CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

CITY OF ANGELS
PLANNING COMMISION AGENDA
APRIL 13, 2023

THIS MEETING WILL BE HELD AT ANGELS FIRE HOUSE, 1404 VALLECITO ROAD AND WILL BE OPEN TO PUBLIC. MASKS ARE RECOMMENDED FOR ATTENDEES.

In person public attendance will be available with limited seating. Seats are available on a first come, first served basis. Members of the public shall have the right to observe and offer public comment at the appropriate time. To view or participate in the meeting online, please use the following link:

Click here to join the meeting
Meeting ID: 255 703 578 482
Passcode: E6xAFQ
Download Teams | Join on the web
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+1 209-662-6676,,919928544# United States, Stockton
Phone Conference ID: 919 928 544#
Find a local number | Reset PIN
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The Planning Commission appreciates your interest and encourages your participation. Regularly scheduled meetings are held the 2nd Thursday of each month.

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

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.

CHAIR John Broeder **VICE CHAIR** Gary Gordon

Commissioners Robert Moncada, Kristopher Klerk, Joseph Whittle
Planning Director Amy Augustine **Deputy City Clerk** Caytlyn Schaner

6:00 p.m. REGULAR MEETING

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)**
4. **APPROVAL OF MINUTES**
   A. February 9, 2023, Draft Minutes, Caytlyn Schaner, Deputy City Clerk

5. **PUBLIC COMMENT**
   Any land use item of interest to the public that is within the subject matter jurisdiction of the Commission and is not posted on the Consent or Regular agendas may be addressed during the Public Comment period. California law prohibits the Commission from taking action on any matter which is not posted on the agenda unless it is determined to be an emergency by the Commission. Five minutes per person.

6. **PRESENTATIONS**
   A. How to be an Outstanding Planning Commissioner

7. **PUBLIC HEARING**

   A. Approve Resolution NO 23-05 of Intent of the City of Angels Planning Commission recommending to City Council to Amend Chapter 17.85.070 (Planning Commission Procedures) to increase flexibility in the content and organization of agendas.

   B. Approve Resolution NO 23-04, intent of the City of Angels Planning Commission recommending to City Council to Amend Chapter 17.42 to add permitted uses to the Special Planning (SP) zoning district including a single-family residence and small and large animal keeping without a development agreement.

   C. Approve Resolution NO 23-06 of Intent of the City of Angels Planning Commission recommending to City Council to adopt the City of Angels CEQA Guidelines & *Environmental Review Procedures Handbook* and add a new Chapter 17.05 to the City of Angels Municipal Code to incorporate, by reference, the *City of Angels CEQA Guidelines & Environmental Review Procedures* and certain mandatory elements thereof.

8. **COMMISSION BUSINESS**

   A. Review banner pole design at Utica Park

9. **COMMITTEE REPORTS**

10. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Deputy City Clerk at City Hall 209-736-2181. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II) Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at City Hall at 200 Monte Verda Street Ste. B, Angels Camp, CA 95222 during normal business hours. The Agenda is also available on line at www.angelscamp.gov.

The next regularly scheduled meeting of the Planning Commission is May 11, 2023

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

DRAFT MINUTES CITY OF ANGELS
PLANNING COMMISSION
February 9, 2023

THIS MEETING WAS HELD AT ANGELS FIRE HOUSE, 1404 VALLECITO ROAD AND WILL BE OPEN TO PUBLIC. MASKS ARE RECOMMENDED FOR ATTENDEES.

In person public attendance will be available with limited seating. Seats are available on a first come, first served basis. Members of the public shall have the right to observe and offer public comment at the appropriate time. To view or participate in the meeting online, please use the following link:

Join Zoom Meeting https://us02web.zoom.us/j/83721763951
Meeting ID: 837 2176 3951 / One tap mobile: +16699009128, 83721763951# US (San Jose)

THE PLANNING COMMISSION appreciates your interest and encourages your participation. Regularly scheduled meeting is held the 2nd Thursday of each month.

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

A decision of the Planning Commission may be appealed to City Council by following the appeal procedures in Section 1.19.080 and by submitting a written request, accompanied by the appropriate fee, within ten (10) calendar days from the date of the Commission decision (Ord. 514 § 1 (Att. D), 2021)

CHAIR (PRESENT) John Broeder **VICE CHAIR (PRESENT)** Gary Gordon

Commissioners Robert Moncada **(PRESENT)**, Kristopher Klerk **(PRESENT)**, Joseph Whittle **(PRESENT)**
Planning Director Amy Augustine **(PRESENT)** **Deputy City Clerk** Michelle Gonzalez **(PRESENT)**

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)

ACTION: VICE CHAIR GORDON MOTIONED TO APPROVE THE AGENDA, SECONDED BY COMMISSIONER WHITTLE, AND PASSED 5 YES, 0 ABSENT

4. APPROVAL OF THE MINUTES AS POSTED (OR AMENDED)

ACTION: COMMISSIONER WHITTLE MADE A MOTIONED TO APPROVE THE MINUTES, SECONDED BY VICE CHAIR GORDON, AND PASSED 5 YES, 0 ABSENT

5. PUBLIC COMMENT

NO COMMENTS

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

REGULAR BUSINESS

1. Resolution of Intent 23-02: Sign Permit/Finding of Architectural Conformity for Paul James Jewelers at 1262 South Main Street, Angels Camp.

PUBLIC COMMENT: Paul James from Paul James Jewelers was present to talk about changes to his sign plans. He answered any questions that the Commission had for him.

ACTION: COMMISSIONER WHITTLE MOTIONED TO APPROVE THE RESOLUTION, SECONDED BY VICE CHAIR GORDON, AND PASSED 5 YES, 0 ABSENT

2. PUBLIC HEARING Resolution 23-03: Amend Chapters 16.12 and 16.20 to amend the expiration dates for tentative maps in accordance with State Subdivision Map Act.

PUBLIC COMMENT: Amy Augustine reported that we only need to amend 16.12 and not 16.20. The Commission spoke about the change for a two year extension as of January 2022. Commissioner Klerk asked about the State Code template which Amy confirmed was used for this amendment.

ACTION: VICE CHAIR GORDON MOTIONED TO APPROVE THE RESOLUTION, SECONDED BY COMMISSIONER KLERK, AND PASSED 5 YES, 0 ABSENT

STUDY SESSION

3. Draft Construction Noise/Hours Ordinance.

DISCUSSION: Amy Augustine reported that we will only focus on hours of construction. We looked at similar areas around us for hours of construction as a basis for setting construction hours. The Commission discussed the hours of exterior project construction be limited to Monday through Friday 7:00 AM TO 6:00 PM, Weekends & Legal Holiday 8:00 AM – 7:00 PM unless an emergency exists. No limit on interior project construction.

ACTION: WILL BRING BACK TO A FUTURE MEETING.

4. Update on Citywide rezoning.

DISCUSSION: Hold rezone open house so people can drop in and ask about their property.

ACTION: NONE

7. COMMISION BUSINESS

Discuss planting options for sidewalk landscaping.

NONE

8. COMMITTEE REPORTS

NONE

9. COMMISSIONER'S REPORTS

BROEDER, GORDON, KLERK, MONCADA, AND WHITTLE REPORTED OUT.

10. STAFF REPORTS

NONE

11. ADJOURNMENT

ACTION: VICE CHAIR GORDON MOTIONED TO AJOURN AT 7:05 PM, SECONDED BY COMMISIONER WHITTLE, AND PASSED 5 YES, 0 ABSENT

_____

John Broeder, Chair

_____

Michelle Gonzalez, Deputy City Clerk

Planning Commission 101

An Outstanding Planning Commissioner Should:

- Bring Ideas to City Administrator
- Have an ability to see both the strengths and weaknesses for projects that come before you
- Make recommendations to City Council regarding general plan amendments, rezonings, development agreements, variances, and other related matters referred by the city council
- To carry out the duties specified by law; to conduct studies and report on matters referred for action by the city council; and generally, to assist and advise the city council and the pubic in matters pertaining to planning so as to protect and promote the public health, safety and general welfare.

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

Item #2: **Amend Chapter 17.85 to the City of Angels Municipal Code (Planning Commission Procedures) relative to agenda content**

DATE: April 13, 2023

TO: City of Angels Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: Resolution of Intent 23-005 recommending to the City Council an amendment to Chapter 17.85 (Planning Commission Procedures) relative to agenda content

RECOMMENDATION

Adopt Resolution of Intent 23-005 recommending to the City Council an amendment to Chapter 17.85 (Planning Commission Procedures) relative to agenda content.

BACKGROUND

To assist the Planning Commission in maintaining consistency with the *Angels Camp Strategic Plan* recently adopted by the City Council, staff is recommending an amendment to the Planning Commission Procedures relative to Planning Commission agenda content.

Specifically, as necessary to focus city activities on the planning priorities identified in the *Angels Camp Strategic Plan*, staff is recommending that Commission Reports and Staff Reports be removed as regular agenda items from the Planning Commission agenda to increase consistency with City Council objectives and minimize public discussions of planning items that may be:

A. Inconsistent with the planning priorities established in the *Angels Camp Strategic Plan*

B. Inconsistent with the Planning Commissioner's duties to "conduct studies and report on matters referred for action *by the city council* (emphasis added)" (AMC Section 17.85.020 D)

C. Viewed by the public as initiating planning activities rather than acting on matters referred by the city council.

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

General Plan 2020 references the Planning Commission 37± times. Many of these references relate to the Planning Commission's role in assisting the City Council in implementing various programs, including, but not limited to various Housing and Land Use Programs as follows:

1.A.d Establish Criteria for General Plan Amendments In reviewing an application to amend the General Plan 2020 Land Use Map, the Angels Camp Planning Commission and City Council shall consider the overall consistency of the proposal with the goals, objectives and policies of the general plan including, but not limited to…

2.B.a Undertake a Comprehensive Update to the City of Angels Municipal Code Initiate a comprehensive update of the City of Angels Municipal Code to incorporate changes identified in the Housing Element, for internal consistency and for consistency with the general plan.

With the adoption of the Strategic Plan based on General Plan 2020; the timing for implementation of these programs has been established and direction will be provided to the Planning Commission by the City Council. Therefore, the proposed changes, intended to facilitate implementation of the Strategic Plan (based on the general plan) are consistent with the proposed changes.

Finding B: The proposed changes are not detrimental to the health, safety, peace, morals and general welfare of the city and its people.
The proposed changes will not alter land uses, but are of a clerical nature.

The purpose of the change is, in part, to conform with Section17.85.020(D) of the AMC to ensure that planning commissioner activities are directed, where necessary, by the City Council.

Based on the preceding, this finding can be made.

ENVIRONMENTAL FINDINGS
Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendments are exempt from further review pursuant to Section 15061(b)(3), the Common Sense Rule, 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 proposed changes will not alter land uses or create any physical change to the environment, but rather provide clerical changes related to the Planning Commission's agenda. Therefore, it can be seen with certainty that the project will not result in any significant effect on the environment and the project is CEQA exempt.

ATTACHMENT
A. Planning Commission Resolution of Intent 23-005 with Proposed Changes to Chapter 17.85 (Exhibit A)

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION NO. 23-05

A RESOLUTION OF INTENT OF THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL AMENDING CHAPTER 17.85 AMENDING PLANNING COMMISSION PROCEDURES RELATIVE TO AGENDA CONTENT

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 necessary from time to time to amend the municipal code to reflect the Commission's procedures; and

WHEREAS, a notice of public hearing for the proposed action was published March 30, 2023, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 13, 2023, and received public input on the proposed revisions 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 15061(b)(3), the Common Sense Rule, because it can be seen with certainty that no adverse impact or change to the physical environment will occur;

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends to the City Council Amending Chapter 17.85 amending Planning Commission procedures relative to agenda content pursuant to **Exhibit A** 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 April 13 2023, by Commissioner _____ and being duly seconded by Commissioner _____.
PASSED AND ADOPTED THIS 13th day of April, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

_____
Caytlyn Schraner, Planning Commission Secretary

EXHIBIT A
Proposed Amendment to Chapter 17.85

17.85.070 Agenda.

SHARE

A. The agenda shall show the order of business of each regular meeting substantially as follows; however, individual items may be added, removed or rearranged at the discretion of the City Planner:

1. Call to order, roll call;

2. Approval of minutes;

~~3. Matters of the public not on the agenda (discussion only, no action);~~

4. Approval of the agenda;

5. Public comment;

6. Public hearings;

7. Planning commission business – action items;

~~8. Commission reports;~~

~~9. Staff reports;~~

10. Adjournment.

11. This statement shall appear at the bottom of each agenda: "Planning commission decisions can be appealed to the City Council. Appeal must be filed with the City Clerk's office (City Hall) with the appropriate fee within 10 calendar days of the hearing. For more information contact the Planning Commission secretary at (209) 736-1346 or cda@angelscamp.gov."

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

Item #1: **Amend Chapter 17.42 to the City of Angels Municipal Code (Special Planning) with the addition of Permitted Uses**

DATE: April 13, 2023

TO: City of Angels Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: Resolution of Intent 23-04 recommending to the City Council an amendment to Chapter 17.42 (Special Planning) establishing permitted uses in that zone.

RECOMMENDATION
Adopt Resolution of Intent 23-04 recommending to the City Council an amendment to Chapter 17.42 (Special Planning) establishing permitted uses in that zone.

BACKGROUND:
Pursuant to Angels Municipal Code (AMC) Section 17.90.020(B), an amendment or zone change may be initiated by a resolution of intention of the Planning Commission.

General Plan 2020 designated numerous parcels as Special Planning (SP) throughout the City. To implement development on those parcels, a Special Planning Zoning District was established and adopted by the City in 2021. The zoning district requires adoption of a master plan (Specific Plan) for development through the use of a development agreement.

In conjunction with the city-wide rezoning and meetings involving lands proposed for SP zoning per General Plan 2020, landowners requested the addition of uses for their parcels that may be permitted until a master planned development is pursued. Because many of these parcels include large vacant acreage currently used for cattle grazing, landowners requested the ability to allow large animal keeping as a continuing use and to allow a single-family residence. For semi-developed parcels, a request to allow ongoing use of commercial structures also was included. The following amendment addresses these requests.

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
General Plan Implementation Program 1.A.e calls for establishing the Special Planning land use designation and adopting accompanying standards.

1.A.e ***Maintain a Special Planning General Plan Land Use Designation and Establish Standards for and Require Specific Plans***

Adopt standards and guidelines for the contents of specific plans consistent with California Government Code Section 65450 et seq. for lands designated as Special Planning (SP) on the General Plan 2020 Land Use Map that are more than 20 acres in size…

The proposed code amendment will provide standards for ongoing implementation of this program in compliance with the General Plan. Based on the preceding, the proposed amendment conforms with the General Plan.

Per Angels Municipal Code 17.42.010, the purposes of the SP zoning district are:

… intended to allow flexible, creative, and integrated design on sites with unique or unusual characteristics due to location (e.g., high visibility from highways or collectors), topography, or environmental factors. It is also suitable for sites where multiple alternative land uses may be appropriate.

On parcels twenty acres or greater in size, it is further intended to encourage integrated land uses and consistent design over multiple adjoining parcels, generally under single ownership in compliance with Government Code Sections 65450 through 65457 governing specific plans.

Therefore, on parcels twenty acres and less, special planning will be a combining district; and on a parcel or parcels more than twenty acres, special planning will be the primary zoning district.

This district is intended to implement the special planning land use designation of the city of Angels general plan. (Ord. 507 §2, 2021)

The proposed code amendment would allow for ongoing uses to continue until a master plan is adopted. The proposed interim uses allow for:

A. Cattle, large-animal grazing. This allows for income generation while reducing fire hazard and encourages ongoing property maintenance

B. Residential use. This allows for occupation of the site allowing for families to use the properties while providing a presence on site discouraging vandalism and providing added site security (both on an interim basis, during development pursuant to a master plan, and for ongoing site security after implementation of a master plan).

C. Ongoing uses in existing buildings. This allows for ongoing income generation to assist in funding future mixed developments, encourages ongoing property maintenance, and discourages deterioration of existing buildings until a master plan is adopted and implemented.

As illustrated, the proposed permitted uses will preserve SP zoned parcels for future mixed uses. While allowing for ongoing use and income production from parcels, the proposed code amendment will allow permitted uses that preserve most open areas for future mixed developments. Therefore, the proposed amendments are consistent with the established purposes of the SP zoning district.

Finding B: The proposed changes are not detrimental to the health, safety, peace, morals and general welfare of the city and its people.

The proposed addition of permitted uses will recognize existing uses as interim uses on existing parcels. Therefore, the proposed changes will not alter land uses, but rather provides a mechanism (zoning) for implementing the general plan and zoning district on an interim basis. Therefore, this finding can be made.

ENVIRONMENTAL FINDINGS

Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendment is exempt from further review, because the proposed amendment implements a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

ATTACHMENT:

Planning Commission Resolution of Intent 23-04 with Proposed Changes to Chapter 17.42

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION NO. 23-04

A RESOLUTION OF INTENT OF THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL AMENDING CHAPTER 17.42 ADDING PERMITTED USES TO THE SPECIAL PLANNING ZONING DITRICT

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 necessary from time to time to amend the municipal code to reflect the needs of landowners; and

WHEREAS, a notice of public hearing for the proposed action was published March 30, 2023, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 13, 2023, and received public input on the proposed revisions 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), because the proposed amendment implements 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, the Planning Commission hereby recommends to the City Council Amending Chapter 17.42 adding permitted uses to the Special Planning Zoning District pursuant to **Exhibit A** 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 April 13 2023, by Commissioner _____ and being duly seconded by Commissioner _____.
PASSED AND ADOPTED THIS 13th day of April, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

_____
Caytlyn Schraner, Planning Commission Secretary

EXHIBIT A
Proposed Amendment to Chapter 17.42

Chapter 17.42
SPECIAL PLANNING DISTRICT (SP AND :SP)

Sections:

17.42.010 Purpose and intent.
17.42.015 Permitted uses.
17.42.020 Development agreement required.
17.42.030 :SP conformance with principal zoning district--Parcels twenty acres and less.
17.42.040 Specific plan required for a parcel or parcels greater than twenty acres.
17.42.050 Relationship to planned developments (PD).
17.42.060 Minimum design standards.

17.42.010 Purpose and intent.

SHARE

The special planning district may be used alone as a primary zoning district (SP), or as a combining district (:SP) for single or mixed-use developments.

The special planning district is intended to allow flexible, creative, and integrated design on sites with unique or unusual characteristics due to location (e.g., high visibility from highways or collectors), topography, or environmental factors. It is also suitable for sites where multiple alternative land uses may be appropriate.

On parcels twenty acres or greater in size, it is further intended to encourage integrated land uses and consistent design over multiple adjoining parcels, generally under single ownership in compliance with Government Code Sections 65450 through 65457 governing specific plans.

Therefore, on parcels twenty acres and less, special planning will be a combining district; and on a parcel or parcels more than twenty acres, special planning will be the primary zoning district.

This district is intended to implement the special planning land use designation of the city of Angels general plan. (Ord. 507 §2, 2021)

17.42.015 Permitted uses.

The following are permitted uses in the SP zoning district. These uses are intended to be interim uses until a specific plan is adopted and implemented for the property(ies). Residential uses will normally be incorporated into the overall specific plan.

A. Single-family residence

B. Small animal keeping

C. Large animal keeping

D. Ongoing or new uses of existing buildings in accordance with Chapters 17.73 or 17.74, as applicable, where the use is compatible with adjacent uses.

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17.42.020 Development agreement required.

Except as provided in Section 17.42.015, ~~T~~there are no uses permitted outright in the SP or :SP zones. All uses undertaken in the SP or :SP zoning district shall require a development agreement duly processed and approved or conditionally approved in accordance with the provisions of this title set forth in Section 17.85.100(E). A development agreement shall serve as the special planning permit for entitlements issued in this district. (Ord. 507 §2, 2021)

17.42.030 :SP conformance with principal zoning district--Parcels twenty acres and less.

The permitted uses, conditional uses, and uses requiring a site plan review in the special planning combining district (:SP) shall be identical to the uses, allowable densities, and regulations of the principal zoning district with which the special planning combining district is combined except insofar as such regulations are modified or supplemented by the terms and conditions of the development agreement additionally required in this zone.

The terms and conditions of the development agreement in the special planning combining district may be more or less restrictive than those specified elsewhere in the code, including, but not limited to, the following:

A. Density bonuses allowed pursuant to Section 17.06.190 (Density bonuses);

B. Development incentives provided in Section 17.06.190 (Density bonuses);

C. Height limitations on buildings and structures;

D. Floor area ratio/percentage of coverage of land by structures;

E. Parking requirements;

F. The location, width, and improvements of on-site vehicular and pedestrian facilities and their related access to various portions of the property;

G. Planting and maintenance of trees, shrubs and plants in accordance with a landscaping plan;

H. Fencing, wall and lighting constructed in accordance with approved designs;

I. Limits on size, design, number, lighting and location of signs and advertising structures;

J. Architectural design structures;

K. Parcel size;

L. Parcel configuration;

M. Width of road or utility easements;

N. Project phasing;

DRAFT

O. Performance bonds or other guarantees to ensure development as approved, when required by the city council. (Ord. 507 §2, 2021)

17.42.040 Specific plan required for a parcel or parcels greater than twenty acres.

SHARE

A. Specific Plan Required. A specific plan (comprehensive development plan) is required for a parcel or parcels totaling more than twenty acres designated as special planning on the general plan land use map. Special planning shall serve as the primary zoning district on these parcels. The comprehensive development plan shall be equivalent to a specific plan as set forth in Government Code Section 65450 et seq., governing specific plans and summarized in subsection C of this section.

B. Processing. Application and processing requirements shall be established by city council resolution. In the absence of established application and processing requirements, those governing development agreements shall be implemented as set forth in Section 17.85.100(E) as may be modified by Government Code Sections 65450 through 65457.

Application submittals shall include those required pursuant to Government Code Section 65450 et seq., except that the city planner has the discretion to modify the requirements as may be necessary to reflect the unique circumstances of a particular development or to reflect changes in state law.

Prior to any consideration of the specific plan by the city council, the planning commission shall review the specific plan, hold one or more public hearings concerning the specific plan and provide recommendation(s) to the city council. The city council shall hold one or more public hearings prior to taking final action on the application.

If approved, the specific plan shall be adopted as a development agreement. If adopted, the specific plan will henceforth guide development and control of land uses on the site.

C. Specific Plan Contents.

1. Specific plans prepared pursuant to this chapter generally shall include a text and a diagram or diagrams which specify all the following in detail:

a. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

b. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

c. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

d. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out subsections (C)(1)(a), (b), and (c) of this section.

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2. The specific plan shall include a statement of the relationship of the specific plan to the general plan.

3. The specific plan may address other subjects which in the judgment of the city are necessary or desirable for general plan implementation. (Ord. 507 §2, 2021)

17.42.050 Relationship to planned developments (PD).

SHARE

The special planning combining district (:SP) is intended to replace the planned development combining district (:PD). All approved planned developments and planned development permits shall remain in effect as adopted and as may be amended, except that they shall be called special plans. (Ord. 507 §2, 2021)

17.42.060 Minimum design standards.

SHARE

A. Projects greater than twenty acres in size:

1. Shall be governed by standards established in the specific plan.

2. Shall provide a minimum of thirty percent open spaces (including landscaping, recreational uses without buildings and natural areas).

3. For parcels adjoining or visible from highways, arterials or collectors, project design shall accommodate the provision of street trees.

B. Projects twenty acres or less in size:

1. Shall be governed by the primary zoning district. In the absence of a primary zoning district other than SP, land use density and intensity of use shall be per the land use designation(s) most like the use or uses proposed on the site.

2. Shall provide a minimum of twenty-five percent open spaces (including landscaping, recreational uses without buildings and natural areas).

3. For parcels adjoining or visible from highways, arterials or collectors, project design shall accommodate the provision of street trees. (Ord. 507 §2, 2021)

DRAFT

CEQA Guidelines

Environmental Review Procedures

Why?

Strategic Plan

State CEQA Guidelines

Section 15022

Strategic Plan Year 1 Tier 1

Economic Development

Maintain and enhance the city's economic vitality while conserving the city's social, cultural, environmental, and aesthetic resources

Strategic Plan Year 1 Tier 1

Maintain and Enhance Economic Development

- Providing predictability, streamlining, **Accountability**, **Efficiency** in the planning process

Conserving the city's social, cultural, environmental, and aesthetic resources

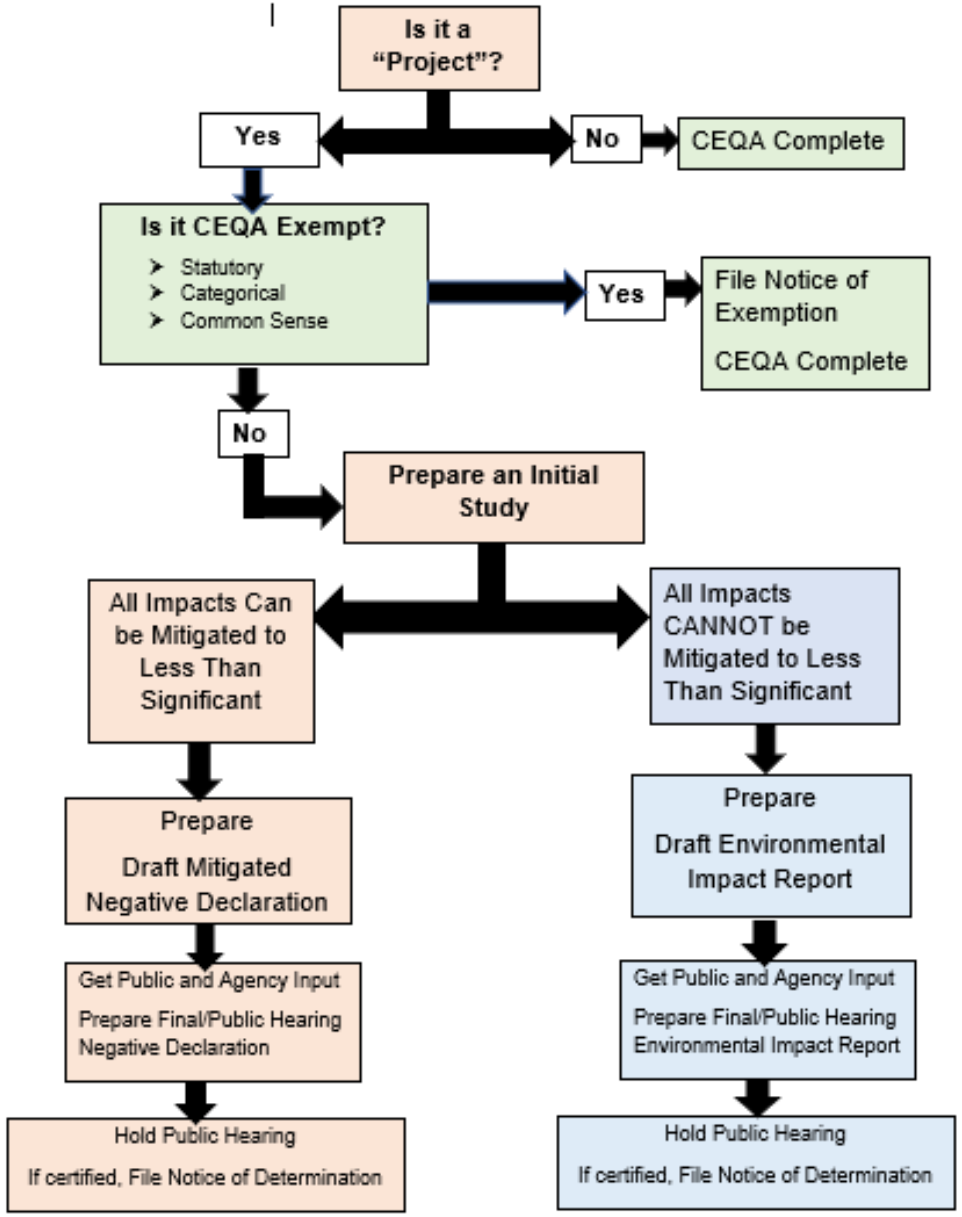
- California Environmental Quality Act (CEQA)

California Environmental Quality Act (CEQA)

Each public agency shall adopt objectives, criteria, and **specific procedures** consistent with CEQA, including the **orderly evaluation of projects and preparing of environmental documents (Public Resources Code 15022)**

CEQA FLOWCHART

Occurs for **every** planning application



California Environmental Quality Act (CEQA)

Each public agency shall adopt objectives, criteria, and **specific procedures** consistent with CEQA, including the **orderly evaluation of projects and preparing of environmental documents (Public Resources Code 15022)**

Procedures shall include **at least** provisions for:

Types of CEQA Reviews

- Identifying activities exempt from CEQA
- Conducting Initial Studies (IS)
- Preparing Draft/Final Negative Declarations (ND, MND)
- Preparing Draft /Final Environmental Impact Reports (EIRS)

Gathering Agency & Public Input

- Consulting with other agencies
- Collecting comments from the public
- Establishing time for reviews / comments on Drafts
- Evaluating and responding to comments

Assigning **responsibility** for

- Determining adequacy of environmental documents
- Decision-making body or person approve or disapprove environmental determination
- Review/Provide input on another agency's environmental documents
- Other specific CEQA functions

Establishing time limits

- Providing time periods for performing functions under CEQA

And…Record-Keeping

- Filing CEQA documents

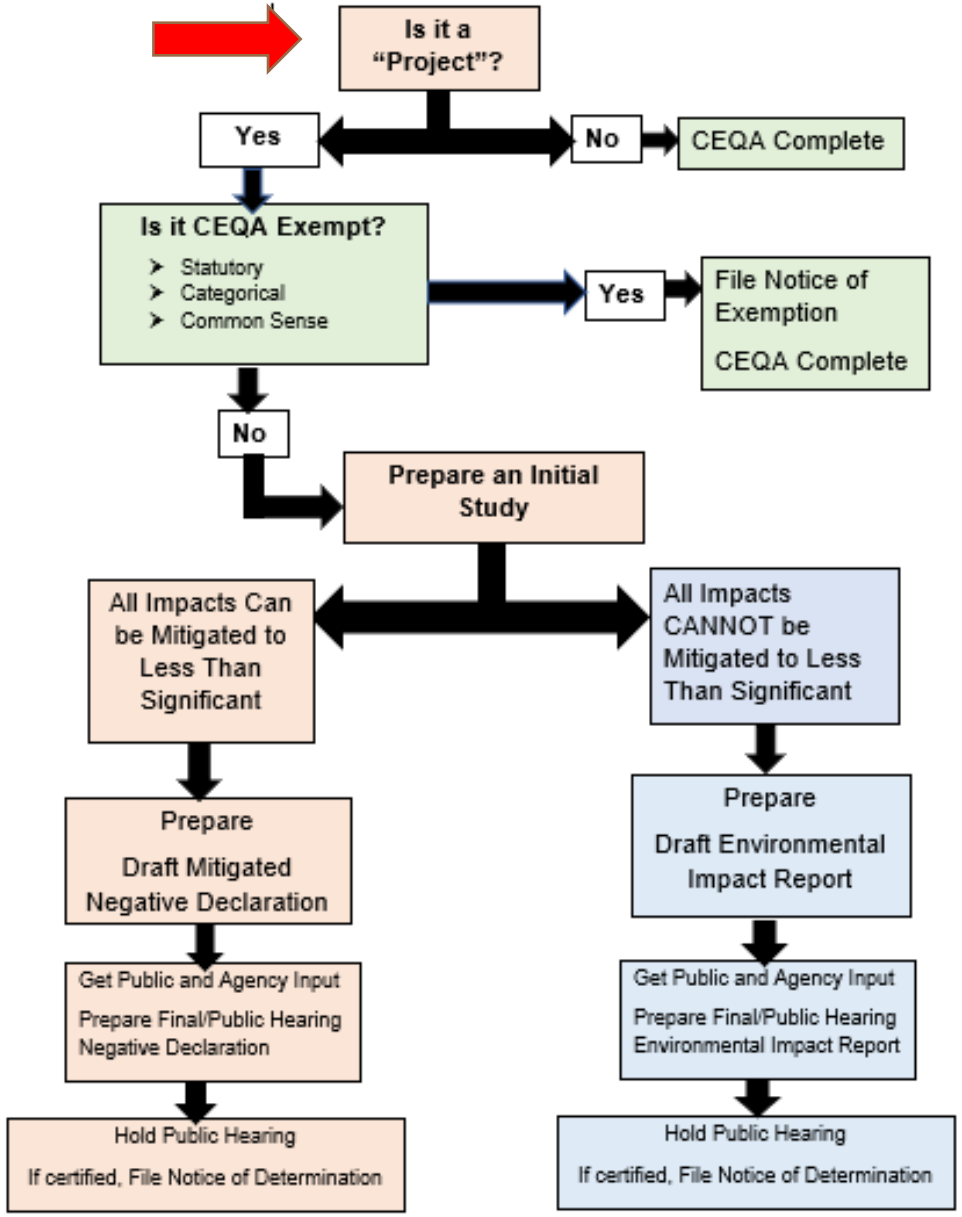
In adopting CEQA procedures…

- A public agency may adopt the State CEQA Guidelines through incorporate by reference. The agency may then **adopt only those specific procedures or provisions necessary to tailor the provisions of the Guidelines to the specific operations of the agency**.

CEQA Overview (Optional)

CEQA FLOWCHART

Occurs for **every** planning application



Is it a Project?

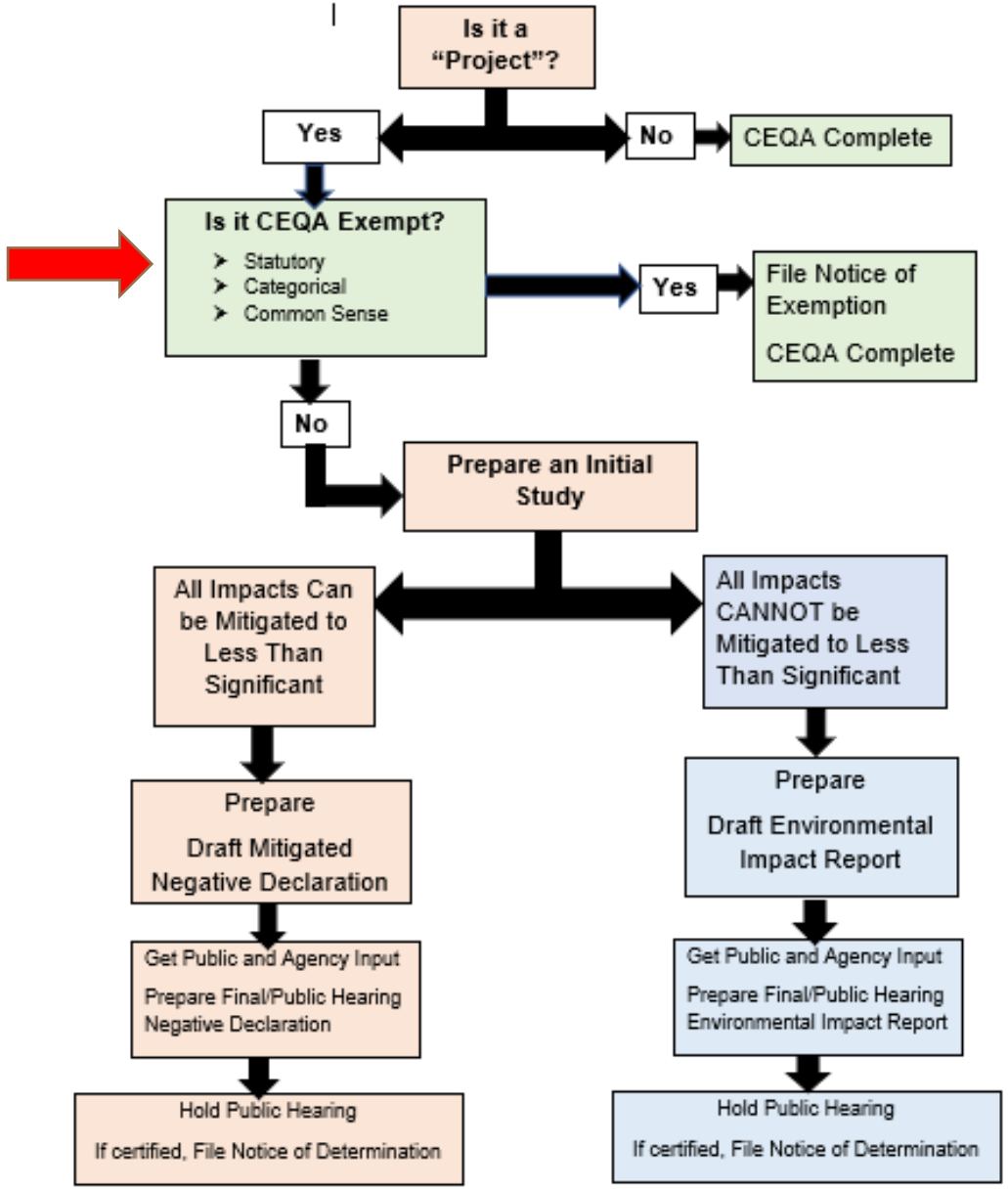
Direct physical change in the environment

Reasonably foreseeable **indirect physical change** (economic impacts)

The WHOLE of an action

CEQA FLOWCHART

Occurs for **every** planning application



If it IS a Project, then…

Is it Exempt from further CEQA Review?

Four +
Types of CEQA
Exemptions

1. Statutory

2. Categorical

3. Common Sense

3. Article 12.5

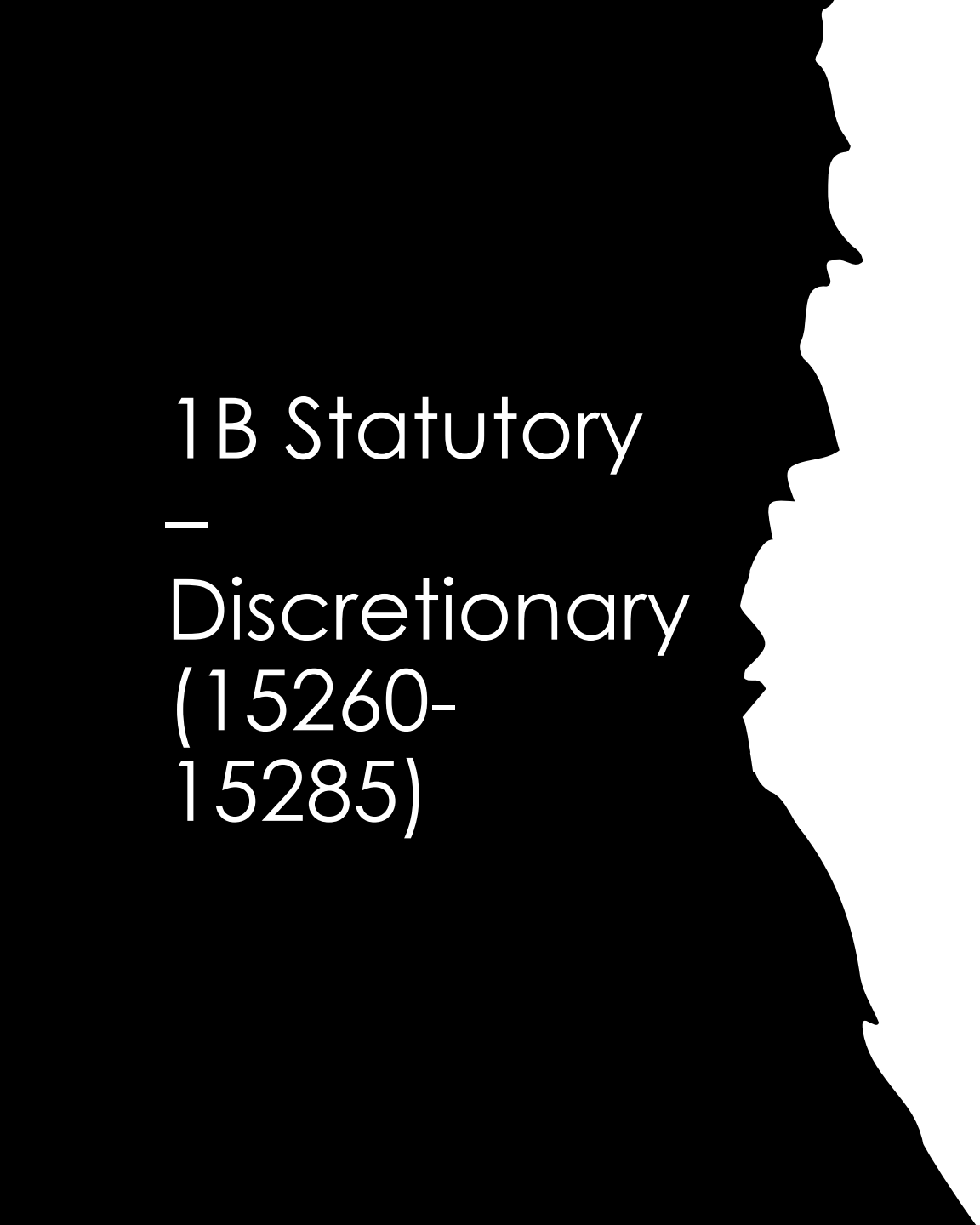
1A. Statutory: Ministerial

City acts on a project in a set way without using judgment

(i.e., **pre-established standards**) = "ministerial" and **CEQA does not apply**

Examples:

- Issuing building permits
- Approval of individual utility service connections and disconnections
- Issuing business licenses
- Approving final subdivision maps
- **Other items as may be identified by the public agency in local guidelines**



1B Statutory – Discretionary (15260-15285)

Statutory Exemptions have <u>no exceptions</u>

(for biological, cultural, etc. unless specified)

Statutory Exemptions (examples)

- Feasibility and planning studies
- General plan time extensions
- Emergency projects
- Projects disapproved
- Olympic games
- Family day care
- Air quality permits
- Pipelines (limited) – 1mile
- Adopting an ordinance related to second units in R-1, R-2, R-3
- Preparation/adoption of an Urban Water Management Plan

2. Categorical Exemptions (33 Classes)

6 Exceptions to Categorical Exemptions

Cumulative Impacts	Significant Effect (unusual circ)	Scenic Highway
Hazardous Waste Sites	Historical Resources	Project Location (5 classes)

Categorical Exemptions (Examples)

Class 1 - Existing facilities
Operation, repair, maintenance, limited expansion, new copy on signs, some demolitions, converting SFR to office, SFR as small family day care

Class 2 - Replace/Reconstruct Existing facilities

Class 3 - New construction/conversion of small structures

SFR, second dwelling units,

Up to 4 dwelling units

Stores, motels, offices, restaurants up to 2,500 sq. ft.

Accessory structures (garages, carports, patios, pools, fences)

Categorical Exemptions (Samples)

Class 4 Minor Land Alterations

- Grading < 10% slope (exceptions)
- Land alterations resulting in improved habitat
- Temporary uses (carnivals, Christmas tree sales)
- Bike lanes on existing ROW
- Fuel management within 30 feet/100 feet

Class 5 – Minor Alterations in Land Use Limitations

Lot line adjustments

Side yard and setback variances

Minor encroachment permits

Reversions of acreage (mergers)

Other CatEx

Class 11 – Accessory structures

- signs,
- small parking lots
- seasonal/temporary use structures (lifeguard tower, mobile food units, portable restrooms) in public use areas

Class 14 – Minor additions to Schools

Class 15 - Minor Land Divisions (four or fewer parcels)

Class 19 – Annexations of existing facilities and lots for exempt facilities

Class 21 – Enforcement actions

Class 26 – Acquiring housing for housing assistance programs

And…a few more examples

Class 31 – Historical Resource Restoration/Rehabilitation

Class 32 – Infill Development**********

Application by Public Agencies 15300.4

- In the course of establishing its own procedures, the **local agency shall list those activities that fall into each exempt class**.

3. Common Sense Rule

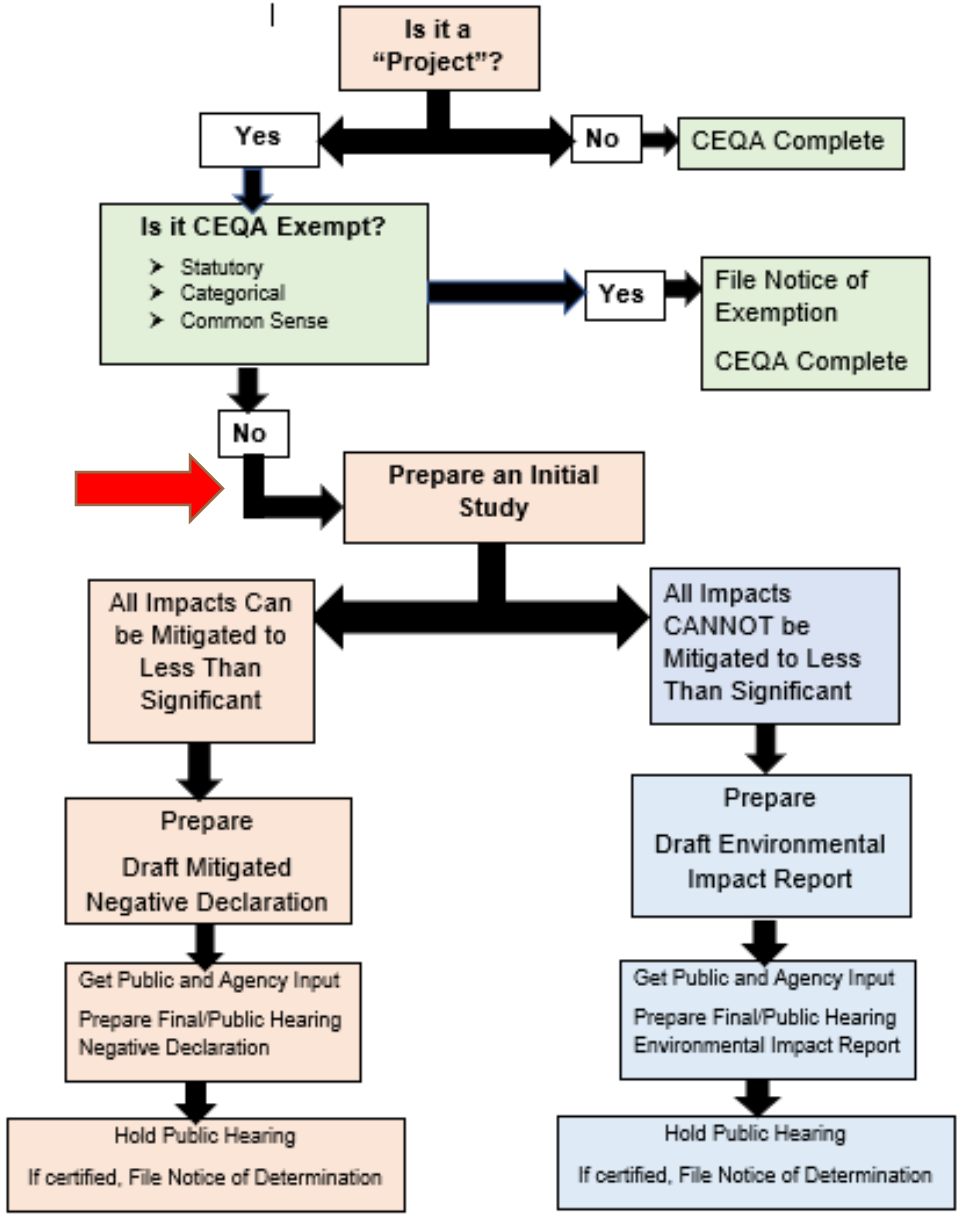
CEQA APPLIES ONLY TO PROJECTS WHICH HAVE THE POTENTIAL FOR CAUSING A SIGNIFICANT EFFECT ON THE ENVIRONMENT. *WHERE IT CAN BE SEEN WITH CERTAINTY THAT THERE IS NO POSSIBILITY THAT THE ACTIVITY IN QUESTION MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, THE ACTIVITY IS NOT SUBJECT TO CEQA.*

4. Article 12.5

- Housing – Agricultural Employees
- Work Force/Sustainable Housing - infill

CEQA FLOWCHART

Occurs for **every** planning application



Prepare an Initial Study

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture / Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

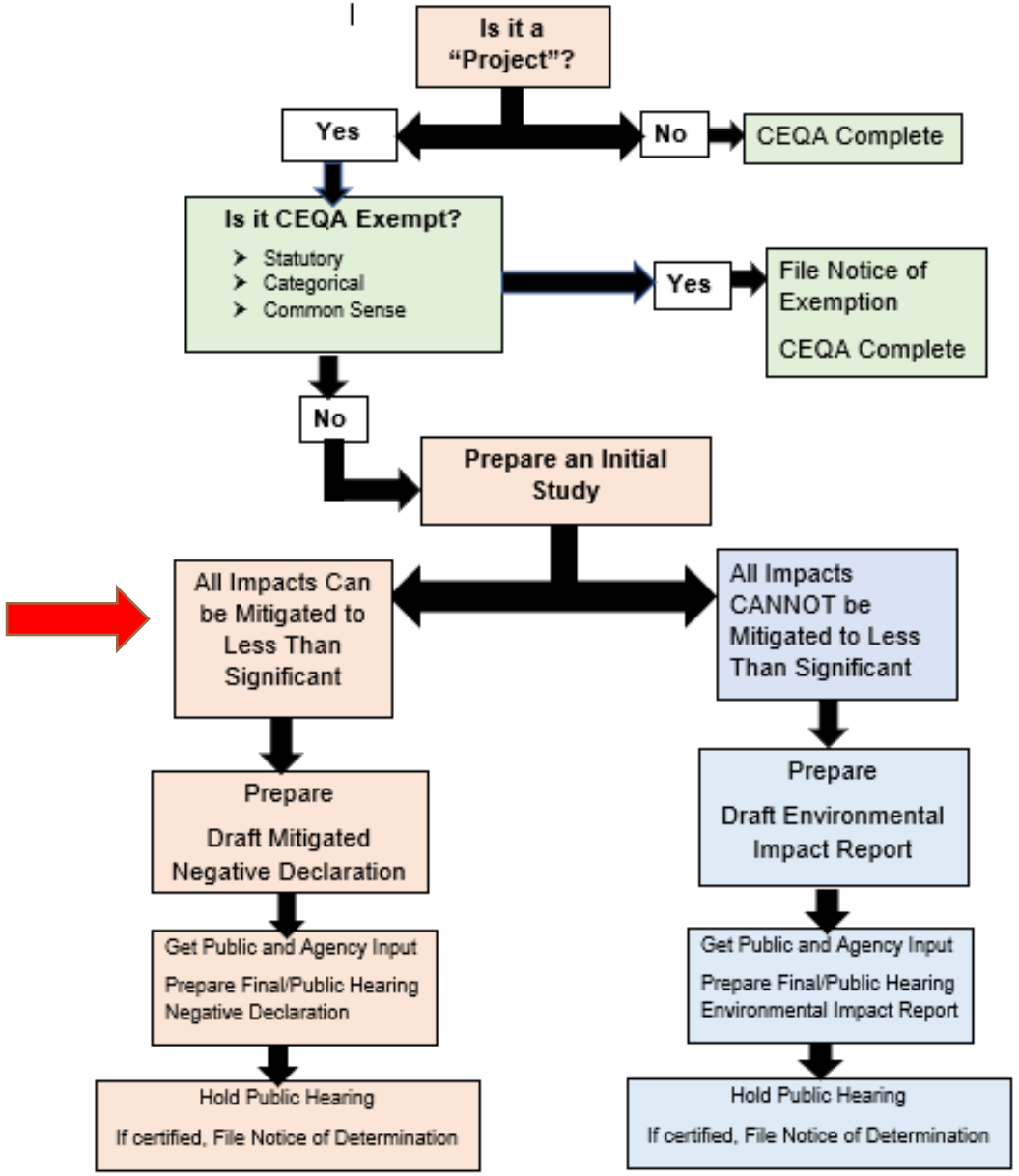
☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	Click here to enter text.
Signature	*Date*

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☐

CEQA FLOWCHART

Occurs for **every** planning application



Prepare a Negative Declaration

Mitigated Negative Declaration

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture / Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	Click here to enter text.
Signature	*Date*

Negative/Mitigated Negative Declarations

Negative Declaration

No significant adverse impacts

No mitigation measures

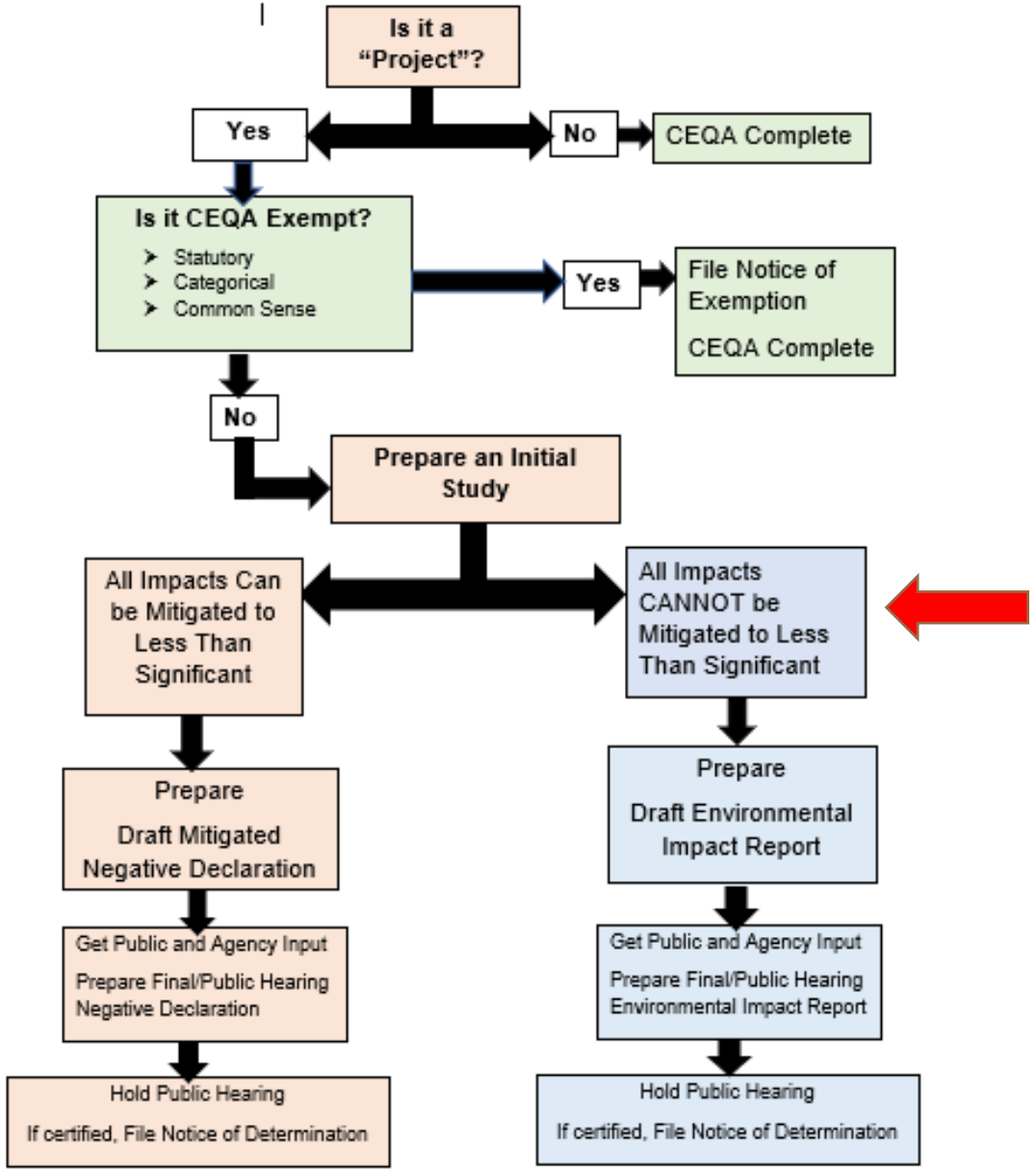
Mitigated Negative Declaration

Potentially significant impacts,

Mitigation measures reduce impacts to less-than-significant

CEQA FLOWCHART

Occurs for **every** planning application



Prepare an Environmental Impact Report (EIR)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture / Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	Click here to enter text.
Signature	*Date*

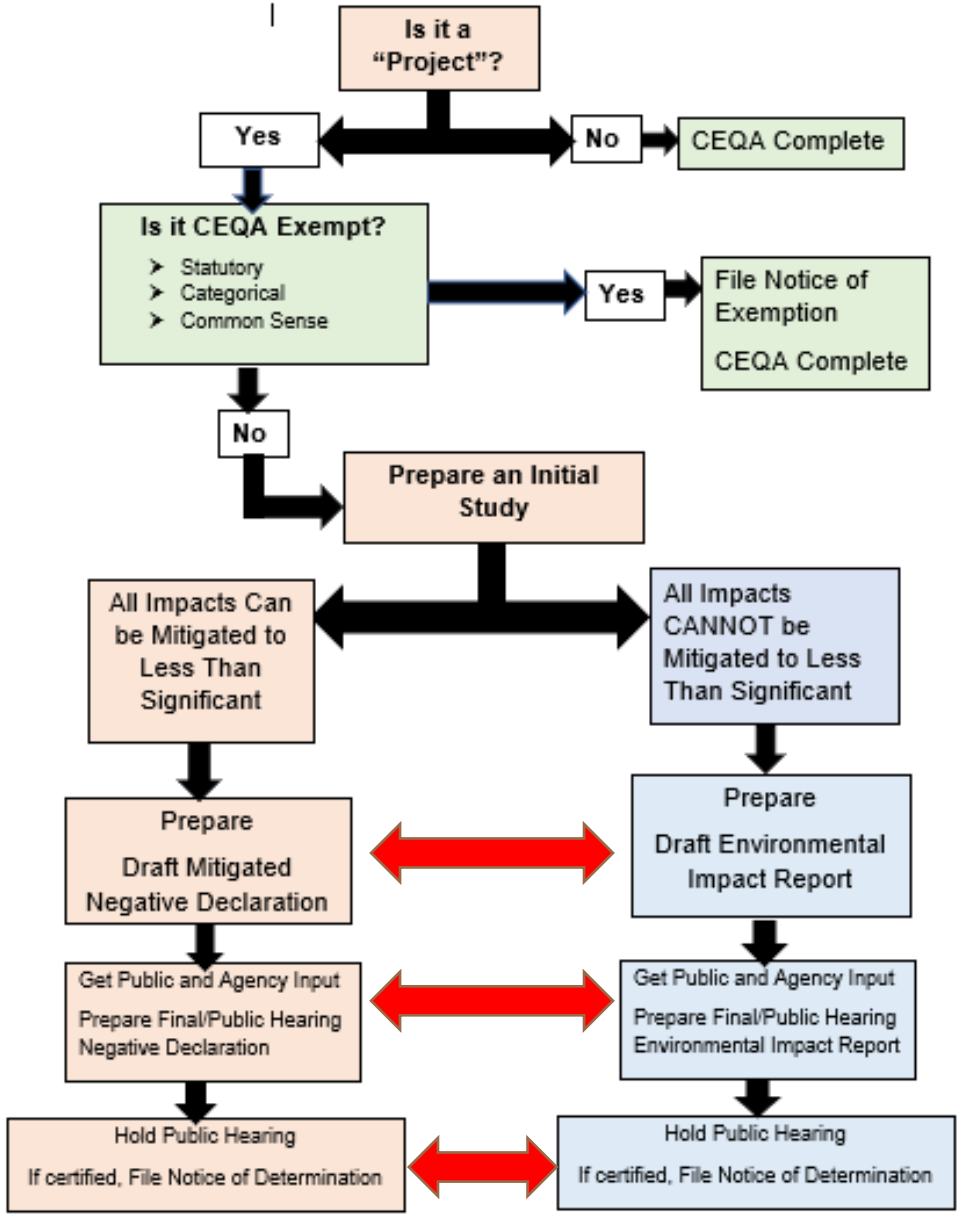
EIR – Statement of Overriding Consideration

If an environmental impact cannot be mitigated to a level of less-than-significant

You may approve the project with a Statement of Overriding Considerations.

CEQA FLOWCHART

Occurs for **every** planning application



CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

Item #3: **CEQA Guidelines**

DATE: April 13, 2023

TO: City of Angels Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: Resolution of Intent 23-006 recommending to the City Council adding Chapter 17.05 (CEQA Guidelines) to the Angels Municipal Code (AMC) and adopting the *City of Angels CEQA Guidelines and Environmental Review Procedures*

RECOMMENDATION

Adopt Resolution of Intent 23-006 recommending to the City Council adding Chapter 17.05 (CEQA Guidelines) to the City of Angels Municipal Code (AMC) and adopting the *City of Angels CEQA Guidelines and Environmental Review Procedures.*

BACKGROUND

The purposes of this action are to:

- Provide the City of Angels, project applicants, and the public with the procedures to be used in administering the city's responsibilities under the California Environmental Quality Act (CEQA), codified as Public Resources Code Section 21000, et seq., and as may be amended, and
- Tailor the implementation of CEQA to the specific needs of the City, and
- Meet the requirements of Section 15022 of the State CEQA Guidelines.

Section 15022 of the State CEQA Guidelines states that:

> *Each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA and the state guidelines for implementing CEQA (Guidelines) as necessary to administer its responsibilities under CEQA.*

Consistent with this requirement, the attached City of Angels *CEQA Guidelines and Environmental Review Procedures* (**Attachment C**) include the following provisions as required per the State CEQA Guidelines:

1. *Identifying activities exempt from CEQA including:*
   - *(A) Process for evaluating activities to determine there is no possibility they may have a significant effect on the environment.*
   - *(B) Establishing a list of projects or permits over which the has only ministerial authority*

(C) Establishing a list of activities conducted by the City that fall within the Categorical Exemptions categories established by the Guidelines.

2. *Procedures for Initial Studies.*
3. *Preparing draft and final Negative Declarations/Mitigated Negative Declarations.*
4. *Preparing draft and final Environmental Impact Reports (EIRs).*
5. *Consulting with and obtaining comments from other public agencies and the community regarding potential project impacts*
6. *Providing adequate opportunity and time for public and agency review and comments on Draft environmental documents*
7. *Evaluating and responding to comments received on environmental documents*
8. *Assigning responsibility for determining the adequacy of environmental documents*
9. *Reviewing and considering environmental documents by the person or decision-making body who will approve or disapprove a project.*
10. *Filing documents required or authorized by CEQA*
11. *Providing adequate comments on environmental documents submitted to the for review*
12. *Assigning responsibility for specific CEQA functions within the*
13. *Providing time periods for performing CEQA functions*

Two actions are proposed to complete this action:

1. Add Chapter 17.05 to the AMC codifying the City's CEQA Guidelines and incorporating by reference the *City of Angels CEQA Guidelines and Environmental Review Procedures,* and

2. Adopting the *City of Angels CEQA Guidelines and Environmental Review Procedures* by resolution to facilitate updating the guidelines without a requirement for an ordinance or code amendment.

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

Finding A/B: The proposal conforms with the City's General Plan and Municipal Code
The proposed changes will not alter land uses, but are of a clerical nature and provide transparency for the public. Therefore, the City's general plan and municipal code will not be affected by the proposed guidelines.

Finding C: The proposed changes are not detrimental to the health, safety, or general welfare of the city
The proposed changes will not alter land uses, but are of a clerical nature and provide transparency for the public. Therefore, the proposed changes will not be detrimental to the health, safety, or general welfare of the city.

ENVIRONMENTAL FINDINGS

Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendments are exempt from further review pursuant to Section 15061(b)(3), the Common Sense Rule, 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 proposed changes will not alter land uses or create any physical change to the environment, but rather provide guidelines for implementing state regulations. Therefore, it can be seen with certainty that the project will not result in any significant effect on the environment and the project is CEQA exempt.

ATTACHMENT

A. Planning Commission Resolution of Intent 23-006
B. Proposed Chapter 17.05 Angels Municipal Code
C. Draft *City of Angels CEQA Guidelines and Environmental Review Procedures*

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION NO. 23-06

A RESOLUTION OF INTENT OF THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL ADDING CHAPTER 17.05 (CEQA GUIDELINES) TO THE ANGELS MUNICIPAL CODE (AMC) AND ADOPTING THE *CITY OF ANGELS CEQA GUIDELINES AND ENVIRONMENTAL REVIEW PROCEDURES*

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 necessary from time to time to amend the municipal code to reflect state regulations; and

WHEREAS, a notice of public hearing for the proposed action was published March 30, 2023, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 13, 2023, and received public input on the proposed revisions 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

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), pursuant to Section 15061(b)(3), the Common Sense Rule, 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 proposed changes will not alter land uses or create any physical change to the environment, but rather provide guidelines for implementing state regulations. Therefore, it can be seen with certainty that the project will not result in any significant effect on the environment and the project is CEQA exempt;

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends to the City Council adding Chapter 17.05 (CEQA Guidelines) to the Angels Municipal Code and adopting The *City Of Angels CEQA Guidelines and Environmental Review Procedures* pursuant to **Exhibit A** and **Exhibit B** 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 April 13, 2023, by Commissioner _____ and being duly seconded by Commissioner _____.
PASSED AND ADOPTED THIS 13th day of April, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

_____
Caytlyn Schraner, Planning Commission Secretary

EXHIBIT A
Proposed Chapter 17.05

EXHIBIT B
CEQA Guidelines

Chapter 17.05
City of Angels CEQA Guidelines & Environmental Review Procedures

Sections:

17.05.010 Purpose
17.05.020 Incorporation of State CEQA Guidelines
17.05.030 *City of Angels CEQA Guidelines and Environmental Review Procedures*
17.05.040 Definitions
17.05.050 Delegation of responsibility
17.05.060 Appeals of Environmental Determinations

17.05.010 Purpose.

The purpose of this section is to provide the City of Angels, project applicants, and the public with the procedures to be used in administering the city's responsibilities under the California Environmental Quality Act (CEQA), codified as Public Resources Code Section 21000, et seq., and as amended.

These guidelines are prepared in accordance with the State CEQA Guidelines, Public Resources Code Section 15022 which states that each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA and the State CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents.

17.05.020 Incorporation of State CEQA Guidelines.

The full text of the State CEQA Guidelines as amended is hereby incorporated by reference into this ordinance as if fully set out herein and shall supersede any inconsistent provisions of these city environmental review procedures. These environmental review procedures supplement the State CEQA Guidelines adopted as 14 California Code of Regulations, Title 14, Section 15000, et seq. In the event there is a conflict between the Public Resources Code and the CEQA Guidelines, the Public Resources Code shall govern.

In the event there is a conflict between these local guidelines and the state CEQA Guidelines, the state CEQA Guidelines shall govern.

17.05.030 City of Angels CEQA Guidelines and Environmental Review Procedures

There is created a document known as the "*City of Angels CEQA Guidelines and Environmental Review Procedures*". The document sets forth the procedures for the City's orderly evaluation of projects and preparation of environmental documents pursuant to CEQA.

This document may be amended by resolution of intent of the Planning Commission made to the City Council and changes will be adopted by the City Council by resolution.

17.05.040 Definitions.

For the purposes of this Chapter and the *City of Angels CEQA Guidelines and Environmental Review Procedures*," the following definitions apply:

"CEQA" shall mean the California Environmental Quality Act, the State Guidelines for Implementing the California Environmental Quality Act, and the *City of Angels CEQA Guidelines and Environmental Review Procedures*".

"City Planner" shall mean the City Planner or his or her designee, and sometimes referred to as the Community Development Department Director or Planning Director.

"Department" shall mean the Community Development Department, Planning Division.

"Director" shall mean the City Planner.

"Environment" shall be as defined in Section 15360 of the State CEQA Guidelines.

"Environmental document" shall mean a draft or final version of a negative declaration (ND), mitigated negative declaration (MND), or environmental impact report (EIR).

17.05.050 Delegation of responsibility.

The City Planner is responsible for administering and implementing the provisions of CEQA and the State and City Guidelines for Implementing the California Environmental Quality Act of 1970.

17.05.060 Appeals of environmental determinations.

A. Any determination or decision made by the City Planner pursuant to these environmental review procedures may be appealed to the planning commission by any person aggrieved or affected by such determination or decision. Such an appeal shall be made by filing a written appeal with the City Clerk within ten calendar days after the decision or determination. The written appeal shall set forth the grounds upon which the appeal is based. The planning commission shall act on the appeal within thirty days of the date of the filing of written appeal, or as soon thereafter as may be heard.

B. Any determination or decision made by the Planning Commission pursuant to these environmental review procedures may be appealed to the City Council by any person aggrieved or affected by such determination or decision. Such an appeal shall be made by filing a written appeal with the City Clerk within ten calendar days after the decision or determination. The written appeal shall set forth the grounds upon which the appeal is based. The City Council shall act on the appeal within thirty days of the date of the filing of written appeal, or as soon thereafter as may be heard.

C. Where an appeal is made on the decision of a project, the planning commission or city council may also review the environmental document prepared for the project; however, the environmental document need not be recertified if the appeal is not based on issues of the environment.

DRAFT

CITY OF ANGELS CEQA GUIDELINES & ENVIRONMENTAL REVIEW PROCEDURES

DRAFT
March 30, 2023

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City of Angels
City Council Resolution No. 23-XX

ADOPTING LOCAL PROCEDURES FOR IMPLEMENTING CEQA AND ENVIRONMENTAL REVIEW PROCEDURES

WHEREAS, Section 15022 of the state guidelines for the implementation of the California Environmental Quality Act (CEQA Guidelines) requires the City of Angels (City) to adopt objectives, criteria, and specific procedures for administering its responsibilities under CEQA; and

WHEREAS, the CEQA Guidelines authorize the City to adopt the Guidelines through incorporation by reference; and

WHEREAS, the City adopted the CEQA guidelines through reference pursuant to Ordinance _____establishing Chapter 17.05 of the Angels Municipal Code addressing CEQA Guidelines; and

WHEREAS, the CEQA Guidelines additionally direct the City to adopt local procedures to tailor the Guidelines to the specific operations of the City; and

WHEREAS, the City has identified local procedures to supplement the State CEQA Guidelines and tailor the Guidelines to the specific operations of the City;

NOW, THEREFORE, BE IT RESOLVED by the City of Angels City Council hereby adopts:

> The *City of Angels CEQA Guidelines and Environmental Review Procedures* attached hereto, and as may be amended from time to time by the City

PASSED AND ADOPTED by the this ___ day of _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____ _____

Introduction/Purpose

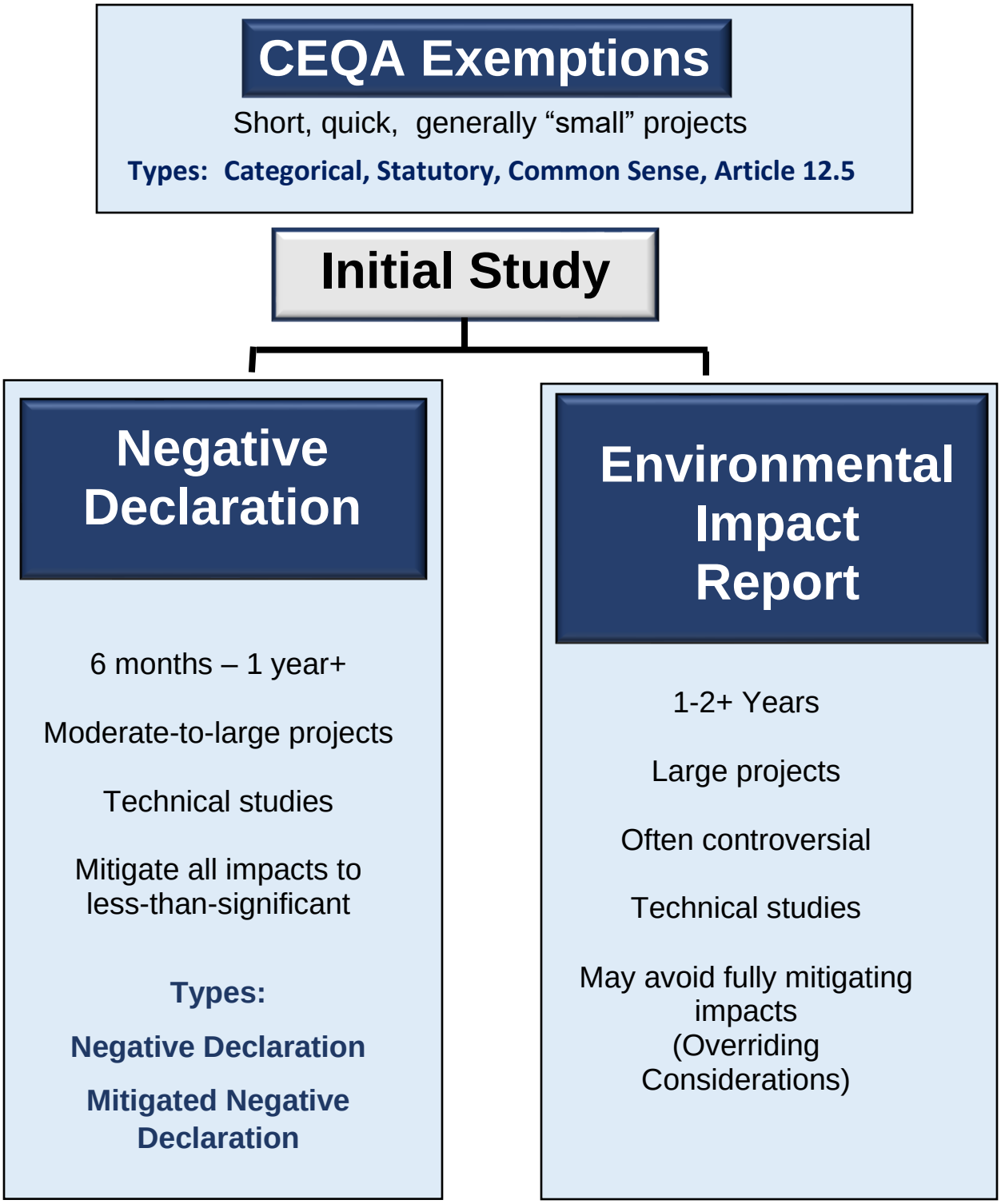
The purposes of this document are to:

- Provide the City of Angels, project applicants, and the public with the procedures to be used in administering the city's responsibilities under the California Environmental Quality Act (CEQA), codified as Public Resources Code Section 21000, et seq., and as may be amended,
- Tailor the implementation of CEQA to the specific needs of the City, and
- Meet the requirements of Section 15022 of the State CEQA Guidelines.

CEQA Process Overview

Appendix A provides a detailed overview of the CEQA process. The following is a summary.

There are three primary types of environmental documents prepared pursuant to CEQA. Each "type" is progressively more involved and is processed differently.



Regulatory Setting/Approach

Section 15022 of the state guidelines for the implementation of the California Environmental Quality Act (Guidelines), states that:

> *Each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA and the state guidelines for implementing CEQA (Guidelines) as necessary to administer its responsibilities under CEQA. Implementing procedures should contain provisions for:*

1. *Identifying activities exempt from CEQA including:*
   - *(A) Process for evaluating activities to determine there is no possibility they may have a significant effect on the environment.*
   - *(B) Establishing a list of projects or permits over which the has only ministerial authority*
   - *(C) Establishing a list of activities conducted by the City that fall within the Categorical Exemptions categories established by the Guidelines.*
2. *Procedures for Initial Studies.*
3. *Preparing draft and final Negative Declarations/Mitigated Negative Declarations.*
4. *Preparing draft and final Environmental Impact Reports (EIRs).*
5. *Consulting with and obtaining comments from other public agencies and the community regarding potential project impacts*
6. *Providing adequate opportunity and time for public and agency review and comments on Draft environmental documents*
7. *Evaluating and responding to comments received on environmental documents*
8. *Assigning responsibility for determining the adequacy of environmental documents*
9. *Reviewing and considering environmental documents by the person or decision-making body who will approve or disapprove a project.*
10. *Filing documents required or authorized by CEQA*
11. *Providing adequate comments on environmental documents submitted to the for review*
12. *Assigning responsibility for specific CEQA functions within the*
13. *Providing time periods for performing CEQA functions*

The City adopted the State CEQA Guidelines through incorporation by reference pursuant to Ordinance ____ establishing Angels Municipal Code Chapter 17.05. Chapter 17.05 establishes the *City of Angels CEQA Guidelines and Environmental Review Procedures* (this document) tailoring CEQA implementation and environmental review procedures to the City's specific needs.

The following procedures address each category established under Section 15022 of the State CEQA Guidelines.

Amendments

These guidelines may be amended, as needed, by resolution of intent of the Planning Commission and resolution of the City Council.

City of Angels CEQA Guidelines / Environmental Review Procedures

The following are the ’s local procedures for implementing the California Environmental Quality Act (CEQA) adopted pursuant to Section 15022 of the State CEQA guidelines (Guidelines).

1. General Guidelines

1.1 Meet State and CEQA Guidelines

Projects subject to CEQA review will be approved or constructed by the City after meeting the requirements of the State and City CEQA Guidelines. To the extent that these Local Procedures appear to conflict with the State CEQA Guidelines, the State CEQA Guidelines shall prevail.

1.2 Consider the Entire Project

A project is defined as the “whole of an action” and may not be divided into smaller parts, pieces, or projects to avoid full consideration of its environmental impacts. The entire project will be considered when determining its environmental effects.

1.3 Use of Consultants

The City may use consultants to fulfill its obligations under CEQA including, but not limited to, preparing Initial Studies, Negative/Mitigated Negative Declarations, and EIRs. Consultants hired for these purposes will be selected using the City’s adopted procurement requirements.

1.4 Conflicts of Interest

No firm or person with a financial interest in a project will be employed to prepare environmental documents for that project.

2. Roles, Responsibilities, Applicability

2.1 Applicability

The procedures established under these Guidelines apply to both public and private projects for which the City is the Lead Agency.

2.2 Lead Agency

The City will serve as the Lead Agency for those projects where the City has the principal responsibility for carrying out or approving the project.

2.3 City Planner

The City Planner (or his or her designee) is responsible for:

a) Determining whether an Initial Study is required or whether the project is excluded or exempt from CEQA review. If determined that a project is excluded or exempt, no further environmental review is required and it shall be documented in the record. Environmental determinations by the City Planner may be appealed to the Planning Commission.

b) Carrying out all environmental reviews undertaken by the including those requested on behalf of other agencies.

c) Obtaining comments from other agencies/organizations and the public regarding potential environmental effects of proposed projects

d) Identifying the appropriate measures to reduce potentially significant effects of a project to levels of less-than-significant

e) Preparing and processing all environmental documents on behalf of the City

f) Preparing Mitigation Monitoring and Reporting Plans where required

g) Reviewing and commenting on environmental documents submitted to the City by other public agencies

h) Preparing, distributing, filing, signing, and paying applicable California Department of Fish and Wildlife fees and recording fees for environmental notices, including: Notices of Intent, Notices of Preparation, Notices of Completion, Notices of Exemption and, subject to Planning Commission and/or City Council certification of the environmental document, Notices of Determination. Project proponents shall be responsible for providing applicable fees to the City for all applicable fees for private projects.

i) Developing, coordinating, and implementing the ’s environmental review procedures consistent with the policy direction provided by the City Council.

2.4 Planning Commission/City Council - Decision-Making Body Certifies the Environmental Document

A. **Exemptions.** The City planner shall be the decision-making body for CEQA Exemptions. The City Planner may refer the decision to the Planning Commission where the project requires a public hearing before the Planning Commission.

B . For a **Negative Declaration or Mitigated Negative Declaration**, the decision-making body (See **Table 1**) for an individual project will be the certifying body. The decision-making body is responsible for:

a) Considering the environmental document prepared prior to acting on the project

b) Confirming that the environmental document(s) reflect(s) the Lead Agency's independent judgement and analysis.

c) Make the findings required by State CEQA Guidelines Section 15091 (Findings) and Section 15093 (Statement of Overriding Considerations) as applicable.

d) Certifying the Negative/Mitigated Negative Declaration or Final EIR

C. For an **Environmental Impact Report** for private projects, the Planning Commission shall consider and recommend to the City Council. The City Council is the decision-making body for all environmental impact reports.

Table 1: Decision-Making Authority

Decision Making Authority					
Type of Action	Code Reference	Role in Action			
		Planning Director	Planning Commission Sign Review Committee	**Planning Commission**	City Council
Legislative Action					
Development Agreement – includes Special Plan/a/	CA Gov Code 65867			Recommend	**Decision**
Rezoning	17.90.030			Recommend	**Decision**
General Plan Amendment	17.90.030			Recommend	**Decision**
Permits and Approvals					
Conditional Use Permit	17.78.025			**Decision**	Appeal
Variance	17.75.030			**Decision**	Appeal
Site Development Permit	17.74.050			**Decision**	Appeal
Administrative Site Plan Review	17.73.050	Decision		Appeal	Appeal
Administrative Conditional Use Permit	17.78.027	Decision		Appeal	Appeal
Design Review / Finding of Architectural Consistency	17.26.150			**Decision**	Appeal
Sign Historic District	17.26.090, 17.85.105		**Decision**	Decision in lieu of committee	Appeal
Listing on Angels Camp Register of Cultural Resources	Resolution 22-71			Recommend	**Decision**
Tentative Subdivision Map	16.12.060			**Decision**	Appeal
Tentative Subdivision Map Extension	16.12.100			**Decision**	Appeal
Final Subdivision Map	16.20.060			--	**Decision**
Tentative Parcel Map	16.16.070			**Decision**	Appeal
Boundary Line Adj, Merger, Resub	16.28.030	Decision		Appeal	Appeal
Reasonable Accommodation	17.06.200			**Decision**	Appeal

3. Preliminary Environmental Review

The City Planner is responsible for conducting a preliminary evaluation to determine if an undertaking is:

a) Not Subject to CEQA (**Section 4**)

b) Subject to CEQA, but Exempt from additional CEQA review (**Section 5**), or

c) Subject to CEQA and requires CEQA review (**Section 6**)

4. Activities Not Subject to CEQA

Only those undertakings that meet the definition of a "Project" are subject to CEQA review. The first step in the CEQA process is to determine if an activity is a "Project." Projects are defined by CEQA as:

"Project" (CEQA Guidelines Section 21065)

An activity which:

May cause either a **direct physical change in the environment** or a reasonably foreseeable indirect physical change in the environment; **and** which is any of the following:

a) Is undertaken by a public agency (i.e., the City)

b) Undertaken by a person with support in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from a public agency

c) Involves issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies

City Activities
that are NOT Projects and NOT Subject to CEQA
include, but are not limited to:

- Purchasing supplies
- Personnel-related actions
- Submitting a proposal to a vote in response to a petition drive initiated by voters [California Constitution, Article II, Section 11(a), and Election Code Section 9214]
- Organizational or administrative activities that do not result in direct or indirect physical changes to the environment

A “Project” pursuant to CEQA, may be exempt from further analysis under CEQA if it meets one of the requirements in **Section 5** (i.e., is Subject to CEQA (a project), but Exempt from additional CEQA review “CEQA EXEMPT”).

5. Activities Exempt from CEQA

There are several categories of Projects that qualify for a CEQA Exemption. They include:

5.1 Statutory Exemptions (State CEQA Guidelines Section 15260-15285)

Statutory exemptions are excepted from CEQA environmental review even if the Project may have environmental impacts unless otherwise specifically addressed in the exemption. A complete list of Statutory Exemptions is found in CEQA Guidelines Sections 15260-15285, or as amended. Statutory Exemptions most commonly used by and applicable to the City include, but are not limited to:

5.1.1 Feasibility and Planning Studies (Section 15262)

Studies for possible future actions which the City has not approved, adopted, or funded. Consideration of environmental factors is required; however, preparation of a Negative or Mitigated Negative Declaration or EIR is unnecessary.

5.1.2 Ministerial Projects (Section 15268)

CEQA applies in situations where the City can use its judgment in deciding whether and how to carry out or approve a project. A project subject to such judgmental controls is called a “discretionary project” (Section 15357). Where the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment (i.e., relying entirely on pre-established standards), the project is called “ministerial,” and CEQA does not apply [(Section 15369 (2)].

Consistent with the State CEQA Guidelines, activities that are Ministerial and, therefore, exempt from CEQA include those listed in **Table 2.** **Table 2** is not intended to include all possible ministerial projects in the City.

If a project includes elements that are both ministerial and discretionary, the project is considered discretionary and subject to CEQA review with some exceptions.

Table 2 City of Angels Ministerial Projects

CITY OF ANGELS MINISTERIAL PROJECTS INCLUDE, BUT ARE NOT LIMITED TO:

- **Issuing Building Permits**
- **Issuing Business licenses**
- **Approving individual utility service connections and disconnections**
- **Small family day care facilities (in-home care up to 8 children)**
- **Approving final subdivision maps**

5.1.3 Emergency Projects (Section 15269)

This provision exempts from CEQA:

a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area where a state of emergency has been proclaimed by the Governor per Government Code Section 8550 (California Emergency Services Act). This includes projects that remove, destroy, or significantly alter a historical resource when the resource represents an imminent threat to the public of bodily harm or damage of an adjacent property.

b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.

d) Projects necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety, or welfare, or ii) if activities (such as

fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway destroyed by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right-of-way of that highway and is initiated within one year of the damage occurring. "Highways" are defined as a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street (Vehicle Code Section 360). This exemption does not apply to highways designated as official state scenic highways, nor to any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

e) Seismic work on highways and bridges per Streets and Highways Code Section 180.2.

5.1.4 Projects which are Disapproved (Section 15270)

CEQA review is not required if the City intends to reject or deny a Project [Guideline Sections (15061(b)(4) and 15270(b)].

5.1.5 Rates and Charges (Section 15273)

A. CEQA does not apply to establishing, modifying, structuring, re-structuring or approving rates or other charges by the City that are for the purpose of:

- Meeting operating expenses, including employee wage rates and fringe benefits
- Purchasing or leasing supplies, equipment, or materials
- Meeting financial reserve needs and requirements
- Obtaining funds for capital projects necessary to maintain service within existing service areas

B. Rate increases to fund capital projects for the expansion of a system remain subject to CEQA. If the City grants the rate increase, it shall act as the Lead Agency if no other agency has prepared environmental documents for the capital project. Alternatively, the City will act as a Responsible Agency if another agency has complied with CEQA as the Lead Agency (e.g., Caltrans). The City will otherwise comply with the requirements of CEQA Guidelines Section 15273.

5.1.6 Family Day Care Homes (Section 15274)

- CEQA does not apply to the establishment or operation of a large family day care home (providing in-home care for up to 14 children) as defined in Health and Safety Code Section 1586.78.
- Small family day care homes (in-home care for up to 8 children)

5.1.7 Accessory Dwelling Units (Sections 15282, 21080.17)

Adoption of an ordinance for second units in a single or multi-family residential zone required to implement Government Code Sections 65852.1 and 65852.2

5.1.8 Preparation and adoption of an Urban Water Management Plan (Section 15282)

Preparation and adoption of an Urban Water Management Plan pursuant to California Water Code Section 10652.

5.1.9 Regional Housing Needs Assessment (RHNA) – Section 15283

Determinations regarding a city's regional housing needs per Government Code Section 65584

5.1.10 Street Restriping (Section 21080.19)

Restriping streets to relieve traffic congestion.

5.1.11 Transportation, Pedestrian and Bicycle Plans (Section 21080.20)

CEQA does not apply to an active transportation plan, a pedestrian plan or bicycle transportation plan for restriping streets or highways, bicycle parking and storage, signal timing, and related signage. An "active transportation plan" is one developed by a local jurisdiction promoting and encouraging people to choose walking, bicycling or rolling through the creation of safe, comfortable, connected and accessible walking, bicycling or rolling networks and encourages alternatives to single-occupancy vehicle trips. "Pedestrian plan" means a plan developed by a local jurisdiction establishing a comprehensive, coordinated approach to improving pedestrian infrastructure and safety." Sunsets January 1, 2030. See code section for additional notification requirements for applying this exemption. See also below, **Section 5.1.12.**

5.1.12 Pipelines within a Public Right-of-Way Less than One Mile in Length (Section 21080.21)

Projects for the installation of a new pipeline or maintenance, repair, restoration, relocation, reconditioning, replacement, removal, or demolition of an existing pipeline that are:

- In a public street, highway, or other public right-of-way; and
- Less than one mile in length.

For purposes of this section, “pipeline” means subsurface facilities but does not include any surface facility related to the operation of the underground facility.

5.1.13 Pedestrian and Bicycle Facilities (Section 21080.25)

- Pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, within the public right-of-way.
- Project improving customer information and wayfinding for transit riders, bicycles or pedestrians within the public right-of-way
- Maintenance, repair, relocation, replacement, or removal of any utility infrastructure associated with the preceding

Refer to Section 21080.25 for additional requirements (e.g., public agency must carry out the project and be the Lead Agency, project cannot require demolition of affordable housing). Additional requirements are applied for projects based on costs.

5.1.14 Minor Alterations to Utilities/Fluoridation (Section 21080.26)

If the City is required to comply with Health and Safety Code Sections 4026.7, 4026.8, 116410 or 116415 related to fluoridation of a public water system, minor alterations to facilities undertaken to comply are CEQA exempt.

5.1.15 Acquisition, Sale or Land Transfer by a Public Agency for various purposes (Section 21080.28)

CEQA does not apply to acquisition, sale, or other transfer of interest in land by a public agency for any of the following:

- Preserving natural conditions existing at the time of transfer
- Restoring natural conditions
- Preventing encroachment into floodplains
- Preserving historical resources
- Preserving open space or lands for park purposes

This exemption applies even if physical changes to the environment or changes to the use are reasonably foreseeable. See cited section for additional requirements.

5.1.16 Solar Energy System – Roofs, Parking Lots (Section 21080.35)

CEQA does not apply to the installation of a solar energy system on a roof of an existing building or at an existing parking lot as defined in the Section. Associated equipment is included and must be located on the same parcel with minor exceptions and may not occupy more than 500 square feet. The exemption does not apply where plants protected by the Native Plant Protection Act occur (Fish and Game Code Chapter 10, Division 2, Section 1900 et seq)., if the project would require a Section 401 of 404 federal Clean Water Act permit, an individual incidental take permit for species protected under the federal Endangered Species Act or California Endangered Species Act, a streambed alteration agreement is required

pursuant to Section 1600 et seq of the Fish and Game Code, removal of a tree protected by local, state or federal requirements, or removal of a native tree older than 25 years.

5.1.17 Interim Motel Housing Project, Residential Hotel, Supportive Housing, Supportive Services, Transitional Housing (Section 21080.50)

CEQA does not apply to these uses as defined in the cited section. This provision sunsets January 1, 2025. Interim motel housing project means conversion of a structure with a certificate of occupancy such as a hotel or motel that does not result in the expansion of more than 10% of the floor area of any individual living unit or structure; and does not result in any significant effects related to traffic, noise, air quality, or water quality.

5.1.18 Linear Broadband in existing Right-of-Way (Section 21080.51)

See cited section for limitations.

5.2 Article 12.5 Exemptions

This category of exemptions are unlikely to occur in the City of Angels:

A. Agricultural Employee Housing Section 21159.22
B. **Low Income Housing Exemption** - Section 21159.23, Guidelines Sections 15192, 15194 et seq

CEQA Guidelines 15191 through 15196 provide additional guidance.

Of these, the Low-Income Housing Exemption may be applicable to the City of Angels on relatively rare occasions due to the extensive criteria required:

- Environmental review was certified or adopted within 5 years of the date the application is deemed complete;
- Project must be less than 4 acres in size
- Qualifies as an infill site
- Located within ½ mile of a major transit stop
- Contains fewer than 100 units
- Promotes higher density infill housing

The referenced sections should be consulted for additional information.

5.3 Categorical Exemptions

Categorical exemptions (Guideline Sections 15300 through 15333) are handled differently than statutory exemptions or Article 12.5 exemptions. As of 2023, Categorical Exemptions are made up of 33 categories (or "Classes") of projects generally considered not to have potentially significant impacts on the environment.

Unlike Statutory Exemptions that are exempt from CEQA *even if they have environmental impacts*, Categorical Exemptions may not be used for projects that may cause a significant effect on the environment due to special circumstances.

A list of Activities Categorically Exempt from CEQA in the City are included, but not limited to, the activities in **Attachment C, Table 4.** These activities are not Categorically Exempt from CEQA if any of the provisions identified in **Attachment C, Table 3** apply.

33 Classes of Categorical Exemptions

1. Existing facilities	18. Designation of wilderness areas
2. Replacement or Reconstruction	19. Annexations of existing facilities and lots for exempt facilities
3. New construction or conversion of small structures	20. Changes in organization of local agencies
4. Minor alterations to land	21. Enforcement actions by regulatory agencies
5. Minor alterations in land use limitations	22. Educational or training programs with no physical changes
6. Information collection	23. Normal operations of facilities for public gatherings
7. Actions by regulatory agencies to protect natural resources	24. Regulations of working conditions
8. Actions by regulatory agencies to protect the environment	25. Transfer ownership to preserve existing natural conditions and historical resources
9. Inspections	26. Acquiring housing for housing assistance programs
10. Loans	27. Leasing new facilities
11. Accessory structures	28. Small hydroelectric projects at existing facilities
12. Surplus government property sales	29. Cogeneration projects at existing facilities
13. Acquiring land for wildlife conservation purposes	30. Minor actions to prevent, minimize, stabilize, mitigate or eliminate release or threat of release of hazardous waste or substances
14. Minor additions to schools	31. Historical resource restoration or rehabilitation
15. Minor land divisions	32. In-fill development
16. Transfer land ownership for parks	33. Small habitat restoration projects
17. Open space contracts or easements	

5.4 Common Sense (General Rule) Guidelines Section 15061(b)(3)

Former known as the General Rule, the Common-Sense Exemption states:

> *A Project is exempt from CEQA if the activity is covered by the Common-Sense Exemption 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.*

This exemption is used for a wide variety of projects. It is often used for small-to-medium sized projects that do not clearly fit into one of the 33 Categorical Exemption Classes.

City projects that may be exempted pursuant to the Common-Sense Exemption include:

- **Adoption of state or federal rules or regulations by reference**

5.5 Applicable Form for a CEQA Exemption: Notice of Exemption

After determining that a Project is exempt pursuant to any of the preceding sections, the City may prepare a **Notice of Exemption (NOE)**. The City will, to the maximum extent feasible, file a Notice of Exemption when it determines that a project is CEQA Exempt. This form will be posted at the office of the Calaveras County Clerk and online at CEQAnet (Office of Planning and Research) as soon as possible after Project approval. **Attachment B** includes a sample NOE.

Filing a Notice of Exemption starts a 35-day statute of limitations period on legal challenges to the City's decision that the Project is CEQA Exempt. If a Notice of Exemption is not filed, a 180-day statute of limitations applies.

6. Activities NOT Exempt from CEQA

6.1 Processing Projects Not Exempt from CEQA

6.1.1 Early CEQA Consultation

For those City undertakings that are:

a) Projects, and

b) Not CEQA Exempt, or

c) Cannot be determined to be Exempt or Not Exempt from CEQA;

the City Planner will distribute a request for comments (i.e., Early CEQA Consultation, Advisory Agency notice) on the anticipated environmental effects of the proposed project to interested parties and agencies. This request for comments may be distributed in writing or electronically. The City is encouraged to maintain a list of interested agencies and parties.

The request for comments generally will include:

a) A project description

b) Request to identify potential impacts and/or possible mitigation measures or conditions of project approval,

c) Procedures (i.e., address, e-mail) for submitting comments, and

d) A deadline for submitting comments.

The time allowed for responding to a request for comments shall be at the discretion of the City Planner, but generally should allow 10± working days for responses. The City Planner may, at his or her discretion, grant extensions to the response period upon the request of the responding party.

6.2 Initial Study

If a proposed project is not excluded or exempt from CEQA review, an Initial Study *may* be prepared to determine whether a Negative/Mitigated Negative Declaration or Environmental Impact Report is required. The City may proceed directly with preparing an EIR without first preparing an initial study where the City Planner determines that an EIR will clearly be required.

6.3 Negative Declaration/Mitigated Negative Declaration

Negative Declarations/Mitigated Negative Declarations shall be prepared pursuant to State CEQA Guidelines Section 15070 through 15075.

The City Planner will prepare a Notice of Completion (NOC) in conjunction with submitting the Draft ND/MND to the State Clearinghouse for agency review. See **Attachment B, Forms**.

In conjunction with submitting the Draft ND/MND to the State Clearinghouse, the City Planner will make the public aware of the document's availability as follows:

6.3.1 Public Notice and Review of Draft Negative Declaration/Mitigated Negative Declaration

Public notice of the availability of the Draft ND/MND shall be:

a) Published in a local newspaper of general circulation at least once (Notice of Intent to Adopt a Negative Declaration/Mitigated Negative Declaration) - See **Attachment B, Forms.**
b) Posted at City Hall
c) Posted on the City's website

6.3.2 Adoption/Certification of Negative Declaration/Mitigated Negative Declaration

The Planning Commission or City Council shall, by public hearing, consider adoption and certification of a Negative Declaration/Mitigated Negative Declaration for private development projects pursuant to **Section 2.4**.

6.3.2 Filing Notice of Determination

The City Planner shall cause to be filed a Notice of Determination (NOD) within five working days of certification of a Negative Declaration/Mitigated Negative Declaration (See **Attachment B, Forms**).

6.4 Environmental Impact Reports (EIRs)

EIRs shall be prepared in accordance with State CEQA Guidelines Sections 15081 -15132.

Specific guidelines include:

6.4.1 Public Notice of Availability Draft EIR/Access to Draft EIR

Public notice of the availability of the Draft EIR shall be:

a) published in a local newspaper of general circulation at least once,
b) posted in the office of the Calaveras Clerk for a period of at least 30 days
c) Posted at City Hall
d) Posted on the City's website

At least one hard copy Draft EIR shall be made available to the public at City Hall. Alternatively, the City may provide an electronic copy to a local copy company and refer members of the public seeking hard copies to pay for and obtain copies from the commercial

outlet. A hard copy of the document should be provided to the City of Angels Main Branch Library, if feasible.

6.4.2 Gathering Public Input on Draft EIR (State CEQA Guidelines Section 15087)

Public notice shall be provided in accordance with State CEQA Guidelines 15087.

The City Planner may, but is not required to, hold a public hearing to consider the Draft EIR [CEQA Guidelines Section 15087(i)]. The City Planner, based on the nature of the project, may accept written or e-mailed comments only, hold an open house format meeting, or other alternatives to a public hearing as may be deemed appropriate by the City Planner.

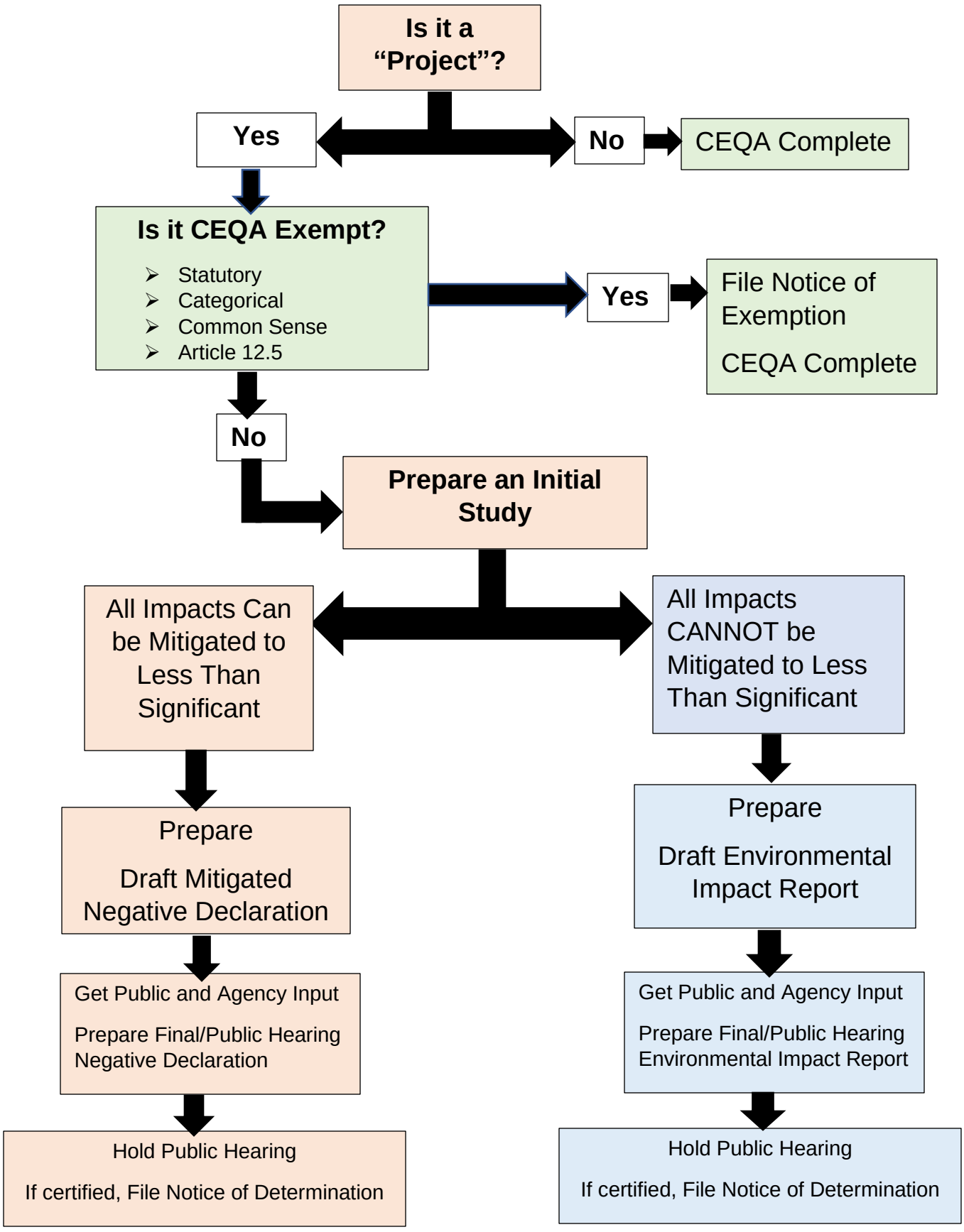
6.4.3 Adoption/Certification of Final EIR

The Planning Commission shall, by public hearing, consider and recommend to the City Council certifying or not certifying a final EIR. The City Council shall, by public hearing, consider adoption and certification of a Final EIR.

6.4.4 Filing Notice of Determination

The City Planner shall cause to be filed a Notice of Determination (NOD) within five working days of certification of an Environmental Impact Report (See **Attachment B, Forms**).

Attachment A: CEQA FLOW CHART


Is it a "Project"?
Yes
No
CEQA Complete
Is it CEQA Exempt?
Statutory
Categorical
Common Sense
Article 12.5
Yes
File Notice of Exemption
CEQA Complete
No
Prepare an Initial Study
All Impacts Can be Mitigated to Less Than Significant
All Impacts CANNOT be Mitigated to Less Than Significant
Prepare
Draft Mitigated Negative Declaration
Prepare
Draft Environmental Impact Report
Get Public and Agency Input
Prepare Final/Public Hearing Negative Declaration
Get Public and Agency Input
Prepare Final/Public Hearing Environmental Impact Report
Hold Public Hearing
If certified, File Notice of Determination
Hold Public Hearing
If certified, File Notice of Determination

Attachment B: TYPES OF CEQA FORMS AND WHEN TO FILE THEM

CEQA Form	When to File	Where to Post or File it /a/	CDFW Fee	Form Template Available at
Notice of Exemption (NOE)	After approving a project that is **CEQA Exempt**	Calaveras County Clerk /a/	Waived for public agencies All others, see: https://wildlife.ca.gov/Conservation/CEQA/Fees	CEQA Handbook or online at https://opr.ca.gov/sch/document-submission.html
Notice of Completion (NOC)	After completing a: Draft Negative Declaration, or Draft Mitigated Negative Declaration, or Draft EIR	Governor's Office of Planning and Research (aka State Clearinghouse) – generally used a "cover sheet" to transmit the document to the Clearinghouse City Hall/Community Development City website	N/A	N/A
Notice of Intent (NOI) to adopt Guidelines 15072, 15073	After completing a: Draft Negative Declaration, or Draft Mitigated Negative Declaration, or Draft EIR	Publish in a newspaper of general circulation City Hall/Community Development City website	N/A	N/A
Notice of Determination (NOD) Guidelines, 15075	Within 5 workings days of certifying and approving a: Final Negative Declaration, or Final Mitigated Negative	Calaveras County Clerk /a/ Governor's Office of Planning and Research (aka State Clearinghouse) City Hall/Community Development	Required – See: https://wildlife.ca.gov/Conservation/CEQA/Fees	CEQA Handbook or online at https://opr.ca.gov/sch/document-submission.html

	Declaration with Mitigation Monitoring and Reporting Program, or Final EIR	City website		
/a/ A copy of the CDFW receipt should be included with submittals to the State Clearinghouse and is obtained from the Calaveras County Clerk/Recorder.				

Attachment C: CEQA CATEGORICALLY EXEMPT PROJECTS

C1. EXCEPTIONS to Categorical Exemptions (CEQA Guidelines Section 15300.2):

The following table identifies projects that typically qualify as Categorical Exempt from CEQA. **Projects are not Categorically Exempt if any of the following apply:**

Table 1: Exceptions to Categorical Exemptions

A. Exception to Categorical Exemptions (All Projects)	Applicability to
Cumulative Impact. All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant.	Cumulative impacts that may occur within the boundaries could be associated with such environmental factors as: traffic, health and safety (wildland fire)
Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.	Unusual circumstances typically encountered include the presence of a listed endangered species or significant archaeological resource.
Scenic Highway. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a highway officially designated as a state scenic highway.	SR 49 and Portions of SR 4 through and around Angels Camp are eligible for designation as a scenic highway, but are not officially designated as of March 1, 2023 /a/
Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list complied pursuant to Government Code Section 65962.5.	As of March 31, 2023; Envirostor identifies two sites (Brown Mine – 1259 Summit and land use restrictions related to clean up that occurred behind the Angels Town Center at 260 S. Main). Prior actions involving primarily gas stations and underground storage tanks have been cleaned up with cases closed.
Historical Resources. A categorical exemption shall not be used for a project which may cause substantial adverse change in the significance of a historical resource.	Historical resources in the include, but are not limited to: • Structures 50 years of age or older

	• Tribal Cultural resources
B. Exceptions to Categorical Exemptions – Classes 3, 4, 5, 6, 11	
Project Location. Categorical Exemption Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may have significant impacts on the environment in particularly sensitive areas (e.g., those designated, precisely mapped and officially adopted pursuant to local, state, or federal law).	Examples of sensitive locations when Categorical Exemptions normally may not apply automatically: a) Sensitive habitats or where special status species are present (and may be mapped on the California Natural Diversity Database, California Native Plant Society Special Plant List, United State Fish and Wildlife Species List or similar list) b) Creeks, wetlands, or vegetation associated with those habitats

/a/ https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways

C2. City Projects Categorically Exempt from CEQA

Per Guidelines Section 15300.4, each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2 (see preceding). Projects in the City of Angels Categorically Exempt from CEQA, subject to the restrictions in Table 3, include, but are not limited to:

Table 2: Projects Typically Categorically Exempt from CEQA In the City of Angels

Projects Categorically Exempt from CEQA	Applicable CEQA Section	Restrictions
Class 1: Existing Facilities **Class 2: Replacement or Reconstruction of Existing Facilities**		
Repair, Replace, Maintain Existing Structures. General repairs, replacement, and maintenance of existing facilities with negligible or no expansion	Section 15301, Class1 Section 15302, Class 2	Table 3A
Existing streets, parking lots. Resurfacing, patching, re-striping streets and parking lots	Section 15301, Class 1	Table 3A Subject to encroachment permit from City where applicable
Existing Drainage Facilities. Replacing existing drainage facilities	Section 15301, Class1	Table 3A Subject to encroachment permit from City where applicable
Existing Lights. Replacing light standards and fixtures excluding extensive replacement throughout the historic district	Section 15301, Class1	Table 3A
Existing Signs. Changing copy on existing signs	Section 15301, Class 1	Table 3A Subject to compliance with City sign ordinance

Projects Categorically Exempt from CEQA	Applicable CEQA Section	Restrictions
Administrative conditional use permits in existing buildings	Section 15301, Class1	Table 3A
Administrative site plan reviews in existing buildings	Section 15301, Class1	Table 3A
Replacing Existing Infrastructure (Water, Stormwater, Sewer) with or without Minor Size Increases. Replacing utility lines and equipment in existing locations without expanding capacity. Generally, replacements will not involve an increase in structure size (i.e., no increase in pipe size). However, the following size increases are covered by this exemption: 1. Sewer line sizes may be increased solely for the purpose of carrying stormwater runoff to prevent flooding in the immediate area under this exemption 2. Water mains also may be increased where it is necessary to bring old mains up to current minimum standards to serve existing development or provide adequate capacity for fire protection for the development. 3. Short extensions of water mains for the purpose of eliminating dead-end mains to improve circulation and water quality for existing development.	Section 15302, Class 2	Table 3A

Projects Categorically Exempt from CEQA	Applicable CEQA Section	Restrictions
Transportation/Non-Motorized Transportation. Existing streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes)	Section 15301, Class1	Table 3A
Family Day Care. Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.	Section 15301, Class1	Table 3A
Class 3: New Construction or Conversion of Small Structures		
Second dwellings. Second dwelling unit in a residential zone where the use is permitted	Section 15303, Class 3	Table 3A and 3B
New Minor Structures. Installing minor accessory structures and facilities including storage sheds, rest stops, restrooms, workrooms, shade structures, site furniture, security lighting, playground equipment	Section 15303, Class 3	Table 3A and 3B
Small New Public/Emergency Facilities. Construction and operation of small public/emergency service facilities including law enforcement/emergency service communication towers, power generators, and buildings of less than 5,000 square feet on slopes of less than 20% involving less than 2,000 cubic yards of grading or excavation	Section 15303, Class 3	Table 3A and 3B City Building permit
Fencing. Installing fencing (e.g., security fencing, fencing 8 feet or less in height)	Section 15303, Class 3	Table 3A and 3B

Projects Categorically Exempt from CEQA	Applicable CEQA Section	Restrictions
Retaining Walls. Installing retaining walls of less than 4 feet high	Section 15303, Class 3	Table 3A and 3B
Class 4: Minor Alterations to Land		
Boundary line adjustments, mergers, resubdivisions in compliance with Title 16 and the State Subdivision Map Act	Section 15304, Class 4	Table 3A and 3B
Grading permits involving less than _____ cubic yards of dirt	Section 15304, Class 4	Table 3A and 3B
Residential encroachment permit for a single-family residence	Section 15304, Class 4	Table 3A and 3B
Erosion Control. Erosion control involving minimal earth disturbing activities and including installation of bioswales provided the footprint of the area disturbed is not expanded and the amount of sediment to be delivered from the site will not increase.	Section 15304, Class 4	Table 3A and 3B
Landscaping. Maintaining and installing landscaping involving minimal earth disturbing activities and including irrigation systems associated with landscaping. This exemption includes replacing existing conventional landscaping with water-efficient or fire-resistant landscaping	Section 15304, Class 4	Table 3A and 3B
Tree Removal. Removing dead, seriously damaged, and incurably diseased trees	Section 15304, Class 4	Table 3A and 3B
Fire Fuel Management. Fuel (vegetation) management within 30 feet of structures in compliance with Public Resources Code 4291 to reduce the volume of flammable vegetation and within 100 feet of structures where the Fire has determined that such clearance is required due to hazardous fire conditions.	Section 15304, Class 4	Table 3A and 3B

Projects Categorically Exempt from CEQA	Applicable CEQA Section	Restrictions
Vegetation/Rodents/Pests. Controlling vegetation, rodents, and pests in accordance with state and federal regulations	Section 15304, Class 4	Table 3A and 3B
New Trails. Non-motorized riding, biking, and hiking trails within existing property boundaries, rights-of-way, within existing road facilities. Such trails normally would be parallel to existing roadways.	Section 15304, Class 4	Table 3A and 3B Subject to encroachment permit from City where applicable
Minor Soil Disturbances. Minor trenching, and backfilling	Section 15304, Class 4	Table 3A and 3B Subject to issuance of a grading permit from City, if applicable
CLASS 11: Accessory Structures		
Accessory Structures to Improve Water Quality. Includes installing tanks, bins, and other accessory structures within the property lines of existing facilities where such structures are used to improve the quality of service without increasing capacity.	Section 15303, Class 11	Table 3A and 3B
New Parking Lots. Creating small new parking lots for less than 20 spaces outside of the historic district	Section 15311, Class 11	Table 3A and 3B
Seasonal/Temporary Uses. Placing seasonal or temporary use items including, but not limited to: mobile food units, portable restrooms or similar items generally in the same locations from time to time on land designated for public use.	Section 15311, Class 11	Table 3A and 3B Subject to encroachment permit from City where necessary
New Signs. New public information signs for existing industrial, commercial, or institutional facilities.	Section 15311, Class 11	Table 3A and 3B

Projects Categorically Exempt from CEQA	Applicable CEQA Section	Restrictions
		Subject to compliance with City sign ordinance
Class 12: Surplus Government Property Sales		
Property Sales. Sales of surplus land (See Section 15312 for exceptions)	Section 15312, Class 12	Table 3A
Class 15 Minor Land Divisions		
Parcel maps (4 or fewer lots). Land division consisting of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.	Section 15315, Class 15	Table 3A
Class 16: Transfer of Land Ownership to Create Parks		
Park Lands. Acquisition, sale or transfer of land to establish a park where the land is in natural condition or contains historical or archaeological resources where either no management plan has been prepared or the plan proposes to keep the area in natural condition and will preserve the historical or archaeological resources.	Section 15316, Class 16	Table 3A

Projects Categorically Exempt from CEQA	Applicable CEQA Section	Restrictions
CEQA does apply when a management plan is proposed and will change the area from a natural condition or result in substantial adverse changes to the historical or archaeological resources.		
Class 19: Annexation of Existing Facilities and Lots for Exempt Facilities		
Annexations. Annexations to the City of areas: a) Containing existing public or private structures developed to a density allowed by zoning if extension of utility services to the existing facilities includes capacity to serve only the existing facilities. b) Individual small parcels of the minimum size necessary to accommodate facilities exempted pursuant to Categorical Exemption 15303, Class 3 (New Construction or Conversion of Small Structures)	Section 15319, Class 19	Table 3A
Class 23: Normal Operations of Facilities for Public Gatherings		
Special Events, Public Gatherings, Parades. Special events, and special events approved by the City for 50 or more persons (Special Events Permit) on public property including, but not limited to: Youth “Frog Jump” Parade, Christmas Parade, Homecoming Parade Events associated with the Frog Jump including Junior Frog Jump, Fireman’s pancake breakfast	Section 15323, Class 23	Table 3A

Projects Categorically Exempt from CEQA	Applicable CEQA Section	Restrictions
Special events held by non-profit groups at city parks (Utica Park, Gateway Park, Tryon Park)		
Class 27: Leasing New Facilities		
Leasing New Facilities. Leasing new or previously unoccupied privately owned facilities. Includes, but not limited to, leasing administrative offices in newly constructed office space; leasing client service offices in newly constructed retail space, leasing administrative or client service offices in newly constructed industrial parks.	Section 15327, Class 27	Table 3A
Class 31: Historical Resources Restoration/Rehabilitation		
Historical Resource Restoration Rehabilitation consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings	Section 15331, Class 31	Table 3A
Class 32: Infill Development		
Infill – Projects on less than 5 acres, surrounded substantially by urban uses, no special status plant and animal species, no significant effects related to traffic, noise, air or water quality, can be served by required utilities, consistent with general plan and zoning	Section 15332, Class 32	Table 3A

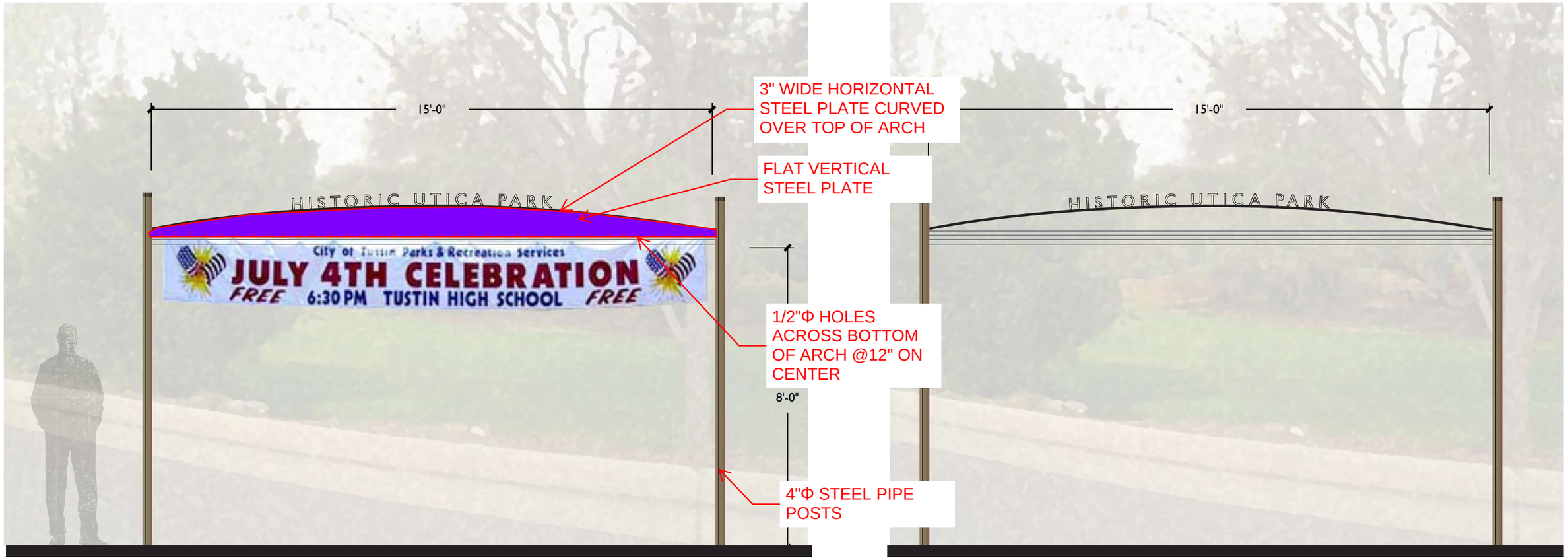
Banner Poles – Per Adopted Wayfinding Plan

BANNER IN PLACE

WITHOUT BANNER

NOTE:
See Historic Downtown Gateway Details for additional information.

GATEWAY ARCH FOR UTICA PARK
FRONT VIEW
SCALE: 3/8"=1'-0"



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