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

REVISED A G E N D A

February 9, 2023
6:00 p.m.

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

OR:

Click here to join the meeting
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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.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

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 February 9, 2023.

APPROVAL OF MINUTES
Approval of the Minutes of January 12, 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.

REGULAR BUSINESS

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

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

STUDY SESSION

3. Draft Construction Hours

4. Update on Citywide rezoning

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.

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ADJOURNMENT

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

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

Accessibility: In compliance with Title II of the Americans With Disabilities Act, 28 CFR Part 36, if you require any disability related modification or accommodation, including auxiliary aids or services to participate in this meeting, please contact Angels Camp City Hall at (209) 736-2181 or fax your request to (209) 736-0709. Notification must be made 72 hours in advance of the hearing to ensure accessibility**.** Agendas and other writings may also be requested in alternative formats, as outlined in Section 12132 of the Americans with Disability Act.

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

Chair John Broeder • Vice Chair Gary Gordon • Commissioners: Robert Moncada Sr., Kristopher Klerk, Joseph Whittle

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
JANUARY 12, 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 **(ABSENT)**, 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: COMMISSIONER WHITTLE MOTIONED TO APPROVE THE AGENDA, SECONDED BY COMMISSIONER KLERK, AND PASSED 4 YES, 1 ABSENT

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

ACTION: COMMISSIONER KLERK HAD A CORRECTION ON THE MINUTES THAT HE WAS NOT IN ATTENDANCE OF THE MEETING. COMMISSIONER KLERK MADE A MOTIONED TO APPROVE THE AGENDA AS AMMENDED, SECONDED BY VICE CHAIR GORDON, AND PASSED 4 YES, 1 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

PUBLIC HEARING

1. Resolution of Intent 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.

Planning Staff explained that the Commission must process code amendment in order to extend the tentative subdivision map beyond this first extension. PUBLIC COMMENT: Lynn Ayers, Habitat for Humanity answered questions regarding the project.

ACTION: VICE CHAIR GORDON MOTIONED TO APPROVE THE RESOLUTION, SECONDED BY COMMISSIONER KLERK, AND PASSED 4 YES, 1 ABSENT

STUDY SESSION

2. NOISE ORDINANCE GUIDELINES. Discuss parameters to be addressed for a draft noise ordinance.

DISCUSSION: LEAP and SB2 funding is available to update the code and a Noise Ordinance is an Implementation Program under the General Plan. The Commission provided input on noise issues to be addressed in the ordinance.

ACTION: NONE

3. Discuss holding open house meetings for residents to discuss proposed property rezonings in accordance with General Plan 2020.

DISCUSSION: Hold rezone open house from 4 – 6 pm before the meeting so people can drop in and ask about their property.

ACTION: NONE

7. COMMISION BUSINESS

NONE

8. COMMITTEE REPORTS

NONE

9. COMMISSIONER'S REPORTS

BROEDER, GORDON, KELRK AND WHITTLE REPORTED OUT.

10. STAFF REPORTS

NONE

11. ADJOURNMENT

ACTION: VICE CHAIR GORDON MOTIONED TO AJOURN AT 7:17 PM, SECONDED BY COMMISIONER WHITTLE, AND PASSED 4 YES, 1 ABSENT

_____

John Broeder, Chair

_____

Michelle Gonzalez, Deputy City Clerk

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

Item #:	1
DATE:	February 9, 2023
TO	City of Angels Planning Commission
FROM:	Amy Augustine, AICP – City Planner
RE:	Resolution 23-02 Finding of Architectural Conformity: Paul James Jewelers Sign; 1262 South Main Street Assessor's Parcel 062-012-008

RECOMMENDATION:
Approve Resolution 23-02 with the attached conditions including proposed changes to the materials and lighting used for the proposed signage, and final review by the Planning Commission's sign committee.

PROJECT DESCRIPTION

Owner/ Applicant:	Paul and Noreen Coca
General Plan/ Zoning:	Historical Commercial (HC)
Project:	Remove existing sign (14.4± square feet). Replace with 1.67' X 11.58' wall sign (19.3± square feet) as shown in Figure 3. Sign materials: Proposed metal and plastic. Lighting: Backlit. Colors: Metallic grey and black.
Location:	1262 South Main Street.

Chair John Broeder • Vice Chair Gary Gordon • Commissioners: Robert Moncada Sr., Kristopher Klerk, Joseph Whittle

Figure 1: 1262 South Main

Figure 2: Existing Signage

Figure 3: Proposed Sign NOTE: COLORS INCORRECT IN FIGURE. COLORS WILL BE GREY AND BLACK

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

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

Placement/Architecture. The Commission's adopted sign guidelines allow wall signs and encourage the sign to emphasize design elements of the facade. The proposed wall sign replaces a pre-existing sign is located on the building and does not alter the building architecture or detract from it. Therefore, the proposed sign is consistent.

Color. The proposed signage will be metallic grey and black. Therefore, the proposed signage is consistent with sign design guidelines for color.

Lighting. The sign proposes back-lit lighting. The adopted sign guidelines recommend indirect lighting from external sources. The guidelines note that internal illumination can be considered, but its use in the Historical Commercial District is inappropriate. Based on this guideline, staff recommends that the sign be re-designed to incorporate external lighting or no lighting.

Materials: The sign proposes the use of metal and plastic, but the precise nature of the use of the materials cannot be clearly determined from the application and the applicant has been contacted for clarification. As an interior lit sign, it is anticipated that the sign will be a metal box holding a plastic sign.

Adopted guidelines call for materials as follows:

- Sign materials should be compatible with the design theme and use of materials on the building where the sign is to be placed.
- Painted wood and metal are preferred materials.
- Generally, signs should be constructed of natural materials.
- Plastic is inappropriate.

Based on the preceding guidelines, staff recommends that the sign be re-designed to incorporate wood and metal and exclude the use of plastic.

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

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

The sign includes one symbol, a diamond, consistent with a jeweler. Therefore, it is consistent with the sign guidelines.

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

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

Consistency with other sign regulations pursuant to Angels Municipal Code Section 17.26.090 is evaluated in the following table:

Table 1: Sign Consistency with Historic Commercial District

Item	Discussion	Complies, Does not Comply, or Conditionally Complies
Sign identifies or advertise the business conducted on the premises.	Signage advertises the jewelry business located within the building	Complies
Sign is affixed to a building but may be located in some other manner as the planning commission shall approve.	Wall signs are permitted per the sign design guidelines.	Complies
Sign cannot project more than six feet from the face or vertical surface of the building where applicable or constitute a hazard to pedestrians or vehicular traffic.	Signage is affixed to the wall and does not project more than six feet from the vertical surface. No overhanging sidewalk signage is proposed.	Complies
Sign cannot project above the eave or the parapet line of the building.	Signage does not extend above the parapet line.	Complies
Total aggregate area per parcel for attached on-site signs shall not exceed ten percent of the building facade excluding parapets and/or false fronts and in no case shall exceed fifty square feet of the total sign area. /a/	The building façade is approximately 30' X 18', or 540 square feet. This allows for 54± square feet of signage. Proposed signage totals less than 20 square feet—consistent with code requirements.	Complies
Signs shall not contain flashing, blinking, or moving letters, characters, or other elements, and the sign itself shall not move. Sign shall not contain any outline tubing.	Sign does not include any of these components.	Complies

Item	Discussion	Complies, Does not Comply, or Conditionally Complies
Neon signs or signs containing any outline tubing which are to be located inside a building and which area is designed to be seen from the outside of the building are prohibited.	None proposed.	Not applicable.
Sandwich board signs shall not be made of plastic; must be historical in nature (wood, metal, scroll writing, etc.)	Sandwich board signs are not proposed.	Not applicable

ENVIRONMENTAL FINDINGS:

The Project is exempt pursuant to the State guidelines for implementation of the California Environmental Quality Act (CEQA) pursuant to Section 15311, Class 11 (Accessory Structures) which states that construction, or placement of minor structures accessory or appurtenant to existing commercial, industrial, or institutional facilities, including but not limited to, on-premise signs are exempt from CEQA.

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

ATTACHMENTS:

A. Resolution 23-02

CITY OF ANGELS
PLANNING COMMISSION
Resolution No. 23-02

RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS PLANNING COMMISSION FOR APPROVING A SIGN PERMIT/FINDING OF ARCHITECTURAL CONFORMITY IN THE HISTORICAL DISTRICT FOR

Paul James Jewelers
1262 South Main Street
APN: 062-012-008

WHEREAS: An application was received for the proposed project at 1262 S. Main Street, Assessor's Parcel Number (APN) 062-012-008, Angels Camp, Calaveras County, California, zoned Historic Commercial (HC); and

WHEREAS: The City of Angels Planning Commission considered the proposed application at its meeting of February 9, 2023, and

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

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

The foregoing resolution was introduced and moved for adoption on February 9, 2023, by Commissioner _____ and duly seconded by Commissioner _____.

PASSED AND ADOPTED February 9, 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
John Broeder, Chairman

Attest:

_____
Amy Augustine, City Planner

CONDITIONS of APPROVAL

Paul James Jewelers
1262 South Main Street
APN: 062-012-008

1. To the fullest extent permitted by law, Applicant shall defend, indemnify, and hold harmless City and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, any applicable Permit, or subsequent City approvals. Applicant's duty to indemnify and hold harmless shall not extend to any claim, action, or proceeding arising from the gross negligence or willful misconduct of City or City's Agents.

   Upon receiving notice of a claim, action, or proceeding, Applicant shall assume the defense of the claim, action, or proceeding through the prompt payment of all attorneys' fees and costs, incurred in good faith and in the exercise of reasonable discretion, of City's counsel in defending such an action. City shall have the absolute and sole authority to control the litigation and make litigation decisions, including, but not limited to, selecting counsel to defend City and settlement or other disposition of the matter. The modification of a proposal by the applicant or the imposition of conditions by the City shall not alter the effectiveness of this indemnity obligation.

2. The sign design (symbols, size) and color palette shall comply with the plans approved by the City of Angels Planning Commission on February 9, 2023. Note that the colors approved are metallic grey and black.

3. Sign design shall be changed to eliminate back-lighting and the use of plastic.

4. Prior to installation, the Planning Commission sign committee shall review the final design for consistency with the adopted sign guidelines.

5. Total signage approved shall not exceed 20 sq. ft.

6. Obtain a building permit prior to installing the sign to approve lighting.

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

8. Banners are prohibited. Grand Opening or other temporary signage requires a permit from the City.

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

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ITEM NO. **2**

DATE: February 9, 2023

TO: Planning Commissioners

FROM: Amy Augustine, AICP – City Planner

RE: **Resolution of Intent 23-03 Amending Chapter 16.12 changing the expiration dates and extension timelines for tentative maps in accordance with the State Subdivision Map Act.**

RECOMMENDATION
Approve Resolution of Intent 23-03.

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

A "subdivision" generally exists when a land division of 5 or more parcels occurs (a parcel map generally is used for land divisions of four or fewer parcels). Tentative Subdivision Maps are approved by local jurisdictions and generally include a list of conditions to be met. Once these map conditions are met (or improvements are bonded for), the tentative subdivision map becomes a "final map" upon approval by the City Council. It can take several years to complete conditions of map approval. Tentative Subdivision Maps expire if a final map is not recorded within a certain period of time in accordance with local codes and state law. Subdividers have the option to request an extension before the map expires. There are limits to the number of extensions that may be requested and granted. Recently, in preparing an extension for the Habitat for Humanity Tentative Subdivision Map, staff identified changes in state law that became effective on January 1, 2022, extending the time periods allowed for tentative subdivision extensions.

If the changes proposed herein are approved, the AMC will reflect the recent changes in state law and allow additional time for tentative maps to become final. This allows more time for the subdivider to complete conditions of project approval or obtain necessary financing.

Specifically, the proposed code changes will:

A. Retain the two-year expiration deadline for tentative subdivision maps.
B. Allow the Planning Commission to grant a two-year extension (rather than one year extension) for subdivision maps (bringing the effective "life" of a tentative subdivision map to 4 years).
C. Identify provisions in Government Code Section 66452.6 (a portion of the State Subdivision Map Act) allowing map extensions beyond 4 years (e.g., up to 10 years, up to the life of a Development Agreement).
D. Referencing exceptions that "suspend" timelines for maps to expire (e.g., moratoriums, lawsuits).

The City received LEAP funds to assist in streamlining permitting processes, including this amendment.

ANALYSIS

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

Finding A: The proposal conforms with the City's General Plan and Municipal Code

The proposed amendments will implement the following general plan policies and programs:

Program 1.A.b	**Continue to Conduct Reviews of the Angels Camp Municipal Code and General Plan for Consistency**
Program 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.

The proposed revisions will ensure consistency with state regulations thereby implementing these programs. Therefore, the proposed changes are consistent with the general plan and the municipal code.

Finding B: The proposed changes or amendments will not be substantially detrimental to the health, safety, or general welfare of the City.

The primary purpose of the proposed code amendments is to remain consistent with state law and allow ample time for the completion of necessary improvements for new subdivisions as established by the City and subject to prior environmental review. Therefore, the changes will not be substantially detrimental to the health, safety, or general welfare of the City.

Based on the preceding, the proposed code amendments are consistent with this finding.

Strategic Plan

In accordance with the City's Draft Strategic Plan, the proposed code amendments will ensure the ongoing provision of housing (through the creation of subdivisions) which is, in turn, tied to economic development, while ensuring the plan's targeted value of efficiency. The amendment further will assist in: Providing a well-organized and orderly development pattern that maintains and enhances Angels Camp's social, economic, cultural, environmental, and aesthetic resources while managing growth so that adequate facilities and services can be provided in pace with development.

ENVIRONMENTAL FINDINGS

Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendments are exempt from further review, because the proposed amendments address ministerial actions pursuant to Section 15268 of the State Guidelines for the implementation of CEQA which states that approval of final subdivision maps are ministerial and exempt from CEQA.

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ATTACHMENTS:

A. Section 66452.6(a)-(e) State Subdivision Map Act

B. Resolution of Intent 23-03 with **Exhibit A** (redline/strikeout showing changes and "Clean" copy of Angels Municipal Code Sections 16.12.090 and 16.12.100)

Attachment A – Relevant State Subdivision Map Act Section

66452.6 Gov Code – Map Expiration

(a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars ($236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars ($236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium

was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own

action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

(Amended by Stats. 2021, Ch. 162, Sec. 3. (SB 9) Effective January 1, 2022.)

Attachment B

CITY OF ANGELS
PLANNING COMMISSION

RESOLUTION NO. 22-03

A RESOLUTION OF INTENTION OF THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL AMENDING CHAPTER 16.12 CHANGING THE EXPIRATION DATES AND EXTENSION TIMELINES FOR TENTATIVE MAPS IN ACCORDANCE WITH THE STATE SUBDIVISION MAP ACT

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

WHEREAS, the Planning Commission finds that it is to the mutual benefit of the City to maintain its municipal code consistent with state law; and

WHEREAS, a notice of public hearing for the proposed action was published January 26, 2023, in the Calaveras Enterprise; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 9, 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) pursuant to Section 15268 of the State Guidelines for the implementation of CEQA which specifically state that approval of final subdivision maps is a ministerial project and therefore, not subject to CEQA;

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends to the City Council
Amend Chapter 16.12 changing the expiration dates and extension timelines for tentative maps in accordance with the State Subdivision Map Act 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 February 9, 2023, by Commissioner _____ and being duly seconded by Commissioner _____.
PASSED AND ADOPTED THIS 9th day of February, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____
John Broeder, Chairman

_____

Amy Augustine, City Planner

16.12.090 Term of approval.

The approval or conditional approval of a tentative subdivision map shall be valid for twenty-four months unless an extension is requested and approved pursuant to Section 16.12.100.. (Ord. 250 §5.17, 1981)

16.12.100 Extension of approval term.

A. The planning commission may extend its approval or conditional approval of an active tentative subdivision map if an extension is requested in writing prior to the map's expiration date. Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first [Government Code 66452.6(e)].

B. The Planning Commission may extend the map for:

I. An additional twenty-four months, or

II. In accordance with Government Code 66452.6(e), or

III. The life of a development agreement if the tentative subdivision map is on property subject to a development agreement authorized pursuant to Government Code Section 65864. The map may be extended for the period of time provided for in the development agreement, but not beyond the duration of the agreement,

IV. For maps that are part of a phased subdivision with required off-site improvements, the provisions of Government Code Section 66452.6 shall apply.

Exceptions to these extensions shall be as set forth in Government Code Section 66452.6 (e.g., moratoriums, lawsuits).

C. An application for extension of time shall be reviewed by the planning commission, which will determine whether the map presently conforms to the requirements of the city.

D. The planning commission may approve an extension of time, approve with conditions which cause the map to conform to present requirements, or deny the extension. If the Planning Commission denies a subdivider's application for an extension, the subdivider may appeal to the City Council within 15 days after the Planning Commission's decisions.

E. In the event that an approved tentative map is revised and subsequently approved by the planning commission, the most recently approved tentative map shall constitute the only recognized tentative map for further action in consideration of filing the final map. (Ord. 250 §5.18, 1981)

6.12.090 Term of approval.

The approval or conditional approval of a tentative subdivision map shall be valid for twenty-four months unless an extension is requested and approved pursuant to Section 16.12.100. (Ord. 250 §5.17, 1981)

16.12.100 Extension of approval term.

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E. In the event that an approved tentative map is revised and subsequently approved by the planning commission, the most recently approved tentative map shall constitute the only recognized tentative map for further action in consideration of filing the final map. (Ord. 250 §5.18, 1981)

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

Item No. 3

DATE: February 9, 2023

TO: Planning Commission

FROM: Amy Augustine, AICP – City Planner

RE: Study Session – Construction Hours

RECOMMENDATION
Provide input to staff.

BACKGROUND:
The Planning Commission considered and provided input relative to issues to be addressed in a city noise ordinance pursuant to the General Plan at its January 12, 2023, meeting. Subsequently, the City requested additional consideration and evaluation before proceeding with a Noise Ordinance due, in part, to the inherent difficulties and staff demands associated with enforcement (See **Attachment A**).

In response, planning staff is recommending the Planning Commission consider and discuss implementing only construction hours as follows:

Throughout Project Construction:

1. **Hours of Construction.** Project construction shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, Saturdays 8:00 a.m. to 7:00 p.m. excluding Sundays and legal holidays as established by the City, unless an emergency exists.

Attachment A

CITY HALL

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

Memo

To: Planning Commission

From: Rebecca Callen, City Administrator

Date: 2/2/2023

Re: Noise Ordinance

Regulating and restricting noise can be a wider conversation and can also be difficult to enforce. California currently has two laws in place regarding noise:

1. **California Noise Laws**. Health and Safety Code 46000. ... (f) All Californians are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare. (g) It is the policy of the state to provide an environment for all Californians.

   While this law establishes public policy and enables a series of public laws that apply to the public in general, it is less useful for the individual seeking redress for a noisy neighbor. Nevertheless, if in Small Claims, it is a useful law to cite to remind the court as to the underlying policy in this State.

1. **Penal Code:** Under the guidelines of Section 415 of the California Penal Code, it is illegal for any resident to knowingly create loud and unreasonable noises as a means of disturbing another. Those convicted of violating this law face a maximum of 90 days in jail and/or a maximum fine of $400.00. Unnecessary noise can be a violation at any time.

   What is excessive can be altered by locale and time of day. If one owns a home next to a steel mill the definition of excessive as applied by the police or court will not match that of a residential property next to a fishing destination. Reasonable criteria are normally utilized by the courts and most police will not take a claim seriously unless it strikes them as clearly unreasonable.

Practical Considerations:

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

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Everyone, including the court and police, expects noise to be part of the urban environment, and a temporary amount of noise, such as caused by a New Year's party or a brief bit of construction, is simply not going to be taken very seriously by the powers that be. You may get them to give a warning to the neighbor or landlord, but a little more. They will not be going to jail or paying you damages.

That said, the average plaintiff has an uphill battle demonstrating just how destructive excess noise can be since it is temporary for the most part. Experts can come to court to demonstrate scientifically the amount of noise but that is an expensive process and most people merely complain and suffer.

A tough letter from a lawyer can help at times but costs money and an actual filing of a civil complaint can be quite expensive. It also will cement ill will with a neighbor. That should be a last resort after complaints to landlords, the neighbor, and the local police have not borne fruit.

The more reasonable approach is to determine "which" noise is the biggest issue and build a non-subjective policy around it. Limiting construction times is the most enforceable option as it can be easily documented with no subjectivity.

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