



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

### Planning Commission Staff Report

<b>Hearing Date</b>	July 12, 2018
<b>Project Number/Name</b>	2016-016 ZA for Matthew Greenberg
<b>Supervisory District Number</b>	District 3
<b>Assessor's Parcel Number</b>	030-010-058
<b>Planner</b>	Scott Speer, Planner II

**Date:** July 12, 2018

**PROJECT DESCRIPTION:** The applicant is requesting a zoning amendment (ZA) to rezone APN 030-010-058 from C2-PD (General Commercial – Planned Development) to M4 (Business Park). The subject property is 1.92 acres, serviced by CCWD water and on-site septic, and is currently improved with a 5,600 sq. ft. building with a 10,000 sq. ft. paved parking area. To remain consistent with the County General Plan, if approved, the parcel will retain the Planned Development combining zone, and will be rezoned to M4-PD.

**APPLICANT/LANDOWNER:**

Avery Pines Capitol Group, LLC  
Matthew Greenberg  
4225 Solano Ave #534  
Napa, CA 94558

**PROJECT LOCATION:** The subject property is located at 5146 Commercial Way in Hathaway Pines. APN 030-010-058 is in a portion of Section 18, T04N, R15E, M.D.M.

**Figure 1 – Location Map**



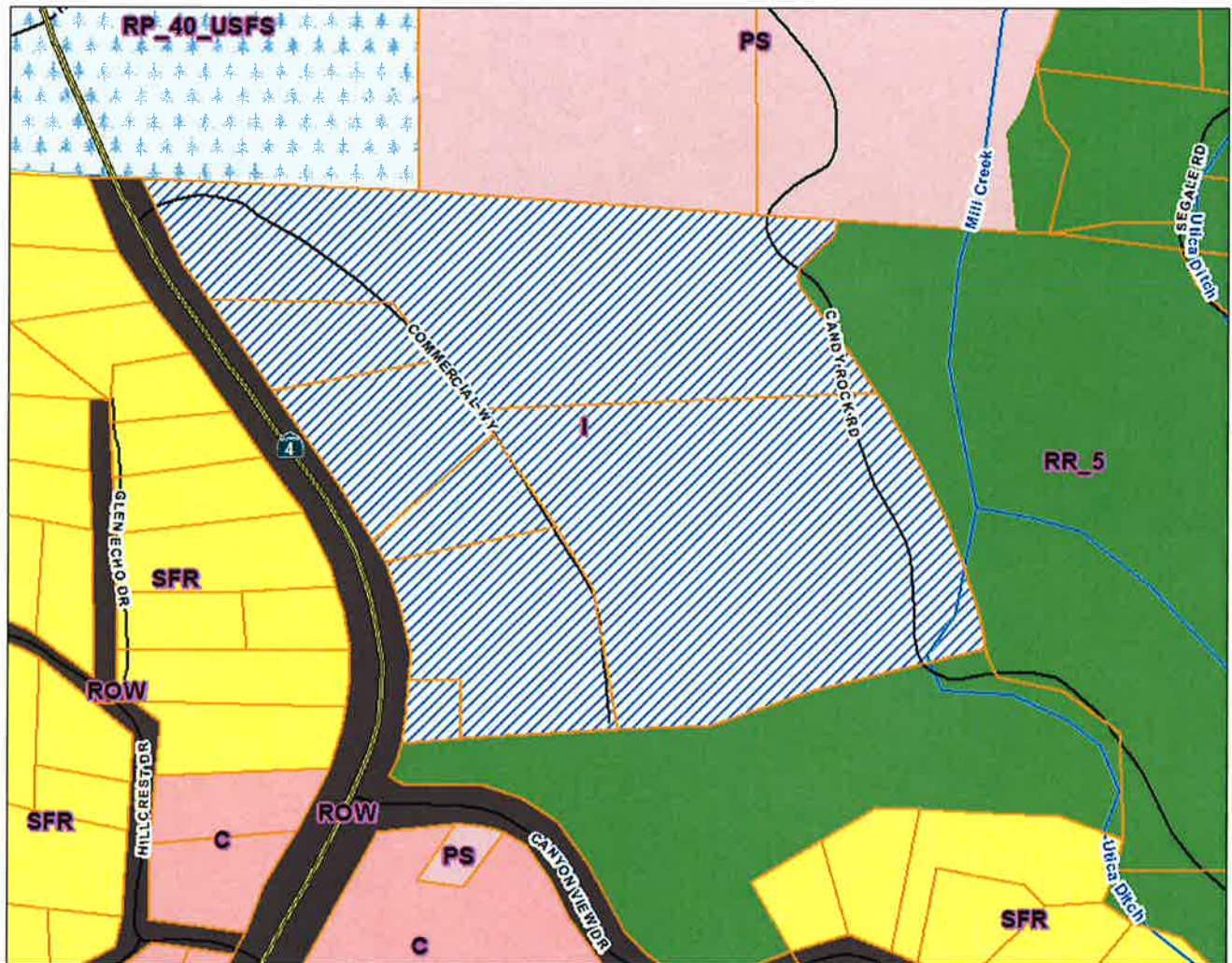
**Figure 2 - Aerial Photograph**



**ANALYSIS:**

The applicant is requesting approval of a Zoning Amendment to change the zoning of the subject property from C2-PD (General Commercial – Planned Development) to M4 (Business Park). The property has a general plan land use designation of Industrial within the Avery/Hathaway Pines Community Plan (figure 3). M4 zoning – along with TP, M1, and PS – is consistent with this land use designation; C2 is not listed as a consistent zone. Originally the stated intent for the zone change was for possible cannabis production, however due to the ban of commercial cannabis uses, the application has been modified. The purpose of the zone change, as now stated on the application, is for “M4 business park permitted uses,” as the owner feels this will allow for a better utilization of the current facilities than the existing General Commercial zoning.

**Figure 3 – Avery/Hathaway Pines Community Plan Land Use Designations**

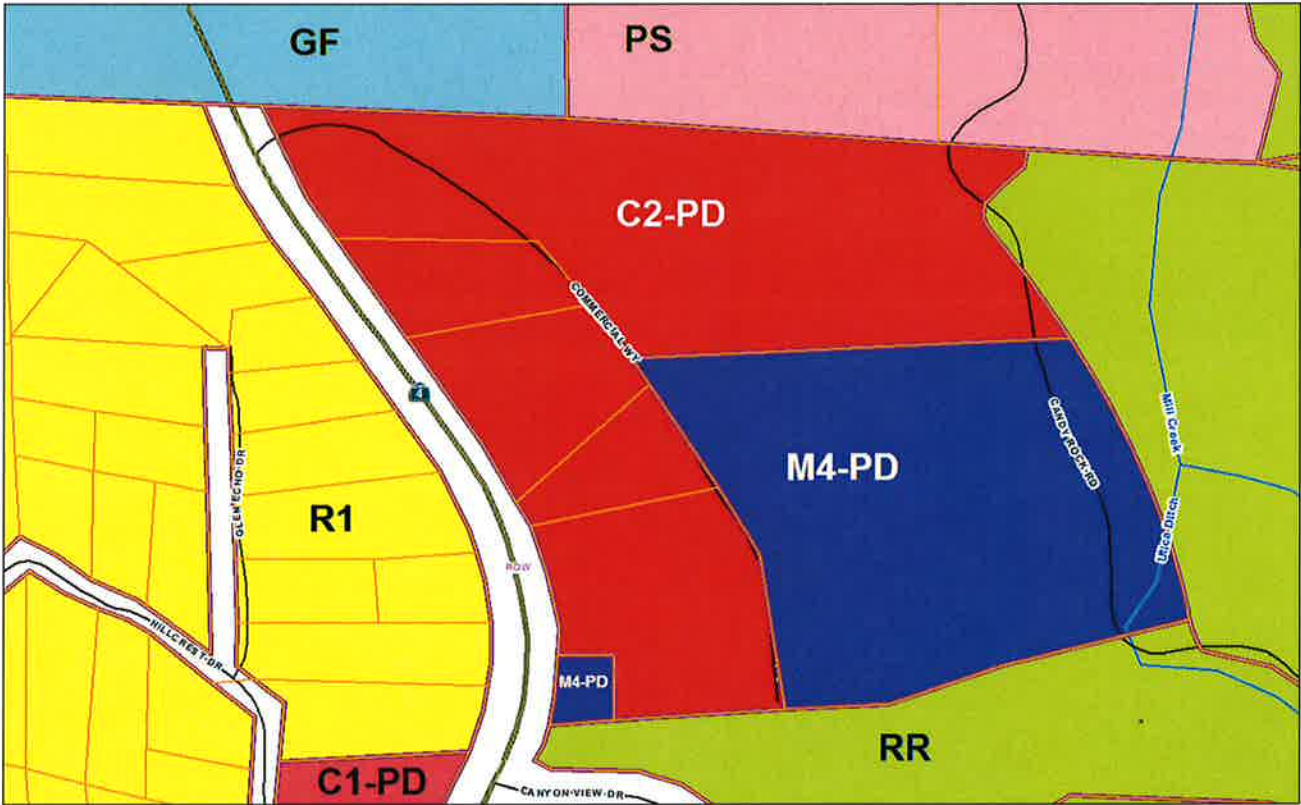


*The parcels along Commercial Way are labeled as "I" for "Industrial"*

Calaveras County Code states the M4 zone is intended to provide a zone for a comprehensive employment-generating development, and intended to provide area for commerce and industry in community and special plan areas. As mentioned previously, the Avery/Hathaway Pines Community Plan specifically states that the area in which the parcel in question lies is preferable for industrial development, and refers to Commercial Way as a “light industrial area” and as having a “primarily industrial identity.” The community plan further singles out the exact location of the subject parcel, stating that Commercial Way “terminates in an isolated area suitable for light industrial and automotive service activities.”

Implementation Measure 1D-2 of the Community Plan requires all industrial property to have a Planned Development combining zone in order to “encourage design of industrial development that is compatible with adjacent land uses.” Due to this implementation measure, in order to fully comply with the General Plan, the subject parcel will retain the PD combining zone, being rezoned to M4-PD rather than simply M4. As can be seen in figure 4, the PD zone is currently applied to all parcels on Commercial Way; the adjacent parcels to the east and west of the subject parcel are zoned M4-PD, whereas the remaining parcels are zoned C2-PD.

**Figure 4 – Current zoning in the area surrounding Commercial Way**



The property is developed with a 5,600 sq. ft. two-story building, 10,000 sq. ft. paved parking and driveway, and an on-site septic system. For many years the property was occupied by a metal fabrication and sales company; currently, however, the facilities are

vacant. No further development on the parcel is proposed at this time. Due to the retention of the PD overlay, any future development on the parcel that may occur will be required to address aesthetics and other relevant issues prior to obtaining building permits.

The parcel is accessed from an existing encroachment on Commercial Way, which, in turn, gains access from Highway 4. Caltrans commented on the application, stating that no improvements or adjustments will be required for the change in zoning to M4-PD. The Department of Public Works has reviewed the proposed zoning change and has no objections. The project will not result in the reconfiguration or construction of new roads.

The subject parcel is served by CCWD water and an onsite septic system. Both CCWD and the County Onsite Wastewater Department have no objections to the proposed change in zoning.

### **Summary**

The Planning Department reviewed the ZA based upon the County's adopted ordinances and regulations. The project meets all the requirements of Title 17, as well as other County regulations. Therefore, staff is recommending approval of the Zoning Amendment.

## **ENVIRONMENTAL REVIEW**

An Initial Study was prepared that analyzed the environmental impacts that may be associated with the project and determined that the proposed project will not have a significant environmental impact, provided the parcel retains the Planned Development combining zone. A Mitigated Negative Declaration (ND) was prepared and circulated for 30 days. All comment letters received were standard governmental agency and department replies, none of which objected to the proposed change in zoning.

## **RECOMMENDATION**

Staff recommends the Planning Commission pass a motion to sign resolution 2018-049 recommending the Board of Supervisors adopt the Mitigated Negative Declaration and approve Zoning Amendment 2016-016 for Matthew Greenberg.

## **ATTACHMENTS**

1. Resolution 2018-049
2. Initial Study/Mitigated Negative Declaration
3. Application