



MEMORANDUM

City of Angels Planning Commission

Date: February 18, 2025
To: City of Angels Planning Commissioners
From: Amy Augustine, AICP - City Planner
Re: Second Reading Bruce Ordinance 542 Rezoning

Recommendation:

Waive the second reading, open the public hearing, and approve Ordinance 542.

PROJECT DESCRIPTION:

OWNER/
APPLICANT:

Ryan and Heather Bruce

LOCATION:

668 Murphys Grade Road

ASSESSOR'S
PARCEL NO.:

057-023-023 and 057-023-024 totaling 4.88± acres

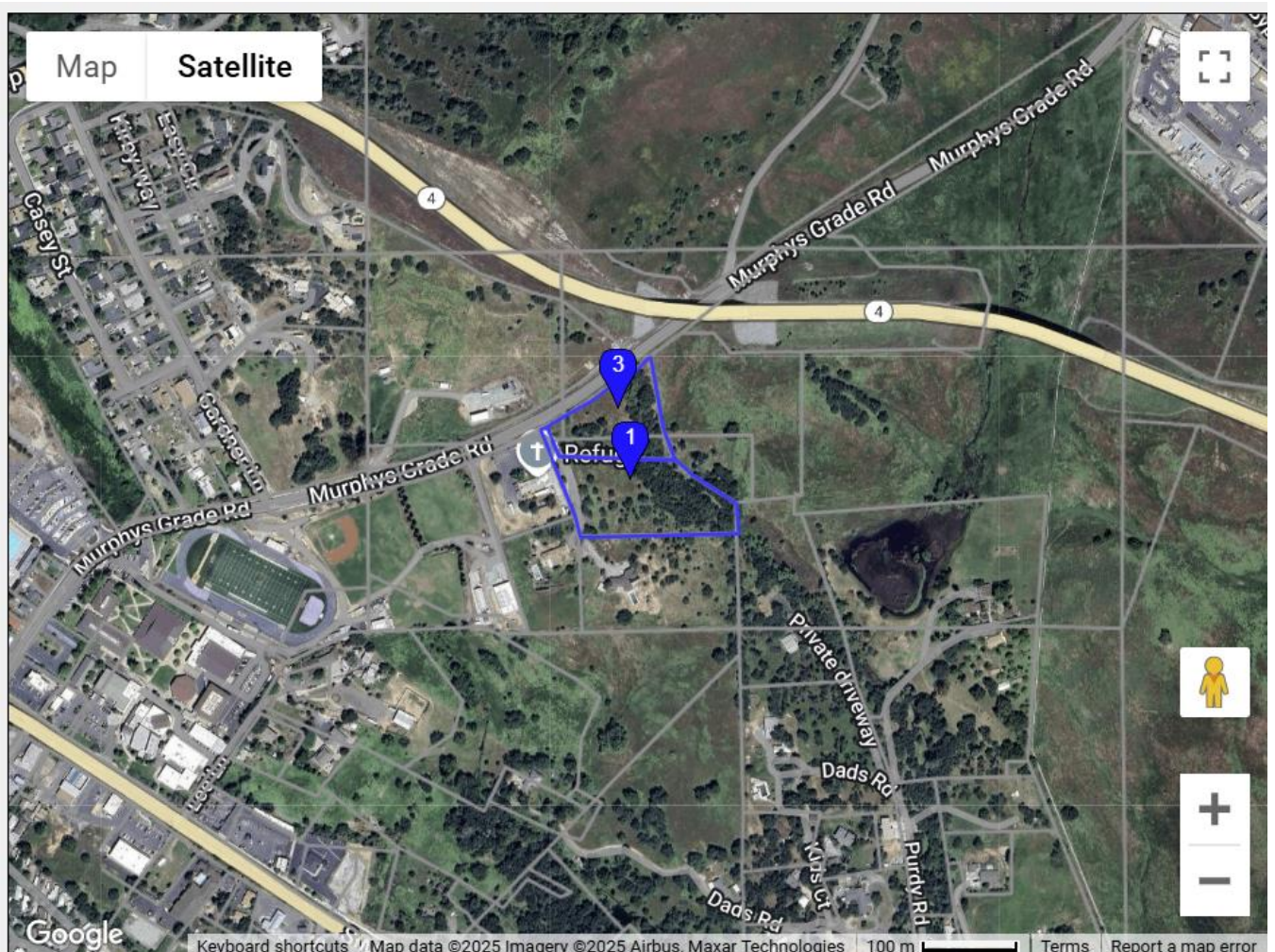
EXISTING GENERAL
PLAN/ZONING:

Business Attraction and Expansion (BAE)

PROJECT DESCRIPTION:

1. Ordinance 542 to Rezone from Business Attraction and Expansion (BAE) to Single-Family Residential (R-1).

Figure 1: Project Location



BACKGROUND:

The Planning Commission heard the item on January 9, 2025, and passed Resolution of Intent 25-01 recommending that the City Council approve Single Family Residential (General Plan) and Single-Family Residential (R-1) zoning (Attachment A).

On February 4, 2025, the City Council approved a Resolution amending the general plan land use designation on the parcel from Business Attraction and Expansion (BAE) to Single-Family Residential (SFR). The Council additionally introduced, waived the first reading, held a public hearing and set February 18, 2025, for a second reading of Ordinance 542 rezoning the site from Business Attraction and Expansion (BAE) to Single-Family Residential (R-1). This item would re-introduce, waive the second reading, hold a second public hearing and allow the Council to take final action Ordinance 542.

In 2020, the Planning Commission certified an initial study/mitigated negative declaration and Conditional Use Permit for Roof Screen for project management, fulfillment and assembly operations for a light manufacturing facility in two buildings (an office and a manufacturing building) totaling approximately 19,000 square feet on the subject parcels. The owners ultimately determined that

grading costs would be too expensive at the site and located a facility just outside San Andreas, in Calaveras County.

Prior to the application for Roof Screen, an application for a 36-unit apartment complex (in three buildings) was proposed and ultimately withdrawn.

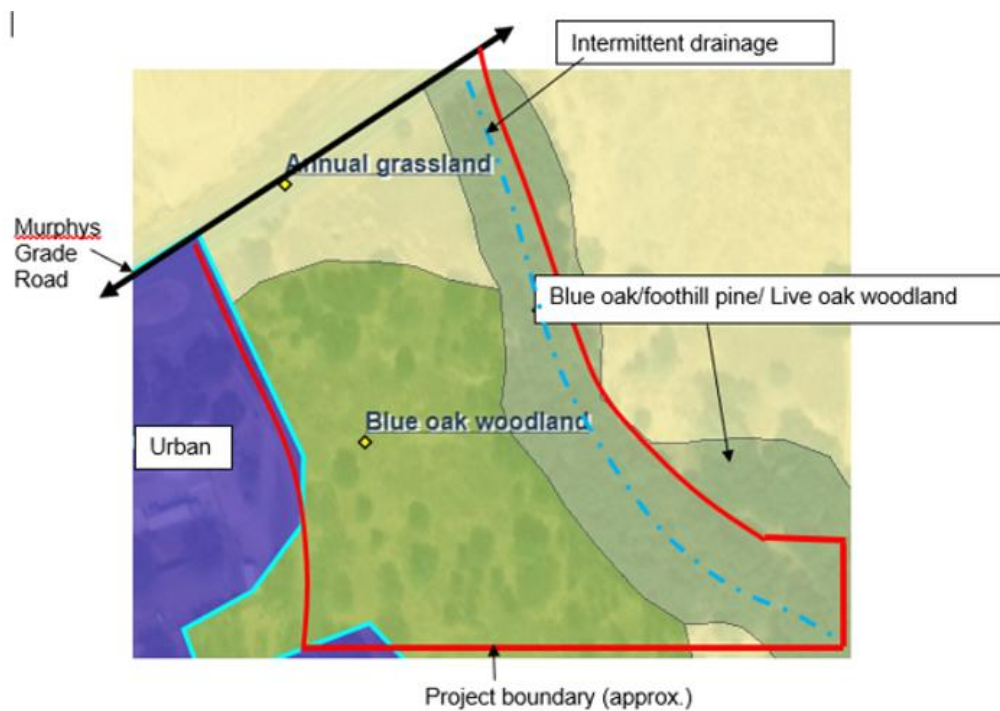
The owner now desires to sell the property and has been advised by his realtor that single-family residential (R-1) is the best use for the property. The owner has expressed agreement with either Estate Residential (RE-1) or Single-Family Residential (R-1) options.

PROJECT SETTING

The site is bounded by a westerly gravel driveway and slopes downward easterly to an onsite drainage. On-site vegetation includes a blue oak woodland and annual grassland with a north/southeast trending intermittent stream in the eastern portion of the parcel. The drainage runs through a stand of live oaks with patches of Himalayan blackberries and associated riparian vegetation. The creek is fed by a mine shaft/adit in the northernmost portion of the project site. Rhyolite cliffs in the cut at the “headwaters” of the creek include signs of animal occupation (small burrows, whitewash) and surround a large pond of water surrounded by steep sides.

On site slopes range from approximately 1,450-1,550 above mean sea level.

Figure 2: On site slopes and vegetation



ANALYSIS:

Per Section 17.90.040 of the Angels Municipal Code, prior to recommending or approving a general plan amendment, rezoning, or code change, as applicable, the planning commission and the city council shall make all the following findings:

- A. The proposed change or amendment is consistent with the city of Angels general plan; and
- B. The proposed change or amendment is consistent with the city of Angels Municipal Code; and
- C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the city.

Finding A: The proposed change or amendment conforms with the City of Angels General Plan

Pursuant to General Plan 2020, the purposes of the Single-Family Residential (SFR) general plan land use designation are:

- *To preserve the integrity of existing single-family residential neighborhoods*
- *To reserve lands best suited for future single-family development (i.e., land accessible by adequate roads, police, fire, water and sewer services on slopes generally averaging less than 15%)*
- *Location is variable but restricted to those areas that can be served by adequate water, sewer, police, fire, roads and other public services on relatively gentle slopes in close proximity to city services.*

Minimum Design Standards

- *Six dwelling units per gross acre density. Higher densities are possible through density bonuses granted for the provision of affordable housing for households of low or very low income in accordance with the general plan.*
- *Maximum impervious surfaces: 50%. Impervious surfaces totaling up to 60% are permitted for projects providing housing for low or very low-income households in accordance with the general plan. Impervious surfaces totaling up to 60% may be permitted with review and approval of the City of Angels Planning Commission subject to site specifics, project needs and environmental constraints.*
- *For parcels adjoining or visible from highways, arterials or collectors, project design shall accommodate the provision of street trees.*

If approved, a general plan amendment to SFR would allow a future landowner to apply for a subdivision with up to 29 single-family residences on separate lots with a higher density allowed for the provision of affordable housing. While such a density might be accommodated with an apartment complex of multiple stories clustered on site; it is unlikely that the site could accommodate a road system that could support up to 29 individual homes.

Alternatively, the purposes of the Residential Estate (RE) General Plan land use designation are:

- *To provide a residential alternative on relatively steep slopes that may not accommodate the city's smallest residential lots (approximately 7,500 square feet). This land use designation is intended to accommodate residential developments for landowners desiring a more rural setting than may be available within a small-lot Single-Family Residential (SFR) subdivision.*

- *Location is generally in areas with gentle slopes away from the central core of the city. The RE land use also provides opportunities for clustering on land with pockets of relatively gentle slopes (for clustering) mixed with relatively steep slopes (to be left as open space) and provides a transition between the less dense Rural Residential (RR) land use designation and the higher densities of the city.*

Minimum Design Standards are:

- *One dwelling unit per one gross acre to one dwelling unit per three gross acres dependent upon on-site slopes.*
- *Maximum impervious surfaces: 20%. Impervious surfaces totaling up to 40% may be permitted with review and approval of the City of Angels Planning Commission subject to site specifics, project needs and environmental constraints.*
- *For parcels adjoining or visible from highways, arterials or collectors, project design shall accommodate the provision of street trees.*

If, alternatively, the site was given a Residential Estate (RE) land use designation; a future landowner could subdivide the site for up to four homes (plus accessory dwellings). Given the on-site slopes and presence of an on-site drainage; the RE land use designation could be considered more suitable for a single-family based residential use on site.

General Plan 2020 Program 1.A.d Guidelines for General Plan Amendments directs that guidelines be established for evaluating general plan land use amendments for overall consistency of the proposal with the goals, objectives and policies of General Plan 2020 including, but not limited to:

Physical, social, or economic factors that were not considered at the time of general plan adoption, and the evaluation of the proposal based on the new information

During evaluation of the site for a light manufacturing facility, it was determined that truck access at the Murphys Grade/SR 49 intersection could hinder use of the site for some light manufacturing uses. While a remedy was found to address this issue, use of the site for business attraction and expansion could be hindered for some uses by the access issue.

As noted previously, relatively extensive grading would be required for some light industrial or business attraction and expansion uses on the site. Designating the site for single-family residential uses instead would reduce the likelihood of extensive grading; therefore, consideration of an alternative general plan land use designation is appropriate.

Additional lands within the city limits have been identified for potential light industrial use, therefore, the elimination of 4.88 acres of Business Attraction and Expansion (BAE) lands in this location is not expected to result in an economic issue for the city.

Based on the preceding, physical and economic factors could support reassigning the land use designation on the site from BAE to single-family residential. Therefore, this finding can be made.

a. Existing reasonable alternative sites in the vicinity that are planned for the use and can accommodate the proposal

This guideline was intended to address specific new or alternative uses and is inapplicable to the current proposal, which is general in nature.

b. The potential for the proposal to adversely affect community character

As noted below, landowners within 300 feet of the parcel were notified of the proposed project. No objections or concerns were made. Therefore, this finding can be made.

d. The effect of the proposal on the fiscal health of the city

As noted above, additional lands within the city limits have been identified for potential light industrial use, therefore, the elimination of 4.88 acres of Business Attraction and Expansion (BAE) lands in this location is not expected to result in a significant economic issue for the city.

Pursuant to General Plan Land Use Table 1-5, the R-1 zoning district is consistent only with the Single-Family Residential (SFR), Open Space (O) and Public (P) general plan land use designations. With approval of a general plan amendment from BAE to SFR, the proposed R-1 zoning would be consistent with the general plan.

Similarly, the RE-1 (Residential Estate, one acre minimum) zoning district is consistent with the Residential Estate (RE) land use designation. With approval of a general plan amendment from BAE to RE, a proposed RE-1 zoning district would be consistent with the general plan.

Based on all of the preceding, Finding A could be made for either a Single-Family Residential (SFR) or Residential Estate (RE) general plan land use designation.

Finding B: The proposed amendment is consistent with the City of Angels Municipal Code:

Per 17.18.010 of the Angels Camp Municipal Code, the purposes of the Single-Family Residential (R-1) zoning district are:

The single-family residential (R-1) district is intended to implement the city general plan's single-family residential (SFR) land use designation. The purposes and intent of the district are:

- A. *To preserve the integrity of existing single-family residential neighborhoods.*
- B. *To reserve lands best suited for future single-family development.*

Parcels generally will be restricted to those areas that can be served by adequate water, sewer, police, fire, roads and other public services on relatively gentle slopes (i.e., less than fifteen percent) in close proximity to city services.

The site is currently surrounded by a mix of agricultural land, single-family residences and a church. Murphys Grade road provides site access and public water and public sewer are available to the site. The majority of the site has slopes of less than 15%, although steep slopes exist adjacent to the on-site drainage through the site.

Based on the surrounding land uses and availability of services, the site may be considered suitable for single-family residential use.

Similarly, per Section **17.13.010 of the Angels Municipal Code**, the residential estate, one-acre minimum (RE-1) district is intended to implement the city general plan's residential estate residential (RE) land use designation.

The purposes and intent of the district are:

To provide a residential alternative on relatively steep slopes that may not accommodate the city's smallest residential lots. This land use designation is intended to accommodate residential developments for landowners desiring a more rural setting than may be available within a small-lot single-family residential (SFR) subdivision or allow for small animal keeping.

Parcels will generally be in areas with gentle slopes away from the central core of the city. The RE land use also provides opportunities for clustering on land with pockets of relatively gentle slopes (for clustering) mixed with relatively steep slopes (to be left as open space) and provides

a transition between the less dense rural residential (RR) land use designation and the higher densities of the city.

RE-1 residential densities are not intended for very high fire hazard severity zones as mapped by the California Department of Forestry and Fire Protection. (Ord. 509 §1 (Att. A), 2021)

Based on all of the preceding, Finding B can be made for either R-1 or RE-1 zoning.

FINDING C: The proposed general plan amendment will not adversely affect the health, safety, peace, morals or general welfare of the city or its peoples.

The proposed project was circulated to landowners within 300 feet of the project site. No written or oral responses were received. Therefore, it is assumed that adjoining landowners find the proposal consistent with their neighborhood's health, safety, peace, morals and general welfare.

The proposed project was circulated to advisory agencies within the city and county. The City Engineer (water and wastewater) reviewed the project and responded that: Sewer service to the property would be provided via an 8" connection that extends to Purdy Road. The Purdy Road sewer is suspected to be a source of significant inflow and infiltration during storm events. CCTV of the line is programmed for 2025. Depending on the results of the investigation, rehabilitation of the sewer may be required.

It is noted that conditions of project approval are not attached to zoning and general plan amendments. Therefore, the condition of the sewer is noted here, but is not identified as an issue that would preclude site development in the future under the proposed amendments and is therefore not made a condition of project approval. At such time as a specific land use proposal is received, the issue will be addressed.

Based on the preceding, Finding C can be made.

ENVIRONMENTAL ANALYSIS

The proposed general plan amendment and rezoning are considered "downzoning." Approval would result in a reduced development capacity for the property in comparison to the current Business Attraction and Expansion land use designation and zoning. Pursuant to the state and City guidelines for implementing the California Environmental Quality Act (CEQA), the proposed amendment is, therefore, exempt from further review, because the proposed amendment represents a chance to a less intensive land use than was approved within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

ATTACHMENTS:

- A. Planning Commission Resolution of Intent 25-01
- B. City Council Ordinance 542 Rezoning from Business Attraction and Expansion (BAE) to Single-Family Residential (R-1)