

COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION

RESOLUTION NO. 2019-006

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS APPROVE PLANNED DEVELOPMENT PERMIT 2018-024 FOR THE CALAVERAS HUMANE SOCIETY ANIMAL SHELTER LOCATED ON APN: 058-001-009.

WHEREAS, the Planning Department of the County of Calaveras received an application from the Calaveras Humane Society requesting approval of a General Plan Amendment from the City of Angels Sphere of Influence, Residential Suburban to Commercial Recreation, a Zoning Amendment from General Commercial – Planned Development (C2-PD) to Rural Commercial – Planned Development (RC-PD), a Conditional Use Permit to operate a commercial kennel and a Planned Development Permit authorizing the exterior changes to the existing building and the project related site improvements; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras at 1209 Hwy 49, Angels Camp and more particularly described as APN: 058-001-009, a portion of Section 19, T3N, R13E, MDM; and

WHEREAS, a notice of exemption has been prepared for this project pursuant to Article 19, Categorical Exemptions, Section 15303, conversion of small structures, Section 15301 existing structures, Section 15304 minor alterations of land and Article 5 Section 15061(b)(3), the general rule that CEQA applies only to project with the potential to have a significant effect on the environment; and

WHEREAS, during a duly noticed public hearing on February 28, 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; and

WHEREAS, project action was postponed to the March 14, 2019 Planning Commission meeting for consideration of a modified sign plan relative to the Planned Development Permit portion of this project application; and

BE IT THEREFORE RESOLVED, that the Planning Commission recommends approval of the Planned Development Permit:

1. The project has been properly deemed exempt from further environmental review under the in accordance with the California Environmental Quality Act (CEQA).

Evidence: Section 15301(a) of the CEQA Guidelines provides that existing facilities and interior or exterior alterations to an existing structure are exempt from CEQA. The structure alterations do not include expansion or re-location of the existing building. Repair of structural damage, installation of new siding, windows and column replacement will only improve the appearance of the building. Pursuant to Section

15303 new construction or conversion of small structures is exempt from CEQA. Minor modifications to the existing structure are necessary to create a suitable facility for the operation of an animal shelter. Pursuant to Section 15304 minor alterations to land are also exempt from CEQA. Proposed new landscaping includes the replacement of existing conventional landscaping with water efficient or fire resistant landscaping. The activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, as set forth in Section 15061(b)(3). The proposed general plan and zoning amendments will create consistency while allowing the continued use of the existing building to a manner that better conforms to the surrounding area. The proposed zone district is a less intense commercial zone permitting fewer uses than permitted in the current zone. The circulation of the project application did not result in agency concerns and revealed no concerns about environmental effects.

2. The proposed development is consistent with the applicable policies of the General Plan.

Evidence: The land is suitable for an animal shelter being located outside the City limits and a distance from residential development. Pursuant to General Plan Policy II-7-A, the City of Angels reviewed and provided comments on the proposed project. The City recommends approval of the project.

3. The proposed development is consistent with Calaveras County Zoning Code, Title 17.

Evidence: This application proposes a zoning amendment to Rural Commercial (RC). The subject parcel meets the minimum requirements for the RC zone. A commercial kennel is a conditional use in the RC zone.

4. The proposed project satisfies the requirements of Section 17.50.060.

Evidence: The proposed landscaping exceeds the minimum required by code. A perimeter-planting strip will screen the parking area from SR 49. All landscaping will be water efficient or fire resistant. The off-street parking improvements are minimal including an ADA compliant parking space and two encroachments. Proposed signage less than the maximum 60 sq. ft. allowed by code. All improvements meet the performance standards of the PD combining zone.

5. The proposed Planned Development (project design) is consistent with neighboring and adjacent land.

Evidence: There are three commercially zoned parcels from Angels Camp to Fourth Crossing. Two of the three parcels are zoned with a PD combining zone and only two of the three are developed commercially. Businesses along the SR 49 corridor in the general vicinity are Angels Camp Veterinary Hospital, Spence Ranch Feed and Supply and the Grubstake Mini Storage, none of which is zoned PD. The businesses are constructed of varying materials and styles of construction. The majority of the property in the area is open space utilized as grazing land along with a few large lot

residential parcels. The PD portion of the project consists of exterior remodel including 5 new outdoor enclosures attached to the building, a 144 sq. ft. outdoor play area for cats, new window openings, necessary structure modifications, the replacement of existing siding with new mineral fiber cement siding and replacement columns. There is little consistency amongst the existing few developed parcels in the area. However, the project is compatible with the project location and its natural environment.

BE IT FURTHER RESOLVED, that the Planning Commission approves the Planned Development based on the following conditions:

I GENERAL CONDITIONS:

- I-1 The Applicant(s) and Owner(s); and their Heirs, Successors, and Assigns shall abide by all terms of the Indemnification Agreement, dated April 23, 2018 and on file in the Planning Department's records for 2018-024.
- I-2 All construction shall be in conformance with the approved site plan, including fencing and landscaping, exterior elevations and signage.
- I-3 All design permits issued by the Planning Commission are subject to all applicable County regulations or plans whether or not such requirements are specified as a condition of the project.
- I-4 The approved project shall consist of water efficient and/or fire resistant landscaping.
- I-5 Improvements may not encroach into the State Right of Way.
- 1-6 To be valid, this permit shall be activated prior to 11:59 p.m. on December 31, 2020.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on March 14, 2019 on a motion by Commissioner Laddish and seconded by Commissioner Wooster.

AYES: Bechelli, Laddish, Plotnik, Wooster, Henderson
NOES
ABSTAIN:
ABSENT:

Chair, Planning Commission

ATTEST:

Gina Kathan, 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.