



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

### Planning Commission Staff Report

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Hearing Date</b>                | July 11, 2019                         |
| <b>Project Number/Name</b>         | 2018-048 TPM, ZA & PD for Continue LP |
| <b>Supervisory District Number</b> | District 4                            |
| <b>Assessor's Parcel Number(s)</b> | 054-014-019                           |
| <b>Planner</b>                     | Madeleine Flandreau, Planner II       |

**Date:** June 4, 2019

**PROJECT DESCRIPTION:** The applicant is 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.

**APPLICANT AND LANDOWNER:** Continue, LP, 549 E. Meadowhurst Drive, St Maries, ID 83861.

**PROJECT LOCATION:** The subject property is located at 90 Rock Creek Road, in Copperopolis at the northwest corner of the intersection of State Route 4 and Rock Creek Road/Main Street. APN 054-014-019 is a portion of Lots 1, 3 and 38 of Section 34, T2N, R12E, MDM.

Figure 1- Location Map

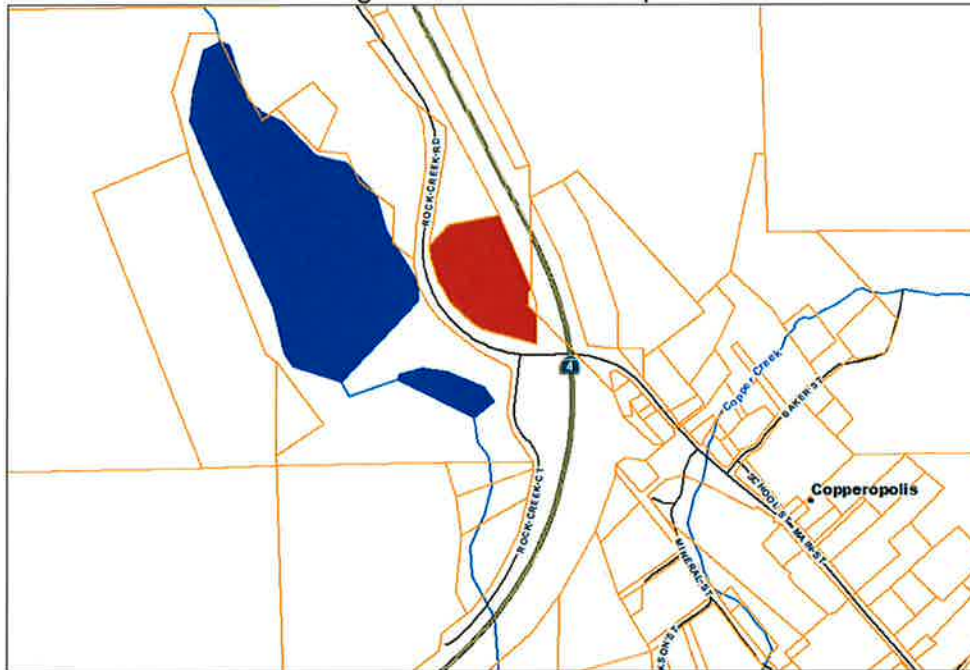


Figure 2- Aerial View



## **BACKGROUND:**

The subject parcel is 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 applicant originally submitted an application for a tentative parcel map on August 6, 2018 for a tentative parcel map for a condominium conversion of one existing commercial building and two future commercial buildings with up to 100 commercial air space units. The application was deemed incomplete and on November 20, 2018 a new application was submitted for a Zoning Amendment (ZA), Tentative Parcel Map (TPM) and Planned Development (PD) permit. However, following discussions with staff, the applicant made further revisions to the proposal, first reducing the number of units, and subsequently informing the County that he did not intend to construct the two additional buildings at this time. On April 30, 2019, a revised application was received for the TPM, ZA and PD for the condominium conversion of the existing 20,000 square foot building as a single condominium unit. It is only because the owner has requested to convert the approved structure into condominiums that a discretionary approval is required from the County.

The property has been previously graded and the majority of the acreage has been disturbed. The parcel is bound to the east by State Route (SR) 4 and to the west and south by Rock Creek Road. Adjacent parcels are all agricultural land. To the west across Rock Creek Road lies a private reservoir (previously Copperopolis Reservoir). In addition, the Keystone Mine is located along the western boundary of the parcel, and the North Mine is approximately 1000 feet to the northwest. The parcel has an existing encroachment off of Rock Creek Road. The County Public Works department did not provide comment on the project.

## **ANALYSIS:**

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 site is currently served by an on-site well and on-site septic system.

### Zoning Amendment:

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.

Planned Development Permit:

Also requested is a Planned Development Permit to ensure that the current use is meeting the standards of the Planned Development overlay. A Parking and Landscaping Plan was approved in 2006 which demonstrated compliance with the County's requirements for square footage, setbacks, parking and landscaping in the C2 zone (Project No. 2006-154 MISC). A 25% reduction in parking was requested and approved with the determination that it met the shared use requirement. Eighty-six (86) parking spaces currently exist on site. Additional parking will be required with additional construction. The existing landscaping approved in 2006 meets the requirements County code Chapter 17.50.060 for the Planned Development permit.

Tentative Parcel Map:

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.

**ENVIRONMENTAL REVIEW:**

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.

**CONCLUSION:**

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.

**RECOMMENDATION:**

Staff recommends the Planning Commission approve Resolutions 2019-017, 2019-018, and 2019-019 recommending that the Board of Supervisors approve 2018-048 Zoning Amendment, Planned Development permit, and Tentative Parcel Map, approving the condominium conversion, based upon the findings included therein.

**ATTACHMENTS**

1. Resolution 2019-017
2. Resolution 2019-018
3. Resolution 2019-019
4. Tentative Parcel Map

COUNTY OF CALAVERAS, STATE OF CALIFORNIA  
PLANNING COMMISSION

**RESOLUTION NO. 2019-017**

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS APPROVE ZONING AMENDMENT 2018-048 FROM GENERAL COMMERCIAL (C2) TO GENERAL COMMERCIAL – PLANNED DEVELOPMENT (C2-PD) ON APN: 054-014-019.

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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 Combining Zone), a Planned Development Permit, and a Tentative Parcel Map for a Condominium Conversion for an existing commercial complex; and

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; and

BE IT THEREFORE RESOLVED, that the Planning Commission recommends approval of the Zoning Amendment to General Commercial – Planned Development (C2-PD) as shown on Exhibit A of this resolution, which depicts the proposed zoning based upon the following findings:

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, as

amended, and applicable policies of the Calaveras County Zoning Code, Title 17.

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.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on July 11, 2019 on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES:  
NOES  
ABSTAIN:  
ABSENT:

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Chair, Planning Commission

ATTEST:

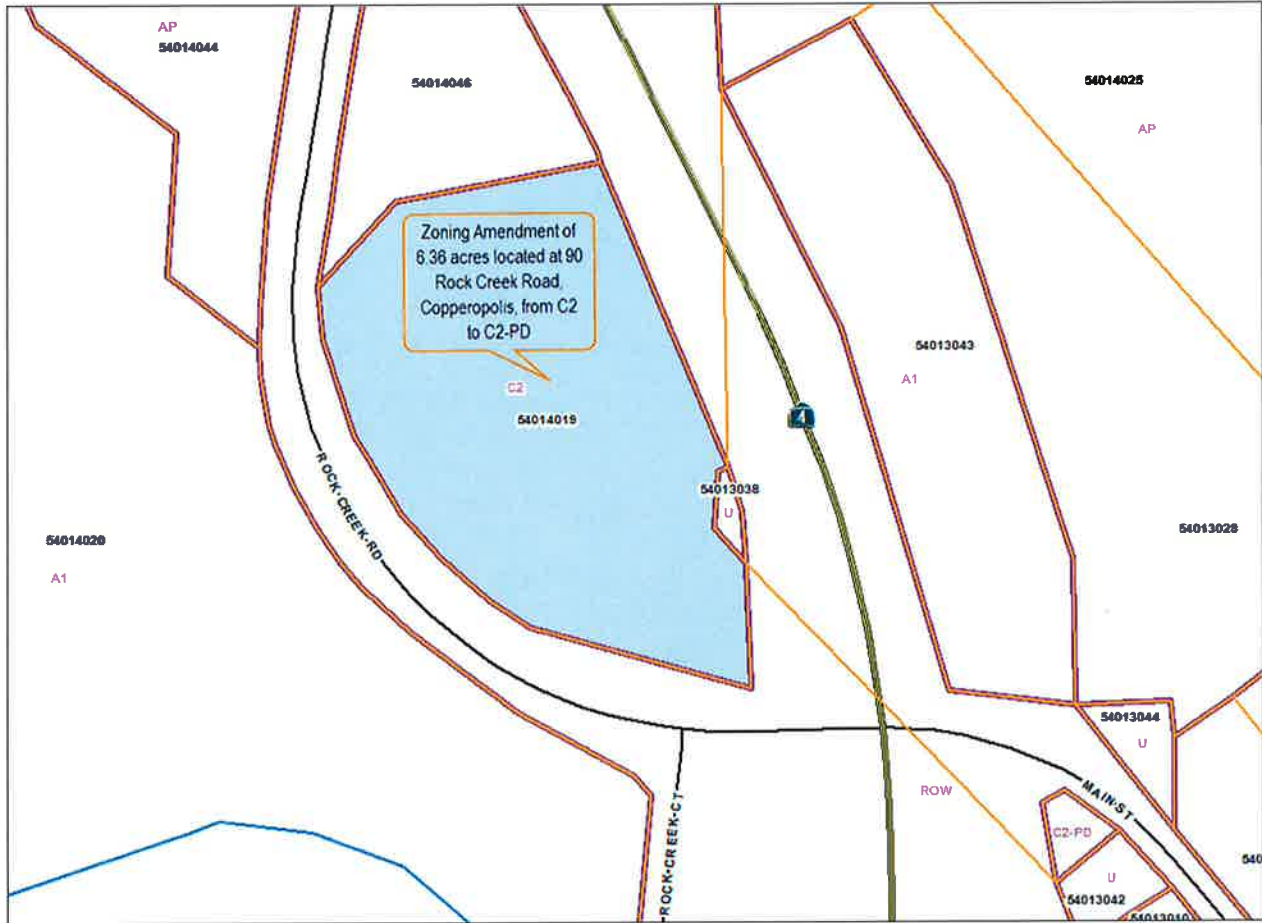
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Madeleine Flandreau, Planner II

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.



Exhibit "A" – Zoning Exhibit





COUNTY OF CALAVERAS, STATE OF CALIFORNIA  
PLANNING COMMISSION

**RESOLUTION NO. 2019-018**

**>>A RESOLUTION APPROVING PLANNED DEVELOPMENT 2018-048 FOR CONTINUE LP CONDOMINIUM CONVERSION**

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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 Combining Zone), a Planned Development Permit, and a Tentative Parcel Map for a Condominium Conversion for an existing commercial complex; and

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; and

BE IT THEREFORE RESOLVED, that the Planning Commission approves the Planned Development based upon the following findings:

1. The proposed Planned Development 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.

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

Evidence: The proposed project is for a condominium conversion of an existing 20,000

square foot metal building. There is no new development proposed.

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

Evidence: The property is zoned General Commercial – Planned Development (C2-PD) and permits the commercial structure. The project complies with the applicable performance standards of the PD combining zone. The existing parking lot meets the standard and no additional parking is required. The existing landscaping including natural vegetation, exceeds the required 10% landscaping and no additional landscaping is required.

3. The proposed Planned Development is consistent with neighboring and adjacent land.

Evidence: The subject property is located in an area directly adjacent to Main Street in Copperopolis which sustains agricultural, residential, and commercial uses of the Copperopolis Community Center. The project will not change the current permitted use and no new development is proposed.

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 26, 2019 and on file in the Planning Department's records for 2018-048.
- I-2 This permit shall run concurrently with Tentative Parcel Map 2018-048 and shall be valid for 36 months.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on July 11, 2019 on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Madeleine Flandreau, Planner II

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.

COUNTY OF CALAVERAS, STATE OF CALIFORNIA  
PLANNING COMMISSION

RESOLUTION NO. 2019-019

>>A RESOLUTION ADOPTING A NEGATIVE DECLARATION AND APPROVING  
TENTATIVE PARCEL MAP 2018-048 FOR CONTINUE LP

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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 Combining Zone), a Planned Development Permit, and a Tentative Parcel Map for a Condominium Conversion for an existing commercial complex; and

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:

BE IT THEREFORE RESOLVED, that the Planning Commission approves the Tentative Parcel Map based upon the following findings and Exhibit A, Tentative Parcel Map;

CEQA Findings

1. The proposed Tentative Parcel Map is exempt from CEQA pursuant to Section 15301(k) of the CEQA Guideline.

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.

## Tentative Parcel Map Findings

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.

BE IT FURTHER RESOLVED, that the Planning Commission approves the Vesting Tentative Parcel Map 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 26, 2019 and on file in the Planning Department's records for 2018-048.
- I-2 The applicant shall meet all the requirements of the Calaveras County Zoning Ordinance, Title 17 and Subdivision Ordinance, Title 16.
- I-3 The Tentative Parcel Map approval is valid for a period of 36 months or until July 11, 2022. An extension of time may be granted pursuant to Title 16 as long as a request and required fees are submitted to the Planning Department prior to expiration of the map.

**I. PLANNING DEPARTMENT**

- II-1 This approval is for a Tentative Parcel Map to convert an existing 20,000 square foot commercial structure into a single condominium.
- II-2 The final map shall be in substantial conformance to the submitted tentative map included as "Exhibit A".
- II-3 Within five (5) calendar days from the date of approval, the applicant shall file the Notice of Exemption and pay the applicable County Administrative fee (\$50) to the County Recorder's Office.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on July 11, 2019 on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Chair, Planning Commission

ATTEST:

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Madeleine Flandreau, Planner II

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