



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject 2018-048 Zoning Amendment for Continue LP	Board Meeting Date August 13, 2019	Agenda Number 26
Dept: Planning Contact: Peter Maurer Phone: (209) 754-6394	Supervisorial District Number District 4	Regular Agenda
Published Notice Required? Yes Public Hearing Required? Yes		Estimated Time: 15 Minutes
Type of Document? Ordinance PowerPoint Presentation Included? Yes Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Conduct a public hearing and adopt an Ordinance approving Zoning Amendment 2018-048 for APN 054-014-019, located at 90 Rock Creek Road, Copperopolis, from C2(General Commercial) to C2-PD (General Commercial- Planned Development) for Continue LP

DISCUSSION/SUMMARY:

On July 11, 2019 at a duly noticed public hearing, the Calaveras County Planning Commission adopted Resolution 2019-017, recommending the Board of Supervisors approve the Zoning Amendment (ZA) application for Continue LP. The applicants are requesting a zoning amendment to change the subject parcel from General Commercial (C2) to General Commercial-Planned Development (C2-PD) to allow a condominium conversion of an existing 20,000 square foot commercial structure into a single commercial condominium.

The subject parcel is a 6.36 acre lot developed with a 20,000 square foot metal commercial structure located in the northern portion of the parcel, which is surrounded by asphalt parking. The structure contains ten (10) suites, currently occupied with eight (8) commercial tenants including retail sales, repair service, and storage. The remainder of the parcel consists of an unfinished parking lot and two building pads. The site is currently served by an on-site well and on-site septic system.

The existing General Plan land use designation for the parcel is Copperopolis Community Center. This designation is intended to provide a focal point for the town of Copperopolis which includes a mix of agricultural, commercial, industrial and residential uses. The proposed land use designation is Commercial. The proposed condominium conversion is consistent with the General Plan in that it is a continued commercial use that is permitted by right. The proposed use will also be compatible with the currently recommended land use designation in the updated General Plan.

The Planned Development Combining Zone is required for condominiums which utilize density transfer and common areas to create parcels that are smaller than the minimum size permitted by the General Plan. The performance standards of the Planned Development Combining Zone are applicable to the project.

The adjacent parcels to the north are zoned AP (Agricultural Preserve) and the parcels to the south of the subject parcel are zoned A1 (General Agriculture). The adjacent parcels are vacant

with the exception of the parcel to the west which is developed with a single family residence. Commercial, industrial and residential uses on Main Street are directly across State Route 4 to the southwest.

CEQA – The conversion of an existing structure to a condominium is exempt from CEQA pursuant to CEQA Guidelines Section 15301 Existing Facilities, Part (k) “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.” The circulation of the project application did not result in agency concerns and revealed no environmental effects.

The proposed condominium conversion would convert an existing permitted land use (i.e., a 20,000 square foot commercial structure with ten units) into a single condominium unit. No physical changes or change in land use are proposed, so the subdivision would remain in compliance with the zoning classification and General Plan land use designation for the parcel. The landscaping and natural vegetation currently existing on the property exceeds the minimum requirements for the entire project. The requirement for landscaping is already met without requiring additional plants and trees. Access to the site is adequate without need for improvements. The Planning Commission voted in favor of the project as proposed. There was no public comment on the project other than the applicants stating that they agree with the favorable recommendation.

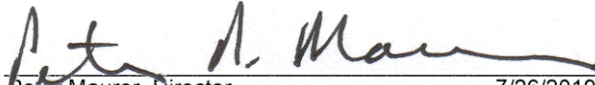

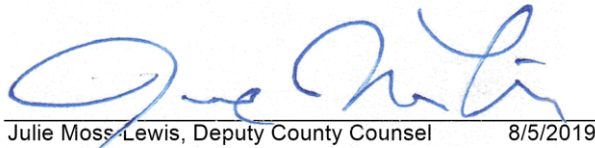

FINANCING:

The applicant has paid the application fee of \$5,529, which covers the cost of processing the requested zoning amendment. There is no impact to the General Fund.

ALTERNATIVES:

The Board can choose to deny the zoning amendment or direct staff to modify or revise the current proposal. A request for significant modification would require a new hearing by the Planning Commission. Denying the zoning amendment would result in the parcel retaining the C2 zone without the PD combining zone and the inability to complete the condominium conversion.

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

**Ordinance
No. (ID # 4688)**

**AN ORDINANCE AMENDING THE ZONING OF REAL
PROPERTY IN CALAVERAS COUNTY FROM GENERAL
COMMERCIAL (C2) TO GENERAL COMMERCIAL-
PLANNED DEVELOPMENT (C2-PD) FOR CONTINUE LP.**

PROJECT: 2018-048 Zoning Amendment for Continue LP

THE BOARD OF SUPERVISORS OF THE COUNTY OF CALAVERAS ORDAINS AS
FOLLOWS:

SECTION I: The Board of Supervisors finds:

1. The proposed Zoning Amendment is exempt from CEQA pursuant to Section 15301(k) of the CEQA Guidelines.

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 Zoning Amendment is consistent with the County's General Plan and applicable policies of the Calaveras County Zoning Code, Title 17 for General Commercial-Planned Development.

Evidence: The subject property is currently designated in the County General Plan as Community Center which is centered around and includes the existing townsite of Copperopolis. The Community Center designation allows for more intensive land usage generated by multi-family, commercial and light industrial uses. The C2 zone is a commercial zone consistent with the Community Center land use designation described in the County General Plan. Adding the PD combining zone is required for the condominium conversion and does not change the permitted uses as defined in the C2 base zone.

3. The proposed Zoning Amendment is consistent with neighboring and adjacent land uses and zoning.

Evidence: The subject property is located in an area of Calaveras County primarily in agriculture production which is directly adjacent to Main Street in Copperopolis. Parcels in the immediate vicinity of the subject parcel are zoned AP (Agriculture Preserve), and A1 (General Agriculture), U (Unclassified), and C2-PD (General Commercial-Planned Development). Uses in the general area sustain agricultural, residential, and commercial uses of the Copperopolis Community Center. Adding the PD combining zone will not change the current permitted use, therefore, the project is consistent with the neighboring properties and land uses.

SECTION II

The Zoning Ordinance, Title 17, of the Calaveras County Code is hereby amended to change the zoning district of certain real property in the unincorporated portion of the County of Calaveras, more particularly described as APNs: 054-014-019 from General Commercial (C2) to General Commercial-Planned Development (C2-PD).

SECTION III:

This Ordinance shall take effect and be in force at the expiration of thirty (30) days after its passage, and it shall become effective on the 13th day of August 2019, and before the expiration of fifteen (15) days after its passage, it shall be published in the County of Calaveras.

Chair

ATTEST

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

Deputy Clerk