



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject 2018-048 TPM for Continue LP	Board Meeting Date August 13, 2019	Agenda Number 28
Dept: Planning Contact: Peter Maurer Phone: (209) 754-6394	Supervisory District Number District 4	Regular Agenda
Published Notice Required? Yes Public Hearing Required? Yes		Estimated Time: 15 Minutes
Type of Document? Resolution PowerPoint Presentation Included? Yes Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Adopt a Resolution approving 2018-048 TPM for APN 054-014-019, located at 90 Rock Creek Road, Copperopolis, for Continue LP.

DISCUSSION/SUMMARY:

The applicants are requesting approval of a Zoning Amendment from C2 (General Commercial) to C2-PD (General Commercial – Planned Development Combining Zone), a Planned Development Permit, and a Tentative Parcel Map to allow a condominium conversion of an existing 20,000 square foot commercial structure into a single commercial condominium.

Pursuant to the Commercial and Industrial Common Interest Development Act, a parcel map is needed for creation of a condominium. Calaveras County Code 16.01.160, Final Maps, states that a parcel map shall be required for those subdivisions of a parcel or parcels of land having existing industrial or commercial zoning. Under the Subdivision Map Act, the condominium map is not required to describe the location of the individual condominium units. The formal legal description is set forth in the condominium plan, which is not regulated by local government.

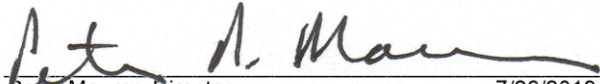
FINANCING:

The applicant has paid the application fee of \$6914, which covers the cost of processing the requested tentative parcel map. There is no impact to the General Fund.

ALTERNATIVES:

The Board can choose to deny the Tentative Parcel Map or direct staff to modify or revise the current proposal. Denying the permit would result in the parcel retaining its current use with a commercial structure with ten rental units and the inability to convert to a condominium.

APPROVED BY:


Peter Maurer, Director

7/26/2019



Albert Alt, County Administrative Officer

7/26/2019


Julie Moss-Lewis, Deputy County Counsel

8/5/2019



Diane Severud, Deputy Clerk of the Board of Supervisors

8/6/2019

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
August 13, 2019

Resolution
No. (ID # 4683)

**A RESOLUTION APPROVING TENTATIVE PARCEL MAP
2018-048 FOR CONTINUE LP CONDOMINIUM
CONVERSION**

WHEREAS, the Planning Department of the County of Calaveras received an application from Continue LP requesting approval of a Zoning Amendment from C2 (General Commercial) to C2-PD (General Commercial-Planned Development), a Planned Development Permit and a Tentative Parcel Map to allow a condominium conversion of an existing 20,000 square foot commercial structure into a single commercial condominium.

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as APN: 054-014-019, a portion of Lots 1 and 2 of Section 34, T2N, R12E, MDM, located at 90 Rock Creek Road in Copperopolis; and

WHEREAS, a Notice of Exemption was prepared, pursuant to the California Environmental Quality Act, Section 15301(k) Categorical Exemptions, Class 1 Existing Facilities; and

WHEREAS, during a duly noticed public hearing on July 11, 2019, the Planning Commission considered all of the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors approves the Tentative Parcel Map based upon the following findings:

1. On the basis of the whole record, there is no substantial evidence that the project as designed will have a significant effect on the environment. A Notice of Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA) Section 15301(k).

Evidence: Class 1 consists of the operation, repair, maintenance, permitting, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Section 15301 (k) is for the division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings where no physical changes occur which are not otherwise exempt.

2. The proposed map is consistent with applicable general and specific plans.

Evidence: The property is currently designated in the County General Plan as Copperopolis Community Center under the General Plan. The proposed land use designation is Commercial. The request for land division is consistent with the General Plan.

3. The site is physically suitable for the proposed density and the type of development.

Evidence: The subject parcel is already developed and supports commercial uses. The parcel has access off public roads and is located along a state highway.

4. The project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat and will not cause serious public health problems.

Evidence: The site is already developed, with infrastructure in place. The proposed TPM will not be the cause of discharged pollutants or hazardous materials that may cause substantial injury to fish and wildlife. There are no natural resources on or near the project site that may be affected by the project. Standard map requirements shall protect the health and safety of the public.

5. The project will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: The project will exclusively take access via an existing encroachment on Rock Creek Road. The proposed project does not alter or affect any easements.

6. The conditions imposed on the TPM are necessary to provide safe access, adequate water and wastewater disposal and protect public health, safety and general welfare.

Evidence: Imposed conditions are based on review by local and state agencies and departments responsible for access, water, wastewater, public health, safety and general welfare.

7. The design and location of each lot in the subdivision are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 & 4291 of the Public Resources Code.

Evidence: The project was circulated to the Local Fire District as well as Cal Fire. Neither agency submitted comments relative to the proposed project. The project is a condominium conversion of an existing commercial development with adequate emergency access.

8. The project complies with the requirements of Calaveras County Code §16.01.160.A.3.

Evidence: The project parcel is zoned commercial, has frontage on a county road, there are no dedications or improvements necessary, and Rock Creek Road as a County maintained road is in standard condition.

Chair

ATTEST

Rebecca Turner, Ex-Officio Clerk
of the Board of Supervisors, County of Calaveras

Deputy Clerk
