



CALAVERAS COUNTY PLANNING DEPARTMENT
891 Mountain Ranch Road,
San Andreas, California 95249
(209) 754-6394

Planning Commission Staff Report

Hearing Date	May 12, 2016
Project Number/Name	2016-009 ZA for Nove Plaza LLC
Supervisory District Number	District 1
Assessor's Parcel Number(s)	APN: 046-016-078
Planner	Darcy Goulart, Planner III

Date: April 5, 2016

Project Description: The applicant is requesting approval of a Zoning Amendment to rezone a 0.67 acre parcel from General Commercial (C2-PX) to Professional Office (CP-PX). The PX zone is the off-site parking combing district, which allows for off-site parking on another parcel. The project site is fully developed with a vacant commercial building, parking and landscaping, as well as the necessary encroachment onto Nove Way.

Applicant and Landowner: Nove Plaza LLC, P.O. Box 729, Woodbridge, CA

Project location: The subject property is located at 2 Nove Way in Valley Springs, on the corner of Hwy 26 and Nove Way. Section 24 T04N R10E, MDM.

Figure 1 – Location Map

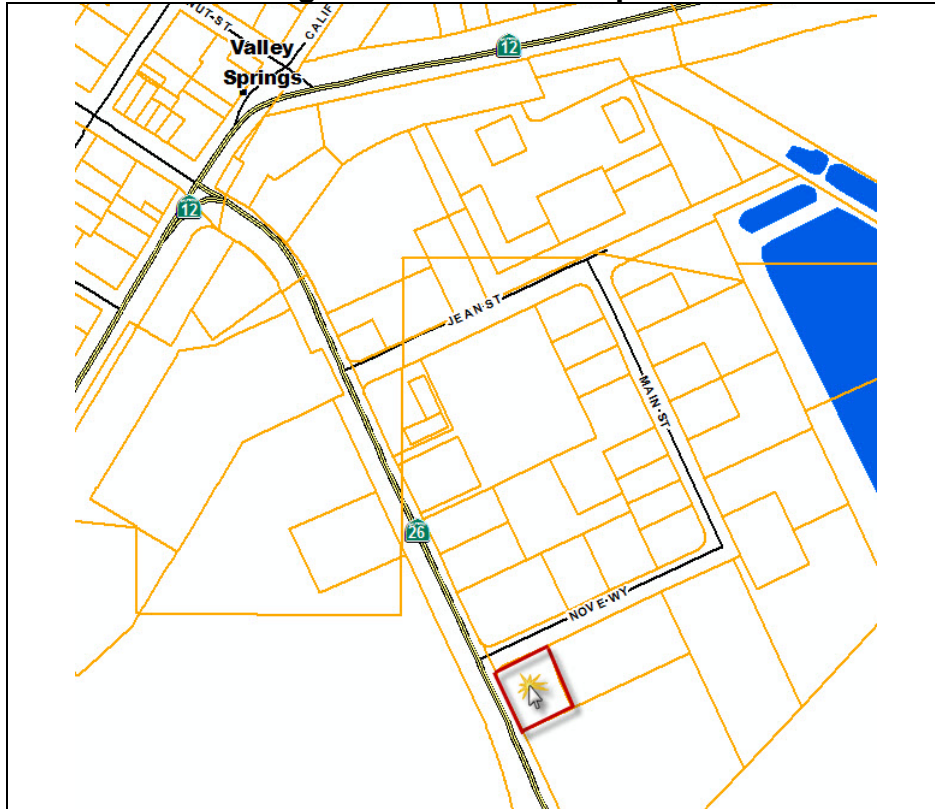
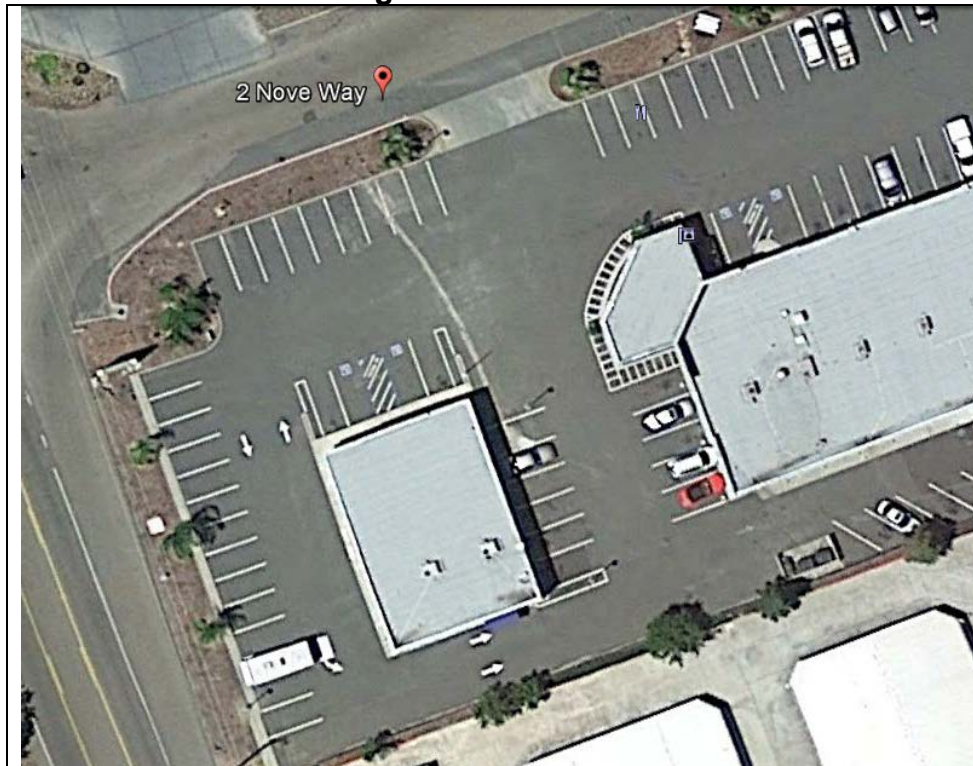


Figure 2 – Aerial



ANALYSIS

The project site is located within the Valley Springs Community Plan and has a designation of Commercial. The applicant has requested to change the zoning of the parcel from C2-PX to CP-PX. The site is fully developed with a vacant commercial building that was once utilized by a bank. The site includes landscaping, parking and the necessary vehicle encroachment onto Nove Way. The site is surrounded by parcels that are zoned C2, most of which are developed with various commercial uses. The applicant has not provided any supplemental information regarding the intended use of the building if rezoned to CP, nor does the County's application standards require a development application be submitted with a rezone request.

A rezone from C2 to CP would be considered a down zone in regards to the uses that are permitted or conditionally permitted and the intensity of the uses. The purpose of the C2 zone is to provide lands for intensive and general commercial uses, while the CP zone is for professional offices and administrative offices and conditionally permitted residential complexes in a compatible environment. There are only three uses in the CP zone that are not found on the permitted or conditionally permitted list for the C2 zone. Those uses are:

1. Medical Cannabis Dispensary – requires approval of an AUP
2. Private Conference Facility or Center – requires approval of a CUP
3. Public Agency Facility other than offices, excepting landfills, waste disposal sites and incinerators – requires approval of a CUP

Without a specific development proposal, the County must consider all the possibilities that could be allowed under the proposed zone. A zone change from C2 to CP significantly reduces the number of uses that would be allowed, with the exception of the three uses listed above. Given the increase in inquiries and recent applications for dispensaries, the likelihood that an AUP application would be submitted for this site if rezoned to CP is high.

On face value, the location may be a suitable one for a medical cannabis dispensary. The site is fully developed, in an area of high commercial development and could serve the needs of the western part of the county. If all the regulations are met, an AUP could potentially be approved for the site. However, at the April 26th Board of Supervisors meeting, the Board stated that at this time, they would not approve a rezone of any parcels to CP. The reasons cited by the Board were that the County is currently drafting a cannabis cultivation ordinance and although changes are not proposed for dispensaries, the two are connected. The Board has also stated that they do not intend to approve the additional rezoning of land to CP to accommodate dispensaries when there is already land within the county that could potentially be utilized for this use. Therefore, at this time staff is unable to recommend approval of the project based upon current Board policy. The applicant was given the opportunity to withdraw the application and receive a partial refund of fees or move the project forward. The applicant requested that the item be scheduled for a public hearing and understands that he will not receive a refund of any fees.

ENVIRONMENTAL REVIEW: CEQA does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270(a).

RECOMMENDATIONS

Staff recommends the Planning Commission pass a motion to sign resolution 2016-011 denying without prejudice Zoning Amendment 2016-009 for Nove Plaza LLC, based upon the findings contained therein.

ATTACHMENTS

1. Resolution

Attachment 1

**Planning Commission Resolution:
2016-010**

COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION

RESOLUTION NO. 2016-010

>>A RESOLUTION DENYING 2016-009 ZONING AMENDMENT FOR NOVE PLAZA
LLC

WHEREAS, the Planning Department of the County of Calaveras received an application on February 5, 2016 from from Nove Plaza LLC requesting a permit to rezone a parcel from C2-PX to CP-PX, and

WHEREAS, the Planning Commission set consideration of the project request pursuant to the Calaveras County General Plan, Title 17; Zoning Code and the procedures of the Planning Commission; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as APN: 046-016-078, a portion of Section 24 T04N R10E, MDM. The subject parcel is located at 2 Nove Way in Valley Springs; and

WHEREAS, CEQA does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270(a); and

WHEREAS, 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:

BE IT THEREFORE RESOLVED, that the Planning Commission denies the Zoning Amendment based upon the following findings;

Zoning Amendment Finding

The zoning amendment is not consistent with current Board of Supervisors policy in regards to the rezoning of land to CP, Professional Office.

Evidence: At the April 26, 2016 Board of Supervisors meeting, the Board set a policy that they do not wish to consider the rezone of any parcels to CP. The reasons cited by the Board were that the County is currently drafting a cannabis cultivation ordinance and although changes are not proposed for dispensaries, the two are connected. The Board has also stated that they do not intend to approve the additional rezoning of land to CP that could accommodate dispensaries when there is already land within the county that could potentially be utilized for this use. The applicant has not stated what the property will be utilized for, but based upon the permitted and conditionally permitted uses in the C2 and CP zones, there is the possibility that an Administrative Use Permit could be filed for a medical cannabis dispensary.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on May 12, 2016 on a motion by Commissioner and seconded by Commissioner.

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair, Planning Commission

ATTEST:

Darcy Goulart, Planner III

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.