



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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Item 6b
9:20 AM
May 23, 2024

STAFF REPORT

TO: Planning Commission

FROM: Mireya G. Turner, Community Development Department
Michelle Irace, Principal Planner
Prepared by Max Stockton, Assistant Planner II

DATE: May 23, 2024

SUBJECT: Minor Map Modification (MMM 24-02) to approved Clear Lake Riviera Unit No. 4 subdivision map for a setback reduction along Broadmoor Way from 80 feet to 20 feet; Location: 9710 Broadmoor Way, Kelseyville (APN 043-551-49); Applicant: Lake Village Properties

ATTACHMENTS:

1. Clear Lake Riviera Unit No. 4 Subdivision Map
2. Modification (MMM 08-01) Certificate of Correction
3. Agency Comments

I. EXECUTIVE SUMMARY

Clear Lake Riviera Unit No. 4 was approved in 1965. The subdivision map requires 80-foot setbacks along the front setback. The applicant, Lakeview Village Properties, is requesting to reduce the front setback from 80 feet to 20 feet in the South-Easterly corner of this Community Commercial "C2" front setback of 9710 Broadmoor Way, Kelseyville (APN 043-551-49) that was originally mapped as lots 15 and 16. No development is proposed at this time.

A similar Minor Map Modification (MMM 08-01) Clear Lake Riviera Unit No. 4 Subdivision was approved by the Planning Commission on May 12, 2008 to reduce the setbacks for eight (8) neighboring parcels from 80 feet to 20 feet. Staff reviewed the MMU 08-01 and available original subdivision approval documents, but was unable to confirm why the 80-foot setback was established. As such, staff has evaluated the existing conditions of the site, current zoning codes, as well as the approved Minor Map Modification (MMM 08-01) to support this application.

If the modification is approved by the Planning Commission, the County Surveyor will record the new buildable areas using a Certificate of Correction, pursuant to Section 66469 of the Subdivision Map Act.

FIGURE 1 – VICINITY MAP

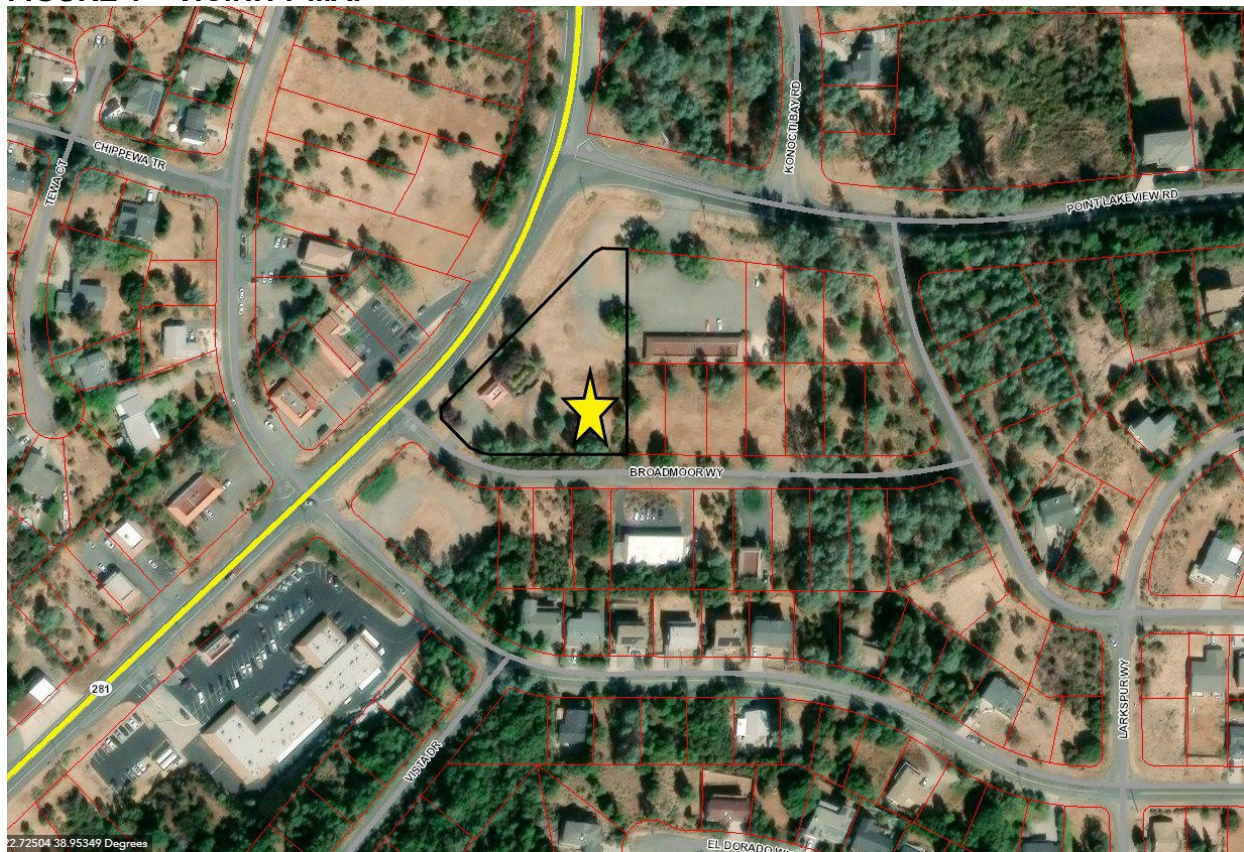
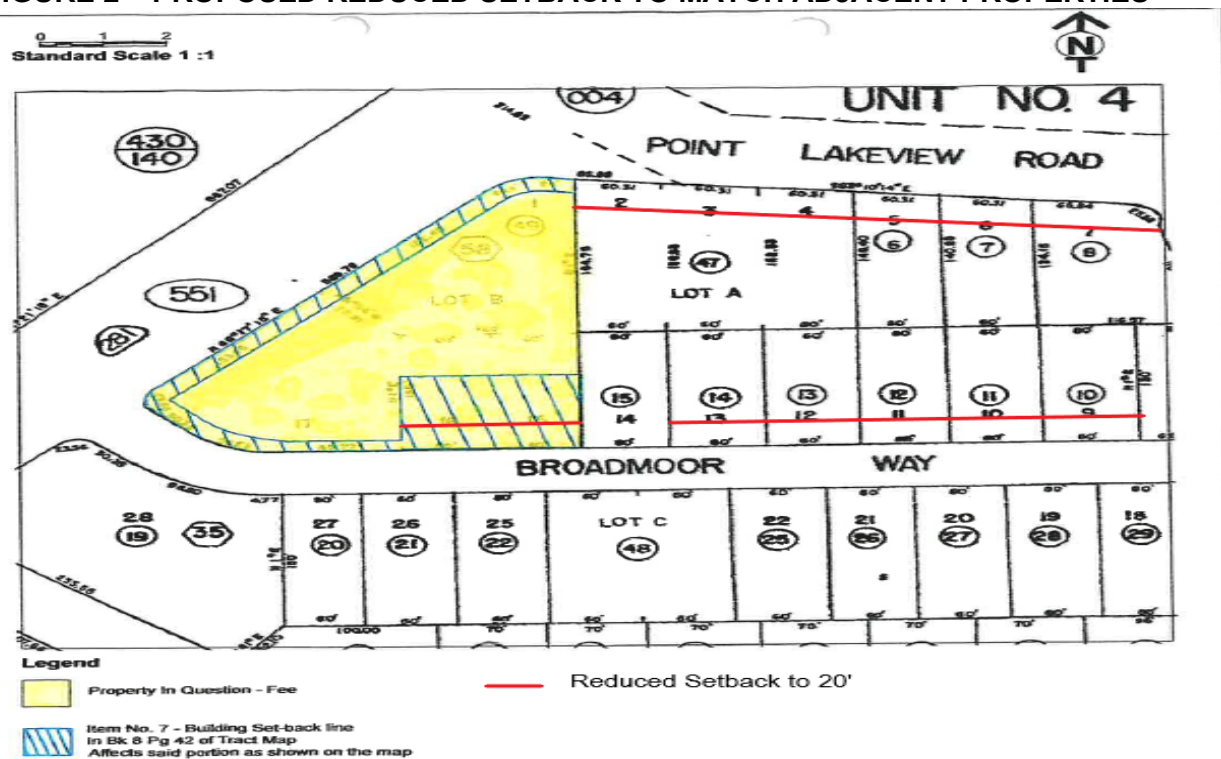


FIGURE 2 – PROPOSED REDUCED SETBACK TO MATCH ADJACENT PROPERTIES



II. PROJECT DESCRIPTION

| | |
|--------------------------------------|---|
| <u>Project Title:</u> | Minor Map Modification for Broadmoor Way Setback Reduction |
| <u>Permit Numbers:</u> | MMM 24-02 |
| <u>Lead Agency:</u> | Lake County Planning, 255 N. Forbes St., Lakeport |
| <u>Applicant Name & Address:</u> | Lake Village Properties 1710 Logan Avenue Minneapolis MN 55403 |
| <u>Property Owner:</u> | Lake Village Properties |
| <u>Project Location:</u> | 9710 Broadmoor Way, Kelseyville |
| <u>Parcel Number(s) (APN):</u> | 043-551-49 |
| <u>Parcel Size:</u> | 1.32 acres |
| <u>General Plan Designation:</u> | “Cc” Community Commercial |
| <u>Zoning District(s):</u> | “C2-DR” Community Commercial, Design Review |
| <u>Flood Zone:</u> | Flood Zone X; Areas determined to be outside the 0.2% annual chance (500 year) floodplain |

III. PROJECT SETTING

Surrounding Zoning and Uses

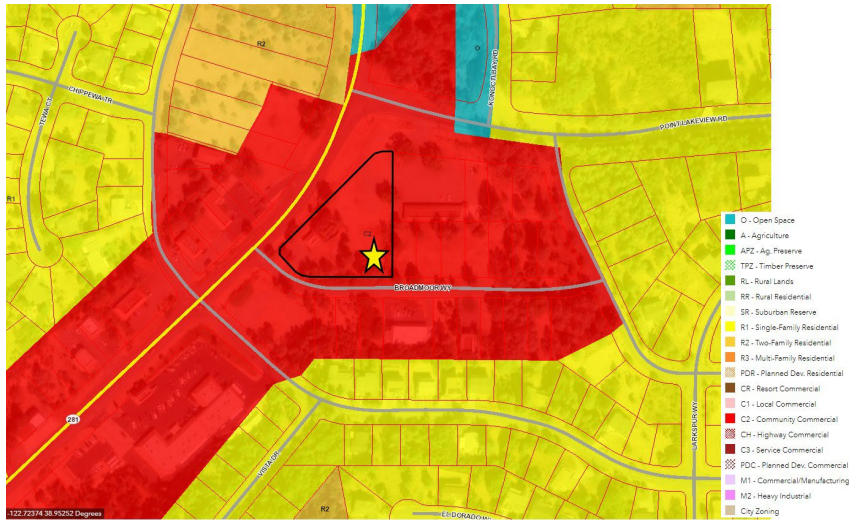
North: “C2-DR” Community Commercial, Design Review; vacant lots.

East: “C2-DR” Community Commercial, Design Review; vacant lots.

South: “C2-DR” Community Commercial, Design Review; vacant lots and an auto repair business.

West “C2-DR” Community Commercial, Design Review; small business and Riviera Clubhouse.

FIGURE 3 – ZONING MAP



IV. PROJECT ANALYSIS

General Plan Conformity

The General Plan Designations for the subject site is Community Commercial. The Community Commercial designation allows for retail and service establishments, including retail sales, personal services, repair services, food services, banking, finance, loans, real estate, professional offices, health care services, entertainment, funeral homes, retail plant nurseries, and hotels or motels.

The following General Plan policies relate to site development in the context of this proposal:

Chapter 3-Land Use

Objective 3.9 Economic Development To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents.

- Policy LU-6.1 The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services, and commerce, and by expanding its efforts to encourage industrial and non-industrial corporate development, and the development of geothermal resources.

The proposed modification would allow the setbacks on the property to be consistent with the current general plan. Minimizing setbacks could promote opportunity for commerce and diversified economic growth by promoting land use with increased usable land.

Riviera Area Plan Conformance

The subject site is within the Riviera Area Plan's boundary. The Plan contains objectives and policies related to economic development that are subject to consistency review as follows:

Chapter 5-Community Development

Objective 5.1.1 Well-designed retail and service uses, which would attract both tourists and local patrons and conveniently serve residential areas, are encouraged.

- Policy 5.1.1a Community commercial development should be focused and encouraged in locations that conveniently serve residential areas and foster and support the creation of community centers.

The proposed modification would allow the setbacks on the property to be consistent with the current zoning code regulations. Minimizing setbacks could promote greater development opportunities by increasing the potential for multiple businesses to operate on the same property and support residents and tourists.

Subdivision Ordinance Conformance

Subdivision of the parcel is not requested with this project. Amending setbacks in a previously recorded subdivision map is processed through a map correction process by the County Surveyor, after the map modification project is approved by the Planning Commission. The map correction process is regulated by the State Subdivision Map Act. The project is in conformance with the Government Code Sections 66469-66472.1

Zoning Ordinance Conformance

The subject site is zoned “C2-DR” Community Commercial and Design Review Combining District, which allows specific uses when conducted within a completely enclosed building; No development is proposed at this time. The Community Commercial zoning allows for zero-foot setbacks when not abutting a residential zoning district. A majority of the parcel has a setback of 10 feet for fences, walls, and hedges exceeding 4 feet because the entire property is surrounded by other commercial properties. As such, the proposed setback reduction from 80 to 20 feet would be consistent with the Community Commercial zoning regulations. Furthermore, the adjacent parcels already had their setbacks reduced from 80 feet to 20 feet in 2008.

All future development is required to comply with applicable fire, building and zoning codes. This includes, but is not limited to, PCR 4290, the California Building Code, and the Lake County Zoning Code Articles 27, 19, 41, and 53. Additional discretionary and environmental review may be required.

California Subdivision Map Act Conformance

Section 66472.1 of the Subdivision Map Act states,

“In addition to the amendments authorized by Section 66469, after a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by a certificate of correction or an amending map, if authorized by local ordinance, if the local agency finds that there are changes in circumstances that make any or all of the conditions of the map are no longer appropriate or necessary and that the modifications do not impose any additional burden on the fee owners of the real property, and if the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and the local agency finds that the map as modified conforms to Section 66474. Any modification shall be set for

public hearing as provided for in Section 66451.3. The local agency shall confine the hearing to consideration of and action on, the proposed modification.”

The Lake County Surveyor has the authority to record a certificate of correction to include the reduced setbacks required for this parcel. Section 66474 lists grounds for denial for a tentative or parcel map. This project is in conformance with this section.

V. AGENCY COMMENTS

Seven agency comments were received on this project (Attachment 3). Of the comments received, comments of note are as follows:

- Building Safety Division – Cal Fire requires 30 feet of defensible space from the center of the roadway around all properties greater than 1 acre in size within the State Responsibility Area (SRA).
- County Surveyor- A Licensed Land Surveyor must prepare a Certificate of Correction for review and approval along with the recording fees prior to finalizing the map modification.

These comments have been included as Conditions of Approval for the project.

- V. **ENVIRONMENTAL REVIEW.** The California Environmental Quality Act (CEQA) allows a project to be deemed exempt from CEQA if there is no possibility that the activity may have a significant effect on the environment (§15061(b)(3)). Because the site is previously disturbed and in a commercially developed area; and the Project does not include development or ground disturbance, this exemption may be applied.

VII. RECOMMENDATION

- A. Find that this project will not have a significant effect on the environment and according to §15061(b)(3), is exempt from CEQA review.
- B. Approve a Modification (MMM 24-02) to the Clear Lake Riviera Unit No. 4 subdivision map by reducing the building setbacks from 80 feet to 20 feet, with the following findings:
 - 1. The map modification is consistent with the Lake County General Plan, Riviera Area Plan and Lake County Zoning Ordinance.
 - 1. The map modification is in compliance with the Subdivision Map Act, Section 66742.1.

Sample Motions:

Minor Modification to an Approved Subdivision Map:

I move that the Planning Commission approve the Minor Modification (MMM 24-02) to the Clear Lake Riviera Unit No. 4 subdivision map by reducing the front yard setbacks along Broadmoor Way, for the original lots 15 and 16, from 80 feet to 20 feet at the current 9710 Broadmoor Way, Kelseyville and identified as (APN: 043-551-49), with the findings listed in the staff report dated May 23, 2024.

NOTE: The applicant or any interested person is reminded that the subdivision ordinance provides for a fifteen (15) 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 fifteenth calendar day following the Commission's final determination.

Reviewed by: _____