CITY OF ANGELS
PLANNING COMMISSION

A G E N D A

August 11, 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

ELECTION OF OFFICERS

Annual Election of Planning Commission Chairman and Vice-Chairman

APPROVAL OF AGENDA

Approval of Regular Agenda for August 11, 2022

APPROVAL OF MINUTES

June 9, 2022
There are no Minutes to approve for the July 14, 2022 Planning Commission meeting as it was cancelled.

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 22-16 to remove or amend the Utica Mansion Conditional Use Permit expiration date allowing for ongoing use as a special venue beyond December 31, 2023. 1090 Utica Lane Assessor's Parcel Number: 060-006-010. Applicant: Amanda Folendorf. Owner: Tad Folendorf.

2. Resolution 22-17 to extend the Habitat for Humanity Conditional Use Permit allowing housing in the Business Attraction and Expansion zoning district and Site Plan Review for 107 work-force housing units approved February 16, 2021, through February 16, 2023. Applicant: Habitat for Humanity. Note: The approved tentative subdivision map remains in effect through February 16, 2023. The approved development agreement remains in effect.

3. Resolution of Intent 22-18 to amend the general plan land use designation and zoning district from Community Commercial (CC) to High Density Residential (HDR) general plan and Multi-Family Residential (MFR) zoning on 0.87± acre Assessor's Parcel 058-025-017. 374 South Main. Applicant: Jim Heryford.

4. Resolution of Intent 22-19 to amend the general plan land use designation and zoning district from Public (P) to Community Commercial (CC) on a 0.56± acre portion of Assessor's Parcel 058-015-011 being sold to the Mariposa Amador Calaveras Tuolumne (MACT) Health Board and approve a boundary line adjustment between Assessor parcels 058-015-011 and 058-015-012. Applicant: City of Angels.

5. Resolution of Intent 22-20 to amend the general plan land use designation and zoning district from Historical Commercial (HC) to Public (P) on 0.5± acre, Assessor's Parcel 060-014-001, south of Utica Park, being purchased by the City and contingent upon close of escrow. Applicant: City of Angels.

6. Resolution of Intent 22-21 to add Chapter 8.04 and amend Chapter 8.16 of the Angels Municipal Code to add Edible Food Recovery provisions consistent with state law. Applicant: City of Angels.

COMMISSION BUSINESS

1. Resolution 22-22 Finding of Architectural Conformity: *Red Ridge Restaurant* sign 1259 S. Main Street, Assessor's Parcel Number: 062-004-066.

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 **September 8, 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, June 9, 2022
City of Angels Fire House
1404 Vallecito Road
Angels Camp, California

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 Moncada, and Commission Whittle
Absent:	Commissioner Klerk
Staff Present:	City Planner Amy Augustine, Deputy City Clerk Alicia Smith

AGENDA APPROVAL
Approval of Regular Agenda for June 9, 2022.

MOTION BY VICE-CHAIRMAN GORDON, DULY SECONDED BY COMMISSIONER MONCADA, AND CARRIED 4-0 TO APPROVE THE REGULAR MEETING AGENDA FOR JUNE 9, 2022.

MINUTES APPROVAL
Meeting minutes for May 12, 2022.

MOTION BY VICE-CHAIRMAN GORDON, DULY SECONDED BY COMMISSIONER WHITTLE, AND CARRIED 3-0-1 TO APPROVE THE MINUTES OF THE MAY 12, 2022, MEETING WITH CHAIRMAN MONCADA ABSTAINING WITH THE FOLLOWING CHANGES:

3. A. f. Weeds not Weeks.

PUBLIC COMMENTS

OPENED AT 6:03 P.M.

Item Discussed: None

CLOSED AT 6:04 P.M.

PUBLIC HEARING

Resolution 22-15 Conditional Use Permit and Sign. 250 South Main. APN: 058-026-019. The Smoke Shop.

City Planner Amy Augustine presented staff report.

Commission Recommendation:
None

Discussion:
Chairman Broeder, Vice-Chairman Gordon, Commissioner Moncada, and Commissioner Whittle commented. Staff responded.

Change to Staff Report:
None

Chairman Broeder opened the public hearing at 6:12 p.m.

Speakers:
None

Chairman Broeder closed the public hearing at 6:16 p.m.

MOTION BY COMMISSIONER WHITTLE, DULY SECONDED BY COMMISSIONER MONCADA TO APPROVE RESOLUTION 22-15. AYES: CHAIRMAN BROEDER, VICE-CHAIRMAN GORDON, COMMISSIONERS MONCADA AND WHITTLE. NOES: NONE. THE MOTION CARRIED 4-0 TO APPROVE RESOLUTION 22-15.

OLD BUSINESS
None

COMMISSION BUSINESS

1. Staff advised that now per City Council, all Planning Commission re-appointments and vacancies must be advertised.
2. Staff discussed Angels Creek Trail fieldtrip, and plans to send a memo to City Council to add the alternative route to the Angels Creek Master Plan. Commissioners agreed.
3. Commission Whittle and Secretary Smith briefly commented on their Planning Commission Training in Jackson on May 13, 2022. Secretary Smith will email Planning Commission Training PowerPoint, and link for the online handbook to all of the Planning Commission members.

COMMITTEE REPORTS
None

COMMISSIONER'S REPORTS
Commissioner Whittle reported on attending the Planning Commission training in Jackson on May 13, 2022.

Vice-Chairman Gordon reported he will no longer be a member of Destination Angels Camp. He also reported our landfill is almost full. Staff responded that failure to address the landfill capacity could negatively impact new development pursuant to CEQA.

Commission Moncada reported on the Calaveras County Jumping Frog Jubilee.

Chairman Broeder. Nothing to report.

STAFF REPORTS

- Staff reported that online Ordinances are now up to date.
- Secretary Smith reported that there are still some commission members that need to complete their ethics training.
- Secretary Smith reported that the City is moving to have all commissioners use a city provided email address. It is suggested that all commissioners transition to the City emails as soon as possible. Contact City Hall if you need assistance in setting up your City email. All future correspondence will be to city emails only.

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

MEETING WAS ADJOURNED AT 7:11 P.M.

ATTEST: _____
John Broeder, Chairman

_____
Alicia Smith, Deputy City Clerk

ANGELS CAMP CALIFORNIA

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: August 11, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP –City Planner

RE: Resolution 22-16 Removing Condition #3 of the conditions of approval of the Utica Mansion 2019 Conditional Use Permit and Site Plan Review eliminating the requirement for periodic extensions and allowing the use to continue, in perpetuity, in compliance with adopted conditions, unless the use is abandoned.

RECOMMENDATION

Staff recommends approving Resolution 22-16 removing Condition #3 of the conditions of approval for the Utica Mansion 2019 Conditional Use Permit and Site Plan Review eliminating the requirement for periodic extensions and allowing the use to continue, in perpetuity, in compliance with adopted conditions without amendments, unless the use is abandoned as defined in Angels Municipal Code 17.09.010.

Alternatively, the Planning Commission may extend the expiration date rather than eliminate it.

PROJECT DESCRIPTION:

Owner: Tad Foldendorf

Applicant: Amanda Foldendorf

Location: 1090 Utica Lane

Assessor's Parcel Number: 060-006-010

General Plan/ Zoning: Historical Commercial (HC)

Remove Condition #3 (see below) of the Utica Mansion 2019 Conditional Use Permit and Site Plan Review eliminating the requirement for periodic extensions and allowing the use to continue, in compliance with adopted conditions, in perpetuity, unless the use is abandoned as defined in Angels Municipal Code 17.09.010.

3. *This permit is issued conditionally for a period extending through December 31, 2023. Prior to that date, the Planning Commission shall hold a public hearing to either extend the permit without amendment or extend the permit with amended conditions as may be necessary.*

The approved Conditional Use Permit and Site Plan Review allow:

- Private gatherings up to 300 persons including, but not limited to weddings, fundraisers, showers, music, and other special events

- Overnight stays in conjunction with special events occupying up to 3 bedrooms (e.g. wedding party, family reunions). Overnight stays include use of ballroom, dining room, and kitchen. Lodging is upon request only, not open to the general public, and requires rental of the entire facility.

- Phased kitchen use.

  Phase 1: Kitchen use for caterers for private/special events for warming and prep as allowed under existing conditions.

  Phase 2: Upon completion of upgrades required for compliance with state law, to be converted to a fully operational commercial kitchen allowing for use at special events and, rented to individuals requiring a commercial kitchen for cooking/baking (Phase II).

- Beer and wine service (ABC License)

The mansion will have a full-time on-site resident.

All previously approved 2019 conditions remain in effect unless expressly amended herein.

BACKGROUND:

In 2019, the landowner requested a general plan amendment and rezoning to Historical Commercial (HC) to allow the site to be used as a special events venue. At the same time, an application was submitted for a conditional use permit and site plan review for the proposed use. The Angels Camp Planning Commission recommended approval of the general plan amendment and rezoning to the City Council and approved both the conditional use permit and site plan review in May 2019 subject to the attached conditions and contingent upon approval of the general plan amendment and rezoning. The City Council approved the general plan amendment on May 21, 2019, and approved the rezoning June 4, 2019, per Ordinance 487.

Per condition #3 of the approved conditional use permit and site plan review, an extension of the permit with or without removing conditions is required. The current expiration date is December 31, 2023. The applicant has requested an extension. Staff is recommending that, based on performance in compliance with the permit since 2019, as verified by the Police Department and Fire Department, that the expiration condition be removed entirely and the permits be issued in perpetuity; unless the use for which they are granted is abandoned.

Pursuant to Angels Municipal Code 17.09.010, an “Abandoned activity" shall mean a business or activity with no reported sales or activity for a period of at least one hundred eighty days. Exceptions are temporary closures for repairs, alterations or other similar situations.

Landowners within 300 feet were notified of the public hearing. No responses have been received to date.

FINDINGS and Analysis

The focus of this evaluation is on Condition #3 only. However, because Condition #3 allows for amending or not amending project conditions, the previous staff report for all of the project’s entitlements and conditions is hereby incorporated by reference (Attachment B). The findings and analysis remain the same. No condition changes are recommended by staff at this time.

ENVIRONMENTAL FINDINGS:

No changes to the prior environmental findings are proposed (See previous staff report and findings, attached).

Figure 1: Project Site

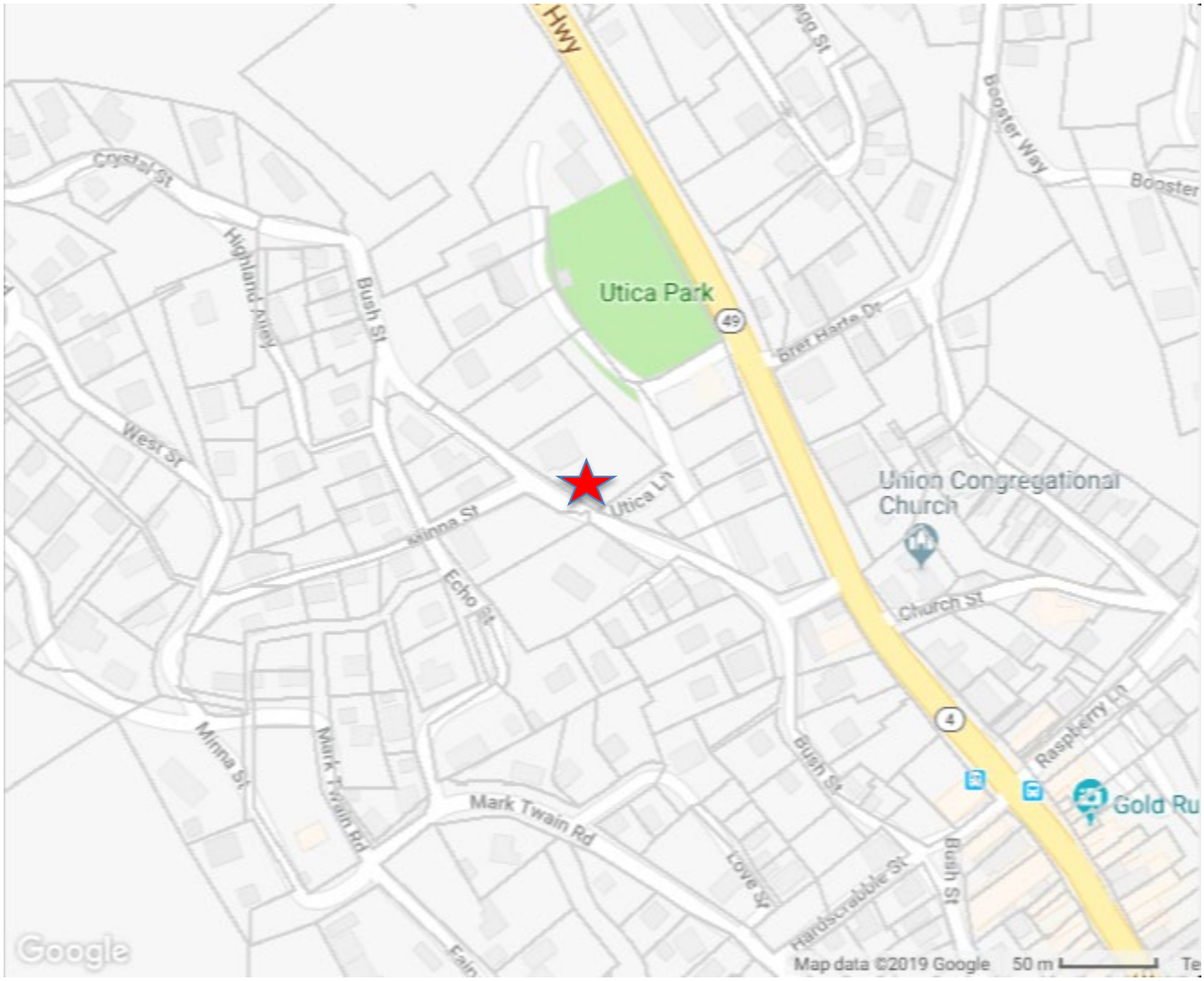

Figure 2: Project Exterior

National Register #84000764: Utica Mansion

Figure 3 Project Site Plan

ATTACHMENTS:

A. Planning Commission Resolution 22-16 with Conditions of Project Approval incorporating proposed changes

B. 2019 Staff Report

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION NO. 22-16
REMOVING CONDITION #3 OF THE CONDITIONS OF APPROVAL OF THE UTICA MANSION 2019 CONDITIONAL USE PERMIT AND SITE PLAN REVIEW ELIMINATING THE REQUIREMENT FOR PERIODIC EXTENSIONS AND ALLOWING THE USE TO CONTINUE, IN PERPETUITY, IN COMPLIANCE WITH ADOPTED CONDITIONS, UNLESS THE USE IS ABANDONED

WHEREAS, the City of Angels, Planning Commission is authorized by Angels Municipal Code Sections 17.74.050 and 17.78.025 to approve Conditional Use Permits and Site Plan Reviews; and

WHEREAS, a notice of public hearing for the proposed action was published July 28, 2022, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 11, 2022, and received public input on the proposed project; and

WHEREAS, the proposed changes to the Municipal Code are in conformance with the City's general plan; and

WHEREAS, the proposed changes are consistent with the City's Municipal Code; and

WHEREAS, the proposed changes to the Municipal Code will not be detrimental to the health, safety, and general welfare of the City and its people; and

WHEREAS, the proposed changes to the Municipal Code are exempt from further environmental review pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

NOW, THEREFORE, BE IT RESOLVED, **NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Angels hereby:

Approves the Conditional Use Permit and Site Plan Review subject to the attached REVISED conditions based on the same findings in effect at the time of the project's original approval as follows: (Note Findings A-E are inapplicable to the present project)

F. 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; and

G. It is not feasible to provide the required off-street parking on the parcel containing the use due to existing site conditions; and

H. Makes a finding of Public Convenience and Necessity for issuance of an ABC License; and

I. 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; and

J. The proposed use will have no significant adverse effect on affected property; and

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

L. The proposed use complies with the general plan and this title; and

M. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development; and

N. General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings; and

O. General landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to ensure visual relief, to compliment buildings and structures and to provide an attractive environment for the enjoyment of the public; and

P. The approval of this plan is in the best interest of the public health, safety and general welfare; and

Q. All provisions of Chapter 17.74 (Site Plan Review) are complied with.

The foregoing resolution was introduced and moved for adoption August 11, 2022, by _____and duly seconded by Commissioner _____.

PASSED AND ADOPTED THIS 11th day of August, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

Alicia Smith, Deputy City Clerk

CONDITIONS OF PROJECT APPROVAL
RESOLUTION 22-16
CONDITIONAL USE PERMIT AND SITE PLAN REVIEW
UTICA MANSION
~~Extension/Renewal Required Prior to December 31, 2023~~

1. This Conditional Use Permit and Site Plan Review are contingent upon approval of a General Plan Amendment to Historic Commercial and Rezoning to Historical Commercial by the City of Angels City Council. *Note: Condition #1 was fulfilled as of May 21, 2019 (City Council Resolution for General Plan Amendment) and June 4, 2019, per Ordinance 487.*

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. ~~This permit is issued conditionally for a period extending through December 31, 2023. Prior to that date, the Planning Commission shall hold a public hearing to either extend the permit without amendment or extend the permit with amended conditions as may be necessary.~~ *Note: Condition #3 was deleted pursuant to Planning Commission Resolution 22-16.*

4. Prior to commencing operations, a pre-project meeting shall be held with affected City staff (police, fire, public works) and the Project Proponent to review compliance with Project conditions and address any outstanding questions.

5. Prior to any events in excess of 181 individuals, a pre-project meeting between City Staff and the Project Proponent shall be completed.

6. The Project Proponent will comply with the total number of events allowed annually, attendee limitations, City notification requirements, parking and traffic management plans, shuttle bus, payment of in-lieu parking and Utica Park reservation fees as detailed in **Table 1**.

7. Reservations for Utica Park shall be on a first come, first serve basis and shall be made through the City. Reservation fees will be non-refundable if the event is cancelled as necessary to prevent anticipatory-booking that could prevent park use by the public and other groups, events, and businesses. A deposit of $400 to reserve the park is required for all events in excess of 50 attendees. Deposits may be used to cover City staff costs for garbage removal, restroom clean-up and related activities. In the event of a conflict (i.e., the park already is reserved by another party), the Project Proponent may contact the scheduled event and attempt to work out details where both events might be

accommodated. Project proponent is responsible for notifying the City. The City will have final approval over whether both events may proceed at the same time. See following condition.

8. Project Proponent shall pay a deposit to the City of $650.00 to cover Utica Park reservation and in-lieu parking fees as shown in **Table 1**. The City shall invoice the Applicant for additional deposits when the balance drops below $250.00.

9. Prior to commencing operations, the Applicant shall pay all applicable impact mitigation fees (e.g., Traffic Impact Mitigation Fee, Park fees, Fire and Police Fees).

10. Within 24 hours of each event, all trash shall be hauled off-site.

11. Parking and Traffic Management Plans shall be submitted to the Community Development Department for review and approval by the Fire Department, Police Department, and City Engineer **a minimum of one month prior** to all events with attendance exceeds 120 individuals. At a minimum, plans shall:

    a. Identify the number of persons attending, date, time, and duration of the event (including anticipated arrival and departure time).

    b. Identify the location of temporary signage location/placement at SR 49 and Sam's Way (or vicinity) directing attendees to the mansion. It is recommended that portable, sandwich signs be used. Signs design shall be reviewed and approved by the Community Development Department prior to commencing operations.

    c. The number of parking attendants to be placed at Utica Park, the mansion, and SR 49 to direct guests to parking at the beginning of each event and directing traffic back to the highway at the end of each event. For events in excess of 180, an attendant will be present at the beginning and end of events to prevent traffic from traveling north-bound on Bush Street past the Utica Mansion until permanent signage or an alternative traffic control program can be identified [See **Condition 14 (a)**].

    d. If police department assistance is required for traffic control, Project Proponent will be responsible for all associated costs, including overtime pay, if necessary.

    e. Identify the agency that will be operating shuttles/shuttle route and plans for all events with 181 or more attendees. Pick up/drop-off locations shall be identified.

12. The Project Proponent will maintain a valid City business license throughout the life of the project.

13. Prior to using the kitchen for warming and prep by caterers (Phase 1), the Project Proponent shall submit a Host Facility plan check application with applicable fees to the Calaveras County Environmental Health Department

14. Prior to upgrading the kitchen for commercial use (i.e., cooking and baking on site - Phase 2), the Project Proponent shall 1) secure a building permit from the City of Angels Camp and 2) submit a completed food facility application, plan check and deposit of applicable fees with two sets of complete plans to the Calaveras County Environmental Health Department for review and approval. Applicants are encouraged to review the Food Plan Check Resource Guide available on the County's website for assistance. An annual permit fee will be required for continuing use.

15. Throughout the life of the project, guest use is limited to three bedrooms and associated mansion facilities. Prior to allowing overnight guests or allowing special events in excess of 49 attendees, the

Fire Department shall conduct and identify compliance with all necessary fire codes. Proponent shall install all improvements identified by the City Fire Department prior to allowing overnight guests unless otherwise agreed to by the Fire Marshall.

16. Within three months of issuance of this permit, Project Proponent will submit a sign plan to the Community Development Department for review and approval by the City Engineer/Public Works Department identifying the location and design of signage specifying the following (or similar):

    a. "No Utica Mansion event traffic beyond this point" sign(s) to be located on Bush Street
    b. "No Utica Mansion event parking beyond this point"

    Signs shall be installed as directed by City Staff unless waived by the City Engineer and Department of Public Works. The City will consider temporary sandwich signs.

17. Prior to installing any new sign at the site, the Project Proponent shall secure a sign permit from the City of Angels' Community Development Department. The existing oval "Utica Mansion" sign is hereby approved.

18. Overnight parking is prohibited in Utica Park. Project Proponent shall notify all customer/clients of this requirement in business contracts for events.

19. Outdoor events and music (including indoor music) shall end no later than 10 p.m. Sunday through Thursday and no later than 11 p.m. on Fridays and Saturdays. Event preparation operations shall commence no earlier than 7 a.m. Monday through Friday and 8 a.m. Saturday and Sundays to the maximum extent feasible. Morning delivery exceptions are allowed; however, deliveries outside designated hours of operation shall not occur from the Bush Street side of the mansion where adjoining single-family residential uses may be disturbed (i.e., deliveries should occur at the front of the mansion or Utica Park side of the mansion). During designated hours, deliveries to 1103 Bush Street are permitted.

20. Events shall not exceed the noise limits identified in the General Plan, **Table 1**. Noise levels shall be as measured from the property boundary of the receiving property. Conditionally acceptable noise standards are allowed for the use during permitted operations. Normally acceptable noise levels shall be enforced outside of project operational hours (as established in the preceding condition).

21. The Project shall remain in compliance with all applicable local, state and federal regulations.

22. Significant changes to the Project Description or conditions contained herein shall require an amendment to this Conditional Use Permit and Site Plan approved by the City of Angels Planning Commission.

23. Significant exterior alterations to the Utica Manor are subject to the review and approval of the City of Angels Planning Commission

24. The preceding conditions do not pertain to events held by and for family members of the property owner, assuming such events are not for profit.

SEE ATTACHED TABLES 1 and 2.

Table 1: Utica Mansion Project Conditions

Number of Participants (# persons)	Number of event(s) allowed annually by # of Participants	City Notification Required/a/	Utica Park Reservation and Fees Required	Shuttle Bus(es) Required	Traffic Control and Parking Plan Required/b/	In-Lieu Parking Fee
0-49	Not limited	One week in advance	No	No	No	No
50-120	24 (average 2/month)	Two weeks in advance/c/	Yes	No	No	No
121-180		One month in advance	Yes	No	Yes	No
181-300	1	Two months in advance	Yes	Yes	Yes	$378 per event

/a/ Notification to the City Clerk is required unless otherwise notified in writing.
/b/ Traffic control and parking plans shall be as detailed in the Project conditions
/c/ Subject to park facilities not already being reserved by another party; this timeline may be reduced to no later than a minimum of 24 hours subject to City approval

Table 2: Noise Limits (General Plan Figure 5-1)

Figure 5-1 : Exterior Community Noise Exposure Levels- L_{dn} or CNEL, (in Decibels, dB)

Decibels	55	60	65	70	75	80
Land Use Category						
Residential low-density, single-family, duplex, mobile homes	Normally Acceptable	Conditionally Acceptable		Normally Unacceptable	Clearly Unacceptable	
Residential multi-family	Normally Acceptable		Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	
Transient lodging, motels, hotels	Normally Acceptable		Conditionally Acceptable	Normally Unacceptable		Clearly Unacceptable
Schools, libraries, churches, hospitals, nursing homes	Normally Acceptable		Conditionally Acceptable	Normally Unacceptable		Clearly Unacceptable
Auditoriums, concert halls, amphitheaters (during use)	Conditionally Acceptable			Clearly Unacceptable		
Sports arena, outdoor spectator sports (during use)	Conditionally Acceptable			Clearly Unacceptable		
Playgrounds, neighborhood parks	Normally Acceptable			Normally Unacceptable	Clearly Unacceptable	
Golf courses, riding stables, water recreation, cemeteries	Normally Acceptable			Normally Unacceptable		Clearly Unacceptable
Office buildings, business, commercial and professional	Normally Acceptable			Conditionally Acceptable	Normally Unacceptable	
Industrial, manufacturing, utilities, agriculture	Normally Acceptable			Conditionally Acceptable	Normally Unacceptable	

Figure 5-1 Key:

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional Construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally Unacceptable:
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable:
New construction or development should generally not be undertaken.

ANGELS CAMP CALIFORNIA

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

CITY OF ANGELS CAMP
PLANNING COMMISSION HEARING
May 9, 2019
STAFF REPORT
UTICA MANSION
GENERAL PLAN AMENDMENT, REZONE, CONDITIONAL USE PERMIT AND SITE PLAN REVIEW

ITEM NO. 3

DATE: May 9, 2019

FROM: Amy Augustine, AICP – City Planner

OWNER: Tad Foldendorf

APPLICANT: Amanda Foldendorf

LOCATION: 1090 Utica Lane

ASSESSOR's PARCEL NUMBER: 060-006-010

EXISTING GENERAL PLAN: Single-Family Residential (SFR)

EXISTING ZONING: Single-Family Residential (R-1)

PROJECT DESCRIPTION:

1) General Plan Amendment from Single-Family Residential (SFR) to Historic Commercial (HC)

2) Rezoning from Single-Family Residential (R-1) to Historical Commercial (HC)

3) Conditional Use Permit and Site Plan Review to allow for the use of the Utica Mansion as a special events venue for:

   - Private gatherings up to 300 persons including, but not limited to weddings, fundraisers, showers, music, and other special events

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

- Overnight stays in conjunction with special events occupying up to 3 bedrooms (e.g. wedding party, family reunions). Overnight stays include use of ballroom, dining room, and kitchen. Lodging is upon request only, not open to the general public, and requires rental of the entire facility.

- Phased kitchen use.
  Phase 1: Kitchen use for caterers for private/special events for warming and prep as allowed under existing conditions.

  Phase 2: Upon completion of upgrades required for compliance with state law, to be converted to a fully operational commercial kitchen allowing for use at special events and, rented to individuals requiring a commercial kitchen for cooking/baking (Phase II).

- Beer and wine service (ABC License)

The mansion will have a full-time on-site resident.

BACKGROUND:

The Utica Mansion was constructed in 1882 by Robert Leeper, owner of the Utica Mine, and sold to Charles D. Lane in 1888. Lane is credited with transforming the structure in the early 1890s into the building seen today. The mansion remained the property of the Utica Mining Company until 1952 and was the center for major social events of the community for many years. It was placed on the National Register of Historic Places on May 31, 1984 (#84000764).

The site received a general plan amendment changing the land use designation from Residential Low Density to Commercial and a rezoning from R-1 (Single-Family Residential) to Suburban Commercial-Historical (SC-HD) in June of 1985. A negative declaration was circulated and certified for the general plan amendment and rezoning at that time.

A site plan review and sign permit were approved for a restaurant and bed and breakfast inn by the City of Angels Planning Commission December 10, 1987. The site plan approved three bedrooms for the inn and a restaurant. In conjunction with that facility, nine parking spaces were constructed facing Utica Park. The project was conditioned to require screening for garbage facilities, in-lieu fees were paid for sidewalks (not required for the project on-site) and “Parking area off of Bush Street should have some type of entry and exit addressed other than backing into the traffic lanes on Bush Street.”

In conjunction with adopting General Plan 2020 in 2009, the subject parcel and surrounding parcels were returned to Residential Low Density. For general plan consistency, the parcels were rezoned to R-1. The landowner was notified of the general plan amendment and rezoning.

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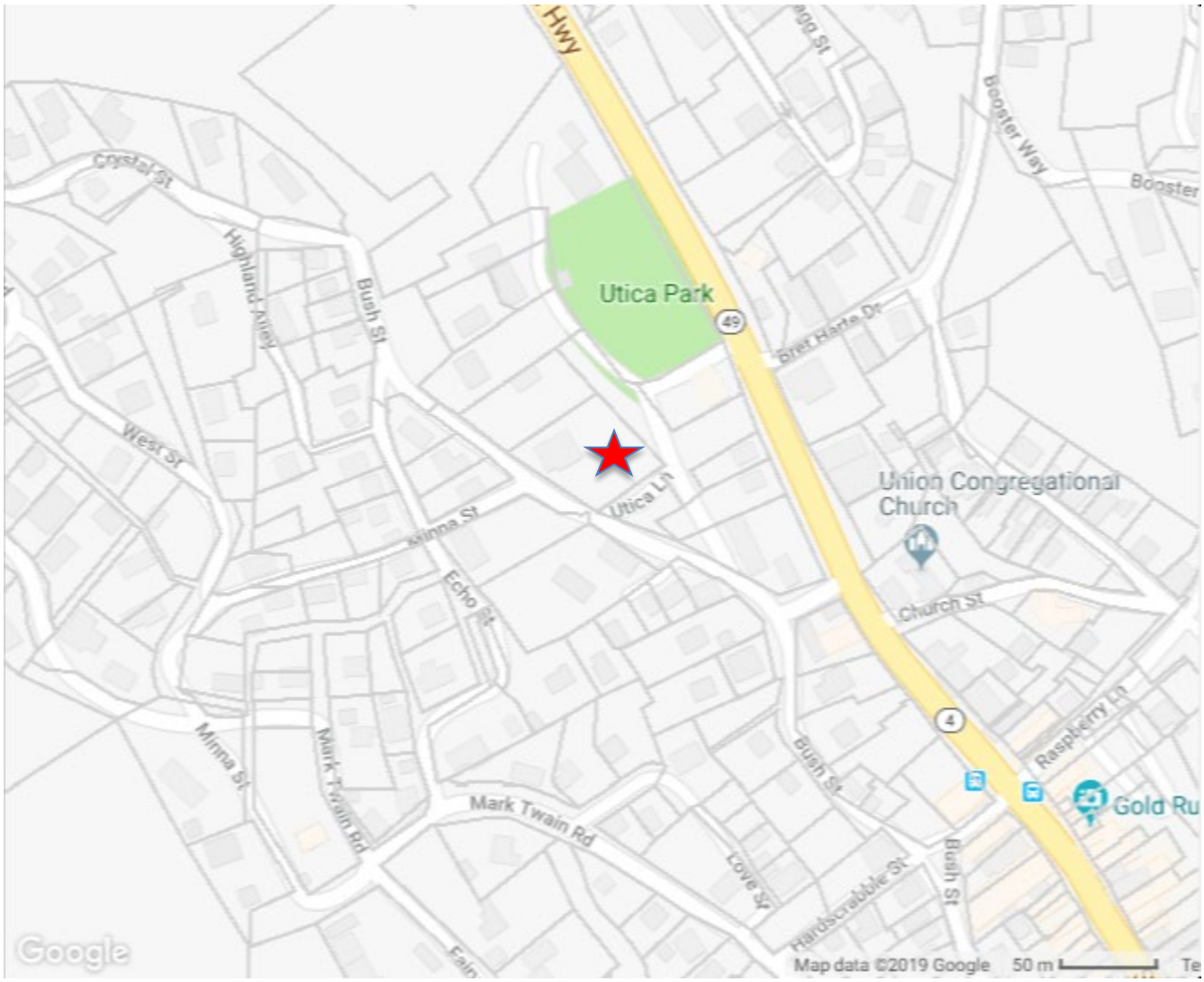
Figure 1: Project Site



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National Register #84000764: Utica Mansion

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Figure 2: Project Site Plan

ANALYSIS:

GENERAL PLAN AMENDMENT

The applicant proposes a general plan amendment from Single-Family Residential (SFR) to Historic Commercial (HC). HC is a new land use designation unavailable in 1985 when the site was previously designated as a commercial land use. Unlike the Commercial general plan land use of the 1980s, the 2009 HC land use is oriented to residential and visitor-serving uses and excludes shopping-center and large retail facilities (i.e., encourages lower impact uses consistent with adaptive re-use of historic buildings and preserving the integrity of the historic district).

Pursuant to Angels Municipal Code Section 17.90.030, decisions pertaining to general plan amendments shall be made upon the following findings of fact:

Finding A: The proposed amendment conforms with the General Plan

Pursuant to General Plan 2020:

The purpose and intent of the HC General Plan Land Use Designation is:

- *To provide a broad range of commercial uses for both residents and visitors. Typical uses include restaurants, hotels, specialty shops, bed and breakfasts, theaters and professional offices.*
- *To maintain the character and integrity of the City's designated historic district.*
- *To provide live-work opportunities by allowing upper level residential uses above commercial establishments (e.g., mixed use)*

The project site has, in the past, operated as a residence and bed and breakfast. The proposed use will cater both to visitors and residents by hosing small, medium and large events. The range of uses that can occur within the existing historic structure are suited to the HC general plan land use designation.

The Utica Mansion was placed on the National Register of Historic Places in 1984. Preserving the mansion through adaptive re-use by allowing special events will assist in the preservation of the mansion and the City's historic district, its character and integrity.

While not the specific live-work opportunity as envisioned for many two-story Main Street businesses in the historic district (i.e., commercial on the first floor and residential above street level), the owners of the Utica Mansion will live at the mansion and host special events at the mansion – an alternative live-work opportunity consistent with the intent and purpose of the HC land use.

Based on the preceding, the proposed general plan amendment is consistent with the stated purpose of the HC general plan land use.

The intended location for land uses carrying the HC designation is the City's designated historic district.

Figure 3 shows the project site's proximity to the existing historic zoning district. The site is contiguous to the existing Historical District. Approval of the proposed general plan amendment and rezoning (see following) to historical commercial will expand the City's historic district. As illustrated by the historical structures surrounding it and the National Register designation given to the Utica Mansion, it clearly belongs in City of Angels' historic district.

Design standards for the HC land use include:

- *Maximum impervious surfaces of up to 100%*
- *For parcels adjoining or visible from highways, arterials or collectors, project design shall accommodate the provision of street trees.*

The mansion includes a landscaped yard and is well under the maximum of 100% allowable for impervious surfaces. The parcel does not adjoin the highway and ample landscaping exists at Utica park which separates the mansion from the highway; therefore, the provision of street trees is inapplicable. Based on the preceding, the parcel meets general plan design standards for the HC land use designation.

Based on the preceding, Finding A can be made.

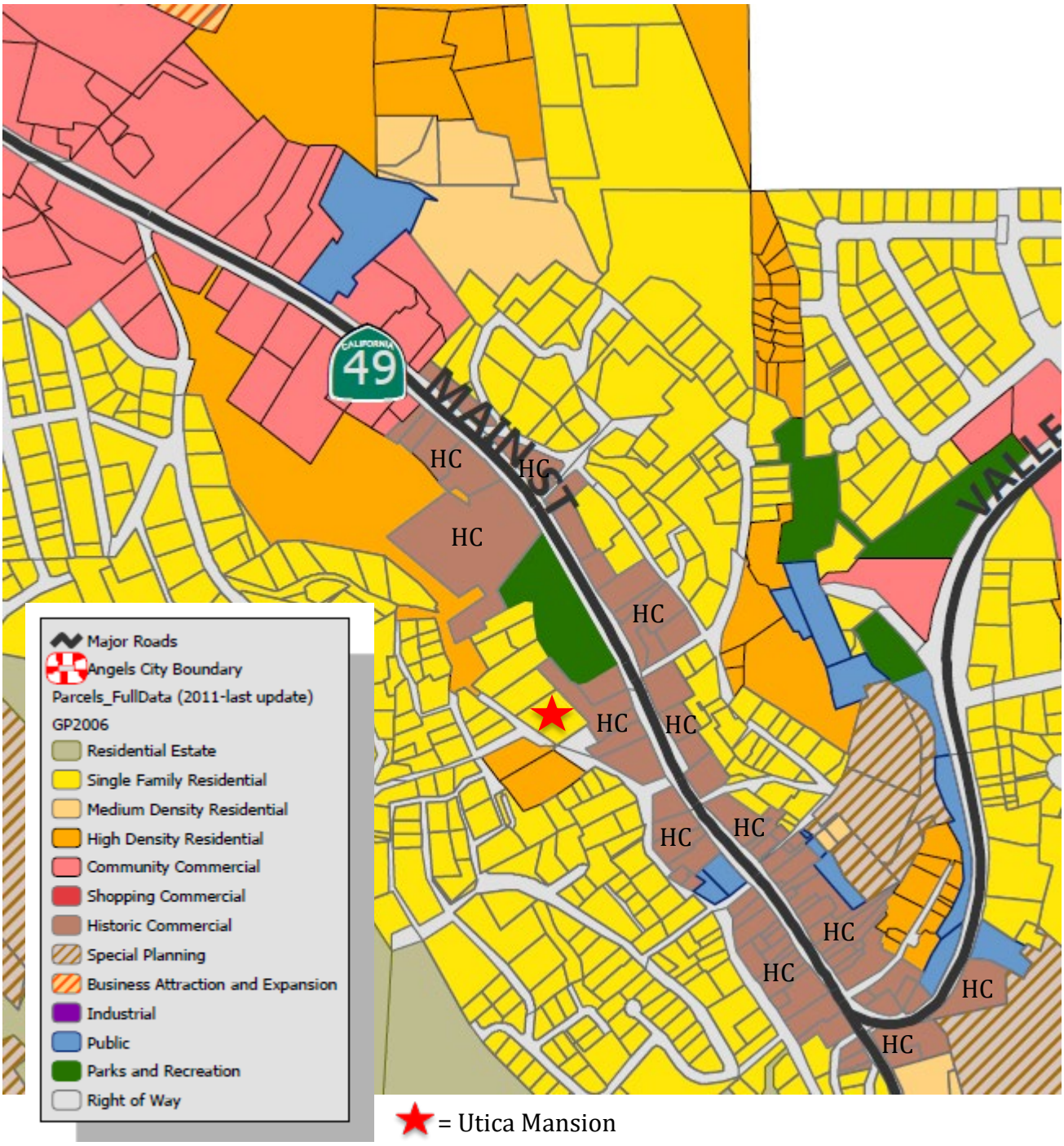
FINDING B: The proposed general plan amendment will not adversely affect the health, safety, peace, morals or general welfare of the city or its peoples.

As noted, the site previously operated as a bed and breakfast and inn. That use did not adversely affect the health, safety, peace, morals or general welfare of the city or its peoples. Upon evaluation of the current (or any future) proposals consistent with the HC land use designation, conditions of project approval can be applied, as may be dictated by the scope and nature of the specific proposal, as necessary to protect the health, safety, peace, morals and general welfare of the city and its peoples.

As one of the most recognizable historical structures in the City, the Utica Mansion gives the City a strong link to its history. It provides a visual reminder of the City's past and is a cornerstone of the City's historical character. Its preservation, through adaptive re-use, is, arguably, essential to the general welfare of the City. The proposed general plan land use amendment to HC enhances the ability of the resource to be used for purposes other than residential thereby generating income that will help preserve the mansion for future generations.

Therefore, finding B can be made.

Figure 3: Utica Mansion Surrounding General Plan Land Uses



FINDING C: The proposed general plan amendment is consistent with General Plan 2020 Program 1.A.d Guidelines for General Plan Amendments

General Plan 2020 Program 1.A.d directs that guidelines be established for evaluating general plan land use amendments for overall consistency of the proposal with the goals, objectives and policies of General Plan 2020 including, but not limited to:

a. Physical, social, or economic factors that were not considered at the time of general plan adoption, and the evaluation of the proposal based on the new information

As illustrated in General Plan Program 11.E.a, the general plan encourages enhancing the vitality of the historic district through projects such as the one proposed herein:

> ***11.E.a Retain and Enhance Historic District Vitality***
> *In cooperation with the Angels Camp Business Association (ACBA), or related organizations, prepare a plan to retain and enhance the vitality of the Angels Camp historic district. Identify potential funding sources and programs to encourage the continued vitality of the downtown district.*

There are no identified physical, social or economic factors that were not considered at the time of general plan 2020 adoption in 2009, including the identified program, that alters the findings and recommendations of the general plan as it pertains to the proposed project as a result of new information.

b. Existing reasonable alternative sites in the vicinity that are planned for the use and can accommodate the proposal

The proposed use of the site as a special events venue is integrally tied to the presence of a National Register designated historically significant resource on the site. As such, reasonable alternative sites (i.e., on the National Register and of sufficient size to host such events) in the vicinity do not exist. Additional sites containing significant historical resources may, in the future, request similar land use amendments and rezonings to allow for adaptive reuse of historical structures. Such requests would be evaluated in the context of the general plan goals, policies and programs identified herein.

c. The potential for the proposal to adversely affect community character

General Plan Goal 11E calls for the City to:

> *Preserve and enhance the cultural resources and historic context of Angels Camp and continue to recognize the city's history and cultural resources as an essential component of its community identity.*

The following general plan policies further call for conservation and preservation of cultural resources:

> ***Policy 11.E.1*** *Conserve the city's natural, scenic and cultural resources.*

Policy 11.E.2 *Encourage adaptive renovation and reuse of existing buildings.*

As illustrated, the preservation of historical buildings is essential to retaining the community identify of the City of Angels Camp, consistent with the proposed land use amendment to HC. Most importantly, encouraging the adaptive reuse of these historical resources (e.g., by allowing their use as special events venues) provides the funds necessary to maintain the historical resources for future generations and the long-term conservation of the resources and conservation of the City's cultural resources. The proposed general plan land use amendment furthers these General Plan goals and policies.

d. The effect of the proposal on the fiscal health of the city

General Plan 2020 Implementation Program 8.B.3 encourages recognition of the:

> *…importance of cultural resources management to the city's economic health and development. Promote the continued private ownership and utilization of historic properties by providing economic and zoning incentives to stabilize and improve the value of properties designated as historic resources, and strengthen the economy of Angels Camp by enhancing the city's attraction to residents and encouraging heritage tourism.*

Similarly, General Plan Implementation Program 11.E.e calls on the City to:

> *Support and Promote Events Celebrating the City's Culture, History, Industries, Recreational Opportunities and Natural Resources*
> *Continue to support and promote public activities and events celebrating the city's culture, history, industries, recreational opportunities, arts and natural resources. Support and promote events that bring visitors and residents downtown, further the economic development objectives of the city, and are compatible with the city's community character…. Including, but not limited to…Events recognizing the city and region's historic industries (e.g., mining, timber harvesting)*

The Utica Mansion serves as a reminder of the City's mining history. The proposed general plan amendment to HC for the Utica Mansion site will enhance heritage tourism, attract more visitors to the site for special events and contribute to the use of the historic property for economic stimulation both at the site itself and for surrounding businesses city-wide. Therefore, the proposed general plan amendment is expected to have a positive effect on the fiscal health of the city.

Based on the preceding, Finding C can be made.

REZONING

Pursuant to Angels Municipal Code Section 17.90.030, decisions pertaining to rezonings shall be made upon the following findings of fact:

FINDING D: The proposed rezoning of the site from Single-family Residential to Historical Commercial complies with the City's general plan and general plan land use designation for the site.

As illustrated in the preceding paragraphs, the proposal is consistent with the general plan. Subject to approval of a general plan amendment to HC, General Plan Table 1-5 identifies the Historical Commercial (HC) zoning district as consistent with the HC general plan land use designation.

The purpose and intent of the Historical Commercial (HC) zoning district pursuant to Angels Camp Municipal Code (AMC) Section 17.26.010 is summarized as follows:

> *The historical commercial (HC) district is intended for the historical buildings of the city. The district is intended to provide a range of commercial facilities, servicing not only the city, but surrounding unincorporated areas and the passing tourist traffic. …The district will also maintain the character and integrity of the city's designated historic district …*

As noted, the Utica Mansion is on the National Register of Historic Places—one of the City's historical buildings. The proposed use will provide a special events venue not only for the City residents, but also for visitors. Therefore, rezoning the site to HC is consistent with the intent and purpose of the HC zoning district.

Figure 4 shows the zoning districts surrounding the Utica Mansion. The mansion is contiguous to the existing HC zoning district. As noted in Section 17.26.010:

> *The historical downtown makes up the HC district. The historical downtown has the following boundaries:*
>
> *A. The north area boundary ends at Bragg Street on the east side of Main Street and APN 060-006-067 on the west side of Main Street.*
> *B. The south area boundary ends at Vallecito Road and State Highway 49 and Finnegan Lane. The most southern portion of the district is APN 062-009-052 and 006 and APN 062-009-032 (see Exhibit A attached to the ordinance codified in this chapter).*
> *C. The east and west boundaries are made up of parcel lines that face Main Street front to back (see Exhibit A attached to the ordinance codified in this chapter). (Ord. 460 §1, 2012)*

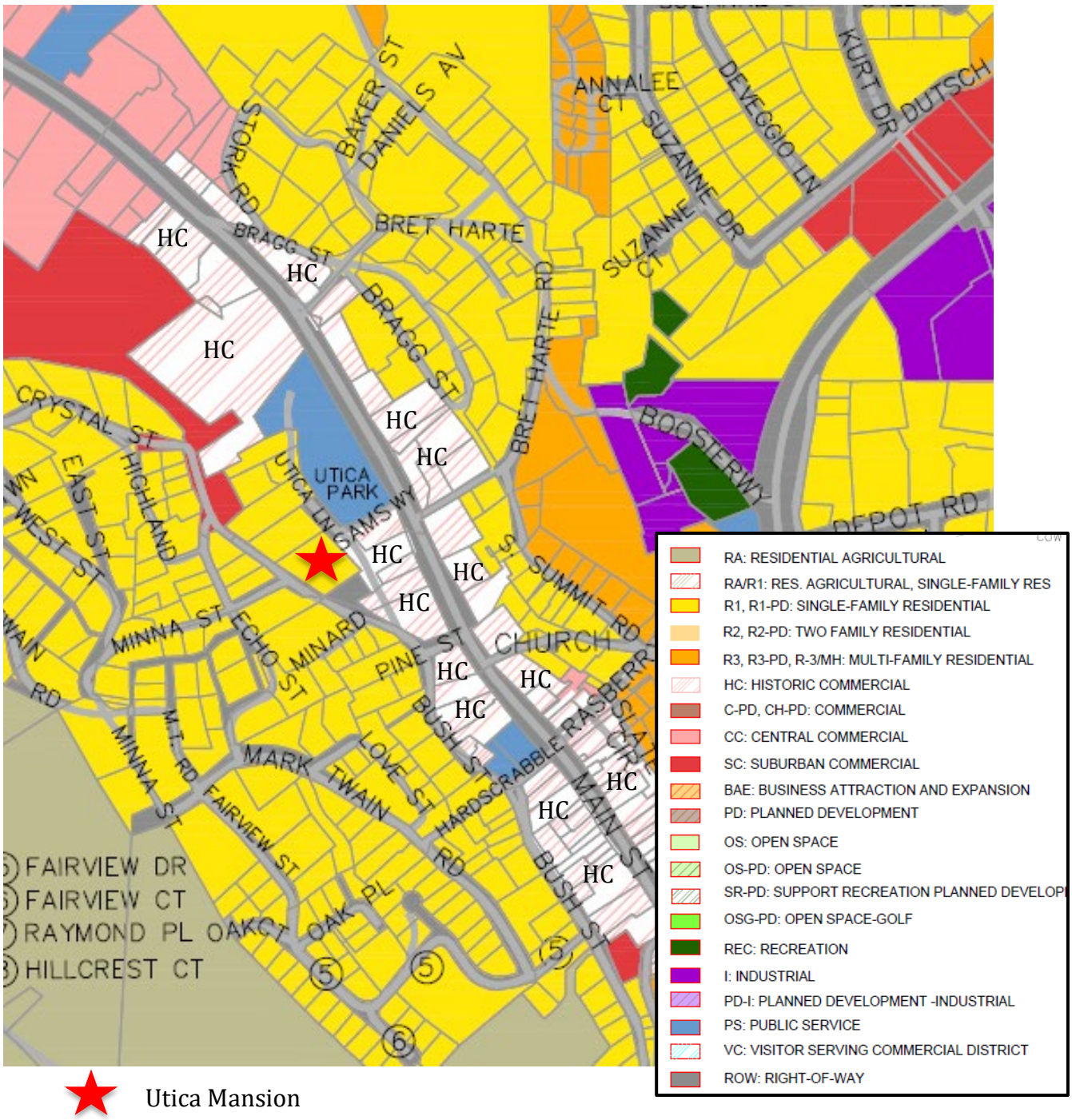
Consistent with the stated intent of the HC zone, the HC zone is intended for historical buildings in the City. General Plan Implementation Program 8.A.g (Identify and Designate Historic Districts), makes clear that the City may have more than one historic district and that the boundaries of such districts may be flexible (i.e., expanded or new districts formed in other locations):

> *As the city completes historic inventories and evaluations, enlist qualified professionals to provide recommendations for establishing historic districts within the city, and pursue Historic (:H) Combining District zoning.* ***There may be more than one historic district within the city****, the boundaries of which are clearly defined and mapped, with contributing and non-contributing resources identified within the district.*

Therefore, HC zoned parcels need not be within the boundaries established pursuant to 17.26.010 to be zoned to HC. The proposed project is consistent with the intent and purpose of the general plan and HC zoning district.

Based on the preceding, Finding D can be made.

Figure 4: Utica Mansion Surrounding Zoning



Utica Mansion

FINDING E: The proposed rezoning will not adversely affect the health, safety, peace, morals or general welfare of the city or its peoples.

As illustrated in AMC Section 17.26.010, the overriding purpose of the HC zoning district is to preserve the public health, safety and general welfare of the City and its peoples:

> *The historic character and distinctive architecture of …the historic district … have attracted tourists and visitors to the city in great numbers, thereby augmenting the economy and general welfare of the city and its inhabitants. The preservation of such places and buildings and of the architectural appearance of the surrounding properties within the district is essential to the economic and cultural life of the city.*
>
> *In order to promote the public health, safety, and the general welfare, it is necessary…to provide for such places and buildings having a special historical or aesthetic interest or value, special conditions and regulations of their protection, enhancement and perpetuation, and to provide appropriate and reasonable control of the appearance of neighboring property within public view.*

Rezoning the subject property to HC will allow the City to ensure preservation of the Utica Mansion to protect the public health, safety and general welfare of the City and its peoples. Without the rezoning to HC, the City would be unable to implement the provisions of the HC zoning district that allow for design and architectural preservation of the site as well as the adaptive reuse that will help ensure the continued use and preservation of the site.

Based on the preceding, Finding E can be made.

CONDITIONAL USE PERMIT

Pursuant to the Angels Camp Municipal Code (AMC), Section 17.34.080, Private Clubs, Lodges, Social Clubs, Cultural Centers, indoor and outdoor recreational facilities, restaurants serving alcohol, alcohol service, and hotels or motels require a conditional use permit in the Historical Commercial District. It is noted that Bed and Breakfast establishments allow up to 2 rooms for lodging under 17.34.080, therefore, the proposed conditional use permit will allow for a hotel with 3 rooms. In addition, the conditional use permit is required for serving beer and wine at events (ABC license) and for establishing that it is not feasible to provide the required off-street parking on the parcel containing the use due to existing site conditions.

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 and controlled. The use permit process is necessary to carry out review and exercise control over this category of potentially harmful or inappropriate uses. Use permits may be approved or denied by the planning commission. They are usually conditional when they are approved. They may be revocable or valid for a term period. Guarantees to ensure compliance with terms and conditions may be required.

Pursuant to 17.78.030 of the AMC, the following findings are required for issuance of a conditional use permit:

FINDING F: 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; and

General Plan Implementation Program 8.B.c **(Provide Zoning Incentives to Encourage Preservation and Rehabilitation of Historic Buildings)** calls for the following in the HC Zoning District:

> *Allow the modification of development standards, provided a determination is made that the modification furthers the intent and purpose of this element. The program will consider allowing,* ***as a conditional use, expanded uses for historic resources located in residential zones****, and may also consider modification of dimensional limitations such as building coverage and setbacks. Modified development standards shall not alter conformance requirements of appropriate building, construction or fire codes (e.g., State Historic Building Code, Uniform Building Code, Uniform Fire Code, Uniform Code for Building Conservation). City building officials and fire officials are encouraged to liberally construe pertinent portions of the codes in furtherance of this element to the extent that interpretations do not endanger health and safety.*

Based on the guidance provided in the general plan to provide flexible standards in the HC Zoning District, the provisions of Finding F are evaluated as follows:

Yards, spaces, walls, fences, landscaping
Pursuant to AMC 17.26.060, site development standards in the HC district are:

Development Standard	Complies, Does not Comply, Not Applicable (N/A)
Minimum lot area for new lots, twenty-five hundred square feet;	N/A – no new lot is proposed.
Building coverage, fifty percent maximum	N/A No changes to existing building coverage are proposed.
Maximum building height, forty feet	N/A No changes to existing building height are proposed.
Lot width, reviewed by planning commission on a case-by-case basis;	N/A - No changes to existing lot width are proposed.
Lot depth, reviewed by planning commission on a case-by-case basis;	N/A - No changes to existing lot depth are proposed.
Front, yard and side setbacks – reviewed by planning commission on a case-by-case basis	N/A No changes in existing setbacks are proposed.

Most of the adjacent historical buildings in the HC zone lack fencing, on-site landscaping, on-site parking and are constructed to zero or near zero setbacks. No changes to the existing building footprint are proposed. No exterior alterations are proposed.

Parking

The parcel has 9 spaces constructed on the northeast side of the mansion facing Utica Park. Approximately four spaces for staff parking and residents (with tandem parking) are located off Bush Street on the southwest side of the mansion. Utica Park, located adjacent to the mansion, has 50 parking spaces currently available.

Pursuant to AMC Section 17.69.040, the nearest category that guides parking for a special events venue is: one parking space for every three seats for community centers, meeting halls, membership organizations, mortuaries, and performance theaters This means that a total of up to 100 parking spaces is required for the largest special events proposed.

The City has established a policy of allowing the public to "reserve" the park for special events. With that reservation, all parking at Utica Park is available to the party subject to payment of the City's reservation fee. Therefore, subject to reserving the park in advance of special events and paying the applicable reservation fee, the Project Proponent would have a total of 60 parking spaces available for attendees at special events held at the mansion (this excludes three parking spaces for the residents and employees). While parking roadside and in vacant lots around the mansion may provide additional parking, only paved and striped parking spaces are included in this assessment of available parking spaces in accordance with AMC Chapter 17.69. In addition, only those paved and marked parking spaces located within 300 feet of the mansion parcel are included as available parking in accordance with AMC Section 17.69.110(B).

The availability of 60 parking spaces with reservation of Utica Park allows for up to 180 attendees at mansion special events without the provision of additional parking or the necessity to shuttle persons to the mansion from off-site parking facilities.

For events in excess of 180, additional parking within 300 feet of the mansion is required. The City anticipates that additional parking may be added through planned city projects including the following**:**

- Parallel parking along SR 49 fronting Utica Park in conjunction with planned Main Street Plan improvements; and

- Diagonal Parking along a proposed new connector from Bush Street/Utica to Main Street providing a new exit point for Utica Park in conjunction with planned Main Street Plan improvements; and

- Developing a new parking lot on the south side of the Utica Mansion on land partly owned by the City.

However, until and unless the preceding parking facilities are constructed to City standards, they are considered unavailable for mansion special events. Therefore, additional parking is required for 120[1] people or, pursuant to City standards of 1 parking space per 3 people; up to 40 additional parking spaces are required for events of up to 300 persons and in excess of 180 persons (exclusive of staff and mansion residents).

[1] 300 persons minus 60 existing parking spaces available provides parking for 180 persons. 300-180 = parking is required for 120 additional persons.

The project site and the immediate surroundings do not provide 40 additional parking spaces within 300 feet of the Project site.

Pursuant to AMC Section 17.69.110(D), off-street parking proposals may be authorized through approval of a minor use permit and are subject to a finding that it is not feasible to provide the required off-street parking on the parcel containing the use due to existing site conditions. As shown above, on-site parking is not feasible. Further, the general plan Implementation Program 8.B.c encourages the provision of flexible standards (e.g., parking) as may be necessary to expand the use of historical resources located in residential zones.

Based on the preceding, the following finding is made:

Finding G: It is not feasible to provide the required off-street parking on the parcel containing the use due to existing site conditions.

The project is hereby amended to allow for the conditional use permit to include provisions for off-site, off-street parking. It is assumed that any off-site parking for special events will be at the Visitor's Center and/or Rasberry Parking Lot (i.e., the Slate Circle Parking Lot). Shuttles from those venues will be required.

In addition, in accordance with AMC 17.69.050 (C), a waiver for on-site parking requirements may be approved through payment of in-lieu parking fees in the Historical Commercial zoning district as follows:

> *Whenever it is impossible or impractical for the applicant to provide the required off-street parking spaces on applicant's property, the applicant may petition for a waiver of the off-street parking requirements. The city council shall require the applicant to pay into an off-street parking fund an amount equal to one hundred percent of the estimated cost of each parking space waived. In addition, thereto, the city council may, on its own initiative, waive the requirement for parking and require payment into the off-street parking fund. If such payment is made, that real property shall be exempt from any future requirement for the provision of off-street parking requirements.*

The Planning Commission reviewed and recommended establishment and approval of the off-street parking fund and the City Council approved the fund and established a fee of $3,500 per parking space through adoption of Resolution 18-46 on November 6, 2018.

Therefore, subject to City Council approval of an on-site parking waiver and authorization to allow payment of in-lieu parking fees, the Applicant may pay in-lieu fees for the 40 spaces that cannot be accommodated on site or through a formal agreement with an off-site location and within 300 feet for events in excess of 180 attendees.

It is noted that local non-profits using Utica Park for special events (e.g., the Farmer's Market) are not charged for the use of existing parking spaces. However, because the subject application is a for-profit venture, a pro-rated in-lieu parking fee is proposed for the project.

The applicant has agreed to limit the total number of events that exceed 180 people (excluding staff and mansion residents) to one such event annually. This translates to a need for 40 additional parking spaces one day per year. One day per year equals 0.27% of 365 days.

40 spaces X 3,500/parking space = $140,000 required for in-lieu parking fees for 40 parking spaces X 0.27% = $378. Therefore, for every event in excess of 180 persons held at the mansion; the applicant shall pay an in-lieu parking equivalent day-use fee for 40 parking spaces totaling $378. This fee will be adjusted in accordance with any changes to the parking in-lieu fees. An in-lieu fee deposit covering two events shall be submitted prior to commencing special events.

Loading Zones

Loading and unloading will occur at the rear entry to the mansion (for caterers). Passenger loading and unloading zones is expected to occur at the front of the mansion. As discussed in the following paragraph, limitations on the location and timing of loading and unloading is proposed to ensure that the use is made compatible with the single-family residential uses in the neighborhood.

Other features required by this chapter as needed to make said use compatible with land uses in the neighborhood

Adjoining landowners within 300 feet of the proposed project were notified of the Project. Six responses were received including one from a non-adjoining landowner.

One respondent expressed no opinion, two respondents expressed support for the proposal with one favoring any development that promotes the City of Angels and economically benefits the City and County and another endorsing the proposed use of the historical mansion.

Three respondents identified concerns related to noise. In response, the project is conditioned to comply with the General Plan noise standards adopted as Figure 5-1 in General Plan 2020. In addition, hours of operation (i.e., curfews) are proposed in the conditions of project approval to prevent late night party noise and early morning delivery noise from disturbing neighbors.

Concerns related to parking, restrooms and garbage also were expressed. Parking is addressed in the preceding paragraphs.

Per OnSite Companies[2] special events calculator, which bases its estimates on the number of males and females, length of the event, alcohol service, and total number of attendees; a 300 person event with approximately equal numbers of men and women and alcohol being served and lasting 6 hours requires 4 restrooms including 1 allowing for enhanced access. The Utica Mansion has 7 bathrooms. Utica Park provides two additional stalls for women and urinals and one stall for men. Utica Park bathrooms are ADA accessible. Therefore, an adequate number of bathrooms exist for the largest proposed event (300 persons) provided Utica Park is reserved (for access to ADA bathrooms). A $400 deposit is currently required by the City to reserve Utica Park. The deposit can be used to pay for City clean-up of bathrooms and garbage in the park. Project conditions include provisions for this deposit and requirements for reserving the park.

[2] http://onsiteco.com/portable-restroom-calculator/

For increased garbage generated at the Utica Mansion, prior to initiating project operations, the mansion shall provide the City with proof of upgraded garbage pick-up service from residential to commercial service as necessary to meet the increased demand.

Increased crime was identified as a concern. The likelihood of increased crime due to increased numbers of people cannot be predicted. Organized special events such as weddings, baby showers and similar events do not necessarily translate into increased crime. However, because the project site is located adjacent to single-family residences on two sides, the potential for unanticipated conflicts and the potential need to refine the conditions of project approval are acknowledged with the addition of a project condition requiring renewal/extension of the permit after December 31, 2022. This will allow neighbors, the City, and project proponents the ability to add, remove, or otherwise refine the conditions of project approval as necessary to make the proposed use compatible with the neighborhood.

Neighbors also questioned the number of events, traffic, fire safety, ADA, impacts to Bush Street and conflicts with other special events using Utica Park. In response, project conditions have been incorporated that:

- City Fire regulations identify a public assembly as having more than 49 persons present. As noted previously, the reservation of Utica Park and City parking standards indicate that events with attendance of up to 180 persons (requiring 60 parking spaces) can be accommodated on site. Therefore, limits have been placed on the number of events based on attendance that may occur annually. Based on the levels described and the ability for Utica Park to provide 50 parking spaces; the project is limited to a single event of more than 180 attendees annually and to an average of two events monthly for events with 50 to 180 individuals.
- To address traffic, conditions of project approval include requirements for submitting and gaining approval for a traffic control and parking plan for all events with more than 120 attendees (i.e., 40 cars) including shuttle service, parking attendants and similar. Signage to prevent event traffic from proceeding along Bush Street past the mansion also is included.
- Project conditions address inspections and approvals from the City Fire Department.
- Conflicts may occur with other special events. The City oversees park reservations. A condition of project approval requires advance Park reservations for the proposed project and a non-refundable reservation deposit. Park use is first-come, first-serve.

Based on all the preceding, Finding F can be made.

H. Finding of Public Convenience and Necessity (ABC License)

Since 1939 the number of certain retail licenses has been limited—the ABC is researching why the limitations were put into effect, but cannot currently explain the reasons for the limit. City Staff speculates that it may have been related to the Temperance Movement or is simply a mechanism for allowing local input relative to the number of beer and wine on-sale and off-sale premises. Regardless of the reason for the limitations, at present, the limitation on beer and wine sale licenses is one on-sale general license for each 2,000 persons in the county in which the premises are situated. For the Angels Camp Census Tract that limit is 11 on-sale licenses.

The census tract currently has 16 active on-sale retail licenses – exceeding the limit by five licenses. Of the 16 licenses for on-sale beer and wine, two are located outside the City Limits (Glory Hole Sports and Angels Gun Club).

Pursuant to the California Department of Alcoholic Beverage Control, the issuance of more than eleven on-sale beer and wine licenses within a given census tract may be considered an undue concentration pursuant to Section 23958.4 of the Business and Professions Code. The ABC is required to deny the application unless the local governing body of the area determines that the public convenience or necessity would be served by issuance of the license. This is done by making a finding of public convenience or necessity (i.e., a PCN). Staff recommends that the Planning Commission make a PCN finding based on the following findings:

1. The sale of beer and wine in Calaveras County is closely linked to the wine industry and growing beer-making industry. Therefore, certain areas of the County and the City of Angels require an increased number of on-sale beer and wine sale licenses to support this important tourism and economic development tool.

2. A higher than average level of recreational opportunities tied to tourism and economic development occur in the area including hotels, restaurants, wine-tasting rooms and generate a higher demand for on-site beer and wine sales—an important component of the City's economy.

3. The population levels upon which license limits are established are based on population levels that fail to consider the significant population increases in the City and the Census tract that occur from tourism. Therefore, additional beer and wine licenses are necessary to serve the increased populations supported by the City's tourism economy.

4. A comparison of ABC licenses issued in and around other foothill communities including Murphys and Sonora, show much higher concentrations of ABC licenses than are found in the City of Angels—a result of the tourism and wine industries in these areas.

Based on the preceding, Finding H can be made.

FINDING I: 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

General Plan Implementation Program 3.C.d (Facilitate Traffic Control Planning for Special Events) calls for:

> *Facilitat(ing) planning for traffic management at special events. Continue to support and promote bus service to and from special events that meet established participation thresholds from local parking facilities ….*

General Plan Goal 3.D further supports:

Provid(ing) adequate parking to serve existing and future development and improve traffic flow on narrow streets while maintaining the rural and historic character of the city.

As described above and as necessary to address project traffic, conditions of project approval include requirements for submitting and gaining approval for a traffic control and parking plans for all events with more than 120 attendees (i.e., 40 cars) including shuttle service, parking attendants and similar. Signage to prevent event traffic from proceeding along Bush Street past the mansion also is included.

Based on the preceding, Finding I can be made.

FINDING J: The proposed use will have no significant adverse effect on affected property.
As detailed and described under Finding G and subject to implementation of the proposed conditions of project approval, the proposed use will not have a significant effect on affected property and Finding J can be made.

FINDING K: The conditions stated in the decision are deemed to protect the public health, safety and general welfare
As detailed and described above, especially as described in Finding G, the proposed conditions are necessary to protect the public health, safety and general welfare. Therefore, Finding K can be made.

Finding L: The proposed use complies with the general plan and this title
As described for findings A-E, the proposed use complies with the general plan and this title. Therefore, Finding L can be made.

SITE PLAN REVIEW

Pursuant to AMC Section 17.34.080, a site plan review is required for Entertainment Establishments and vacation rentals. Per AMC Section 17.60.040, the following findings shall be considered for a site plan review:

FINDING M: General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development;

FINDING N: General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings.

FINDING O: General landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to ensure visual relief, to

compliment buildings and structures and to provide an attractive environment for the enjoyment of the public.

No changes to the existing building or site layout are proposed. No alterations to existing landscaping are proposed. Therefore, Findings M, N and O can be made. It is noted that, upon rezoning to historical commercial, significant changes to the building exterior is subject to review by the City of Angels Planning Commission.

Based on the preceding, Findings M, N and O can be made.

FINDING P: The approval of this plan is in the best interest of the public health, safety and general welfare;
FINDING Q: All provisions of Chapter 17.60 (Site Plan Review) are complied with

Based on all the preceding, the proposed project meets the all necessary site plan review criteria and findings P and Q can be made.

ENVIRONMENTAL FINDINGS:
The project is exempt from the state guidelines for implementing the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), the Common Sense Exemption, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project is further exempt from additional environmental review pursuant to Section 15303, Class 3, of the state guidelines for implementing the California Environmental Quality Act (CEQA), conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed project will convert a residence and former bed and breakfast inn and restaurant to a special events venue with no change to the exterior.

The Project does not involve any of the exceptions to this categorical exemption as established in Section 15300.2(b-f) of the guidelines. The proposed use is not located on a known hazardous waste site, will assist in the preservation of a significant historical resource, and will not alter views from a scenic highway, There are no projects of the same type in the same place occurring over time that could result in a cumulative impact. The proposed project will not alter or expand any existing buildings or structures. Limited increases in traffic, parking, and noise are addressed through the application of adopted City standards. The adaptive re-use of the existing National Register-listed resource will assist in the long-range preservation of a valuable cultural resources. The site lacks unusual circumstances that could result in the proposed project having a significant effect on the environment.

RECOMMENDATION:
Staff recommends the Planning Commission:

1) Recommend to the City Council approval of a General Plan Amendment from Single-Family Residential (SFR) to Historic Commercial (HC) based on findings A through C:

2) Recommend to the City Council approval of the Rezoning from Single-Family Residential (R-1) to Historical Commercial (HC) based on findings D and E:

3) Adopt Resolution 2019-010 approving the Conditional Use Permit based on Findings F through L (including a Finding of Necessity and Convenience for issuance of an ABC license finding that it is not feasible to provide the required off-street parking on the parcel containing the use due to existing site conditions) and a Site Plan Review based on Findings M through Q, subject to the attached conditions and contingent upon approval of a general plan amendment and rezoning to Historical Commercial by the City Council.

ATTACHMENTS:

- Planning Commission Resolution/Resolution of Intent 2019-010 and Conditions of Project Approval
- Resolution Amending the General Plan Land Use Designation from SFR to HC (information only-to be provided at meeting)
- Ordinance Rezoning the Site from R-1 to HC (information only)

ANGELS CAMP CALIFORNIA

PLANNING DEPARTMENT

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CITY OF ANGELS
PLANNING COMMISSION

Resolution/Resolution of Intent No. 2019-010

RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS PLANNING COMMISSION FOR
RECOMMENDING A GENERAL PLAN AMENDMENT AND REZONING, CONDITIONAL USE PERMIT AND SITE PLAN REVIEW
UTICA MANSION
LOCATED AT
APN:

PROJECT # 19-01

WHEREAS, the City received an application for a General Plan Amendment, Rezoning, Conditional Use Permit and Site Plan Review for the Utica Mansion Special Events Venue at the above location; and

WHEREAS, the City of Angels Municipal Code requires that such development requires a General Plan Amendment, Rezoning, Conditional Use Permit and Site Plan Review; and

WHEREAS, the City of Angels Municipal Code establishes that a General Plan Amendment requires review by the City of Angels Planning Commission and recommendation to the City of Angels City Council, and;

WHEREAS, the City of Angels Municipal Code establishes that a rezoning requires review and a resolution of intent by the City of Angels Planning Commission with a recommendation to the City of Angels City Council, and;

WHEREAS, the City of Angels Municipal Code establishes that a Conditional Use Permit and Site Plan Review 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 subject to approval of a general plan amendment and rezoning by the City Council; 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 15061(b)(3), the Common Sense Exemption, and Section 15303, Class 3; 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:

1. Recommends to the City Council approval of the General Plan Amendment rom single-family residential to historic commercial based on the following findings:

   A. The proposed amendment f conforms with the General Plan

   B. The proposed general plan amendment will not adversely affect the health, safety, peace, morals or general welfare of the city or its peoples.

   C. The proposed general plan amendment is consistent with the General Plan 2020 Program 1.A.d Guidelines for General Plan Amendments

2. Recommends to the City Council approval of the Rezoning from single-family residential to historical commercial based on the following findings:

   D. The proposed rezoning of the site from Single-family Residential to Historical Commercial complies with the City's general plan and general plan land use designation for the site.

   E. The proposed rezoning will not adversely affect the health, safety, peace, morals or general welfare of the city or its peoples.

3. Approves the Conditional Use Permit and Site Plan Review subject to the attached conditions and contingent upon approval of a general plan amendment and rezoning by the City Council based on the following findings:

   F. 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; and

   G. It is not feasible to provide the required off-street parking on the parcel containing the use due to existing site conditions; and

   H. Makes a finding of Public Convenience and Necessity for issuance of an ABC License; and

   I. 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; and

   J. The proposed use will have no significant adverse effect on affected property; and

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

L. The proposed use complies with the general plan and this title; and

M. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development; and

N. General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings; and

O. General landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to ensure visual relief, to compliment buildings and structures and to provide an attractive environment for the enjoyment of the public; and

P. The approval of this plan is in the best interest of the public health, safety and general welfare; and

Q. All provisions of Chapter 17.60 (Site Plan Review) are complied with.

The foregoing resolution was introduced and moved for adoption May 9, 2019 by _____and duly seconded by Commissioner _____.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
John Broeder, Chairman

ATTEST:

_____
Jennifer Preston, Deputy City Clerk
City of Angels

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CONDITIONS OF PROJECT APPROVAL
CONDITIONAL USE PERMIT AND SITE PLAN REVIEW
UTICA MANSION
Extension/Renewal Required Prior to December 31, 2021

1. This Conditional Use Permit and Site Plan Review are contingent upon approval of a General Plan Amendment to Historic Commercial and Rezoning to Historical Commercial by the City of Angels City Council.

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. This permit is issued conditionally for a period extending through December 31, 2021. Prior to that date, the Planning Commission shall hold a public hearing to either extend the permit without amendment or extend the permit with amended conditions as may be necessary.

4. Prior to commencing operations, a pre-project meeting shall be held with affected City staff (police, fire, public works) and the Project Proponent to review compliance with Project conditions and address any outstanding questions.

5. Prior to any events in excess of 181 individuals, a pre-project meeting between City Staff and the Project Proponent shall be completed.

6. The Project Proponent will comply with the total number of events allowed annually, attendee limitations, City notification requirements, parking and traffic management plans, shuttle bus, payment of in-lieu parking and Utica Park reservation fees as detailed in **Table 1**.

7. Reservations for Utica Park shall be on a first come, first serve basis and shall be made through the City. Reservation fees will be non-refundable as necessary to prevent anticipatory-booking that could prevent park use by the public and other groups, events, and businesses. A deposit of $400 to reserve

the park is required for all events in excess of 50 attendees. Deposits may be used to cover City staff costs for garbage removal, restroom clean-up and related activities. See following condition.

8. Project Proponent shall pay a deposit to the City of $1000.00 to cover Utica Park reservation and in-lieu parking fees as shown in **Table 1**. The City shall invoice the Applicant for additional deposits when the balance drops below $250.00.

9. Prior to commencing operations, the Applicant shall pay all applicable impact mitigation fees (e.g., Traffic Impact Mitigation Fee, Park fees, Fire and Police Fees).

10. Prior to initiating project operations, the mansion shall provide the City with proof of upgraded garbage pick-up service from residential to commercial service as necessary to address increased garbage generation.

11. Parking and Traffic Management Plans shall be submitted to the Community Development Department for review and approval by the Fire Department, Police Department, and City Engineer **a minimum of one month prior** to all events with attendance exceeds 120 individuals. At a minimum, plans shall:

    a. Identify the number of persons attending, date, time, and duration of the event (including anticipated arrival and departure time).

    b. Identify the location of temporary signage location/placement at SR 49 and Sam's Way (or vicinity) directing attendees to the mansion. It is recommended that portable, sandwich signs be used. Signs design shall be reviewed and approved by the Community Development Department prior to commencing operations.

    c. The number of parking attendants to be placed at Utica Park, the mansion, and SR 49 to direct guests to parking at the beginning of each event and directing traffic back to the highway at the end of each event. For events in excess of 180, an attendant will be present at the beginning and end of events to prevent traffic from traveling north-bound on Bush Street past the Utica Mansion until permanent signage or an alternative traffic control program can be identified [See **Condition 14 (a)**].

    d. If police department assistance is required for traffic control, Project Proponent will be responsible for all associated costs, including overtime pay, if necessary.

    e. Identify the agency that will be operating shuttles/shuttle route and plans for all events with 181 or more attendees. Pick up/drop-off locations shall be identified.

12. The Project Proponent will maintain a valid City business license throughout the life of the project.

13. Prior to using the kitchen for warming and prep by caterers (Phase 1), the Project Proponent shall submit a Host Facility plan check application with applicable fees to the Calaveras County Environmental Health Department

14. Prior to upgrading the kitchen for commercial use (i.e., cooking and baking on site - Phase 2), the Project Proponent shall 1) secure a building permit from the City of Angels Camp and 2) submit a completed food facility application, plan check and deposit of applicable fees with two sets of complete plans to the Calaveras County Environmental Health Department for review and approval. Applicants are encouraged to review the Food Plan Check Resource Guide available on the County's website for assistance. An annual permit fee will be required for continuing use.

15. Throughout the life of the project, guest use is limited to three bedrooms and associated mansion facilities. Prior to allowing overnight guests or allowing special events in excess of 49 attendees, the Fire Department shall conduct and identify compliance with all necessary fire codes. Proponent shall install all improvements identified by the City Fire Department prior to allowing overnight guests unless otherwise agreed to by the Fire Marshall.

16. Within three months of issuance of this permit, Project Proponent will submit a sign plan to the Community Development Department for review and approval by the City Engineer/Public Works Department identifying the location and design of signage specifying the following (or similar):

    a. "No Utica Mansion event traffic beyond this point" sign(s) to be located on Bush Street
    b. "No Utica Mansion event parking beyond this point"

    Signs shall be installed as directed by City Staff unless waived by the City Engineer and Department of Public Works.

17. Prior to installing any sign at the site, the Project Proponent shall secure a sign permit from the City of Angels' Community Development Department.

18. Overnight parking is prohibited in Utica Park. Project Proponent shall notify all customer/clients of this requirement in business contracts for events.

19. Outdoor events and music (including indoor music) shall end no later than 10 p.m. Sunday through Thursday and no later than 11 p.m. on Fridays and Saturdays. Event preparation operations shall commence no earlier than 7 a.m. Monday through Friday and 8 a.m. Saturday and Sundays. Morning delivery exceptions are allowed; however, deliveries outside designated hours of operation shall not occur from the Bush Street side of the mansion where adjoining single-family residential uses may be disturbed (i.e., deliveries should occur at the front of the mansion or Utica Park side of the mansion).

20. Events shall not exceed the noise limits identified in the General Plan, **Table 1**. Noise levels shall be as measured from the property boundary of the receiving property. Conditionally acceptable noise

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standards are allowed for the use during permitted operations. Normally acceptable noise levels shall be enforced outside of project operational hours (as established in the preceding condition).

21. The Project shall remain in compliance with all applicable local, state and federal regulations.

22. Significant changes to the Project Description or conditions contained herein shall require an amendment to this Conditional Use Permit and Site Plan approved by the City of Angels Planning Commission.

23. Significant exterior alterations to the Utica Manor are subject to the review and approval of the City of Angels Planning Commission

SEE ATTACHED TABLES 1 and 2.

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Table 1: Utica Mansion Project Conditions

Number of Participants (# persons)	Number of event(s) allowed annually by # of Participants	City Notification Required/a/	Utica Park Reservation and Fees Required	Shuttle Bus(es) Required	Traffic Control and Parking Plan Required/b/	In-Lieu Parking Fee
0-49	Not limited	One week in advance	No	No	No	No
50-120	24 (average 2/month)	Two weeks in advance	Yes	No	No	No
121-180		One month in advance	Yes	No	Yes	No
181-300	1	Two months in advance	Yes	Yes	Yes	$378 per event

/a/ Notification to the City Clerk is required unless otherwise notified in writing.
/b/ Traffic control and parking plans shall be as detailed in the Project conditions

Table 2: Noise Limits (General Plan Figure 5-1)

Figure 5-1 : Exterior Community Noise Exposure Levels- L_{dn} or CNEL, (in Decibels, dB)

Decibels	55	60	65	70	75	80
Land Use Category						
Residential low-density, single-family, duplex, mobile homes	Normally Acceptable	Conditionally Acceptable		Normally Unacceptable	Clearly Unacceptable	
Residential multi-family	Normally Acceptable		Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	
Transient lodging, motels, hotels	Normally Acceptable		Conditionally Acceptable	Normally Unacceptable		Clearly Unacceptable
Schools, libraries, churches, hospitals, nursing homes	Normally Acceptable		Conditionally Acceptable	Normally Unacceptable		Clearly Unacceptable
Auditoriums, concert halls, amphitheaters (during use)	Conditionally Acceptable			Clearly Unacceptable		
Sports arena, outdoor spectator sports (during use)	Conditionally Acceptable			Clearly Unacceptable		
Playgrounds, neighborhood parks	Normally Acceptable			Normally Unacceptable	Clearly Unacceptable	
Golf courses, riding stables, water recreation, cemeteries	Normally Acceptable			Normally Unacceptable		Clearly Unacceptable
Office buildings, business, commercial and professional	Normally Acceptable			Conditionally Acceptable	Normally Unacceptable	
Industrial, manufacturing, utilities, agriculture	Normally Acceptable			Conditionally Acceptable	Normally Unacceptable	

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Figure 5-1 Key:

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional Construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally Unacceptable:
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable:
New construction or development should generally not be undertaken.

###

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CITY OF ANGELS

CITY COUNCIL

ORDINANCE No. ____

AN ORDINANCE
AMENDING CHAPTER 17.12 SECTION 17.12.020 OF THE CITY OF ANGELS MUNICIPAL CODE (ZONING MAP) REZONING
ASSESSOR'S PARCEL 060-006-010
FROM SINGLE FAMILY RESIDENTIAL TO HISTORICAL COMMERCIAL

WHEREAS, the City received an application for a general plan amendment and rezoning from Single-Family Residential to Historical Commercial; and

WHEREAS, the City of Angels Municipal Code requires review by the City of Angels Planning Commission and approval by the City of Angels City Council for a rezoning, and;

WHEREAS, the City of Angels Planning Commission at a duly noticed public hearing and after gathering input from the public, recommended approval of the proposed rezoning on May 9, 2019 by a vote of _____; and

WHEREAS, it has been determined that the proposed rezoning is consistent with the City of Angels General Plan; and

WHEREAS, the rezoning is exempt from further review pursuant to Section 15061(B)(3) of the state guidelines for the implementation of the California Environmental Quality Act (CEQA); and

WHEREAS, at a duly noticed public hearing the City of Angels City Council heard and considered public input on the proposed project on May 21, 2019 and June 4, 2019;

NOW THEREFORE BE IT RESOLVED that the City of Angels City Council hereby approves, the following:

1. **Rezoning from Single-Family Residential to Historical Commercial based on the following findings:**

i. The proposed rezoning of the site from Single-family Residential to Historical Commercial complies with the City's general plan and general plan land use designation for the site.

ii. The proposed rezoning will not adversely affect the health, safety, peace, morals or general welfare of the city or its peoples.

THE CITY ANGELS CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1: The City of Angels Zoning Map, established pursuant to Angels Municipal Code Section 17.12.020 Exhibit A is hereby amended as follows:

a) Rezone Assessor's parcel numbers 060-006-010 from Single-Family Residential (R-1) to Historical Commercial (HC)

Section 2: The foregoing Ordinance or a summary shall, before the expiration of fifteen (15) days of its passage, be published with the names of the Council Members voting for and against the same once in a newspaper of general circulation printed and published in the County of Calaveras, State of California, and said Ordinance shall take effect and be in force thirty (30) days after the passage thereof.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Angels, held on May 21, 2019, and passed and adopted as an ordinance of said City at a regular meeting of said Council held on June 4, 2019 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

_____
Joseph Oliveira
Vice Mayor

ATTEST:

_____
Susan Wenger
City Clerk

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

Resolution – to be provided at meeting

ANGELS CAMP CALIFORNIA

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: August 11, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: Resolution 22-17 extending the Habitat for Humanity Conditional Use Permit and Site Plan Review for 107 work-force housing units from February 16, 2022, through February 16, 2023.

RECOMMENDATION
Staff recommends approving Resolution 22-17 extending the conditional use permit and site plan review for the Habitat for Humanity project from February 16, 2022, through February 16, 2023.

PROJECT DESCRIPTION:
Extend the Habitat for Humanity Conditional Use Permit and Site Plan Review for 107 work-force housing units from February 16, 2022, through February 16, 2023.

Location:	Copello Drive south and west of the Copello Square Apartments
Assessor's Parcel:	058-011-026 (16.92± acres)
General Plan:	High Density Residential (HDR) - 8± acres Business Attraction and Expansion (BAE) - 8.9± acres
Zoning:	Multi-Family Residential (R-3) – 8± acres Business Attraction and Expansion (BAE) - 8.9± acres
Access:	Primary access will be from Copello Drive. Later project phases may use a future Foundry Lane connection.

The project description is as follows.

107-unit affordable housing project on 16.9± acres including:

i. 37 detached homes

ii. 28 attached homes

iii. 42 condominium units (in seven, 6-plexes)

Entitlements are:

i. Tentative Subdivision Map creating 66 lots: 65 single-family lots plus one condominium lot (remains in effect and not a part of this action)

ii. Conditional Use Permit for multi-family housing in the Business Attraction and Expansion

iii. (BAE) zoning district and to allow more than three incentives per Section 17.09.160 of the Angels Municipal Code (AMC)

iv. Site Plan Review

v. Development Agreement for the preceding (remains in effect and is not a part of this action)

No changes to the project description are proposed:

INCORPORATION BY REFERENCE:
The following documents approving the original project are hereby incorporated by reference and may be accessed from the following link:
https://www.dropbox.com/scl/fo/2exbf3tsb4vxbnijlbclf/h?dl=0&rlkey=mn5yr0i8gnglgrarez5tdhhvi

City Of Angels. February 16, 2021. *City of Angels Ordinance No. 506 Development Agreement for Habitat for Humanity.* Note: Development Agreement incorporates the Conditional Use Permit, Site Plan Review and Tentative Subdivision Map.

City of Angels. December 9, 2020 as amended 1/21/21 by the City of Angels Planning Commission. *Initial Study Mitigated Negative Declaration for Habitat for Humanity Copello Drive City Of Angels, Calaveras County, CA*

City of Angels. February 17, 2021. Filed Notice of Determination for Habitat for Humanity.

Due to the size and extent of the original documents for this project, an electronic link is incorporated herein for access to all applicable documents. If you need additional assistance to access the documents, please contact the City Planner at (209) 743-2323 or (209) 532-7376 tuolandplanner@gmail.com. Hard copies of the documents are available at the City of Angels Community Development Department located at 200 Monte Verda Street, Suite B, Angels Camp, CA 95222 during regular business hours M-F 8:00 a.m. to 4:30 p.m.

BACKGROUND:
The Development Agreement for Habitat for Humanity's 107 affordable housing units was approved by the City Council on February 16, 2021.

The Angels Municipal Code (17.86.060 and 17.74.090) states that a conditional use permit and site plan review expire if the work for which the entitlements issued has not begun within one year. However, the City Planning Commission may grant a one-year extension (and a second one-year extension following that) for good cause.

The approved tentative subdivision map remains in effect through February 16, 2023, pursuant to state law. The approved Development Agreement remains in effect 30 years after the final residential unit has been finaled. The Development Agreement incorporates the Conditional Use Permit and Site Plan Review (as well as the Tentative Subdivision Map). Because the Development Agreement extends beyond the one-year "activation" timeline for a conditional use permit and site plan review (i.e., the Development Agreement is in effect 30+ years) and does not include provisions for expiration after one year; the conditional use permit and site plan review did not, in fact, expire February 16, 2022. However; out of an abundance of caution and to ensure that no challenges are raised relative to project funding; this extension is being brought before the Planning Commission.

FINDINGS AND ANALYSIS

Pursuant to Angels Municipal Code Sections 17.86.060 (conditional use permit) and 17.74.090 (site plan review; the planning commission may, per AMC 17.87.010(B), grant an extension of one year for these entitlements with a maximum of one additional extension upon written request showing good cause, provided the commission can make **one** of the following findings:

1. That the extension is necessary to secure the needed approvals from other agencies; or

2. That the extension is necessary to comply with the conditions of the original approval of this title and other ordinances; or

3. That the applicant has demonstrated a good faith attempt to start the use within the prescribed time.

Two of the preceding findings apply as follows:

Finding 1: The extension is necessary to secure needed approvals from other agencies.
The project had to secure funding for infrastructure improvements. The City assisted Habitat for Humanity in securing an Infill and Infrastructure Improvement Grant for that purpose. This process took approximately 6 months. The extension is necessary to accommodate the time period required for completing the agreements necessary to secure those funds.

Finding 2: The applicant has demonstrated a good faith attempt to start the use within the prescribed time.
The City has been coordinating with the project engineers for more than one year. The City is in receipt of a full set of draft plans for grading and infrastructure improvements. Habitat for Humanity recently hired a project manager (PM) to oversee the start of the project. The PM requested a “hold” on the project until September while familiarizing herself with the project and coordinating with necessary contractors to commence work.

Per AMC 1787.010(B), the planning commission, when reviewing the extension of time, may establish additional conditions as deemed necessary to carry out the intent of this title, other ordinances, and the general plan existing at the time of the extension.

There are no ordinances or general plan amendment changes that have occurred in the past year that affect this project or trigger the need for additional conditions. Staff recommends retaining the existing conditions as adopted.

ENVIRONMENTAL FINDINGS:

The certified initial study/mitigated negative declaration and Notice of Determination (NOD) filed for this project may be found at the above-provided link and remains applicable here. No changes are proposed.

ATTACHMENTS:

A. Planning Commission Resolution 22-17

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION NO. 22-17
EXTENDING THE HABITAT FOR HUMANITY CONDITIONAL USE PERMIT AND SITE PLAN REVIEW FOR 107 WORK-FORCE HOUSING UNITS FROM FEBRUARY 16, 2022, THROUGH FEBRUARY 16, 2023.

WHEREAS, the City of Angels Planning Commission may, pursuant to Angels Municipal Code Sections 17.86.060 (conditional use permit) and 17.74.090 (site plan review) grant an extension for one year for these entitlements pursuant to AMC 17.87.010(B), and

WHEREAS, a notice of public hearing for the proposed action was published July 28, 2022, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 11, 2022, and received public input on the proposed project;

NOW, THEREFORE, BE IT RESOLVED, **NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Angels hereby approves the extension of the Conditional Use Permit and Site Plan Review for the Habitat for Humanity project through February 16, 2023, based on the following findings:

A. That the extension is necessary to secure the needed approvals from other agencies; and
B. The applicant has demonstrated a good faith attempt to start the use within the prescribed time.
C. No changes to the City Code or General Plan have been altered that would require a change to conditions of approval for this project. All conditions of the original approval remain in effect.

The foregoing resolution was introduced and moved for adoption August 11, 2022, by _____and duly seconded by Commissioner _____.

PASSED AND ADOPTED THIS 11th day of August, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

Alicia Smith, Deputy City Clerk

ANGELS CAMP CALIFORNIA

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: August 11, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: Resolution 22-18 amending the general plan land use designation and zoning district from Community Commercial (CC) to a High Density Residential (HDR) general plan land use designation and a Multi-Family Residential (R-3) zoning district on 0.87± acre, Assessor's Parcel 058-025-017.

RECOMMENDATION
Staff recommends approving Resolution 22-18.

PROJECT DESCRIPTION:
Owner/Applicant: Jim Heryford

Access: An easement dedicated through the post office parcel from SR 49 to the subject parcel.

1. General Plan Amendment from Community Commercial (CC) to High Density Residential (HDR)

2. Rezoning from Community Commercial (CC) to Multi-Family Residential (R-3)

BACKGROUND
The City is undertaking a comprehensive city-wide rezoning to bring all parcels into compliance with General Plan 2020 land use designations in conjunction with an SB2 Grant. In reaching out to landowners, some have expressed a desire to amend their general plan land use designations from those identified in General Plan 2020. These changes also generally trigger a rezoning. This is one of those parcels.

ANALYSIS:
Pursuant to Angels Municipal Code Section 17.90.040, prior to recommending or approving a general plan amendment and/or rezoning, the planning commission shall make all the following findings:

A. The proposed change or amendment is consistent with the City of Angels Municipal Code; and

B. The proposed change or amendment is consistent with the City of Angels general plan; and

C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the City.

An analysis of these findings follows.

Figure 1: Project Location Access: – – – –

Findings A & B: The proposed amendment conforms with the City of Angels Municipal Code and General Plan

The purposes of the High Density Residential general plan land use designation are:

> *To provide for a variety of housing needs at all income levels throughout the city at a higher density than allowed in other residential districts. While single-family and two- family dwellings may be allowed, the High Density Residential designation is intended primarily for triplexes, apartments, dwelling groups, condominiums and townhouses, senior housing projects, and multi-family dwellings. Grouped or clustered single-family dwellings, including small lot (cottage) development also is appropriate. Cooperative housing developments and Tri-Level Living Communities also are encouraged on lands designated as High Density Residential.*
>
> *High Density Residential developments generally will be located close to commercial or other services and near major streets and thoroughfares for convenient access. High Density Residential developments typically will be located throughout the city and not concentrated in a single location.*

Figure 2 shows surrounding general plan land use and zoning designations near the subject parcel. **Figure 3** further illustrates the surrounding general plan land use designations.

As illustrated, the subject parcel is it is located within very close walking distance to medical services, a post office, grocery stores, schools, and commercial uses. Major transit stops are located across SR 49 near Bret Harte High School and on the project side of SR 49 at the Savemart Shopping Center. Based on the parcel's location, it is well-suited to high density residential use.

The parcel was, at the time General Plan 2020 was established part of a larger parcel that bordered SR 49. Therefore, it was assigned a Community Commercial General Plan land use designation. More recently, a parcel map created the subject parcel from the larger parcel. The parcel is now a stand alone parcel that no longer borders SR 49. The newly created parcel is bounded on the south and west by the Bighorn Mobilehome Park which also carries a general plan land use designation of high density residential (HDR) and is zoned Multi-Family Residential (R-3). Community Commercial adjoins the property to the north and west. The parcel has, in effect, become a transitional parcel between commercial uses bordering SR 49 and high density and single-family residential uses that sit back from SR 49.

Based on the preceding, the proposed general plan amendment is consistent with the intent and purposes of General Plan 2020.

Per Angels Municipal Code Section 17.24.010, the purposes of the Multi-Family (R-3) zoning district are nearly identical to the purposes and intent of the High Density Residential general plan land use designation. The purposes of R-3 are to implement the city general plan's high density residential (HDR) land use and the city's general plan housing element. The purposes of the district are to provide for a wide variety of housing needs and choices at all income levels throughout the city at a higher density than allowed in other residential districts. While single-family and two-family dwellings may be allowed, the district is intended primarily for higher densities and alternative forms of housing. High density residential developments generally will be located close to commercial or other services and near major streets and thoroughfares for convenient access. High density residential developments typically will be located throughout the city and not concentrated in a single location. As discussed above, the site is locationally well-suited to the stated purpose of the R-3 zoning district.

Potential permitted and conditional uses in the R-3 zoning district are included in **Attachment A**. Per the General Plan and Angels Municipal Code, design standards for High Density Residential/R-3 properties allow for:

- *Fifteen dwelling units per gross acre density. Higher densities are possible through density bonuses granted for the provision of affordable housing for households of low or very low income in accordance with the general plan.*

- *Maximum impervious surfaces: 60%. Maximum impervious surfaces 70% for Cottage Residential zoning only. Impervious surfaces totaling up to 75% are permitted for projects providing housing for low or very low income households in accordance with the general plan.*

- *A minimum of 20% landscaping is required for this land use. Landscaping may be reduced to 15% with the provision of housing for low or very low income households in accordance with the general plan.*

Without a density bonus, the 0.87± acre parcel would allow for up to 13 multi-family dwelling units. Because the subject parcel is relatively flat, that density could be accommodated with a multi-story building(s). Fewer

single units could be accommodated. Adequate access width has been granted to the site via an easement through the post office parcel from SR 49. The City Fire Department has reviewed the dedicated access for the site and found that access can be constructed to meet state accessibility standards pursuant to the fire code. Development as a multi-family residential parcel will require 20% landscaping which also could be accommodated given the site's topography.

Based on the preceding, the site is suited to the allowable density and the potential multi-family land uses that could occur on the site with the proposed general plan amendment and rezoning.

Pursuant to General Plan Land Use Table 1-5, the HDR general plan land use designation is consistent with the Multi-Family Residential (R-3) zoning district.

Based on all of the preceding, Findings A and B can be made.

FINDING C: The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the city.

The proposed project was circulated to landowners within 300 feet of the project site. One question was received by the adjacent motel/hotel asking if the proposed change would affect their parcel. Staff responded that the proposal, if granted, could allow for multi-family residential uses on the parcel which currently allows commercial uses. No further correspondence has been received from the adjoining landowner.

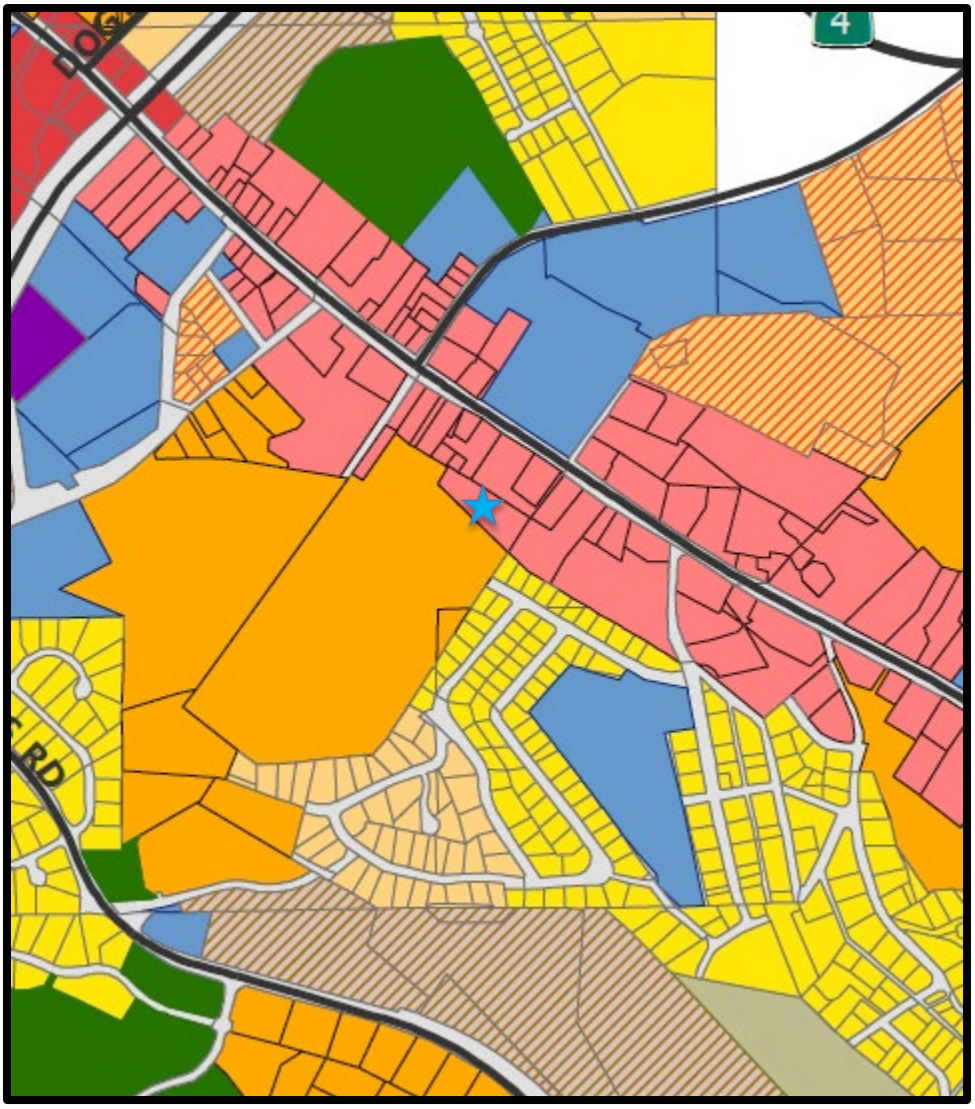
As previously noted, the City Fire Department reviewed the proposed project and stated that future development on the site could, with the dedicated access easement to the site through the post office parcel, to meet state fire accessibility standards. The City Engineer and Fire Department indicate that sufficient fire flow is expected to be available to the site for potential multi-family uses.

Based on the preceding, Finding C can be made.

Figure 2: Surrounding General Plan Land Uses and Zoning Districts

Map #	General Plan	Zoning	Land Use
1	High Density Residential (HDR)	Multi-Family Residential (R-3)	Big Horn Mobilehome Park
2	Community Commercial (CC)	Community Commercial (CC)	Dollar General
3	Community Commercial (CC)	Community Commercial (CC)	Vacant
4	Community Commercial (CC)	Community Commercial (CC)	Best Western Cedar Inn & Suites
5	Community Commercial (CC)	Community Commercial (CC)	James B. Dalton Medical Center
6	Single Family Residential (SFR)	Single-Family Residential (R-1)	Single-Family Residential
7	Community Commercial (CC)	Community Commercial (CC)	Post Office
8	Community Commercial (CC)	Community Commercial (CC)	Multi-Use Commercial
9	Community Commercial (CC)	Community Commercial (CC)	Residence
10	Community Commercial (CC)	Community Commercial (CC)	Residential
11	Community Commercial (CC)	Community Commercial (CC)	Altaville Food and Liquor
12	Community Commercial (CC)	Community Commercial (CC)	Destination Angels Camp
13	Community Commercial (CC)	Community Commercial (CC)	Mike's Pizza

Figure 3: Surrounding General Plan Land Uses



See Figure 2 for key to General Plan Land Uses.

ENVIRONMENTAL FINDINGS:

The project is exempt from the state guidelines for implementing the California Environmental Quality Act (CEQA) pursuant to Section 15183 of CEQA which states that projects which are consistent with the development density established by existing zoning or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. The existing Community Commercial zoning allows for a mixed residential/commercial use as a permitted use as contemplated in General Plan 2020 EIR. There are no potential project-specific effects anticipated that would be peculiar to this site based on the extensive development which has occurred on portions of the site and surrounding the site. Designating a portion of the site as multi-family adjacent to the Community Commercial District maintains the same balance of residential and commercial mixed uses as was contemplated in the original general plan 2020 EIR, it simply identifies where the residential uses will be concentrated within the overall area (i.e., commercial uses are being concentrated along SR 49 and the residential portion is being concentrated to the rear of the area).

ATTACHMENTS:

A. Permitted and conditional uses in the R-3 Zoning District
B. Planning Commission Resolution of Intent 22-18

Attachment A

17.24.020 and 17.24.030

Permitted and Conditional Uses – R-3 Zoning District

17.24.020 Permitted uses.

Within the R-3 district, the following uses are permitted unless otherwise specified in Chapters 17.73 and 17.74 (Administrative Site Plan Review Permit, Site Development Permits):

A. Single-family dwelling on a permanent foundation;

B. Accessory dwelling unit in accordance with Chapter 17.61;

C. Multifamily dwellings including duplexes, triplexes, multiplexes, apartments, dwelling groups, condominiums, townhouses, and similar;

D. Missing middle housing;

E. Co-housing;

F. Tiny houses;

G. Life plan communities, intergenerational housing;

H. Mobilehome or manufactured home parks;

I. Public safety facilities;

J. Transitional housing or supportive housing within a permitted single-family dwelling. These uses are considered residential uses subject only to those restrictions that apply to other residential uses of the same type in this same zone;

K. Special needs housing for six or fewer persons. These uses are considered residential uses subject only to those restrictions that apply to other residential uses of the same type in the same zone;

L. Small or large family day care home within a permitted family dwelling. These uses are considered residential uses subject only to those restrictions that apply to other residential uses of the same type in the same zone;

M. Employee or farmworker housing for six or fewer employees;

N. Public parks, community gardens;

O. Small residential freestanding solar energy systems on residential parcels of one acre or greater in size in compliance with the provisions of Section 15.28.040(D)(3);

P. Accessory uses and structures appurtenant to permitted uses. (Ord. 511 §4 (Att. D), 2021; Ord. 469 (part), 2015; Ord. 270 (part), 1984)

17.24.030 Conditional uses.

Conditional uses in the R-3 district are:

A. Cottage housing;

B. Neighborhood services;

C. Child day care centers;

D. Bed and breakfast establishments, within a permitted family dwelling, not to exceed six guest bedrooms;

E. Small residential freestanding solar energy systems on residential parcels of less than one acre in size with minimum standards per Section 15.28.040(D)(3);

F. Public utility uses;

G. Special needs housing for seven or more individuals;

H. Accessory uses and structures appurtenant to conditional uses. (Ord. 511 §4 (Att. D), 2021; Ord. 418 §2(part), 2005: Ord. 305 §2(part), 1990; Ord. 270 (part), 1984. Formerly 17.24.040)

Attachment B

Resolution 22-18

CITY OF ANGELS
PLANNING COMMISSION

Resolution/Resolution of Intent No. 22-18

RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS PLANNING COMMISSION
RECOMMENDING A GENERAL PLAN AMENDMENT AND REZONING to HIGH DENSITY RESIDENTIAL (HDR) AND MULTI-FAMILY RESIDENTIAL (R-3)
APN: 058-025-017
374 South Main Street

WHEREAS, the City received a request for a General Plan Amendment and Rezoning, at the above location; and

WHEREAS, the City of Angels Municipal Code establishes that a General Plan Amendment requires review by the City of Angels Planning Commission and a recommendation to the City of Angels City Council, and;

WHEREAS, the City of Angels Municipal Code establishes that a rezoning requires review and a resolution of intent by the City of Angels Planning Commission with a recommendation to the City of Angels City Council, and;

WHEREAS, it has been determined that the request is consistent with the City of Angels General Plan and municipal code; and

WHEREAS, the Planning Commission hereby finds the site qualifies as a small walkable community pursuant to the state CEQA Guidelines Section 15183.3(f)(5) and hereby designates the site for infill development consisting of residential and commercial uses; and

WHEREAS, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the state guidelines for the implementation of CEQA Section 15183; 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 recommends to the City Council approval of the General Plan Amendment from Community Commercial (CC) to High Density Residential (HDR) and rezoning from Community Commercial (CC) to Multi-Family Residential (R-3) based on the following findings A through C:

A. The proposed change or amendment is consistent with the City of Angels Municipal Code; and

B. The proposed change or amendment is consistent with the City of Angels general plan; and

C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the City.

The foregoing resolution was introduced and moved for adoption August 11, 2022, by _____and duly seconded by Commissioner _____.

PASSED AND ADOPTED THIS 11th day of August, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
John Broeder, Chairman

ATTEST:

_____
Alicia Smith, Deputy City Clerk

ANGELS CAMP CALIFORNIA

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: August 11, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP - City Planner

RE: Resolution of Intent 22-19 amending the general plan land use designation and zoning district from Public (P) to Community Commercial (CC) on a 0.56± acre portion of Assessor's Parcel 058-015-011 being sold to the Mariposa Amador Calaveras Tuolumne (MACT) Health Board.

RECOMMENDATION
Staff recommends approving Resolution of Intent 22-19.

PROJECT DESCRIPTION:
Owner/Applicant: City of Angels

1. General Plan Amendment and Rezone from Public (P) to Community Commercial (CC)

BACKGROUND
The City is selling a portion of APN 058-015-011 to the Mariposa Amador Calaveras Tuolumne (MACT) Health Board (Figure 1). The City Council has approved the sale. The site is being used as a parking lot currently being leased by MACT from the City. The City Police and Fire Departments have determined that this portion of the site will not be used for the City Safety Campus pursuant to adopted designs for that facility. This general plan amendment and rezone are being undertaken to reflect the change in ownership.

ANALYSIS:
Pursuant to Angels Municipal Code Section 17.90.040, prior to recommending or approving a general plan amendment and/or rezoning, the planning commission shall make all the following findings:

A. The proposed change or amendment is consistent with the City of Angels Municipal Code; and
B. The proposed change or amendment is consistent with the City of Angels general plan; and
C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the City.

An analysis of these findings follows.

Figure 1: Project Site - 200 Monte Verda Street

FINDING A AND B: The proposed change or amendment is consistent with the City of Angels Municipal Code; and the proposed change or amendment is consistent with the City of Angels general plan.

Pursuant to the General Plan Land Use Element, the Community Commercial (CC) general plan land use designation is intended to:

- *To provide a broad range of light-to-moderate intensity commercial uses for residents and visitors.*

- *Typical resident-serving uses include grocery and specialty stores, schools, public facilities, multi-family housing in association with commercial uses; professional offices including: real estate offices, **medical offices**, consulting services; small businesses; community recreational facilities*

- *Typical visitor-serving uses include hotels, motels, restaurants, visitor centers, **museums**, theaters, visitor-serving recreational facilities*

- *To provide live-work opportunities by allowing upper level residential uses above commercial establishments (e.g., mixed use)*

Location
Generally located along major thoroughfares, particularly at city gateways.

As stated above, the CC land use is consistent with museums and medical offices. Both a museum (previously approved by the Planning Commission) and medical offices are present on that portion of the parcel being sold to MACT. The parking lot will serve those uses.

Similarly, pursuant to Chapter 17.27.010 of the Angels Municipal Code, the community commercial (CC) zoning district is intended to

Implement the city general plan's community commercial (CC) land use designation. The purposes and intent of the district are:

To provide a broad range of light-to-moderate intensity commercial uses for residents and visitors, with an emphasis on resident-serving. Typical resident-serving uses include grocery and specialty stores, schools, public facilities, multifamily housing in association with commercial uses; professional offices including real estate offices, medical offices, consulting services; small businesses; community recreational facilities. Typical visitor-serving uses include hotels, motels, restaurants, visitor centers, museums, theaters, visitor-serving recreational facilities. The zone is also intended to provide live-work opportunities by allowing upper-level residential uses above commercial establishments (e.g., mixed use).

Consistent with the general plan, the CC zoning district is generally expected to extend along major thoroughfares from (but not including) the city's historical commercial (HC) zoning district northward to the intersection of SR 4 and SR 49 (i.e., the central portion of the city's commercial districts).

The project site is located in the central portion of the City between the SR 4/49 intersection and the Historical Commercial District. Therefore, the location of the proposed rezoning is consistent with the City's municipal code. Per AMC Sections 17.27.010 and 17.27.020 (Permitted Uses), museums and medical offices are permitted uses in the Community Commercial zoning district. A parking lot is an accessory use for both primary uses. Therefore, the proposed rezoning is consistent with the Angels Municipal Code.

Pursuant to Table 1-5, the Public (P) land use designation is consistent with all zoning districts. Therefore, the project is consistent with the general plan.

Based on the preceding, Findings A and B may be made.

FINDING C: The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the City.
Property owners within 300 feet were notified of the proposed project. To date, no one has responded. If any responses are received prior to the public hearing, staff will present them to the commission.

The police and fire departments have reviewed the proposal and have no objections. The

ability to drive emergency vehicles through the parking lot from the City Safety Campus to SR 49 will be retained.

Based on the preceding, Finding C can be made.

ENVIRONMENTAL FINDINGS:
The project is exempt from the state and county guidelines for the implementation of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), the Common-Sense Exemption, which states that CEQA only applies to projects with the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed project is being undertaken to reflect a change in parcel ownership. No physical changes to the environment will occur. Therefore, it is exempt from CEQA.

ATTACHMENT:
Planning Commission Resolution of Intent 22-19

CITY OF ANGELS
PLANNING COMMISSION
RESOLUTION OF INTENT NO. 22-19
AMENDING THE GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT FROM PUBLIC (P) TO COMMUNITY COMMERCIAL (CC) ON A 0.56± ACRE PORTION OF ASSESSOR'S PARCEL 058-015-011 BEING SOLD TO THE MARIPOSA AMADOR CALAVERAS TUOLUMNE (MACT) HEALTH BOARD.

WHEREAS, the City is selling a portion of its property to MACT; and

WHEREAS, the City desires to amend the general plan and zoning to ensure the property will be consistent with the use and ownership of the property and has applied for this general plan amendment and rezoning; and

WHEREAS, pursuant to the Angels Municipal Code 17.90.020, a general plan amendment and rezoning requires a resolution of intention of the Planning Commission, and

WHEREAS, the Planning Commission, at a duly noticed public hearing did take and consider public input; and

WHEREAS, the proposed general plan amendment and rezoning are exempt from the state guidelines for the implementation of the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3), the Common-Sense Exemption;

NOW, THEREFORE, BE IT RESOLVED, **NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Angels hereby recommends to the City Council approval of the proposed general plan amendment and rezoning based on the following findings:

A. The proposed change or amendment is consistent with the City of Angels Municipal Code; and

B. The proposed change or amendment is consistent with the City of Angels general plan; and

C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the City.

The foregoing resolution was introduced and moved for adoption August 11, 2022, by _____and duly seconded by Commissioner _____.

PASSED AND ADOPTED THIS 11th day of August, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

_____
Alicia Smith, Deputy City Clerk

ANGELS CAMP CALIFORNIA

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: August 11, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP - City Planner

RE: Resolution of Intent 22-20 amending the general plan land use designation and zoning district from Historical Commercial (HC) to Public (P) on a 0.5± acre Assessor's Parcel 060-014-001 south of Utica Park.

RECOMMENDATION
Staff recommends approving Resolution of Intent 22-20.

PROJECT DESCRIPTION:
Owner/Applicant: City of Angels

1. General Plan Amendment and Rezone from Historical Commercial (HC) to Public (P)

BACKGROUND
The City is purchasing the subject parcel. The parcel is intended to be used to create an improved entrance to Utica Park and provide additional parking. This general plan amendment and rezone are being undertaken to reflect the change in ownership.

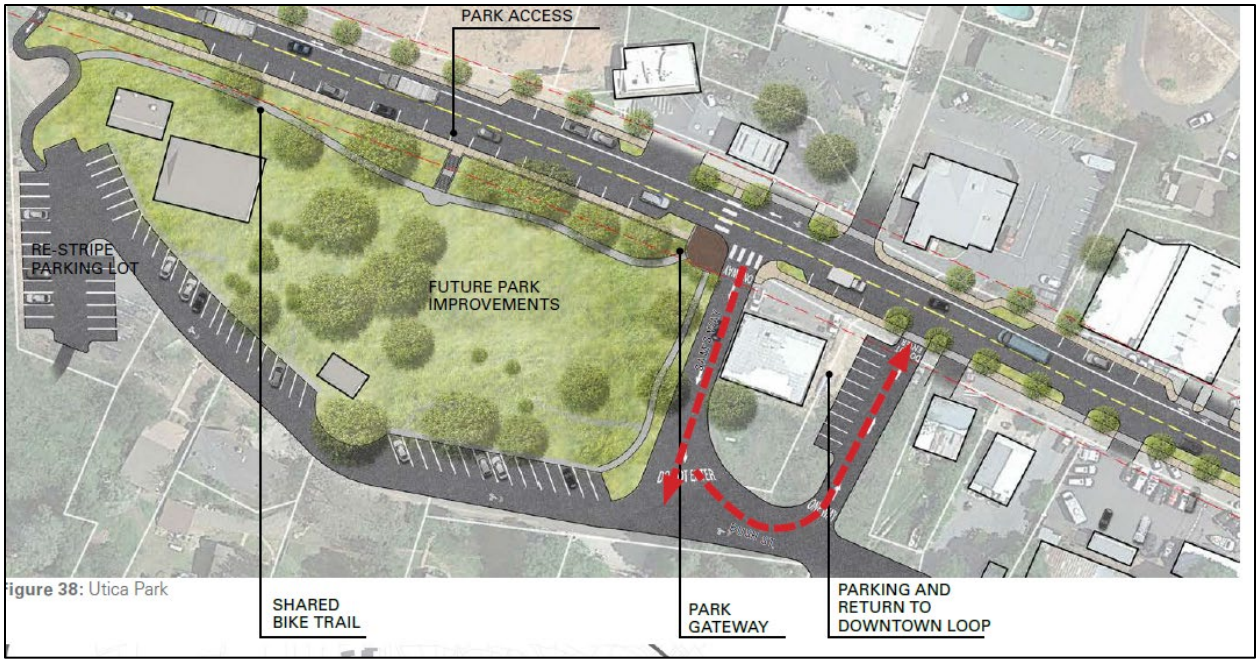
ANALYSIS:
Pursuant to Angels Municipal Code Section 17.90.040, prior to recommending or approving a general plan amendment and/or rezoning, the planning commission shall make all the following findings:

A. The proposed change or amendment is consistent with the City of Angels Municipal Code; and
B. The proposed change or amendment is consistent with the City of Angels general plan; and
C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the City.

An analysis of these findings follows.

Figure 1: Project Site

Figure 2: Proposed Use of Site - Angels Camp Main Street Plan



igure 38: Utica Park

FINDING A AND B: The proposed change or amendment is consistent with the City of Angels Municipal Code; and the proposed change or amendment is consistent with the City of Angels general plan.

Pursuant to the General Plan Land Use Element, the Public (P) general plan land use designation is intended to:

> *Accommodate both public and quasi-public uses for those agencies that serve as their own Lead Agency when conducting environmental reviews (e.g., government buildings, schools, transportation facilities, public utilities, special districts). To allow for public-private partnerships in the furtherance of General Plan goals, policies, and programs.*
>
> *Location*
> *Government buildings, schools, transportation facilities, public utilities, special districts and similar uses. Public and quasi-public uses may be located throughout the city.*

Similarly, pursuant to Chapter 17.36.010 of the Angels Municipal Code, the Public (P) zoning district is intended to

> *A. Accommodate public and quasi-public uses for those agencies that serve as their own lead agency pursuant to the California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA); and*
>
> *B. Acknowledge the limited ability of the city to impose regulations on land under the jurisdiction of public agencies and most quasi-public agencies including local, state, and federal governments, public utilities, and special districts; and*

C. Accommodate government buildings, schools, transportation facilities, public utilities, special districts, and similar uses in support of the city.

Public and quasi-public uses may be located throughout the city.

As noted, the city is purchasing the property and is a public agency. Reflective of its ownership, the parcel should be designated as Public. The future use is expected to be a parking lot and roadway. The proposed ownership and use are consistent with the intents and purposes of the general plan and municipal code.

Pursuant to Table 1-5, the Public (P) land use designation is consistent with all zoning districts. Therefore, the project is consistent with the general plan.

Based on the preceding, Findings A and B may be made.

FINDING C: The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the City.
Property owners within 300 feet were notified of the proposed project. To date, no one has responded. If any responses are received prior to the public hearing, staff will present them to the commission.

Based on the preceding, Finding C can be made.

ENVIRONMENTAL FINDINGS:
The project is exempt from the state and county guidelines for the implementation of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), the Common-Sense Exemption, which states that CEQA only applies to projects with the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed project is being undertaken to reflect a change in parcel ownership. No physical changes to the environment will occur. Therefore, it is exempt from CEQA.

ATTACHMENT:
Planning Commission Resolution of Intent 22-20

CITY OF ANGELS
PLANNING COMMISSION
RESOLUTION OF INTENT NO. 22-20
AMENDING THE GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT FROM HISTORICAL COMMERCIAL (HC) TO PUBLIC (P) ON A 0.5± ACRE ASSESSOR'S PARCEL 060-014-001 SOUTH OF UTICA PARK.

WHEREAS, the City is purchasing the subject property; and

WHEREAS, the City desires to amend the general plan and zoning to reflect the property's ownership; and

WHEREAS, pursuant to the Angels Municipal Code 17.90.020, a general plan amendment and rezoning requires a resolution of intention of the Planning Commission, and

WHEREAS, the Planning Commission, at a duly noticed public hearing did take and consider public input; and

WHEREAS, the proposed general plan amendment and rezoning are exempt from the state guidelines for the implementation of the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3), the Common-Sense Exemption;

NOW, THEREFORE, BE IT RESOLVED, **NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Angels hereby recommends to the City Council approval of the proposed general plan amendment and rezoning based on the following findings:

A. The proposed change or amendment is consistent with the City of Angels Municipal Code; and

B. The proposed change or amendment is consistent with the City of Angels general plan; and

C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the City.

The foregoing resolution was introduced and moved for adoption August 11, 2022, by _____and duly seconded by Commissioner _____.

PASSED AND ADOPTED THIS 11th day of August, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

John Broeder, Chairman

Alicia Smith, Deputy City Clerk

ANGELS CAMP CALIFORNIA

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: August 11, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: **Resolution of Intent 22-21 to add Chapter 8.04 Edible Food Waste Recovery to the Angels Municipal Code (AMC)**

RECOMMENDATION:
Approve Resolution of Intent 22-21, recommending to the City Council the addition of Chapter 8.04 Edible Food Waste Recovery to the Angels Municipal Code.

BACKGROUND:
Pursuant to Angels Municipal Code (AMC) Section 17.90.020(B), an amendment may be initiated by a Resolution of Intent of the Planning Commission. The proposed Resolution of Intent will provide the changes described above for compliance with state regulations.

SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, codified as Chapter 12 of Division 7 of Title 14 of the California Code of Regulations, required CalRecyle to develop regulations to reduce organics in landfills as a source of methane including, but not limited to, regulations requiring local governments, commercial edible food generators, food recovery organizations, and food recovery services to support achievement of the states' organic waste disposal reduction targets. The measures, additionally, assist in supplying additional sources of food for the food insecure.

SB 1383 requires local governments to adopt and enforce an ordinance or enforceable mechanism to implement SB 1383. The regulations require commercial edible food generators, as defined by state law and herein, to arrange to have the maximum amount of edible food that would otherwise be disposed of, recovered for human consumption.

SB 1383 also requires local governments to provide education and outreach information concerning edible food recovery programs, to engage in edible food recovery capacity planning and to develop a mechanism for inspections and enforcement while complying with CalRecycle's recordkeeping and reporting requirements.

Because the City of Angels meets the definition of a Rural Jurisdiction as defined in Public Resources Code Section 42649.8; the City applied to and received from CalRecycle a Rural Exemption in compliance with Section 18984.12(c) of Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations ("SB 1383 Regulations" or "Regulations") pursuant to City Council Resolution 21-54 approved December 7, 2021. Therefore, the City of Angels is not subject to other provisions of SB 1383, Article 3 Organic Waste Collection Services, Section 18992.1 of Article 11 Organic Waste Capacity Planning, and Sections 18993.1 and .2 of Article 12 Procurement of Recovered Organic Waste Products through December 21, 2026.

The proposed ordinance requires education of affected parties through January 1, 2024; **before** official enforcement actions will be taken. This ordinance provides the state-mandated framework for the program. Upon adoption, the City will undertake citywide education related to the recovery and reporting requirements for affected agencies.

ANALYSIS
Pursuant to AMC Section 17.90.040, the following findings are required for code amendments:

Finding A: The proposal conforms with the City's General Plan and Municipal Code
The proposed amendments will implement, or facilitate implementing, the following general plan programs which are also mitigation measures for the general plan:

Policy 9.A.5 Emphasize the reduction of air emissions (including greenhouse gas emissions) generated from sources located within the City of Angels and under City control. [2020 GENERAL PLAN MITIGATION MEASURE, MM-AIR-03]

Policy 9.A.7 Reduce the emission of greenhouse gasses, counteract the effects of, and protect the City's residents from the effects of global warming to the maximum extent feasible. [2020 GENERAL PLAN MITIGATION MEASURE, MM-AIR-03]

Implementation Program 9.A.j: Participate in and Support Regional Air Quality Planning Efforts and Implement Adopted Plans where Mandated by Law

Based on the preceding, adoption of the proposed code amendment, as mandated by state law in the Short-lived climate pollution reduction act of 2016, will reduce emissions in compliance with general plan policies and Implementation Program 9.A.j.

The program does not conflict with any existing provisions of the City of Angels Municipal Code.

Finding B: The proposed changes or amendments will not be substantially detrimental to the health, safety, or general welfare of the City.
The proposed change will provide an additional food source to the food insecure while reducing waste and assisting in the reduction of emissions. Therefore, the proposed change will assist in improving the health and general welfare of the City.

ENVIRONMENTAL FINDINGS
The proposed code amendment is Categorically Exempt pursuant to Section 15308, Class 8, of the state guidelines for the implementation of the California Environmental Quality Act (CEQA) because the amendment consists of actions taken by the city, as authorized by state law, to assure the maintenance, restoration, enhancement, or protection of the environment and the state law provides the procedures for protecting the environment.

ATTACHMENTS:
Resolution of Intent 22-21 with Attachment A to Resolution 22-21: Draft Chapter 18.04

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION OF INTENT NO. 22-21

A RESOLUTION OF INTENTION OF THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL ADDING CHAPTER 8.04 EDIBLE FOOD WASTE RECOVERY TO THE ANGELS MUNICIPAL CODE (AMC)

WHEREAS, the City of Angels, Planning Commission is authorized by Angels Municipal Code Section 17.90.020(B) to initiate amendment to the City's zoning code upon adopting a resolution of intention; and

WHEREAS, the Planning Commission finds that it is to the mutual benefit of the City, the public health, safety and general welfare of the public; and is necessary for compliance with state regulations; and

WHEREAS, a notice of public hearing for the proposed action was published July 28, 2022, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 11, 2022, and received public input on the proposed amendments to the Municipal Code; and

WHEREAS, the proposed changes to the Municipal Code are in conformance with the City's general plan; and

WHEREAS, the proposed changes are consistent with the City's Municipal Code; and

WHEREAS, the proposed changes to the Municipal Code will not be detrimental to the health, safety, and general welfare of the City and its people; and

WHEREAS, the proposed changes to the Municipal Code are exempt from further environmental review pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), Section 15308, Class 8, because the amendment consists of actions taken by the city, as authorized by state law, to assure the maintenance, restoration, enhancement, or protection of the environment and the state law provides the procedures for protecting the environment.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends to the City Council The addition of Chapter 18.04 to the Angels Camp Municipal Code pursuant to Attachment A in accordance with the City Standards and State Law and directs staff to provide this recommendation of the planning commission and supporting findings to the City Council in writing within thirty days.

The foregoing resolution was introduced and moved for adoption on August 11, 2022, by Commissioner _____ and being duly seconded by Commissioner _____.

PASSED AND ADOPTED THIS 11th day of August, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

_____
Alicia Smith, Deputy City Clerk

Attachment A to
Resolution 22-21

DRAFT

Chapter 8.04 EDIBLE FOOD WASTE RECOVERY

Sections:

8.04.010 Purpose.

8.04.020 Definitions.

8.04.030 Requirements for Commercial Edible Food Generators.

8.04.040 Requirements for Food Recovery Organizations, Food Recovery Services.

8.04.050 Requirements for the City - Food Recovery Capacity Planning.

8.04.060 Inspections, Investigations, Complaints, and Enforcement Timeline.

8.04.070 Violations, Appeals, and Penalties commencing January 1, 2024.

8.04.010 Purpose.

The city finds and declares:

A. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, required CalRecyle to develop regulations to reduce organics in landfills as a source of methane including, but not limited to, regulations requiring local governments, commercial edible food generators, food recovery organizations, and food recovery services to support achievement of the states' organic waste disposal reduction targets.

B. SB 1383, codified as Chapter 12 of Division 7 of Title 14 of the California Code of Regulations, requires local governments to adopt and enforce an ordinance or enforceable mechanism to implement SB 1383 regulations applicable to their jurisdiction. The regulations requires commercial edible food generators, as defined by state law and herein, to arrange to have the maximum amount of edible food that would otherwise be disposed of, recovered for human consumption.

C. SB 1383 also requires local governments to provide education and outreach information concerning edible food recovery programs, to engage in edible food recovery capacity planning and to develop a mechanism for inspections and enforcement while complying with CalRecycle's recordkeeping and reporting requirements.

D. The City of Angels meets the definition of a Rural Jurisdiction as defined in Public Resources Code Section 42649.8 and applied to and received from CalRecycle a Rural Exemption in compliance with Section 18984.12 (c) of Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations ("SB 1383 Regulations" or "Regulations") pursuant to City Council Resolution 21-54 approved December 7, 2021. Therefore, the City of Angels is not subject to Article 3 Organic Waste Collection Services, Section 18992.1 of Article 11

Organic Waste Capacity Planning, and Sections 18993.1 and .2 of Article 12 Procurement of Recovered Organic Waste Products through December 21, 2026.

D. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

(Ord. _____ § 1 (part), 2022)

8.04.020 Definitions.

The following definitions derive largely from 14 CCR Section 18982, and, to the extent 14 CCR Section 18982 is later modified, such modifications shall automatically modify the language of the following. These definitions are applicable only to Chapter 8.04.

A. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on County (and others).

B. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

C. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint- stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

D. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.

E. "Compliance Review" means a review of records by the County to determine compliance with this ordinance.

F. "Designee" means an entity that a Jurisdiction contracts with or otherwise arranges to carry out any of the Jurisdiction's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

G. “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

H. “Enforcement Action" means an action of the County to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

I. “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a).

J. “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.

K. “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a).

L. “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a). A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a). They include, but are not limited to:

1. A food bank as defined in Section 113783 of the Health and Safety Code;
2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and
3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

M. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a).

N. “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a).

O. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a).

P. “Hotel” has the same meaning as in Section 17210 of the Business and Professions code.

Q. “Inspection” means a site visit where the County reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a).

R. “Large Event” has the same meaning as in 14 CCR Section 18982(a). It includes, but is not limited to, a sporting event or flea market that charges an admission price or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event at a location that includes, but is not limited to, a public, nonprofit or privately-owned park, parking lot, golf course, street system, or other open space when being used for an event.

S. “Large Venue” has the same meaning as in 14 CCR Section 18982(a). It includes a permanent venue facility that annually seats or serves an average of more than two thousand individuals within the grounds of the facility per day of operation of the venue facility. For the purposes of this Chapter and implementation of 14CCR Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For the purposes of this Chapter implementing 14 CCR Division 7, Chapter 12, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site is a single large venue.

T. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a).

U. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a) or further explained in 14 CCR Section 18995.4.

V. “Property owner” means the owner of real property.

W. "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a).

X. "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a).

Y. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

Z. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

AA. "Special District" has the same means as defined in Public Resources Code Section 41821.2.

BB. "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a). "Back-haul" means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a).

CC. "State" means the State of California.

DD. "Supermarket" means a full-line, self- service retail store with gross annual sales of two million dollars ($2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a).

EE. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

(1) Supermarket.
(2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
(3) Food Service Provider.
(4) Food Distributor.
(5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a) shall apply to this ordinance.

FF. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

(1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
(2) Hotel with an on-site Food Facility and 200 or more rooms.
(3) Health facility with an on-site Food Facility and 100 or more beds.
(4) Large Venue.
(5) Large Event.
(6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
(7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a) shall apply to this ordinance.

GG. "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise 14 CCR Section 189852(a).

(Ord. _____ § 1 (part), 2022)

8.04.030 Requirements for Commercial Edible Food Generators.

A. Tier One Commercial Edible Food Generators must comply with the requirements of this section immediately, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024.

C. Commercial Edible Food Generators shall:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

2. Contract with, or enter into a written agreement with a Food Recovery Organization(s) or Food Recovery Service(s) for:

a. the collection of Edible Food for Food Recovery; or

b. acceptance of Edible Food that the Commercial Edible Food Generator self-hauls to the Ford Recovery Organization for Food Recovery

3. Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

4. Allow the city's designated enforcement entity or designated third party enforcement entity to access the premises and to review records pursuant to 14 CCR Section 18991.4.

5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

   a. A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

   b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(B).

   c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

      (i) The name, address, and contact information of the Food Recovery Service or Food Recovery Organization.

      (ii) The types of edible food that will be collected by, or self-hauled to, the Food Recovery Service or Food Recovery Organization.

      (iii) The established frequency that Edible Food will be collected or self-hauled.

      (iv) The quantity of Edible Food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for purposes of Food Recovery.

6. The City may suspend these requirements during periods where the governor or the city has declared a state of emergency.

(Ord._____§1, 2022)

8.04.040 Requirements for Food Recovery Organizations, Food Recovery Services.

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators via a contract or written agreement established under

14 CCR Section 18991.3(b) shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1), as applicable:

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

4. The name, address, and contact information for each Food Recovery Organization for which the Food Recovery Service transports Edible Food for Food Recovery.

B. Food recovery organizations collecting or receiving edible food directly from commercial edible food generators via a contract or written agreement established under 14 CCR §18991.3(b) shall maintain the following records, or as otherwise specified by 14 CCR §18991.5(a)(2):

1. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.

2. The quantity in pounds of edible food collected form each commercial edible food generator per month.

3. The name, address, and contact information for each food recovery service from which the organization receives edible food for food recovery.

C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the city and contract or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall, no later than March 1st, of each calendar year, report to the city in which they are located the total pounds of Edible Food Recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators with which they have established a contract or written agreement pursuant to 14 CCR Section 18991.3(b).

D. Food Recovery Capacity Planning-Food Recovery Organization, Food Recovery Services.

1. In order to support Edible Food recovery capacity planning assessments and other studies, Food Recovery Services and Food Recovery Organizations operating in the city shall, upon request, provide information and consultation to the city regarding existing or proposed new or expanded Food Recovery capacity that could be accessed by the city and its Commercial Edible Food Generators.

2. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timefame is otherwise specified by the City.

(Ord._____§1, 2022)

8.04.050 Requirements for the City-Food Recovery Capacity Planning.

The City shall conduct Edible Food Recovery capacity planning. If the City identifies that new or expanded capacity to recover Edible Food is needed, then the City shall:

A. Submit an implementation schedule to CalRecycle. The City will demonstrate how it will ensure that there is enough new or expanded capacity to recover the Edible Food currently disposed by Commercial Edible Food Generators within its Jurisdiction by the end of the reporting period set forth in 14 CCR Section 18992.3. The implementation schedule shall include the information specified in 14 CCR Section 18992.2(c)(1)(A).

B. Consult with Food Recovery Organizations and Food Recovery Services regarding existing o proposed new and expanded capacity that could be accessed by the City and its Commercial Edible Food Generators.
(Ord._____§1, 2022)

8.04.060 Inspections, Investigations, Complaints, and Enforcement Timeline.

A. The City of Angels' Code Enforcement Officer, or his or her designee, is authorized to conduct inspections and investigations for compliance with this Chapter during the Commercial Edible Food Generator's or Food Recovery Organization's regular business hours. Record-keeping required pursuant to this Chapter will be provided to the Code Enforcement Officer upon request. Failure to provide or arrange for access, or provide access to records, to the city official is a violation of this article punishable pursuant to Section 8.04.070, except as otherwise provided by paragraph E.

B. The City shall maintain on its website a means by which member of the public may electronically submit a complaint that a Commercial Edible Food Generator or Food Recovery Organization is violating the provisions of this Chapter. Hard copies of complaint forms may be requested and submitted at City Hall.

C. Inspections of Tier One Commercial Edible Food Generators and Food Recovery Services and organizations for compliance with this article will begin immediately.

D. Inspections of Tier Two Commercial Edible Food Generators for compliance with this article will begin January 1, 2024.

E. Prior to January 1, 2024, the City will respond to violations of this Chapter by providing educational materials and describing applicable requirements.

8.04.070 Violations, Appeals, and Penalties commencing January 1, 2024.

A. Violations of this Chapter shall be enforced in accordance with City of Angels Municipal Code Chapters 1.16, 1.17, 1.18,

B. Appeals shall be in accordance with City of Angels Municipal Code Chapter 1.19.

C. Penalties shall be in accordance with Angels Municipal Code Chapter 1.16.

ANGELS CAMP CALIFORNIA

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: August 11, 2022

TO Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: Resolution 22-22 Finding of Architectural Conformity: Red Ridge Restaurant Sign; 1259 South Main Street Assessor's Parcel 062-004-066

RECOMMENDATION:
Approve Resolution 22-22

PROJECT DESCRIPTION

Owner: Pepina Machovsky

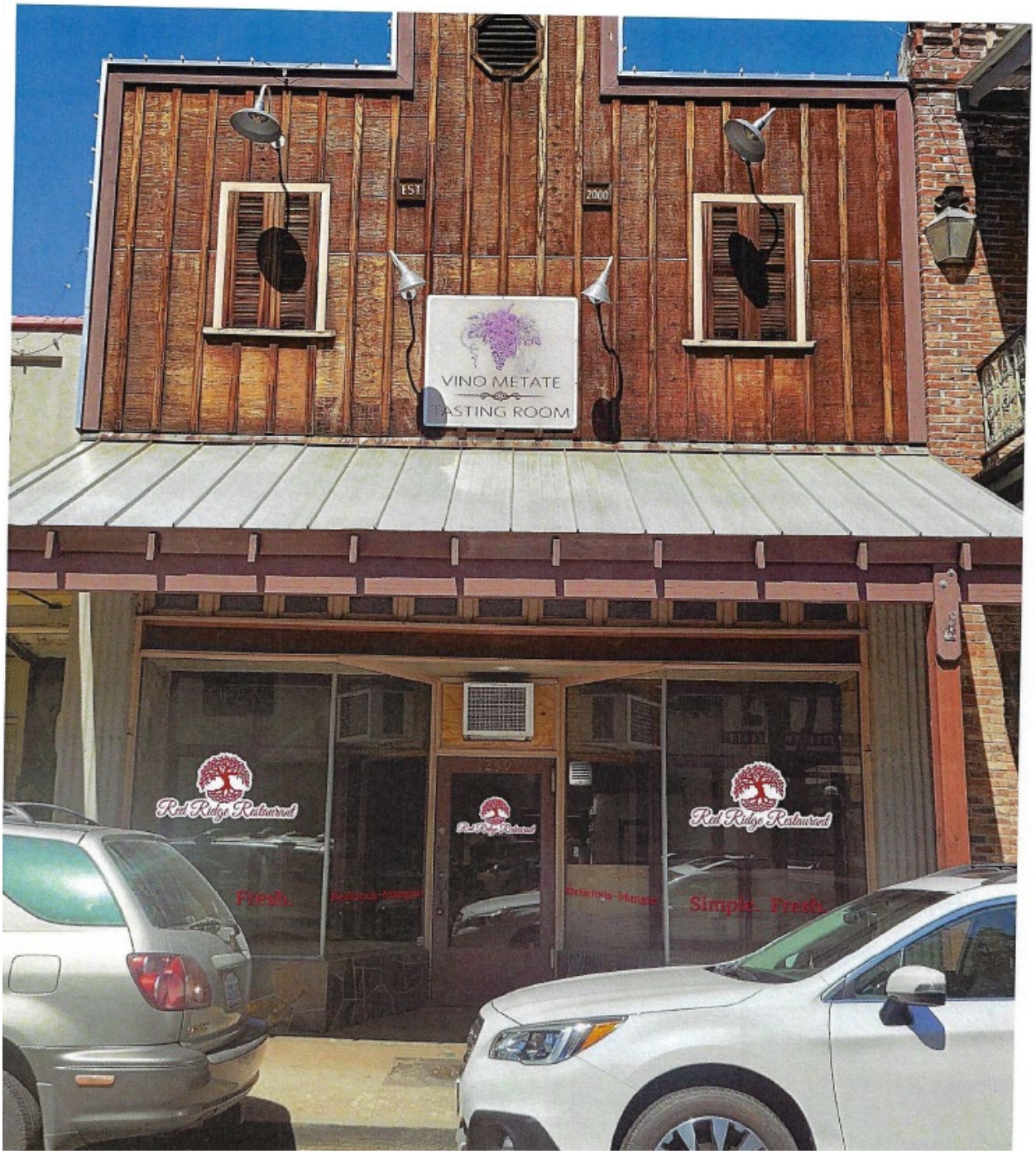
Applicant: Ken Anderson

General Plan/
Zoning: Historical Commercial (HC)

Remove existing signage. Replace with new name/design on:

PROPOSED Sign type/location/number	Size	Total in square feet
Window (2)	@2' X 3'	12
Door (1)	2' X 2'	4
Hanging (over sidewalk) Aluminum 2-sided with rounded corners, full color; double sided	2.5' X 2'	5
Attached on parapet above overhang (replace existing Vino Metate sign)	4' X 4'	16
	Total	37

Figure 1: 1259 South Main


EST.
2000
VINO METATE
TASTING ROOM
Red Ridge Restaurant
Fresh.
Red Ridge Restaurant
Red Ridge Restaurant
Simple. Fresh.

Red Ridge Restaurant
Simple. Fresh.

1259
Red Ridge Restaurant
Delicious~Mangia!

BACKGROUND/ANALYSIS:

Pursuant to Angels Municipal Code Section 17.26.090 signs in the historical district require review and approval by the City of Angels Planning Commission and shall comply with all the requirements in **Table 1**.

Sign design guidelines for the historical district were adopted by the City of Angels Planning Commission on March 11, 2010, and are used to guide the following analysis.

Placement/Architecture. The Commission's adopted sign guidelines allowing window signs and encouraging the sign to emphasize design elements of the facade. The proposed door and window signage is located on the building and does not alter the building architecture or detract from it. Therefore, the proposed sign is consistent.

Color. The proposed signage incorporates the use of a red/burgundy that is not a bright lipstick red, but more of a burgundy with accompanying lettering "Delicious~Mangia" in a more traditional red. The logo and name are on a white background. Therefore, the proposed signage is consistent with sign design guidelines for color.

Lighting. The proposed sign with not alter the existing lighting used by the prior occupants. Should exterior lighting be changed, an administrative review through the Community Development Department shall be required to ensure that the lighting fixture(s) used is consistent with the Secretary of the Interior's Standards.

Sign content (symbols). The Commission's adopted sign guidelines state:

> *A symbol sign adds interest to the street, can be read quickly and is remembered better than the written words. Over detailing a symbol or icon is not recommended and not easily read or understood.*

The sign includes one symbol, a tree, and the name of the restaurant in relatively easily read script. Therefore, it is consistent with the sign guidelines.

Font. The Commission's adopted sign guidelines state that: *Typefaces should be in keeping with those seen in the area. Select letter types and sizes that will be compatible with the building front. Generally, these type faces will have serifs making them easy to read. Avoid hard to read or overly intricate type face styles. Avoid spacing letters and words too closely together.*

The anticipated letters are relatively simple cursive, relatively easily read. Therefore, they are consistent with the guidelines.

A. **Consistency with Sign Regulations.** Consistency with sign regulations pursuant to Angels Municipal Code Section 17.26.090 is evaluated in the following table:

Table 1: Sign Consistency with Historic Commercial District

Item	Discussion	Complies, Does not Comply, or Conditionally Complies
Sign identifies or advertise the business conducted on the premises.	Signage advertises Red Ridge Restaurant– the business located within the building	Complies
Sign is affixed to a building but may be located in some other manner as the planning commission shall approve.	Window and door lettering/signage is permitted by the sign guidelines	Complies
Sign cannot project more than six feet from the face or vertical surface of the building where applicable or constitute a hazard to pedestrians or vehicular traffic.	Signage is affixed to the window and door and does not project. The proposed sidewalk sign will hang above the sidewalk in compliance with the code.	Complies
Sign cannot project above the eave or the parapet line of the building.	Signage does not extend above the parapet line.	Complies
Total aggregate area per parcel for attached on-site signs shall not exceed ten percent of the building facade excluding parapets and/or false fronts and in no case shall exceed fifty square feet of the total sign area. /a/	The building façade is approximately 19.5' wide X 20' tall, or 390± square feet. This allows for 39.0± square feet of signage. Proposed signage totals 37± square feet.	Complies
Signs shall not contain flashing, blinking, or moving letters, characters, or other elements, and the sign itself shall not move. Sign shall not contain any outline tubing.	Sign does not include any of these components.	Complies
Neon signs or signs containing any outline tubing which are to be located inside a building and which area is designed to be seen from the outside of the building are prohibited.	None proposed.	Not applicable.
Sandwich board signs shall not be made of plastic; must be historical in nature (wood, metal, scroll writing, etc.)	Sandwich board signs are not proposed.	Not applicable

ENVIRONMENTAL FINDINGS:

The Project is exempt pursuant to the State guidelines for implementation of the California Environmental Quality Act (CEQA) pursuant to Section 15311, Class 11 (Accessory Structures) which states that construction, or placement of minor structures accessory or appurtenant to

existing commercial, industrial, or institutional facilities, including but not limited to, on-premise signs are exempt from CEQA.

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 providing the conditions contained herein are properly implemented and maintained).

ATTACHMENTS:

A. Resolution 22-22

CITY OF ANGELS
PLANNING COMMISSION
Resolution No. 22-22

RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS PLANNING COMMISSION FOR APPROVING A SIGN PERMIT/FINDING OF ARCHITECTURAL CONFORMITY IN THE HISTORICAL DISTRICT FOR
Red Ridge Restaurant
1259 South Main Street
APN: 062-004-066

WHEREAS: An application was received for the proposed project at 1259 S. Main Street, Assessor's Parcel Number (APN) 062-004-066, Angels Camp, Calaveras County, California, zoned Historic Commercial (HC); and

WHEREAS: The City of Angels Planning Commission considered the proposed application at its meeting of August 11, 2022, and

WHEREAS: the proposed signage approved herein meets the requirements of Section 17.26.090 of the City of Angels Municipal Code.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Angels approves the signage subject to the attached conditions.

The foregoing resolution was introduced and moved for adoption on August 11, 2022, by Commissioner _____ and duly seconded by Commissioner _____.

PASSED AND ADOPTED August 11, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
John Broeder, Chairman

Attest:

_____
Alicia Smith, Deputy City Clerk

Resolution 22-22
CONDITIONS of APPROVAL
Red Ridge Restaurant Signage
1259 South Main Street
APN: 062-004-066

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. The signs and color palette shall comply with the plans approved by the City of Angels Planning Commission on August 11, 2022.

3. Total signage shall not exceed 39 sq. ft. as follows:

Sign type/location/number	Size	Total in square feet
Window (2)	@2' X 3'	12
Door (1)	2' X 2'	4
Hanging (over sidewalk) Aluminum 2-sided with rounded corners, full color; double sided	2.5' X 2'	5
Attached on parapet above overhang (replace existing Vino Metate sign) - exterior lit using existing lights aimed downward onto the sign.	4' X 4'	16
	Total	37

4. The hanging sign shall provide a minimum of 8 feet of clearance from the base of the sign to the sidewalk.

5. The hanging sign will be attached using painted black metal supports. Alternatives may be proposed subject to review and approval by the Community Development Department prior to installation.

6. Any new exterior lighting for any sign shall be submitted to the Community Development Department for review and approval for consistency with the Secretary of the Interior's Standards prior to installation. Any new lighting shall be aimed downward onto the sign. A building permit may be required.

7. No additional signs shall be installed without prior approval from the City of Angels Planning Commission.

8. Banners are prohibited.

9. Sandwich board signs are not approved pursuant to this permit. The addition of a sandwich sign shall require additional review and approval and will be added to the total allowable signage. The addition of a sandwich board sign will require removal of signage approved herein as necessary to maintain a total of 39 square feet of signage.

10. No signage shall encroach into the Caltrans right-of-way.

11. No sign shall encroach or project into the parking area.