



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

Planning Commission Staff Report

Hearing Date	July 27, 2023
Project Number/Name	2023-014 Conditional Use Permit for Mauricio Mahecha and Annalinda Samson
Supervisory District Number	D3 – Martin Huberty
Assessor's Parcel Number(s)	066-002-017 and 066-002-018
Planner	Madeleine Flandreau, Planner III

Date: June 21, 2023

APPLICANT: Mauricio Mahecha and Annalinda Samson, 738 Clara Vista Avenue, Santa Clara, CA 95050

LANDOWNER: James and Elisa Riggs, 596 Quiet Place, Murphys CA 95247
Kela Kaua, 280 Scott Street, Murphys, CA 95247

PROJECT DESCRIPTION:

The applicants are requesting approval of a Conditional Use Permit to operate a cigar lounge that serves beer and wine in an existing commercial building and outdoor patios in downtown Murphys. The use consists of a lounge which offers cigars available for purchase to smoke on the premises or take home, and also serves beer and wine obtained from outside vendors. Cigars will be stored on-site in humidors. Cigar smoking on the front and rear patios will only be allowed after 7:00 p.m. Ventilation will be upgraded (Rabbit Air Filters) inside the structure to keep smoke to a minimum. No food will be served or prepared. There is no new development proposed with this application. A dirt parking lot with multiple unmarked spaces exists to the rear of the building.

LOCATION:

The subject parcel is located at 419 Main Street in downtown Murphys. The structure encompasses both APNs 066-002-017 and 066-002-018, and are in Block 6, Lots 11 and 12 in Murphys Townsite.

SERVICES AVAILABLE:

Water: Union Public Utility District
Sewer: Murphys Sanitary District
Fire Protection: Murphys Fire Protection District
Power: Pacific Gas and Electric
Telephone: AT&T

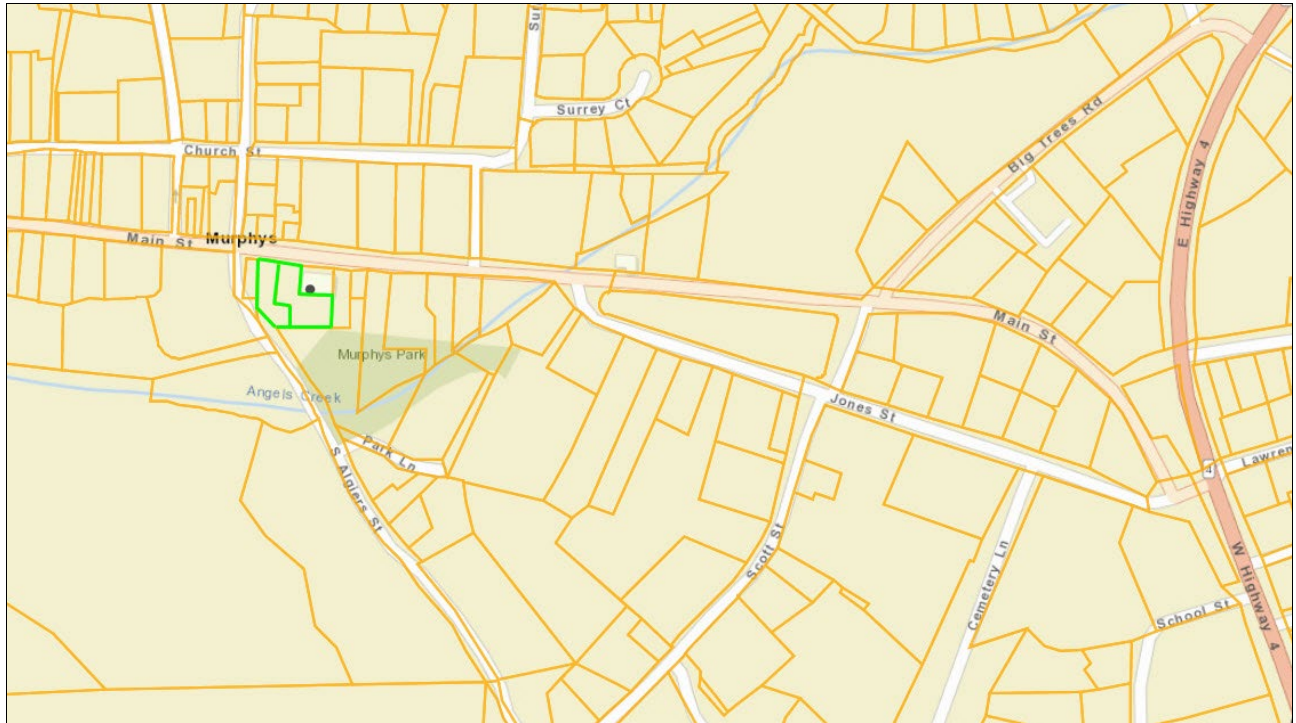


Figure 1- Location Map

GENERAL PLAN LAND USE DESIGNATION:

The subject parcel is currently designated in the County General Plan as Historic Center and lies within the Murphys Community Plan Area, although there are no adopted plan policies for Murphys. This designation identifies a compatible residential and visitor-serving mix of uses that preserves and protects the historic core of existing communities. Typical uses will be similar to those in the Community Center land use designation, but size and design shall reflect the scale and character of surrounding structures and accommodate the small lot sizes and reduced parking and landscaping opportunities in historic centers. Compatible zones within the Historic Center designation include Single-Family Residential (R1), Two-Family Residential (R2), Multi-Family Residential (R3), Local Commercial (C1), Professional Office (CP), Recreation (REC) and Public Service (PS).

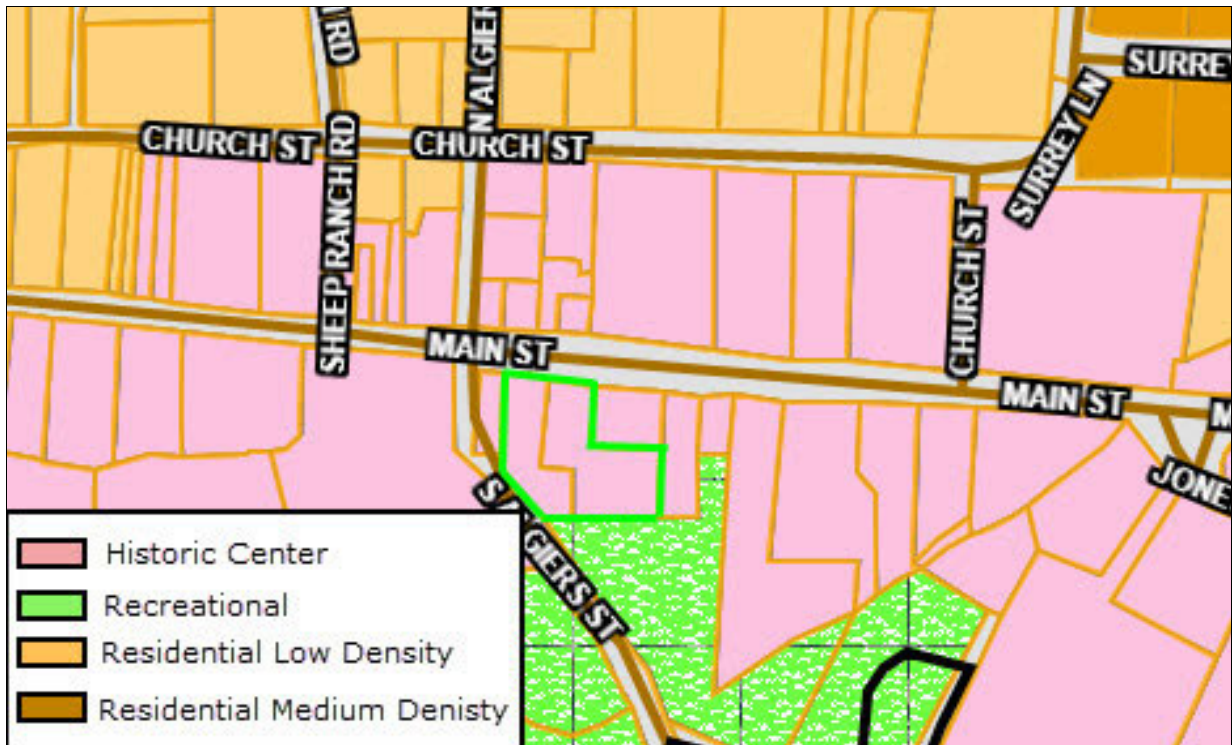


Figure 2- General Plan Land Use Designation

ZONING:

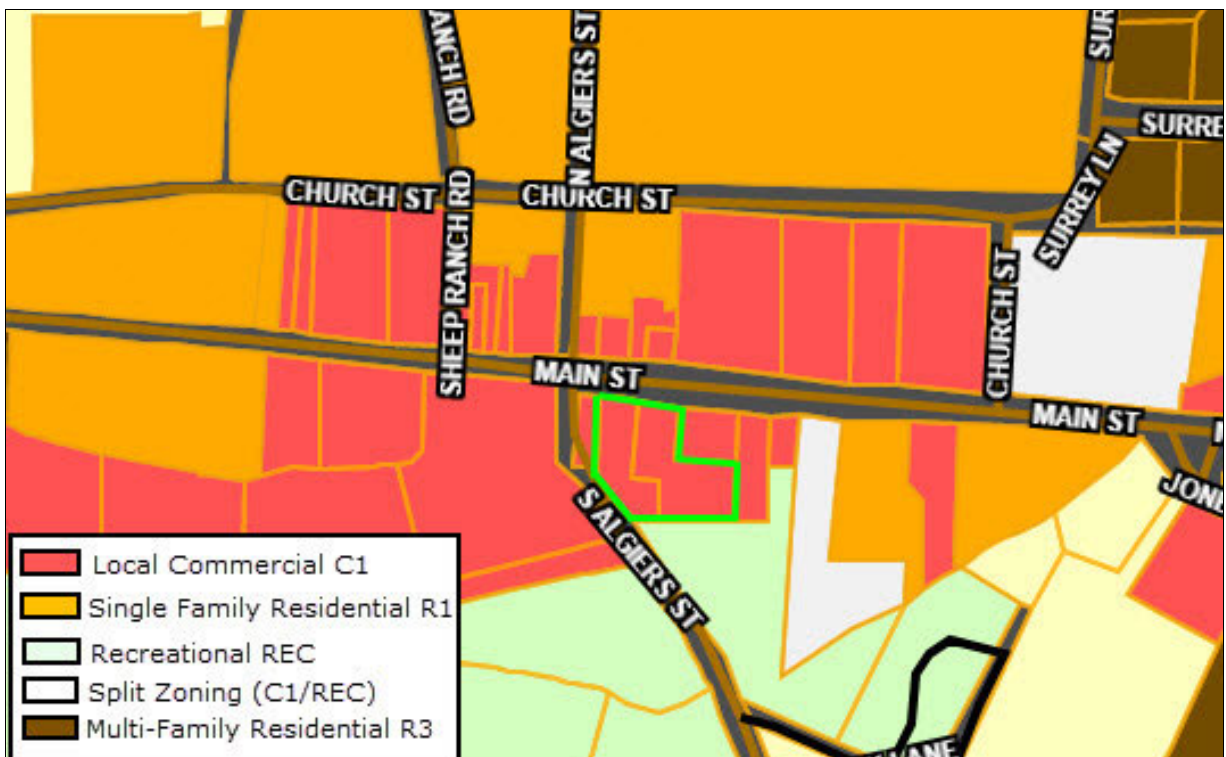


Figure 3- Zoning Classifications

The subject parcels are zoned Local Commercial (C1). The purpose of the C1 zone is to provide areas for small-scale retail and service businesses that meet the needs of the local community and are located in proximity to residential neighborhoods. The C1 zone is the commercial zone considered best suited to serve single-family neighborhoods. Parcels to the north, east and west of the subject site are all zoned C1, and consist of wine tasting rooms, retail shops, and restaurants. To the south lies Murphys Community Park, which is zoned Recreational (REC). There are parcels zoned Single-Family Residential (R1) which lie further to the north along Church Street, and to the east and west, away from the strip of commercial properties along this section of Main Street.

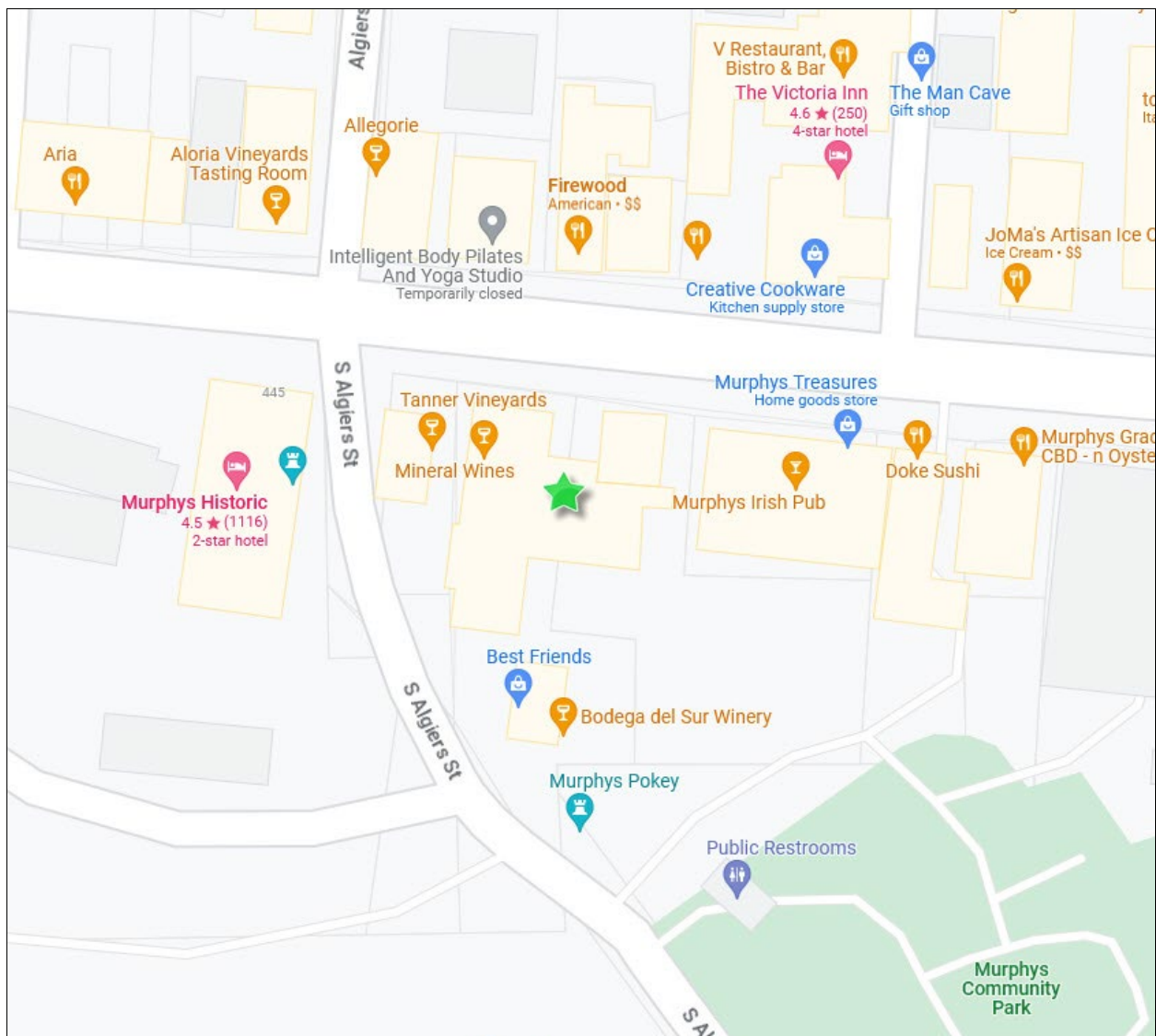


Figure 4 – Surrounding Zoning and Land Use



Figure 5- 2022 County Aerial Image (property lines are approximate)

AGENCIES CONTACTED/RESPONSE:

The application was circulated to various County departments and local public agencies requesting comments relative to the request for a CUP. During the 30-day review period, a memo from the Building Department was received with the following comments (which can also be found in Attachment 4):

1. *A mechanical permit is required for any modifications to an air-conditioning/air handling system.*
2. *Occupancy inspection is required as part of the business license process.*

No comments were received from the public.

ANALYSIS:

The Project includes the operation of a cigar lounge which serves beer and wine obtained from outside vendors. Cigars will be stored on-site in humidors and can be purchased and either smoked on the premises or taken home. The front and back patios- which are only accessible from entering the structure- will only be open for cigar smoking after 7:00 p.m. No food will be served or prepared due to cigar smoking. The Project proposes a new

commercial use in an existing commercial structure and would not include any physical changes to the Project site or ground-disturbing activities. Currently, patrons use the shared dirt parking lot to the rear of the subject building, which contains multiple unmarked spaces, in addition to the available on-street parallel parking in front of the business along Main Street. There is no new development proposed with this application.

In 2017, a Planning Director determination established that an establishment that serves beer and wine and is not part of a restaurant requires a Conditional Use Permit (CUP) in the C1 zone. The current Planning Director has determined that a cigar lounge, being a similar use, may also be permitted in the C1 zone with approval of a CUP. The Calaveras County Municipal Code does not currently define or otherwise enumerate “cigar lounge” or “smoking lounge”. The purpose of a CUP is to provide the general public with an opportunity to review a proposed land use that is generally consistent with the purpose of a base zoning district but has the potential to cause conflicts with neighboring land use and zoning.

The wine tasting rooms on Main Street in Murphys are permitted in the C1 zone based on the type of ABC Licenses held by the wineries. A wine tasting room is very similar to the proposed project in that similar activities already take place in the general vicinity of the proposed project and the use is compatible with neighboring land uses. In addition, smoking cigars in this location would not violate Section 8.08.060 of the Calaveras County Code, which prohibits smoking in a “hazardous fire area”, which, as defined in Section 8.08.020, means any land which is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated, or is of such inaccessible location, that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. The Project has been conditioned to comply with all applicable state alcohol and tobacco laws.

Since this request does not include new construction, rezoning, or conversion of a single-family residence, Chapter 17.70 of County Code (the parking code) does not require the installation of new or additional parking spaces. The parking code also does not enumerate the cigar lounge as a unique use requiring parking in excess of the base zone requirements, so this change in use does not necessitate new or additional parking for the proposed Project. The CUP provides for discretion in determining if there is adequate parking to service the proposed project. In this specific case, staff determined that the existing parking area in the rear of the building complies with the Historic Center land use designation for preserving the historic character and rural country lifestyle of the community. The use will not result in parking requirements exceeding the existing availability of spaces. No other site improvements such as landscaping will be required as the use will be confined within the existing building with no expansion proposed.

As proposed, this project conforms to the General Plan, and is consistent with following General Plan policies: LU-1.5, which encourages development of existing communities to provide a mix of uses including a wide range of residential, commercial, visitor-serving and job-generating uses, helping to maintain an economically viable community; and LU 5.4, which encourages attraction of new compatible business and industry to the county.

There are no General Plan implementation measures that apply to the review of discretionary projects that are specifically relevant to this project.

The proposed Project Site is shown below as viewed from the front patio on Main Street.



Figure 6 – View of Existing Building and Front Patio as Viewed from Main Street.
The proposed business will occupy what is currently Mineral Wines.

ENVIRONMENTAL REVIEW:

An Initial Study was completed analyzing project related impacts to the environment and a Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA), finding less than significant project related impacts. The environmental document was available for public review from May 22, 2023, through June 22, 2023. A general comment letter was received from Caltrans with no specific comments or conditions to the proposed Project.

CONCLUSION:

In conclusion, the Project as proposed conforms to applicable goals and policies of the County General Plan. Subsequent to reviewing the General Plan implementation measures that apply to the review of discretionary projects, there are none that specifically apply to this project. The project is found to be compatible with the surrounding commercial land uses and zoning in the general vicinity, and there were no objections to the approval of this CUP from any landowner within 300' of the project location. The subject property is adequate in land area to accommodate the proposed use and was found to have safe and adequate access with no site improvements required. This permit is conditioned for the protection of the public health, safety, and welfare. The negative declaration reveals this project will have a less than significant effect on the environment.

RECOMMENDATION: Staff recommends the Planning Commission take the following action:

1. Adopt the Negative Declaration
2. Approve Planning Commission Resolution 2023-008

ATTACHMENTS:

1. Draft Planning Commission Resolution 2023-008
2. Initial Study and Negative Declaration
3. Project Application and Receipt
4. Assessor Parcel Map

Attachment #1

Draft Planning Commission Resolution 2023-008

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2023-008

**>>A RESOLUTION ADOPTING NEGATIVE DECLARATION AND APPROVING
CONDITIONAL USE PERMIT 2023-014 TO OPERATE A CIGAR LOUNGE THAT
SERVES BEER AND WINE IN THE LOCAL COMMERCIAL (C1) ZONE DISTRICT.**

WHEREAS, the Planning Department of the County of Calaveras received application 2023-014 from Mauricio Mahecha and Annalinda Samson requesting a Conditional Use Permit to operate a cigar lounge that serves beer and wine in the Local Commercial (C1) zone in the community area of Murphys; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras more particularly described as 419 Main Street in Murphys. The structure encompasses both APNs 066-002-017 and 066-002-018, and is in Block 6, Lots 11 and 12 in the Murphys Townsite; and

WHEREAS, a Negative Declaration was prepared pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, during a noticed public hearing on July 27, 2023, the Planning Commission considered all of the information presented to it, including its staff report, information presented by the project proponent, presented at the meeting; and

BE IT THEREFORE RESOLVED that the Planning Commission adopts the Negative Declaration and approves Conditional Use Permit 2023-014, based on the following findings:

1. A Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA). On the basis of the whole record before it, the Commission finds that there is no substantial evidence that the project will have a significant effect on the environment. The negative declaration reflects the Commission's independent judgment and analysis.

Evidence: In accordance with the California Environmental Quality Act (CEQA), an Initial Study analyzing project related impacts to the environment was completed, finding less than significant impacts. A Negative Declaration was prepared and available for public review from May 22, 2023, through June 22, 2023. No comments were received, substantiating the findings that the project will have less than significant impacts on the environment.

2. The proposed use is consistent with the county's General Plan, any applicable community or special plan, and the provisions of Title 17.

Evidence: The parcel is designated by the County General Plan as Historic Center and is located within the Murphys Community Plan area, although there currently is no Community Plan policies for Murphys. Typical uses in the Historic Center land use designation include both commercial and residential uses, public and quasi-public uses, and similar uses in support of the community at a scale and with a design that reflects the surrounding structures and lots. No new design is being proposed (or required to be proposed) as part of this application, as it is a CUP application to approve a new use within an existing structure. This land use designation identifies a compatible residential and visitor-serving mix of uses that preserves and protects the historic core of existing communities. The existing C1 zone of the subject parcels is consistent with the Historic Center land use designation.

As proposed, this project conforms to the General Plan, and is consistent with following General Plan policies: LU-1.5, which encourages development of existing communities to provide a mix of uses including a wide range of residential, commercial, visitor-serving and job-generating uses, helping to maintain an economically viable community; and LU 5.4, which encourages attraction of new compatible business and industry to the county. There are no General Plan implementation measures that apply to the review of discretionary projects that are required for this specific project.

In 2017, a Planning Director determined that an establishment that serves beer and wine and is not part of a restaurant requires a Conditional Use Permit (CUP) in the C1 zone. The current Planning Director has determined that a cigar lounge, being a similar use, may be permitted in the C1 zone with the approval of a CUP.

3. The subject property is adequate in land area to accommodate the proposed project, its required parking area, access, landscaping, and site improvements.

Evidence: No physical development will occur, as the proposed use will be confined within the existing retail building and patio located in the historic downtown of Murphys. Maximum occupancy of the structure will remain the same. The structure encompasses both APNs 066-002-017 and 066-002-018 and is accessed from Main Street. Existing parallel parking in front of the building as well as an existing parking lot located behind the structure will adequately serve the business. There are no site improvements required as the project does not include new construction.

4. The proposed land use is compatible with neighboring land use and zoning.

Evidence: The neighboring properties consist primarily of wine tasting rooms, with some retail shops, and restaurants of the downtown strip. The wine tasting rooms on Main Street in Murphys are permitted in the C1 zone based on the type of ABC Licenses held by the wineries. The proposed use is similar to a wine tasting room. Because similar activities currently take place in the general vicinity, the proposed project is compatible with neighboring land uses. The commercial zoning in the area

of Main Street is Local Commercial (C1). Circulation of the proposed project and negative declaration did not reveal concerns from the neighboring residential community or other commercial property owners within a 300-foot radius of the subject property.

5. The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access or have been amended by conditions of project approval to satisfy the access requirements.

Evidence: The site is accessed directly from Main Street in Murphys. The application and negative declaration were circulated to both the County Public Works Department and Caltrans District 10. Neither agency expressed concerns with regard to access or roads standards. The lack of comments relative to the proposed project confirms that the responsible agencies agree that the existing access is safe and adequate, and no conditions are applied to this permit for improvements to the existing roadways or existing encroachments.

6. Conditions of project approval are necessary for protection of the public health, safety, and welfare, and to reduce or eliminate potential environmental effects.

Evidence: This permit is conditioned to ensure that applicable permitting is in place for the operation of a cigar lounge that serves beer and wine at the subject location.

BE IT FURTHER RESOLVED, that the Planning Commission adopts the Negative Declaration and approves Conditional Use Permit 2023-014 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 March 16, 2023, and on file in the Planning Department's records for 2023-014.
- I-2 This Conditional Use Permit will expire if not validated prior to December 31, 2024. To activate this permit, the use or activity shall have commenced with either the majority of inventory or stock being available for sale or purchase, or such activities which in the findings of the planning director indicate such use or activity has been activated.
- 1-3 This Conditional Use Permit is subject to all applicable county regulations or plans whether or not such requirements are specified as a condition of project.
- 1-4 The operator of the use established through this permit shall abide by all State alcohol and tobacco laws.

II BUILDING DEPARTMENT CONDITIONS

II-1 A mechanical permit is required for any modifications to an air-conditioning/air handling system.

II-2 An occupancy inspection is required as part of the business license process.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on July 27, 2023, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Planning Commission

ATTEST:

Madeleine Flandreau,
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.

Attachment #2

Initial Study and Negative Declaration



County of Calaveras

Department of Planning

Gabriel Elliott ~ Planning Director

Phone (209) 754-6394

Fax (209) 754-6540

www.planning.calaverasgov.us

Initial Study / Negative Declaration

Review Period: May 22, 2023, through June 22, 2023

Initial Study

ENVIRONMENTAL

CHECKLIST

For: Mauricio Mahecha and Annalinda Samson

Conditional Use Permit 2023-014

Assessor's Parcel Nos. 066-002-017 & 066-002-018

1. Project Title: 2023-014 – Conditional Use Permit for Mauricio Mahecha and Annalinda Samson
2. Lead Agency Name and Address: Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
3. Contact Person and Phone Number: Madeleine Flandreau, Planner III, (209) 754-6394
4. Project Location: 419 Main Street, Murphys, CA
5. Project Sponsor's Name and Address: Mauricio Mahecha and Annalinda Samson
738 Clara Vista Avenue
Santa Clara, CA 95050
6. General Plan Designation: Historic Center
7. Zoning: Local Commercial (C1)
8. Project Description: The applicant is requesting approval of a Conditional Use Permit to operate a cigar lounge that serves beer and wine in the existing building located at 419 Main Street, in Murphys. The front patio and the area behind the structure will only be open for cigar smoking after 7:00 p.m. No food will be served or prepared due to cigar smoking. Ventilation will be upgraded inside the main structure to keep smoke to a minimum. According to County records, the structure straddles APNs 066-002-017 and 066-002-018, both of which are zoned Local Commercial (C1). The parcels are located in Block 6, Lots 11 and 12 in Murphys Townsite.
9. Surrounding land uses and setting:

Location	General Plan Designation	Zoning	Land Use
North	Historic Center	C1 (Local Commercial)	Commercial
South	Parks/Recreation	REC (Recreational)	Community Park
East	Historic Center	C1 (Local Commercial)	Commercial
West	Historic Center	C1 (Local Commercial)	Commercial
10. Other public agencies whose approval is required: NONE
11. Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? **NO**, not for this project specifically. However, the County keeps a list and is in contact with the Native American Tribes traditionally and culturally affiliated with the area.

If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?
NO, because the proposed project does not require excavation or any intrusion into the soil, not does it require demolition of any historical and culturally sensitive structures.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact", as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by Lead Agency):

On the basis of this initial evaluation:

☒ I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.

☐ I find that, although the original scope of the proposed project **COULD** have had a potentially significant effect on the environment, there **WILL NOT** be a significant effect because revisions/mitigations to the project have been made by or agreed to by the applicant. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a potentially significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** or its functional equivalent will be prepared.

☐ I find that the proposed project **MAY** have a potentially significant impact on the environment. However, at least one impact has been adequately analyzed in an earlier document, pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis, as described in the report's attachments. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the impacts not sufficiently addressed in previous documents.

☐ I find that, although the proposed project could have had a significant effect on the environment, because all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration, pursuant to applicable standards, and have been avoided or mitigated, pursuant to an earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, all impacts have been avoided or mitigated to a less-than-significant level and no further action is required.



Madeleine Flandreau
Project Planner

5/19/2023

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Environmental Impact Analysis:

The proposed Project consists of a Conditional Use Permit to operate a cigar lounge that serves beer and wine in an existing building located at 419 Main Street, in Murphys. Figures 3 and 4 depict the proposed Project site. The front patio and the area behind the structure will only be open for cigar smoking after 7:00 p.m. No food will be served or prepared due to cigar smoking. Ventilation will be upgraded inside the main structure to keep smoke to a minimum. The structure straddles both APNs 066-002-017 and 066-002-018, both of which are zoned Local Commercial (C1). The parcels are located in Block 6, Lots 11 and 12 in Murphys Townsite. The Project site is currently occupied by a wine tasting room in the downtown Murphys commercial strip. The proposed Project would not result in any physical development of the existing Project site, and no new ground disturbance would occur.

The Project site has a land use designation of Historic Center and is zoned Local Commercial (C1). The purpose of the C1 zone is to provide areas for small-scale retail and service businesses that meet the needs of local community and are located in proximity to residential neighborhoods. The C1 zone is the commercial zone considered best suited to serve single-family neighborhoods. A Planning Director determination from 2017 was made that an establishment that serves beer and wine that is not part of a restaurant requires a Conditional Use Permit (CUP) in the C1 zone. The current Planning Director has determined that a cigar lounge, being a similar use, may be permitted in the C1 zone with approval of a CUP.

The purpose of a CUP is to provide the general public with an opportunity to review a proposed land use that is generally consistent with the purpose of a base zoning district but has the potential to cause conflicts with neighboring land uses and zoning. The CUP is a discretionary permit, reviewed by the Planning Commission, which can approve a CUP by making the findings in Section 17.82.020 in the Calaveras County Code.

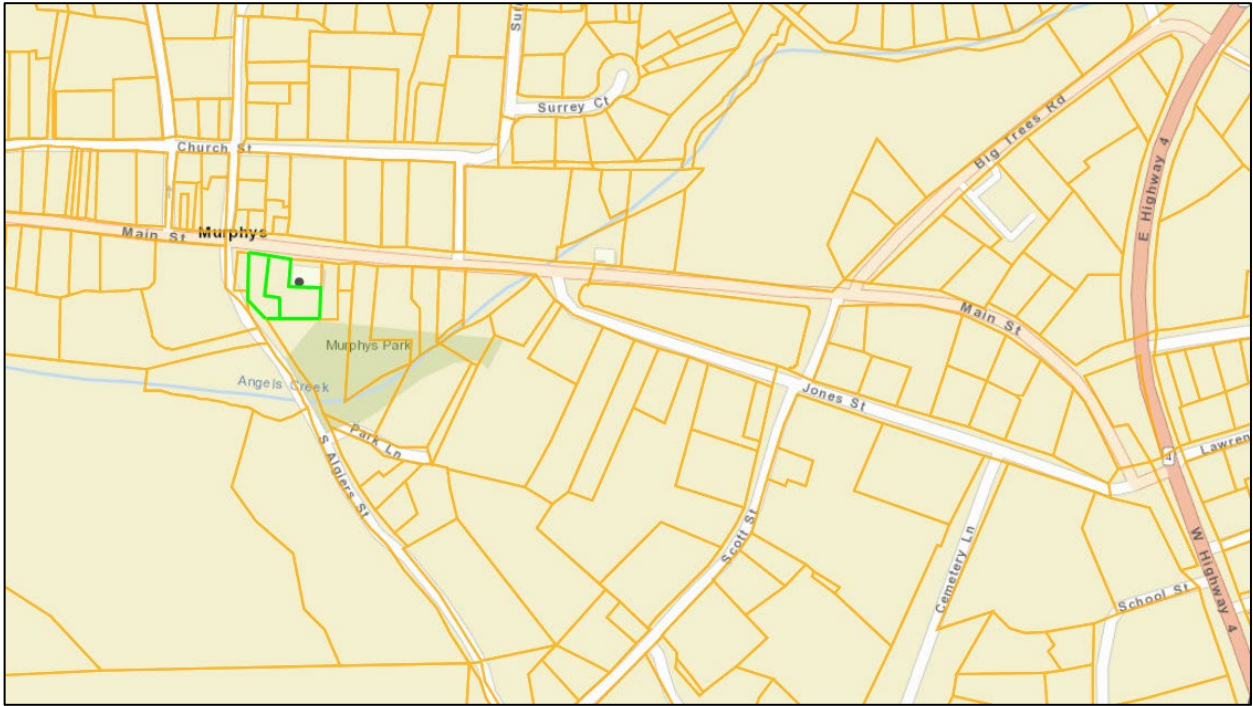


Figure 1- Location Map



Figure 2- Aerial Photo (Parcel boundary lines shown in green do not reflect the actual location)

I. AESTHETICS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Except as provided in Public Resources Code §21099, would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>a) No Impact – A scenic vista is an area that is designated, signed, and accessible to the public for the express purposes of viewing and sightseeing. The County General Plan’s Conservation and Open Space Element notes that the County’s scenic resources are some of its most valued assets and include forests, rolling hills, ranches, agricultural land, historic landscapes, oak woodlands, rock formations and other unique topographical features, river corridors, lakes, and streams. The Project site located in downtown Murphys on Main Street is developed with commercial structures. The surrounding parcels are also developed with commercial structures, with the exception of the Murphys Community Park to the south. The Project site is not designated as a scenic vista by the County General Plan, nor does it contain any unique or distinguishing features that would qualify the site for designation as a scenic vista. The Project would not include any physical changes to the Project site or the surrounding area. Since there are no physical changes required for the proposed increase of permitted volume, the proposed Project would not have a substantial adverse effect on a scenic vista. No impact would occur.</p>				
<p>b) No Impact – The Project site is not located within view of a state scenic highway. The nearest officially designated State Scenic Highway is the portion of State Route 4 (SR 4) known as Ebbetts Pass National Scenic Byway, located approximately 12 miles northeast of the Project site (Caltrans, 2022). The nearest Eligible State Scenic Highway is State Route 49 (SR 49), located approximately 8 miles southwest of the Project site (Caltrans, 2022). As the Project site is not visible from SR 4, SR 49, or any other state scenic highways, no impact would occur to scenic resources within a State Scenic Highway.</p>				

- c) **No Impact** – As described under Response 4.1(a), above, the proposed Project would include a new commercial use in an existing structure and would not include any physical changes to the Project site or the surrounding area. Therefore, there would be no impact on the existing visual character of the Project site and the surrounding area.
- d) **No Impact** – All new lighting will adhere to Calaveras County Code 17.36.060(C) which states that exterior lighting shall be shielded and directed in such a manner that it does not shine directly into adjoining residences. With the adherence to outdoor lighting regulations at the time of development, the proposed Project would not create new sources of substantial lighting or glare that would generate a significant impact.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-e) **No Impact** – According to the County General Plan, the proposed Project is not located on land classified as high capability agriculture, and there are no agricultural activities occurring within its boundary. No prime farmland will be converted as a result of this Project. The Planning Director has determined that the proposed Project is permitted in the Local Commercial zone with approval of a CUP. The proposed Project site is not restricted by a Williamson Act contract. The County's General Plan and Zoning Ordinance does not consider the project site to be high capability timberland or a timber production zone, therefore, the proposed project would not result in loss or conversion of forest land to a non-forest use. The proposed Project is consistent with the County's Zoning Ordinance, and the use defined under Chapter 17.22 of the Zoning Ordinance. Thus, the proposed Project will not result in a conversion of farmland or forest land.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

- | | <u>POTENTIALLY
SIGNIFICANT
IMPACT</u> | <u>LESS THAN
SIGNIFICANT
IMPACT WITH
MITIGATION</u> | <u>LESS THAN
SIGNIFICANT
IMPACT</u> | <u>NO IMPACT</u> |
|---|---|---|---|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

a-b) **No Impact** – The proposed Project is located in the Mountain Counties Air Basin (MCAB) and is under the jurisdiction of the Calaveras County Air Pollution Control District (CCAPCD). CCAPCD manages the County's air quality through education and enforcement of CCAPCD rules and California Air Resources Board (CARB) measures and regulations. Although the County has experienced relatively good air quality, it has been classified as a non-attainment area for the State and Federal ozone standards (1-hour and 8-hour) and particulate matter standards (PM₁₀). The primary source of

ozone precursors (i.e., ROG and NOx) is mobile sources, including cars, trucks, buses, construction equipment, and agricultural equipment. Common sources of particulate matter pollution in the County include residential, development, and land management related activities such as woodstoves, windblown dust and/or diesel from construction activities, and forestry management burning. According to the County General Plan EIR, the nonattainment status of the County is predominantly attributable to the overwhelming transport of pollutants from the Central Valley and the Bay Area into the County.

The Project proposes to operate a cigar bar that serves beer and wine in an existing commercial structure along the downtown Murphys commercial strip. No physical changes or ground-disturbing activities are proposed. Due to the nature of the proposed Project, being located along Main Street, Project operations would not result in new sources of air pollutant emissions from vehicles. Therefore, Project operation would not violate applicable air quality standards or substantially contribute to an existing or projected air quality violation.

The Project is consistent with the General Plan land use designation for the site and would not result in increased impacts associated with air quality. The Project would be subject to the applicable CCAPCD rules and regulations in addition to the General Plan policies and actions that aim to improve air quality and minimize pollutant concentrations. Therefore, the Project would have a less than significant impact related to the potential to conflict with or obstruct implementation of the applicable air quality plan, or to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard.

c-d) ***Less Than Significant Impact*** – Sensitive receptors are those individuals within the population that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include children, the elderly, and those with pre-existing serious health problems affected by air quality, and sensitive receptor locations include schools, parks and playgrounds, day care center, nursing homes, hospitals, and residences. The closest sensitive receptor is Murphys Community Park which is to the south the Project site.

The primary source of odor emissions would be from cigar smoke. The front patio and the area behind the structure will only be open for cigar smoking after 7:00 p.m. after many of the adjacent businesses have closed. Therefore, the proposed Project will not create any objectionable odors near a substantial amount of people.

The CUP process would allow the public an opportunity to voice concerns about potential air quality impacts and would allow the County to impose conditions of approval to reduce potential impacts from odors. The Project would require discretionary approval from the County and, following approval, would comply with the C1 zone's intended land use. Impacts would be less than significant in this regard.

IV. BIOLOGICAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) No Impact – No candidate, sensitive, or special status species are known to be on or near the Project site and there are no habitat types on the Project site suitable to support special-status species. The Project site is currently developed with commercial structures, with no physical changes proposed. The adjacent parcels to the north, east and west are developed with commercial structures, and Murphys Community Park is located adjacent to the south. The Project site is developed, and the proposed Project does not involve any physical changes; therefore, implementation of the proposed Project will not impact any special-status species or their habitat.				
b-c) No Impact – No riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and				

Wildlife Service is known to exist on the Project site. No state or federally protected wetlands exist on or near the Project site. The nearest watercourse is Angels Creek which is located to the south running through Murphys Community Park. As the proposed Project would not include any physical changes to the Project site, the Project would not result in any impacts to these resources.

- d) **No Impact** – The Project site is developed with an existing commercial structure and does not contain any native vegetation or suitable habitat for special status species. As the proposed Project would not include any physical changes, Project implementation would not change the condition of the Project site with respect to biological resources or habitat types. Therefore, implementation of the proposed Project would not impact any migratory corridors or interfere with the movement of any fish or wildlife species.
- e-f) **No Impact** – The Project proposes to operate a cigar lounge within an existing commercial structure and would not include any physical changes. Furthermore, there are no native or protected trees on the Project site that would be removed as part of the proposed improvements. The Project site is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, the Project would not conflict with any local policies, ordinances or plans protecting biological resources.

V. CULTURAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-c) **No Impact** – There are no known historical, cultural, or archaeological resources, nor are there any dedicated cemeteries on the Project site. As described above, the Project site has been previously developed, and the proposed Project does not include any physical changes or ground disturbing activities. Therefore, no impact to historical, cultural, or archaeological resources would occur.

VI. ENERGY

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

α-b) No Impact – The Project site has been previously developed and is currently used as a commercial business, and the proposed Project does not include any physical changes which would result in an increased consumption of energy resources. Calaveras County has not adopted a local renewable energy or energy efficient plan. Therefore, Project operations would have no impacts.

VII. GEOLOGY AND SOILS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste				

water disposal systems where sewers are not available for the disposal of waste water?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a-f) **No Impact** –There is no new development proposed with this application. Therefore, the Project would not expose people or structures to potential substantial adverse effects related to landslides or liquefaction and there is no new risk of harm to life or property sited on expansive soils. There are no known unique paleontological resources or sites or unique geologic features on or near the Project site. Therefore, no impact would occur.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) **No Impact** –Auto emissions are the primary source of greenhouse gas (GHG) emissions in Calaveras County; however, the County has not adopted a plan or program to reduce GHG's so the proposed Project would not be in conflict with any such plan or program. The Project is located along Main Street in Murphys and is replacing an existing commercial business and would therefore have no impact on greenhouse gasses.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the

<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

release of hazardous materials into the environment?

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-g) **No Impact** – No hazardous materials would be used or stored on the Project site. The Project site is not within ¼ mile of an existing or proposed school, is not located in an airport land use plan or within 2 miles of a public use airport, nor is it included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. All applicable Federal, State, and County regulations will apply to all hazardous materials that may be used or stored on the Project site in the future. There is no adopted emergency response plan or emergency evacuation plan specifically involving the parcels in question. The proposed Project does not impede any traffic or alter any roads. The Project application was routed to all applicable fire protection districts and agencies, and no comments were received.

X. HYDROLOGY AND WATER QUALITY

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SIGNIFICANT
IMPACT</u> | <u>LESS THAN
SIGNIFICANT
IMPACT WITH
MITIGATION</u> | <u>LESS THAN
SIGNIFICANT
IMPACT</u> | <u>NO IMPACT</u> |
|--|---|---|---|-------------------------------------|
| Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

sustainable groundwater management of the basin?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) impede or redirect flood flows?				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) No Impact – No construction is proposed with this application. Project operations would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. All structures along Main Street in Murphys are currently serviced by public water from Calaveras County Water District (CCWD). The Project does not propose any physical changes that would introduce new impervious surfaces to a previously undeveloped area. Therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. As the Project does not propose any physical changes, it would not result in any changes to existing topography or drainage patterns of the Project site or the surrounding areas. The Project site is not in a flood hazard, tsunami, or seiche zone. There is no water quality control plan or sustainable groundwater management plan for the area of the County in which the Project site is located.

XI. LAND USE AND PLANNING

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact** – The Project site is currently developed with a commercial structure along Main Street in Murphys, which is developed with multiple commercial uses. The proposed Project will not create a barrier that would physically divide a community.
- b) **No Impact** – The Project would require approval of a CUP to operate the cigar lounge. Following approval of the use permit, the Project would have no impact related to conflicting with applicable land use plans, policies, regulations, or surrounding uses.

XII. MINERAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **No Impact** – The Project site is not located within the County’s Mineral Resource Overlay, nor is the Project site designated as Resource Production (RP) or Working Lands (WL), which are land use designations for areas within the County known to contain mineral resources. The Project site is not within or adjacent to any active mining operations. The Project site was previously operating as a wine tasting room and the proposed Project would not result in any physical changes. Thus, the Project would not result in the loss of availability of any known mineral resources of value to the region or result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur.

XIII. NOISE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in:				
a) Generation of a substantial, temporary, or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

or noise ordinance, or applicable standards of other agencies?

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) **Less Than Significant Impact** – Certain land uses are particularly sensitive to noise and vibration. In general, these uses include residences, schools, hospital facilities, houses of worship, and open space/recreation areas where quiet environments are necessary for the enjoyment, public health, and safety of the community. The Project site is currently developed with a commercial business and is adjacent to other commercial businesses. The nearest sensitive receptor is Murphys Community Park directly adjacent to the south of the Project site. As the Project would not result in any physical changes, no construction related noise impacts will occur. In addition, as the Project would operate as a similar commercial use to what was existing, and is located within the downtown commercial strip, the Project would not create an increase in the number of vehicles using Main Street and would have a negligible effect on existing ambient noise levels.

The Project would be required to comply with the County’s noise standards enumerated in the County Noise Ordinance, which provides exterior noise level standards which may not be exceeded. The CUP process would allow the public an opportunity to voice concerns about potential noise impacts and would allow the County to impose conditions of approval to reduce potential noise impacts. The Project would require discretionary approval from the County and, following approval, would comply with the C1 zone’s intended land use. Impacts would be less than significant in this regard.

- b-c) **No Impact** – Given that the Project would not introduce new sources of on- or off-site noise or vibration and would comply with all noise requirements, the Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the County General Plan or Noise Ordinance. Furthermore, the Project would not generate excessive groundborne vibration or groundborne noise levels. The Project site is not located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport.

XIV. POPULATION AND HOUSING

- | | <u>POTENTIALLY
SIGNIFICANT
IMPACT</u> | <u>LESS THAN
SIGNIFICANT
IMPACT WITH
MITIGATION</u> | <u>LESS THAN
SIGNIFICANT
IMPACT</u> | <u>NO IMPACT</u> |
|---|---|---|---|-------------------------------------|
| Would the project: | | | | |
| a) Induce substantial unplanned population growth in an area, either directly (for example, | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

α-b) No Impact – The Project proposes to operate a cigar lounge in an existing commercial structure. The Project does not propose new residential, or employment-generating uses that would induce substantial population growth. The site does not contain any housing. Thus, the Project would not induce substantial unplanned population growth to the area or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. No impacts would occur.

XV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No Impact – The Project was circulated to the Murphys Fire Protection District and the Sheriff's Department and no comments were provided either in writing or verbally regarding the proposed Project significantly altering response times or other performance objectives. The proposed Project would not result in the construction of new or physically altered fire facilities. The Project does not propose new residential, or employment-generating uses that would induce substantial population growth and would not result in impacts to fire or police protection services resulting in the need for new or physically altered facilities. Thus, the Project would not require the need for new or physically altered fire or police station facilities in order to maintain acceptable service ratios, response times or other performance objectives. These entities currently provide services to the existing commercial strip in downtown Murphys without difficulty.

The Project does not propose any physical changes and would not induce population growth within the County that would potentially result in a significant increase in the use of existing schools, parks, or other public facilities within the area. The Project would not involve the construction of new schools, parks, or other public facilities, nor would it result in the need for new or physically altered schools, parks, or other public facilities. Therefore, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered schools, parks, or other public facilities.

XVI. RECREATION

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) **No Impact** – The proposed Project would not increase the use of any existing neighborhood and regional parks or other recreational facilities in the vicinity. Development of recreational facilities is not proposed as part of the Project. No impact would occur.

XVII. TRANSPORTATION

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact** – The Project proposes a new commercial business in an existing structure along the commercial strip of downtown Murphys and does not propose any physical changes to the Project site or the surrounding area. The Project would not conflict with any plans, ordinances, or policies addressing the circulation system.
- b) **Less Than Significant Impact** –The Project structure is occupied with a wine tasting room. As this Project would entail the operation of a similar commercial use, it would not result in a significant change to the current vehicle miles traveled attributable to the current use, and therefore, would have a less than significant impact to transportation.
- c) **No Impact** – The Project proposes to operate a cigar lounge in a commercial structure which was previously used as a wine tasting room. Thus, the Project would not introduce an incompatible use to the site. Further, the Project would not introduce a geometric design feature such as sharp curves or dangerous intersections.
- d) **No Impact** – The Project does not propose any physical changes to the Project site or the surrounding area. Thus, the Project would not result in inadequate emergency access. The project was circulated to the Murphys Fire Protection District and the Sheriff’s Department and no objection was provided either written or verbal regarding the construction of a new church in the area significantly altering response times or other performance objectives.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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- a-b) **No Impact** – As discussed in Section 4.5, Cultural Resources, there are no known cultural or archaeological resources or dedicated cemeteries on the Project site. The Project site has been developed with a structure and used commercially along the downtown Murphys commercial strip, and the Project does not include any physical changes or ground disturbing activities. Therefore, no impact to tribal cultural resources would occur. As part of the processing of the project application, County staff initiated consultation with tribes that have requested formal notification of proposed projects within their geographic area of traditional and cultural affiliation per AB 52 Notification Request, Public Resources Code Section 21080.3(b). The Calaveras Band of Miwuk Indians, the California Valley Miwok Tribe, and the Lone Band of Miwok Indians have been notified of this project. No responses were received from the tribes.

XIX. UTILITIES AND SERVICE SYSTEMS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-e) **No Impact** – The Project proposes operation of a cigar lounge in an existing commercial structure. No new water, wastewater, electrical, natural gas, or telecommunications infrastructure or facilities would be constructed. Operation of the proposed Project would not generate demand for utilities requiring the relocation or construction of new or expanded facilities. The Project site is served by

public water and sewer, and no physical changes are proposed. Thus, no impact to water supplies or wastewater treatment capacity would occur as a result of the proposed Project. The Project application was circulated to utility agencies for an opportunity to comment on the project. The County has not received any letters concerning impacts to their services. The Red Hill Transfer Station is located not far from the project site, which has adequate capacity to serve the solid waste disposal needs of the Project and would not require expansion of the facility to accommodate its needs. No impact would occur in this regard.

XX. WILDFIRE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-d) **No Impact** – The Calaveras County Emergency Operations Plan (EOP) outlines the functions, responsibilities, and regional risk assessments of Calaveras County for large scale emergencies such as wildland fires, hazardous materials incidents, flooding, and dam failure. The EOP addresses the planned response to extraordinary emergency situations and establishes a flexible, all hazards, emergency management organization required to facilitate the response to, and provide for short term recovery activities related to any significant emergency or disaster affecting Calaveras County. The EOP tasks the Calaveras County Sheriff’s Department with authority and responsibility for evacuation and movement of citizens in times of crisis, including the identification of evacuation routes (Calaveras County, 2019).

The Project does not propose activities that would substantially impair an adopted emergency response plan or emergency evacuation plan. The Project would not require the installation or

maintenance of new infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No impact would occur in this regard.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Does the project have the potential to Substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) No Impact – Based on the information and analysis provided throughout this Initial Study, implementation of the proposed Project would not substantially degrade the quality of the environment and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of California history or prehistory. There are no known habitat or species or cultural resources that will be impacted by the proposed Project. The Project site is currently developed and located along the downtown Murphys commercial strip.				
b) No Impact – The proposed cigar lounge would not create a cumulative impact to any of the items discussed above. The proposed use is permitted in the Local Commercial zone with a CUP; therefore, the Project is consistent with the General Plan and Zoning Code. The impacts discussed above are				

either minor in nature or can be addressed through the compliance with County and State Development Standards. The proposed Project would not increase traffic compared to existing conditions; therefore, the proposed Project would not significantly contribute to cumulative impacts to vehicle miles traveled. The proposed Project would not result in a significant contribution to cumulatively considerable impacts.

- c) **No Impact** – The analysis of environmental issues contained in this Initial Study indicates that the project is not expected to have substantial adverse effects on human beings, either directly or indirectly. Best management practices, compliance with standard regulations, and conditions of approval will reduce any impacts to a level of less than significant.

REFERENCES

1. Calaveras County General Plan, November 12, 2019.
2. Calaveras County Municipal Code.
3. Calaveras County Air Quality Management District, *Best Management Practices*, 2004.
4. Calaveras County, Office of Emergency Services, *Emergency Operations Plan*, September 2019.
5. Calaveras County Planning Department. Land Use Application completed by Mauricio Mahecha and Annalinda Samson, dated March 16, 2023.
6. California Department of Transportation. California Scenic Highway Mapping System.
<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>
7. California Department of Forestry. *Fire Hazard Severity Zones in State Responsibility Areas*. Adopted by CAL FIRE on November 7, 2007.
8. California Geological Survey (CGS), *Earthquake Zones of Required Investigation*,
<https://maps.conservation.ca.gov/cgs/EQZApp/app/>
9. California Department of Toxic Substances Control (DTSC), *EnviroStor Hazardous Waste and Substances Site List (Cortese)*,
https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=C+SITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29

Attachment #3

Project Application

Project No. _____



Calaveras County Planning Department

Phone (209) 754-6394

Fax (209) 754-6540

www.planning.calaverasgov.us

APPLICATION FOR LAND USE DEVELOPMENT

<input type="checkbox"/>	General Plan Amendment	(GPA)	<input type="checkbox"/>	Administrative Use Permit	(AUP)
<input type="checkbox"/>	Zoning Amendment	(ZA)	<input checked="" type="checkbox"/>	Conditional Use Permit	(CUP)
<input type="checkbox"/>	Tentative Subdivision Tract Map	(TSTM)	<input type="checkbox"/>	Planned Development	(PD)
<input type="checkbox"/>	Tentative Parcel Map	(TPM)	<input type="checkbox"/>	Other _____	

NOTE: FAILURE TO FULLY COMPLETE APPLICABLE FIELDS AND PROVIDE REQUIRED ATTACHMENTS COULD DELAY THE PROCESSING OF YOUR APPLICATION.

Applicant (s):

Name Annalinda Samson / Mauricio Mahecha

Project Address 419 Main Street City Murphys, CA 95247

Mailing Address 738 Clara Vista Avenue City/ZIP Santa Clara 95050

Phone (Business) 2096277445 (Home) _____

Email knights_ot_long_ash@yahoo.com

Landowner (s):

Name Jim Riggs

Mailing Address 596 Quiet Place City/ZIP Murphys, 95247

Phone (Business) 2097289424 (Home) _____

Email _____

Name and address of property owner's duly authorized Agent who is to be furnished with notice of hearing. (Section 65091 – Calif. Govt. Code):

Authorized Agent:

Name Karen Kaua

Mailing Address 280 Scott Street City/ZIP Murphys, 95247

Phone (Business) 2097435616 (Home) _____

Email kkaua95247@gmail.com

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MAR 16 2023

Project No. _____

Assessor's Parcel Number(s): 66002017, 66002018 Parcel Size: 0.34 Acres

Site location, including physical address, with directions to the project site:
419 Main Street, Murphys, Ca 95247

Detailed Project Description (or attach separate document):

Taking over existing Winery Tasting Room (Mineral Wines) and changing it to a Beer & Wine Cigar Lounge. The existing structure, along with back yard and front patio, will remain intact and unchanged. Kitchen area will be used for storage, as food will NOT be prepared due to cigar smoking. Ventilation will be upgraded inside the main structure to keep the amount of smoke to a minimum (ie. Rabbit Air Filters for both the walls and floors)

Front patio to be general use during the day, with cigar smoking to be allowed each evening after 1700 ONLY.

We will bring in a "Plug & Use" beer system that is self-contained and have 6 taps. Bottled beer and soft drinks will also be made available; while wine will be purchased via Vendor or ABC License to sell by the glass. Cigars will be purchased via vendor as well, and sold as a per item transaction, being stored on-site in humidors.

EXISTING LAND USE INFORMATION

Describe the existing use of the property:

☐ Agricultural
☐ Timber

☒ Commercial
☐ Industrial

☐ Residential
☐ Multi-family Residential

☐ Public Service
☐ Recreational

Existing General Plan Designation(s): Historic Center

Existing Zoning Designation(s): C1 Local Commercial

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Project No. _____

Describe the existing man-made features of the subject property, including buildings, roads, wells, septic systems, etc.:

Main Street, main building, front patio, kitchen, 1 toilet bathroom,
enclosed backyard/beer garden

Describe any known archaeological, paleontological, or historical resources on the subject property. Provide Archaeological Sensitivity designation from the General Plan Map V-13. Check appropriate level. (High) ☐ (Medium/Moderate) ☐ (Low) ☒. If sensitivity is shown as high or medium/moderate an archaeological assessment study will be required prior to completing the environmental review. If an assessment has been completed on a prior project that included the project area, provide the information where the study can be found.

N/A

Describe the existing natural features of the subject property, including terrain or topography, vegetation, bodies of water, wetland habitat (marsh, riparian, vernal pools), etc.:

Community parking lot in back - dirt, not graded

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Calaveras County
Planning Department

Describe the existing land uses within 500 feet of the subject property. (Example: Five single family residences to the north, a duplex and pine forest to the west, a state highway and a gas station to the east, and grazing land to the south.) Be specific:

North: MAIN STREET, RETAIL BUILDINGS
South: RETAIL BUILDINGS, WENERY TASTING ROOM, PARKING LOT - DIRT
East: 2x WENERY TASTING ROOMS, MURPHY'S IRISH PUB
West: RETAIL BUILDINGS, S. ALGERS STREET, MURPHY'S HISTORIC HOTEL

Project No. _____

Access:

Name of road on which property fronts: Main Street

If property fronts on a private road, provide the name of nearest publicly maintained road:

N/A

If the subject property does not have frontage on a County road or State highway, describe the legal access to the property from the nearest public road: N/A

N/A

Level of Service (Check with Calaveras County Public Works Department): _____

PROJECT SPECIFIC QUESTIONS

Will grading be required to implement the proposed use? ☐ Yes ☒ No

If yes, estimate the total cubic yards that will be moved and explain what will be done with the graded material:

Will there be any potentially hazardous materials or toxic substances, flammables or explosives used, stored, manufactured or disposed of at the site? ☐ Yes ☒ No

If yes, list and describe the method of disposal of these items:

Describe any odor, noise, smoke, or dust which will result from the proposal: _____

No construction planned

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**Calaveras County
Planning Department**

Project No. _____

ANSWER THE FOLLOWING QUESTIONS APPLICABLE TO YOUR APPLICATION

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GPA Proposed General Plan Designation: _____

ZA Proposed Zoning: _____

TSTM Proposed Land Division: _____

& TPM Total Acres: _____ Number of Lots: _____

Minimum Lot Size: _____ Average Lot Size: _____

TSTM Type of proposed land uses for land divisions:

& TPM Natural Resource: Ag/Timber/Mineral _____ lots _____ total acres

Single Family Residential _____ lots _____ total acres

Multi-Family Residential _____ lots _____ total acres

Commercial _____ lots _____ total acres

Industrial _____ lots _____ total acres

Public Service _____ lots _____ total acres

Recreation/Open Space _____ lots _____ total acres

CUP/PD Is the proposed use an expansion of an existing use? ☐ Yes ☒ No

If yes, when was it established? _____

CUP/PD Is the proposed use part of an intended larger future project? ☐ Yes ☒ No

If yes, describe: _____

CUP/PD Will all proposed uses be confined within a building? ☐ Yes ☒ No

If no, describe what activities will not be (including storage that will occur outdoors):

Front patio and back beer garden will be available for patron use.

CUP/PD Expected total number of people to be employed at the proposed uses:

Full Time 1 Part Time 1

CUP/PD For commercial uses, the number of parking spaces to be provided: 0

CUP/PD Estimated number of vehicles to use the facilities daily: 0

CUP/PD How many trees with a breast-height diameter of 12" or greater will be removed as a result of the site development? 0

Project No. _____

Any additional information or explanations supporting the proposal is encouraged and may be submitted on a separate sheet of paper.

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MAR 16 2023

**Calaveras County
Planning Department**

Project No. _____

ACKNOWLEDGMENT / AUTHORIZATION / VERIFICATION PAGE¹

Calaveras County Agriculture Disclosure Statement

Real property within or adjacent to areas zoned for agricultural operations or areas in zones which permit agricultural operations may be subject to inconveniences or discomfort arising from such operations. Calaveras County has determined that the use of real property for agricultural operations, as defined by County Code, is a high priority and a proper and necessary use, and will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are consistent with accepted agricultural practices and standards.

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge having read and understood this disclosure.

Right of Entry

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge that by making this application, and under the authority of Government Code Section 65105, County agency personnel, in the performance of their functions, may enter upon the subject property and make examinations and surveys, provided that the entries, examinations and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

Verification of Application / Declaration Under Penalty of Perjury

NOTE: *If someone other than an individual applicant or landowner signs below (e.g. business entity representatives, agents) satisfactory documentation of signature authority must be provided [see application instructions]. Each record title property owner must sign the application.*

APPLICANT(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the applicant(s) for the project described in this application, and I (we) have completed and verified the truthfulness and accuracy of this application and all other documents required for its submittal.

Printed Name(s) of Applicant(s): Annalinda Samson / Mauricio Mahecha

Authorized Signature:  Date: 2/28/2023

Authorized Signature:  Date: 2/28/2023

LANDOWNER(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the record title owner(s) of the property on which the project described in this application will be located and I (we) consent to the applicant's(applicants') preparation and submission of this application.

Printed Name(s) of Property Owner(s): Jim Riggs

Authorized Signature:  Date: 3-1-23

Authorized Signature: _____ Date: _____

FOR OFFICIAL USE ONLY

Receipt Number PLNG 373

Application Number 23-014

Method of Payment ☐ Cash ☒ Check # 519

Amount \$ 5642.00

Date Stamp
RECEIVED

MAR 16 2023

(Revised August 11, 2022)
**Calaveras County
Planning Department**

¹ May be signed in counterparts.



Cash Register Receipt

Calaveras County, CA
Department of Planning

Receipt Number
PLNG373

PLNG2023-00014

Address: 431 MAIN ST

APN: 066002018

Fee Group	Description	QTY	PAID
	CONDITIONAL USE PERMIT DEPOSIT PW	1	\$760.00
Total			\$760.00
CONDITIONAL USE PERMIT FEES			
	CONDITIONAL USE PERMIT FEE 1 PLNG	1	\$4,147.36
	CONDITIONAL USE PERMIT FEE 2 FIRE	1	\$360.64
	CONDITIONAL USE PERMIT FEE 4 EMA	1	\$266.00
	CONDITIONAL USE PERMIT FEE 5 OSW	1	\$108.00
CONDITIONAL USE PERMIT FEES Total			\$4,882.00
Total Fees Paid:			\$5,642.00

Date Paid: Thursday, March 16, 2023

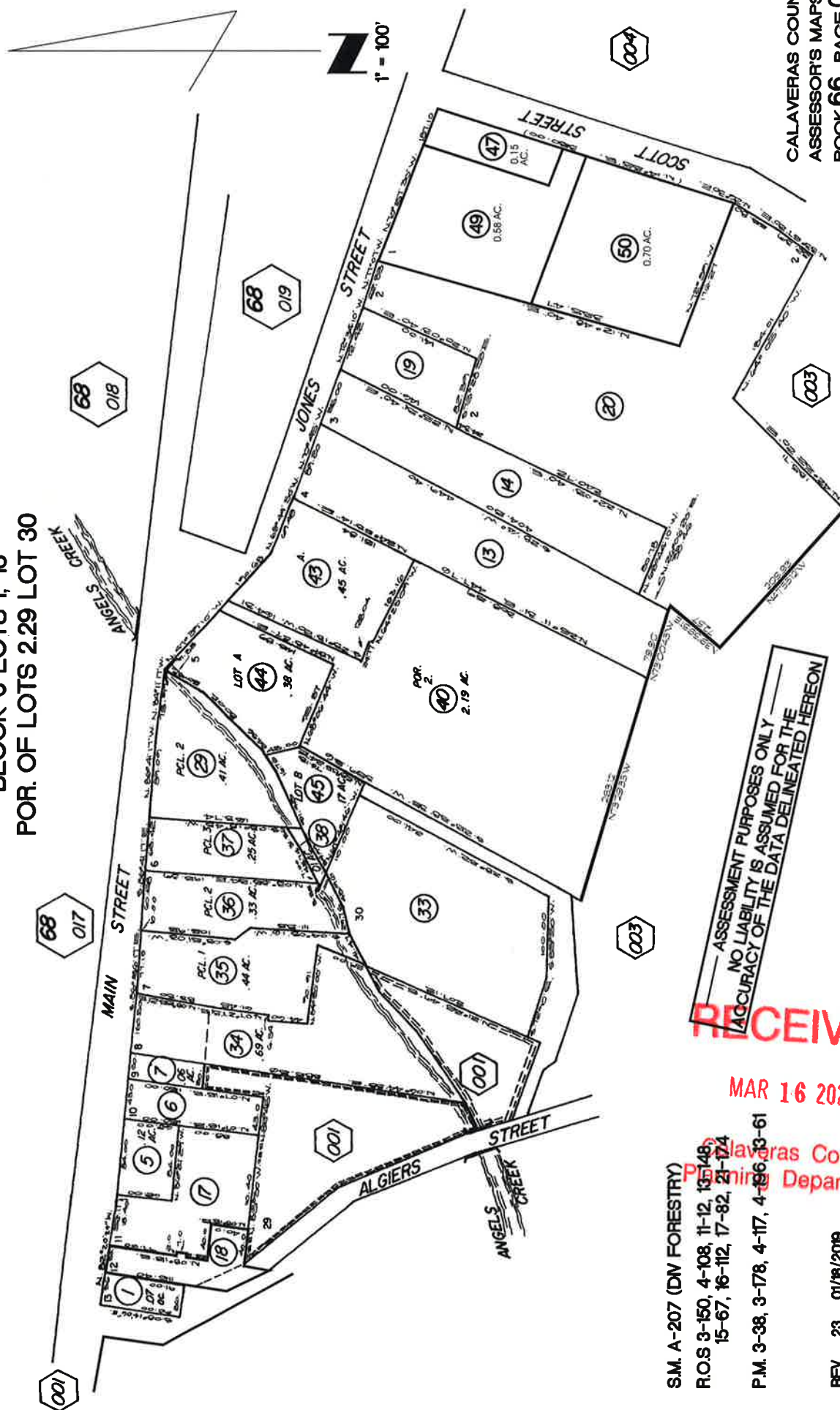
Paid By: Annalinda Samson

Cashier: Jaclyn Taylor

Pay Method: CHECK 519

Attachment #4

Assessor's Parcel Map



S.M. A-207 (DIN FORESTRY)

Claveras County
Planning Department

MAR 16 2023

P.M. 3-38, 3-178, 4-117, 4-196, 13-61

REV. 23 01/18/2019

CALAVERAS COUNTY
ASSESSOR'S MAPS
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