



COUNTY OF LAKE  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 255 N. Forbes Street – 3<sup>rd</sup> Floor  
 Lakeport, California 95453  
 Planning • Building • Code Enforcement  
 Phone: (707) 263-2221 • Fax: (707) 263-2225

Item #6a  
 9:05 AM  
 August 22, 2024

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Director  
 Michelle Irace, Principal Planner  
 Prepared by Laura Hall, Senior Planner

**DATE:** August 22, 2024

**SUBJECT:** Consideration of proposed Rezone (RZ 23-02) from “O-SC” Open Space – Scenic Combining to “R1-SC”, Single Family Residential – Scenic Combining; General Plan Amendment (GPAP 23-02) from Public Facilities “PF” to Low Density Residential “LDR”; applicant Melissa Lim; 9460 E. Highway 20, Glenhaven (APN 035-041-19)

**ATTACHMENTS:**

1. Proposed Exhibit “A” Zoning District & General Plan Land Use Map
2. Conditions of Approval
3. Draft Initial Study and Negative Declaration (IS 23-15)
4. Agency Comments
5. Public Comments
6. Draft Planning Commission Resolution

## EXECUTIVE SUMMARY

The applicant requests approval of a rezone to change the existing zoning designation from Open Space “O” – Scenic Combining “SC” District to Single Family Residential “R1” – Scenic Combining District “SC”, and a general plan amendment to change the existing general plan designation from Public Facilities PF to Low Density Residential LDR. If approved, the property owner would be able to convert the exiting structure, which was a former fire station, to a single family residence.

Per Lake County Municipal Code Article 47, the Planning Commission shall make a recommendation to the Board of Supervisors for approval of General Plan and Zoning Map amendments. After the close of the public hearing, the Planning Commission shall render its final decision of the proposed rezoning amendment. Within ten (10) days of said final decision, the Planning Commission shall transmit its decision in the form of a written recommendation to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed rezoning amendment to the Lake County General Plan, and a copy of the proposed amendment.

Per Section 64.1 of the Lake County Municipal Code, the Board of Supervisors delegates to the Planning Commission the preliminary responsibility for certification of environmental documents.

As such, Staff recommends the Planning Commission approve and certify the Negative Declaration; and recommend approval of the General Plan and Rezone to the Board of Supervisors.

## **PROJECT DESCRIPTION**

<u>Project Title:</u>	Lim Rezone and General Plan Amendment
<u>Permit Numbers:</u>	RZ 23-02, GPAP 23-02, IS 23-15
<u>Applicant Name &amp; Address:</u>	Melissa Lim PO Box 71 Glenhaven, CA 95443
<u>Property Owner:</u>	Same as applicant
<u>Project Location:</u>	9460 E. Highway 20, Glenhaven, 95443
<u>Assessor's Parcel Number:</u>	035-041-19
<u>Parcel Acreage:</u>	±0.09 acres
<u>General Plan Designation:</u>	Public Facilities (Existing)
<u>General Plan Designation:</u>	Low Density Residential (Proposed)
<u>Zoning:</u>	"O-SC", Open Space – Scenic Combining District (Existing)
<u>Zoning:</u>	"R1-SC", Single Family Residential – Scenic Combining District (Proposed)
<u>Flood Zone:</u>	"X", Low Risk of Flooding
<u>Hazards:</u>	Moderate Fire Hazard Risk Area

## **Background and Purpose**

Historically, the property was used by the Clearlake Oaks Fire Protection District and was developed with a fire station to serve the Glenhaven community. The existing structure includes living accommodations that supported this former use, including bathrooms, a dormitory area, and a kitchen. More recently, the property has been used as a single-family residence.

A Grant Deed was recorded on February 19, 2020, showing the property was sold by the Clearlake Oaks Fire Protection District to the previous owner. According to comments received by the Northshore Fire Protection District on November 4, 2023, there was a sale agreement that stated the new owner would complete the rezoning. However, the rezone was not completed, and the property was sold to the current owner (applicant). The previous owner applied for a partial reroof in 2021.

In 2023, the current owner (applicant) installed an electric meter, garage doors and windows without obtaining a Building Permit. A Stop Work Notice was issued by the Lake

County Community Development Department, Building Division on May 4, 2023, to the applicant for failure to obtain the proper building permits for the unpermitted improvements. It was during this time that the County determined that the property was being converted to a single-family residence which is not an allowed use in the Lake County Municipal Code Zoning Ordinance Article 24, "O" Open Space zoning designation. The applicant then applied for the rezone and general plan amendment on September 27, 2023. Conditions of approval for the project is included in.

## Project Description

The proposed project includes a rezone to change the zoning designation from "O-SC" Open Space – Scenic Combining to "R1-SC" Single-Family Residential - Scenic Combining, and a general plan amendment to change the general plan designation from "PF" Public Facilities to "R1-SC" Single-Family Residential - Scenic Combining (Attachment 1). Conditions of approval for the project are included in Attachment 2. As a condition of approval for this project, the applicant will be required to get "as-built" permits from the Lake County Community Development Department, Building Division for the previously unpermitted conversion as well as all applicable permits for the rest of the work needed to complete the conversion to a residential structure. Sprinklers will also be required for a conversion to a Residential (R) occupancy<sup>1</sup> now that it will be used as a residence. If the rezone and general plan amendment are approved, the applicant would then upgrade the electrical panel and finish dry walling. No ground disturbance is being proposed with this project.

Figure 1-Vicinity Map



<sup>1</sup> 310.1 Residential Group R- Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the International Residential Code.

Source: Lake County, 2024. Lake County, CA GIS and Mapping Portal.

Figure 2- Existing Structure



## PROJECT SETTING

The site is located at 9460 E State Highway 20, Glenhaven, California; Township 14N, Range 08W, Mount Diablo Meridian; Latitude 39.026827, Longitude -122.733257. Unincorporated Glenhaven is located on the east side of Clear Lake between the communities of Clearlake Oaks and Lucerne (Figure 1). The major vegetation types in and surrounding the project site are non-native trees shrubs, and grasses. There are no waterways on the project site. Clear Lake is approximately 312 feet from the project site, and is across State Highway 20 on the other side of residences that face the highway.

### Surrounding Zoning and Uses

Surrounding land uses include vacant land to the north, and single-family residences to the south, east, and west. Figure 3 shows the existing and surrounding zoning designations which includes:

- North: Single-Family Residence “R1”-Scenic Combining “SC”. Vacant land consisting of 0.10 acres.
- West: SPLIT Single-Family Residential “R1”-Scenic Combining “SC”, and Local Commercial “C1”. Two lots developed with small commercial uses and single-family residences. Both lots combined are 0.21 acres in size.
- South: State Highway 20
- East: Single-Family Residential “R1”-Scenic Combining “SC”. Single-family residence on 0.09 acres in size.



Figure 3: Zoning Map (Existing)



Source: Lake County, 2024. Lake County, CA GIS and Mapping Portal.

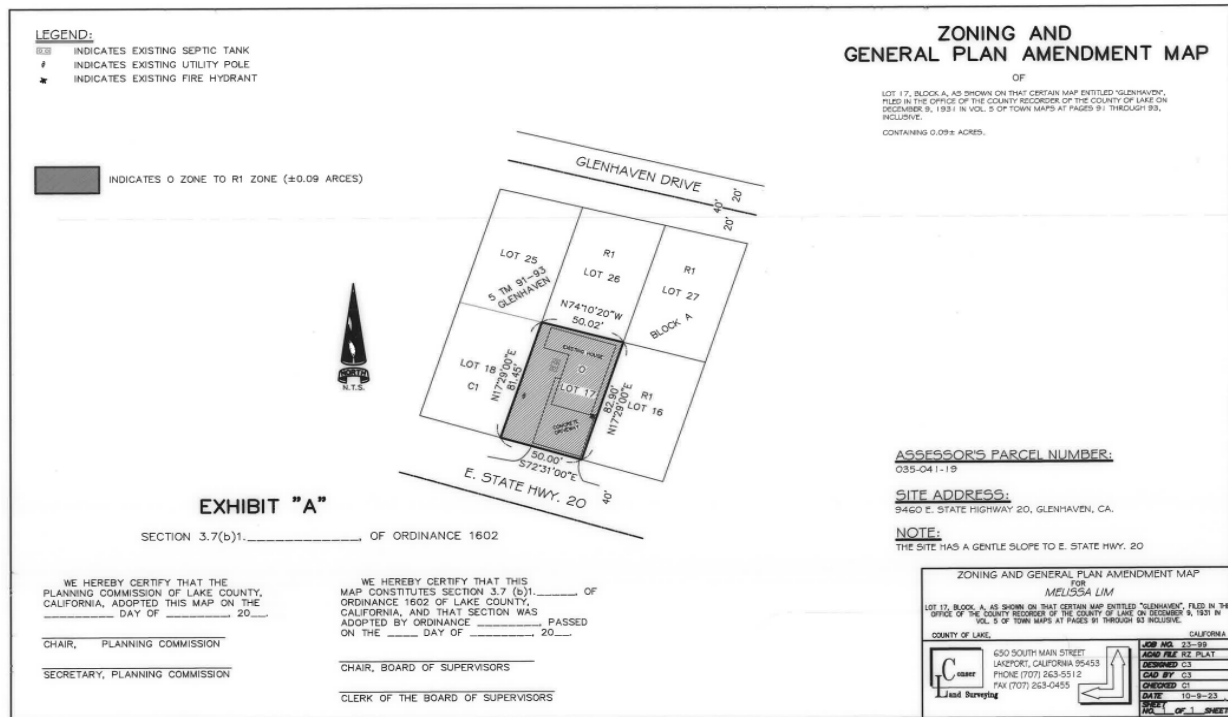
The existing general plan designations for the parcel and surrounding sites are shown below in Figure 4.

Figure 4: General Plan Map (Existing)



Source: Lake County, 2024. Lake County, CA GIS and Mapping Portal.

Figure 5: Proposed Zoning and General Plan Amendment Map



Source: Conser Land Surveying, 2023.

## PROJECT ANALYSIS

### General Plan Conformance

Currently, the parcel has a general plan designation of Public Facilities PF. The proposed general plan designation is Low Density Residential LDR. The project parcel size is only 4,225 sq. ft., with a width of 50 feet. According to the Lake County General Plan Land Use Density/ Intensity Standards in Chapter 3, Table 3-1 for the Public Facilities general plan designation, the Non-Residential Intensity – Floor Area Ratio (FAR<sup>2</sup>) is 0.5-2.0. The FAR is 1,500 sq. ft. / 4,224 sq. ft.= 0.36 rounded. Therefore, the current general plan designation is nonconforming. In addition, the Lake County General Plan Land Use Density/ Intensity Standards in Chapter 3, Table 3-1 the minimum lot size is 6,000 sq. ft., so the proposed general plan designation would also remain nonconforming with the Lake County General Plan. However, the proposed project would be in compliance with the following goals and policies in the Lake County General Plan:

### Chapter 3 – Land Use

**Goal LU-1:** To encourage the overall economic and social growth of the County while maintaining its quality-of-life standards:

<sup>2</sup> FAR (Floor area ratio (FAR) is the measurement of a building's floor area in relation to the size of the lot/parcel that the building is located on.)

- Policy LU-1.3 Prevent Incompatible Uses. The County shall prevent the intrusion of new land uses into existing community areas.

*Response: If approved, the zoning designation would be changed from Open Space to Single-Family Residential, and the general plan designation would be changed from Public Facilities to Low Density Residential. This would allow for a single-family residence. The project site is surrounded on the north, south, east, and west by a vacant lot and single-family residences.*

- Policy LU-2.1 Available Infrastructure. The County shall encourage residential growth to locate in existing urban areas where infrastructure is available, and capacity is sufficient. The County shall ensure that development does not occur unless adequate infrastructure capacity is available for that area.

*Response: Although Glenhaven is not defined as an urban area, the site is currently served by PG&E for power, Glenhaven Mutual Water Company for water, and has a septic system for waste water. A Certificate of Satisfactory Completion, Onsite Wastewater Treatment/Disposal System from the Lake County Environmental Health Department for the septic tank.*

#### Chapter 4 – Housing Element

Goal HE-5: To provide decent housing and quality living environment for all Lake County residents regardless of age, race, religion, sex, marital status, ancestry, national origin, color, disability, or economic level.

- Policy HE-5.1 Fair Housing Support: The County shall continue to promote housing opportunities for all persons regardless of age, race, religion, sex, marital status, national origin, color, disability, economic level, or other barriers that prevent choice in housing.

*Response: The proposed structure would provide much needed housing to the applicant. Approval of this Rezone and General Plan Amendment would enable the applicant to legitimize the house as a single-family residence.*

#### **Shoreline Communities Area Plan Conformity**

The subject site is within the Shoreline Communities Area Plan's boundary. The purpose of the Plan is to provide guidance for the long-term growth and development of the Shoreline Communities area over the next twenty years. Policies of the Lake County General Plan require detailed plans to be prepared for the unincorporated areas to facilitate refined planning decisions.

Objective 5.4.2: Develop standards and programs for wastewater management that can assure that water quality standards are maintained over the long term in a cost-effective manner:

- Policy 5.4.2c: Development proposals shall be carefully reviewed to ensure that sewage planning is adequate.

*Response: The project site is on an existing private septic system which has been issued a Certificate of Satisfactory Completion for Onsite Wastewater Treatment/Disposal System by the Lake County Environmental Health Department.*

Objective 5.5.1: Encourage orderly growth and development within the planning area by focusing higher intensity development within the identified Community Growth Boundaries. The land use map shall designate sufficient lands to accommodate a balance of land uses subject to environmental and public service constraints.

- Policy 5.5.2b: Work closely with potential developers to guide projects to locations that are adequate with regard to land use compatibility and available infrastructure.

*Response: Surrounding land uses include single-family residences. Because the building was previously used as the Clearlake Oaks Fire Protection District that served the Glenhaven community, it would already have the needed infrastructure. As mentioned before, it has a septic tank, and the Glenhaven Mutual Water Company provides water. The C&S Waste Solutions company would provide services for solid waste.*

### **Zoning Ordinance Conformity**

The parcel has a zoning designation of Open Space “O”-Scenic Combining “SC”. The proposed zoning designation is Single-Family Residential “R1”-Scenic Combining “SC”. The project parcel size is only 4,225 sq. ft., with a width of 50 feet. Under the existing Lake County Municipal Code Zoning Ordinance Article 24, Section 21-24-10, subsection 24.11(b), the minimum lot size is 6,000 sq. ft. Therefore, the existing zoning designation is also nonconforming. Under the Lake County Municipal Code Zoning Ordinance Article 10, Section 21-10.10(b)2., when there is public water with a septic system, the minimum lot size must be 15,000 sq. ft. In addition, current setbacks of the structure are approximately 24.5 feet from the lot line or 68 feet from the centerline of the roadway, 18 feet from the rear lot line, and 12 and 5 feet from the side lot lines. Therefore, the existing structure does not comply with the requirements of the “O” zoning district (front 30 feet or 55 feet from the centerline of roadway, rear 25 feet, and side 15 feet). However, it would comply with the “R1” zoning district (front 20 feet or 45 feet from centerline of roadway, rear 15 feet, and side 5 feet). Under the proposed zoning designation, although the parcel size would remain nonconforming, the setbacks would conform with the “R1: zoning district of Lake County Zoning Ordinance.

Article 24, Open Space “O”: The purpose of this zoning district is “To provide a zoning district to preserve, protect, and enhance public and private lands for their resource production potential and environmentally sensitive animal and plant habitat; while providing access to publicly owned lands and reducing land use conflicts by limiting uses incompatible with the purposes of this district”. This district is intended to be applied to



publicly owned land including lands of the U.S. Forest Service, U.S. Bureau of Land Management, the State of California and the County of Lake. Section 21-24.10 of the Lake County Zoning Ordinance includes development standards for Open Space parcels, including minimum lot size requirements, setbacks, height, etc.

*Response: Currently, the project parcel is only 4,225 sq. ft., so therefore does not meet the existing minimum lot size requirement of 6,000 sq. ft. or the setbacks of the structure from lot lines under the Lake County Municipal Code Zoning Ordinance Article 24 for Open Space. Therefore, the parcel is currently nonconforming.*

Article 34, “SC” Scenic Combining Overlay District. The purpose of this overlay zoning designation is “To protect and enhance views of scenic areas from the County’s scenic highways and roadways for the benefit of local residential and resort development, the motoring public, and the recreation based economy of the County”. Regulations apply in all “SC” districts and all uses except single-family residential structures shall be subject to development review as set forth in Article 56. Therefore, a development review permit is not required.

Article 10 – “R1” Single Family Residential Zoning District. The purpose is to establish areas for individual residential dwelling units at relatively low densities where the traditional neighborhood character of single-family units prevails. Section 21-24.10 of the Lake County Zoning Ordinance includes development standards for Open Space parcels, including minimum lot size requirements, setbacks, height, etc.

*Response: The project parcel is only 4,225 sq. ft. Therefore, it would remain nonconforming as it would not meet the required 15,000 sq. ft. for sites that are served with public water but are on septic tanks listed in Article 10, Section 21-10.10(b)2. In addition, the parcel would not meet the 60 feet minimum average lot width requirement in subsection 10.12 of Article 10 as it is only 50 feet wide. Therefore, the parcel would remain nonconforming. As mentioned previously, although the structure does not meet setbacks under the existing “O” zoning designation, it would meet those under the proposed “R1” zoning designation. Single-family residents are allowed use in the “R1” zoning district, and the project does not propose expansion of the existing footprint.*

Article 41 Performance Standards. The purpose is to establish performance standards to promote compatibility among various uses of land; protect and enhance the rural-resort character of the County; protect the health, safety, or welfare of the community; and control noise, dust, odor, smoke, vibration, danger to life and property, or similar causes likely to create a public nuisance. All uses permitted within this district shall be subject to the performance standards set forth in Article 41 related to air quality, fire, noise, etc.

*Response: The project would comply with the applicable Performance Standards noted in Article 41. All other standards listed in Article 41 do not apply to the proposed project.*

Article 47 – Ordinance Text Amendment and Rezoning Amendment: To establish the procedures by which amendments may be made in both the text of the Zoning Ordinance;

and the applications thereof to the land within Lake County by amendment of the sectional district maps by rezoning, whenever such changes are warranted by the community welfare, public necessity, or changes in state law and the General Plan.

*Response: The applicant is applying for a rezone and general plan amendment which was required by the Clearlake Oaks Fire Protection District during the sale of the land to the previous owner in 2020. Approval will then allow the applicant to move forward with obtaining “as-built” permits from the Lake County Building Division to legalize the single-family residence.*

*A Grant Deed was recorded on February 19, 2020, showing the property was sold by the Clearlake Oaks Fire Protection District to the previous owner. According to comments from the Northshore Fire Protection District (Clearlake Oaks Fire Station 75) there was a sale agreement that stated the new owner would complete rezoning. However, the rezone was not completed, and the property was sold to the current owner (applicant). The previous owner applied for a partial reroof in 2021. Then in 2023, the current owner (applicant) installed an electric meter, garage doors and windows without first obtaining a Building Permit.*

*Surrounding land uses include single-family residences to the west, east, and across State Highway 20 to the south. Approval of the rezone and general plan amendment would allow for a single-family residence which would be consistent with those uses. The proposed zoning district and General Plan designation would be consistent with surrounding designations; the proposal would not result in “spot zoning”. A draft Planning Commission Resolution is included in Attachment 6.*

## **AGENCY COMMENTS**

The following comment was received from one agency that requires action on the part of the applicant.

1. Building Official – “As-built” permits are required for the illegal conversion. Fire sprinklers are required for the dwelling.

## **ENVIRONMENTAL REVIEW**

General Plan Amendments and Rezones require review under the California Environmental Quality Act, even if no development is proposed. Staff has evaluated the project under CEQA guidelines, and a Negative Declaration was the result with no mitigation measures proposed, since no site disturbance or development will occur. The Negative Declaration was uploaded to the State Clearinghouse (SCH No. 2024050410) on May 9, 2024, and underwent a 30-day review (Attachment 3). The Building Department will require the applicant to get as-built permits and to install fire sprinklers. The Northshore Fire Protection District confirmed that the previous property owner was supposed to take care of the rezone as part of the Sale Agreement. Agency and public comments are included in Attachments 4 and 5.

## TRIBAL REVIEW

An AB52 Tribal Consultation Notification was sent to tribal nations on October 3, 2023. One response was received from the Habematolel Pomo Cultural Resources THPO Department stating they concluded that the project was not in their Aboriginal territories and deferred correspondence to the Elem Indian Colony. The Elem Indian Colony was included on the notification that went out on October 3, 2023. Following this notification, staff realized that they inadvertently forgot to send out a SB 18 Tribal Consultation Notification, which is required for General Plan Amendments, during this time. On February 27, 2024, the SB 18 notification was sent out to all the tribal nations which included the Elem Indian Colony. The request for consultation period ended on May 27, 2024, and no request for consultation were received.

## RECOMMENDATIONS

Staff recommends the Planning Commission:

- A. Adopt Negative Declaration (IS 23-15) with the finding that the project would not result in detrimental impacts to the environment, and all impacts would be less than significant without mitigation measures.
- B. Adopt the Resolution recommending approval of General Plan Amendment (GPAP 23-02) and Rezone (RZ 23-02) to the Board of Supervisors.

Staff recommends the Planning Commission provide the following recommendations to the County of Lake Board of Supervisors:

- C. That the Board of Supervisors approve Rezone (RZ 23-02) with the following findings:
  1. That the rezone is consistent with the area's zoning designations.
  2. That this rezone does not constitute 'spot zoning' based on adjacent zoning and existing land uses in the vicinity.
  3. That rezoning this property from "O-SC" Open Space – Scenic Combining to "R1-SC" Low Density Residential – Scenic Combining will not be detrimental to the area or the County.
  4. This project, with exception of the existing and future non-conforming parcel size, would be consistent with the Lake County General Plan, Shoreline Communities Area Plan, and Lake County Zoning Ordinance.
  5. That the violation of County Code Chapters 5 and 21 can be corrected by the approval of the rezoning with "as-built" building permits being obtained following the Board of Supervisors' decision.

- D. That the Board of Supervisors approve General Plan Amendment (GPAP 23-02) with the following findings:
1. That the General Plan Amendment is consistent with the area's General Plan designations with the exception of the existing and future non-conforming parcel size.
  2. That a General Plan Amendment for this property from Public Facilities to Low Density Residential will not be detrimental to the area or the County.
  3. This project, with exception of the existing and future non-conforming parcel size, is consistent with the Lake County General Plan, Shoreline Communities Area Plan, and the Lake County Zoning Ordinance.
  4. That the violations of Chapter 5 and 21 can be corrected by the approval of the General Plan Amendment with "as-built" building permits being obtained following the Board of Supervisors' decision on the rezone and general plan amendment.

**Sample Motions:**

**Negative Declaration (IS 23-15)**

I move that the Planning Commission adopt Negative Declaration (IS 23-15) for Melissa Lim for a property located at 9460 E. Highway 20, Glenhaven (APN 035-041-19) based on the findings in the staff report dated August 22, 2024.

**Rezone (RZ 23-02)**

I move that the Planning Commission recommend that the Board of Supervisors approve the Rezone (RZ 23-02) applied for by Melissa Lim to change the zoning designation from Open Space "O"- Scenic Combining "SC" to Single-Family Residential "R1"-Scenic Combining "SC" on property located at 9460 E. Highway 20, Glenhaven (APN 035-041-19) subject to the findings and based on the conditions listed in the staff report dated August 22, 2024.

**General Plan Amendment (GPAP 23-02)**

I move that the Planning Commission recommend that the Board of Supervisors approve the General Plan Amendment applied for by Melissa Lim to change the general plan designation from Public Facilities "PF" to Low Density Residential "LDR" on property located at 9460 E. Highway 20, Glenhaven (APN 035-041-19) subject to the findings and based on the conditions in the staff report dated August 22, 2024.

*NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*