35± square feet and, therefore, is consistent.

Figure 2: Proposed Signage

PRIME SIGNS
C45 Lic. 1044506

PROPOSED SIGN A AND SIZES

RECEIVED
APR 01 2022
CITY OF ANGELS

ANGELS SMOKE SHOP
250 S MAIN ST,
ANGELS CAMP, CA 95222



Based on the preceding, Finding A can be made.

Finding B. The proposed use is consistent with the City of Angels General Plan

The project site carries a general plan land use designation of Community Commercial that is consistent with the Community Commercial zoning district per General Plan 2020 Table 1-5. Therefore, the project carries consistent general plan and zoning designations.

General Plan Goal 1B calls for minimizing conflicts between adjacent land uses as necessary to maintain quality of life in Angels Camp while recognizing the economic, social, health and safety needs of the community.

The proposed Smoke Shop has the potential to generate odors to adjacent uses. A nail salon is located adjacent to the Smoke Shop on the west. Savemart is located adjacent to the east. The proposed Smoke Shop extends further towards the parking lot than does Savemart (i.e., approximately ¼ of the Smoke Shop’s adjoining wall space is not shared with Savemart. That portion of Savemart’s wall space adjoining the Smoke Shop has an interior office along approximately two-thirds of the length of the smoke shop. The remainder of adjoining wall space between Savemart and the Smoke Shop is a short section of Savemart’s produce section.

Based on a site visit by staff, the nail salon generates relatively strong odors from the sidewalk outside the shop. However, according to the restaurant owner immediately adjacent to the nail salon to the west, the restaurant is not exposed to odors from the nail shop from inside the restaurant—only from the sidewalk outside. Therefore, it appears that construction and ventilation systems in the existing shopping center suites are sufficient to minimize the spread of odors between buildings (i.e., if odors from the nail salon do not permeate into the adjacent restaurant, it is unlikely that tobacco shop odors could permeate into Savemart).

Implementation Program 1.F.e promotes retention and growth of existing businesses. The business is relocating from 520 North Main. Approval would be consistent with the intent of this program.

Based on the preceding, Finding B can be made.

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

The existing shopping center is served by public water and public sewer. No extension or expansion of those existing facilities are proposed. No increase in water or sewer use is anticipated from the proposed smoke shop. Therefore, Finding C can be made.

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

The proposed use will occupy an existing suite in an existing shopping center. Therefore, no new grading will occur and size and terrain of the parcel are not applicable to this particular use. Based on the preceding, Finding D can 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.

Adjoining landowners were notified of the proposed project and no responses were received. Advisory agencies were notified of the proposed project. The Fire Department requires several life safety conditions for the project—all of which are included in the conditions of project approval. No additional responses or comments were received.

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.

Finding F can be made based on the discussions included under Finding A and Finding E.

ENVIRONMENTAL FINDINGS:

Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed project is categorically exempt from CEQA pursuant to Section 15301, Class 1, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use involves minor alterations of the building interior with no expansion.

The Project does not involve any of the exceptions to this categorical exemption as established in Section 15300.2(b-f) of the guidelines (i.e., does not contribute cumulatively to a significant impact, will not result in any potentially significant impact, will not impact a scenic highway, does not involve a hazardous waste site, and will not create a substantial adverse change to the significance of a historical resource).

ATTACHMENTS:

A. Resolution 22-15 with attached Conditions of Project Approval

**CITY OF ANGELS
PLANNING COMMISSION**

Resolution No. 22-15

**RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS
PLANNING COMMISSION FOR
CONDITIONAL USE PERMIT
SMOKE SHOP
LOCATED AT 250 South Main
APN: 058-026-019**

WHEREAS, the City received an application for a Conditional Use Permit for a smoke shop at the above location; 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 establishes that a Conditional Use Permit requires review by the City of Angels Planning Commission, and.

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

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state guidelines for the implementation of CEQA Section 15301, Class 1 (Infill Projects); and

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 based on the following findings A through F and subject to the attached conditions:

- A. The proposed use is consistent with the City of Angels Municipal Code
- B. The proposed use is consistent with the City of Angels General Plan
- C. The proposed use will not overburden existing municipal facilities
- D. The size and terrain of the parcel are suitable for the proposed use
- 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.

The foregoing resolution was introduced and moved for adoption June 9, 2022, by

_____ and duly seconded by Commissioner _____.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

John Broeder, Chairman

ATTEST:

Alicia Smith, Deputy City Clerk
City of Angels

CONDITIONS OF PROJECT APPROVAL
CONDITIONAL USE PERMIT
SMOKE SHOP
250 S. MAIN

1. 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.

2. 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 the event. 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 the event, except where caused by the sole negligence or willful misconduct of the City.

Prior to Opening for Business:

3. A Building permit or waiver shall be secured for the proposed sign (due to electrical work proposed).
4. Signage shall comply with the plans approved herein and attached.
5. The Applicant shall maintain a business license from the City of Angels. This approval may include interior site evaluation by the Building Department, Police Department, and/or Fire Department.
6. Fire extinguishers shall be provided in compliance with the California Fire Code. One class 2A 10BC rated fire extinguisher shall be provided for each 1,500 square feet of ordinary hazard fuel load, with a travel distance not to exceed 75'. Monthly inspections by building owner/occupant with an annual inspection and recertification by a fire extinguisher contractor is required. Extinguishers shall not be obstructed or obscured

from view. Extinguishers shall be securely mounted on brackets or placed in cabinets at a height not to exceed 5' to the top and no less than 4' from the floor.

7. Ingress/Egress doors shall be readily operable from the inside without the use of a key or special knowledge. Egress doors shall swing in the direction of egress travel where serving an occupant load of 50 or more. Means of egress shall be illuminated when the building space is occupied. In the event of power failure, an emergency electrical system shall automatically illuminate the means of egress in areas that require two or more exits. All required exit access, exits, and exit discharges shall be continuously maintained and free of obstructions. Where two or more exits are required from a room or area, exit shall be marked by approved exit signs readily visible from any direction or egress travel. Exit signs shall be internally or externally illuminated at all times and connected to an emergency power system that provides illumination for not less than 90 minutes. Means of egress shall not pass through kitchens, storerooms, closets, or spaces used for similar purposes, or through rooms subject to locking. Total travel distance to an exit shall not exceed 200 feet for non-sprinklered buildings. Corridors shall not be less than 44" in width for occupant loads of 50 or more. A minimum of two exits are required for M occupancies with 50 or more occupants. Doors in rooms with an occupant load of 50 or more persons in a group M occupancy shall be equipped with panic hardware or fire exit hardware.
8. Electrical. Temporary wiring is allowed for a period not to exceed 90 days. Extension cords and flexible cords shall not be used as a substitute for permanent wiring. Extension cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings nor shall such cords be subject to environmental damage or physical impact. A working space of not less than 30" in width, 36" in depth and 78" in height shall be provided in front of electrical service equipment. Open junction boxes and open wiring splices are prohibited. Portable electric space heaters shall be plugged directly into a permanent receptacle and not operated within 3 feet of any combustible materials.
9. Miscellaneous. Natural cut Christmas trees shall not be displayed except in areas protected by an approved fire sprinkler system. All drapes, hangings, curtains, and other decorative materials that would tend to increase the fire and panic hazard shall be made from non-flammable material or shall be treated and maintained in a flame retardant condition.
10. Address. New and existing buildings shall have approved address numbers placed in a position to be plainly viewed from the street fronting the property. Numbers shall not be spelled out and shall not be less than 4" high with minimum of 1/2" strokes.

Throughout the life of the project:

11. Prior to installing any new signs at the site, other than those specifically approved herein, the Project Proponent shall secure a sign permit from the City of Angels' Community Development Department.
12. There shall be no outdoor storage or sales.

13. There shall be no outdoor detached signage, including A-frames.
14. The Project shall remain in compliance with all applicable local, state, and federal regulations.
15. Significant changes to the above conditions shall require an amendment to this Conditional Use Permit by the City Planning Commission.
16. The Project shall comply with all provisions of the Project Description as approved June 9, 2022, by the City of Angels Planning Commission.
17. In accordance with Angels Municipal Code Section 1.16.090, a violation of these conditions may be immediately punishable by issuance of an administrative citation.

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