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

## CITY OF ANGELS PLANNING COMMISSION

### A G E N D A

January 12, 2023  
6:00 p.m.

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

OR:

Join Zoom Meeting

<https://us02web.zoom.us/j/83721763951>

Meeting ID: 837 2176 3951 / One tap mobile: +16699009128,,83721763951# US (San Jose)

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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.

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

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

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#### CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

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

#### APPROVAL OF AGENDA

Approval of regular agenda for January 12, 2023.



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Mayor Alvin Broglio • Vice Mayor Jennifer Davis-Herndon • Council Members Caroline Schirato, Gretel Tiscornia, Isabel Moncada

City Administrator Rebecca Callen • City Attorney Doug White, Churchwell White, LLP

## APPROVAL OF MINUTES

Approval of the Minutes of December 8, 2023.

## PUBLIC COMMENTS

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

## PUBLIC HEARING

1. Resolution 23-01: Extending the Habitat for Humanity Tentative Subdivision Map, conditional use permit, site plan review and associated entitlements for 107 work-force housing units from February 16, 2023, through February 16, 2024. Assessor's Parcel Number: 058-011-026 (16.92± acres). Copello Drive South.

## STUDY SESSION

2. Noise Ordinance guidelines. Discuss parameters to be addressed for a draft noise ordinance.
3. Discuss holding open house meetings for residents to discuss proposed property rezonings in accordance with General Plan 2020.

## COMMISSION BUSINESS

Information only, no action will be taken.

## COMMITTEE REPORTS

Information item only, no action will be taken.

## COMMISSIONER'S REPORTS

Information items only, no action will be taken.

## STAFF REPORTS

Information items only, no action will be taken.

## ADJOURNMENT

The next regularly scheduled meeting of the Planning Commission is **February 9, 2023**.

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

**Accessibility:** In compliance with Title II of the Americans With Disabilities Act, 28 CFR Part 36, if you require any disability related modification or accommodation, including auxiliary aids or services to



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participate in this meeting, please contact Angels Camp City Hall at (209) 736-2181 or fax your request to (209) 736-0709. Notification must be made 72 hours in advance of the hearing to ensure accessibility. Agendas and other writings may also be requested in alternative formats, as outlined in Section 12132 of the Americans with Disability Act.

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



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## PLANNING COMMISSION

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

**CITY OF ANGELS  
PLANNING COMMISSION AGENDA  
December 8, 2022**

***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:

**Zoom Meeting joining info**

Video call link: <https://us02web.zoom.us/j/83721763951>

Meeting ID: 837 2176 3951 / One tap mobile: +16699009128, 83721763951# US (San Jose)

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**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 Caytlyn Schaner (PRESENT)**

**6:00 p.m. MEETING**

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

**ACTION: COMMISSIONER KLERK MOTIONED TO APPROVE THE AGENDA, SECONDED BY COMMISSIONER MONCADA, AND PASSED 5 YES,**

- 4. APPROVAL OF MINUTES**

**A. November 10, 2022, Draft Minutes, Caytlyn Schaner, Deputy City Clerk**

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

- 5. PUBLIC COMMENT**



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## PLANNING COMMISSION

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**NONE**

### 6. PUBLIC HEARING

- A.** Resolution 22-28: Conditional Use Permit to allow freestanding solar panels as covered parking at the rear of 52 South Main Street (MACT Building)

**PUBLIC COMMENT GREG PIRES SPOKE ON BEHALF OF RESOLUTION**

**ACTION: VICE CHAIR GORDON MOTIONED TO APPROVE THE AGENDA, SECONDED BY COMMISSIONER KLERK, AND PASSED 5 YES**

### 8. COMMISSION BUSINESS

**NONE**

### 9. COMMITTEE REPORTS

**NONE**

### 10. COMMISSIONER'S REPORTS

**WHITTLE ASKED ABOUT REMOTE WATER METERS**

### 11. STAFF REPORTS

**ASK IF ANYONE WANTED TO CHANGED THE TIME TO EARLY FOR THE WINTER**

### 12. ADJOURNMENT

**ACTION: VICE CHAIR GORDON MOTIONED TO AJOURN, SECONDED BY COMMISSIONER MONCADA, AND PASSED 5 YES**

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John Broeder, Chair

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Caytlyn Schaner, Deputy City Clerk



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

DATE: January 12, 2023  
TO: Planning Commission  
FROM: Amy Augustine, AICP – City Planner  
RE: Resolution 23-01 extending the Habitat for Humanity Tentative Subdivision Map, conditional use permit, site plan review and associated entitlements for 107 work-force housing units from February 16, 2023, through February 16, 2024.

**RECOMMENDATION**

Staff recommends approving Resolution 23-01.

**PROJECT DESCRIPTION:**

Extend the Habitat for Humanity Tentative Subdivision Map, conditional use permit, site plan review and associated entitlements for 107 work-force housing units from February 16, 2023, through February 16, 2024.

The Development Agreement remains in force for 30 years past the date of certificate of occupancy for the final residence.

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

The project description is as follows.

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

- i. 37 detached homes
- ii. 28 attached homes
- iii. 42 condominium units (in seven, 6-plexes)

Entitlements are:

- i. Tentative Subdivision Map creating 66 lots: 65 single-family lots plus one



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condominium lot (remains in effect and not a part of this action)

- ii. Conditional Use Permit for multi-family housing in the Business Attraction and Expansion
- iii. (BAE) zoning district and to allow more than three incentives per Section 17.09.160 of the Angels Municipal Code (AMC)
- iv. Site Plan Review
- v. Development Agreement for the preceding (remains in effect and is not a part of this action)

No changes to the project description are proposed:

**INCORPORATION BY REFERENCE:**

The following documents approving the original project are hereby incorporated by reference and may be accessed from the following link:

<https://www.dropbox.com/scl/fo/2exbf3tsb4vxbnijlbcif/h?dl=0&rlkey=mn5yr0i8gnqlgrarez5tdhhvi>

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

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

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

**Due to the size and extent of the original documents for this project, an electronic link is incorporated herein for access to all applicable documents. If you need additional assistance to access the documents, please contact the City Planner at (209) 743-2323 or (209) 736-2181 [tuolandplanner@gmail.com](mailto:tuolandplanner@gmail.com). Hard copies of the documents are available at the City of Angels Community Development Department located at 200 Monte Verda Street, Suite B, Angels Camp, CA 95222 during regular business hours M-F 8:00 a.m. to 4:30 p.m.**

**BACKGROUND:**

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

The Angels Municipal Code (17.86.060 and 17.74.090) states that a conditional use permit and site plan review expire if the work for which the entitlements issued has not begun within one year. However, the City Planning Commission may grant a one-year extension (and a second one-year extension following that) for good cause. The Planning Commission approved a one-year extension in August 2022, through February 16, 2023.

The City has received the infrastructure improvement plans to commence site grading. The City completed the first round of plan review and comments on 1/4/23. Issuance of a site grading permit is imminent. Upon



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issuance of the grading permit and commencing grading, the permits will formally be considered “activated” and no further extensions will be necessary.

## **FINDINGS AND ANALYSIS**

### **Use Permit and Site Plan Review**

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

1. That the extension is necessary to secure the needed approvals from other agencies; or
2. That the extension is necessary to comply with the conditions of the original approval of this title and other ordinances; or
3. That the applicant has demonstrated a good faith attempt to start the use within the prescribed time.

Two of the preceding findings apply as follows:

#### **Finding 1: The extension is necessary to secure needed approvals from other agencies.**

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

#### **Finding 2: The applicant has demonstrated a good faith attempt to start the use within the prescribed time.**

As noted, the City has received and completed review of a full set of draft plans for grading and infrastructure improvements on 1/4/23. Issuance of a Grading Permit is imminent.

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

There are no ordinances or general plan amendment changes that have occurred in the past year that affect this project or trigger the need for additional conditions. Staff recommends retaining the existing conditions as adopted and extending the entitlements through February 16, 2024.

### **Tentative Subdivision Map**

Per Angels Municipal Code Section 16.12.100, the planning commission may extend its approval of an active tentative map for an additional twelve months if the approval for extension of time is granted prior to the original expiration date. A total of twelve months shall be the maximum time extension allowed. Per state law, the map expires after 24 months (i.e., through February 16, 2023). Therefore, the Planning Commission may extend the map an additional 12 months.

It is noted that, pursuant to California Government Code Section 66452.6(a)(1) [i.e., the State Subdivision Map Act], a tentative subdivision map expires after two years, but may be extended for





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- A. An additional two years (if no off-site improvements are required) or
- B. *An additional four years* if off-site public improvements are required to be constructed, improved, or financed totaling more than \$236,790.

The project is conditioned to require several off-site public improvements including a bike/pedestrian pathway, intersection improvements, and water line improvements. The total cost of these improvements is expected to exceed \$236,790. Based on the preceding, the tentative subdivision map could be extended through February 16, 2027, under *state law*. However, the City Code requires an amendment for compliance with state law to allow the Planning Commission to extend the map beyond February 16, 2024.

Similar to extensions for other entitlements, City Code requires the Planning Commission to determine whether the map presently conforms to the requirements of the city. The Planning Commission may approve an extension of time, approve with conditions which cause the map to conform to present requirement, or deny the extension.

There are no ordinances or general plan amendment changes that have occurred in the past year that affect the map project or trigger the need for additional conditions. Staff recommends retaining the existing conditions as adopted. Based on the preceding, the Planning Commission may grant the proposed extension for one year (i.e., through February 16, 2024).

Staff anticipates bringing forward a code amendment to the Planning Commission in February to address the discrepancies between City Code and State law.

**ENVIRONMENTAL FINDINGS:**

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

**ATTACHMENTS:**

- A. Planning Commission Resolution 23-01



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**CITY OF ANGELS  
PLANNING COMMISSION**

**RESOLUTION NO. 23-01**

**Extending the Habitat for Humanity Tentative Subdivision Map, conditional use permit, site plan review and associated entitlements for 107 work-force housing units from February 16, 2023, through February 16, 2024.**

**WHEREAS**, the City of Angels Planning Commission may, pursuant to Angels Municipal Code Sections 17.86.060 (conditional use permit) and 17.74.090 (site plan review) and 16.12.100 (Tentative Map Extensions) grant an extension for one year for these entitlements pursuant to AMC 17.87.010(B), and

**WHEREAS**, the Planning Commission held a public hearing on January 12, 2023, and received public input on the proposed project;

**NOW, THEREFORE, BE IT RESOLVED, NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Angels hereby approves extending the Habitat for Humanity Tentative Subdivision Map, conditional use permit, site plan review and associated entitlements for 107 work-force housing units from February 16, 2023, through February 16, 2024, based on the following findings:

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

The foregoing resolution was introduced and moved for adoption January 9, 2023, by \_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_.

PASSED AND ADOPTED THIS 9<sup>th</sup> day of January, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

\_\_\_\_\_  
John Broeder, Chairman