



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

Item 6b
9:30 A.M.
April 25, 2024

STAFF REPORT

TO: Planning Commission

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

DATE: April 25, 2024

SUBJECT: Lake County Public Works General Plan Conformity
GPC 23-04, Request to Vacate portion of Collier Avenue, adjacent to 2685 Lakeshore Blvd., Nice CA, 95464

ATTACHMENTS:

1. Vicinity Map
2. Clear Lake Villas Subdivision
3. Application Materials
4. Minutes from 1922 hearing for Clear Lake Villas Subdivision

I. EXECUTIVE SUMMARY

Applicant Diane DeMichele (Owner of the Boathouse Bar and Grill) requests the vacation of Collier Avenue (adjacent to 2685 Lakeshore Blvd., Nice) as a public road. Collier Avenue is a street dedicated to public use, established as a part of the Clearlake Villas Subdivision in 1922, for the benefit of the public (Minutes are included in Attachment 4). The portion proposed for vacation is currently unimproved, 40 feet wide and approximately 220 feet in length, beginning at the intersection with Lakeview Blvd and proceeding in a southerly direction to its terminus near Clear Lake. This portion of the road is currently open to the public and provides access to Clear Lake. The level of use by the public is not known. However, it has also been utilized for parking by patrons of the Boathouse Bar and Grill, as well as other members of the public. The reason for the proposed vacation is the Boathouse Bar and Grill wishes to expand their docks for seasonal customer use and to expand their parking lot. If approved, the applicant intends to convert the portion of Collier Avenue in question into a private parking lot, striped to fit more customers, and expand her restaurant, meanwhile storing dock floats on the open shore currently being used as a public access point.

The Lake County Public Works Department (DPW) is processing the application to vacate the road, which requires approval by the Board of Supervisors; however, before DPW can recommend the vacation, California Streets and Highways Code, Section 8320, et seq. requires the Planning Commission to first determine whether the road vacation conforms to the Lake County General Plan through the approval of this General Plan of Conformity action, which was submitted to the Community Development Department on October 18, 2023. If vacated, each property owner abutting the road would own to the centerline of the right-of-way.

II. PROJECT DESCRIPTION

Applicant/Owner: Diane DeMichele
P.O. Box 430
Nice, CA 95464

APN: 031-071-09

Location: 2685 Lakeshore Blvd. Nice, CA 95464

Existing Zoning: "CR"-"DR"-"WW"-"FF",
Resort Commercial-Design Review-Waterway-Floodway
Fringe

General Plan Designation: Resort Commercial

Existing Development: Bar and Grill with a detached residence

Property owner Diane DeMichele, who owns the Boathouse Bar and Grill at 2685 Lakeshore Blvd., Nice CA 95464, submitted an application to the County requesting the vacation of a portion of Collier Avenue as shown on the Clear Lake Villas Subdivision map (Attachments 2 and 3). Access to the requested portion of Collier Avenue comes from Collier Avenue and Lakeshore Blvd, which are both County owned and maintained. No parcels are served by this portion of the road (Attachment 1). Collier Avenue has not been improved past Lakeshore Blvd., so the applicant has allowed her customers to park in this portion of the road. If vacated, each property owner abutting the road would own to the centerline of the right-of-way.

The portion to be vacated is approximately 220 feet in length and extends from the intersection with Lakeshore Blvd. southerly to its terminus at the lake. If the vacation is approved, public access would no longer be available.

FIGURE 1- STREET VIEW OF COLLIER AVE. FROM LAKESHORE BLVD.



III. GENERAL PLAN CONFORMITY ANALYSIS

Below provides an analysis of the proposed project as it relates to the General Plan.

The proposed vacation does not conform to the General Plan Chapter 9.7 Clearlake:

- As described in Chapter 9.7 Clearlake, the County recognizes Clear Lake as “the County’s single most valuable resource...Ironically, the lakeshore, by its appeal, continues to generate many of the forces which threaten its value...Specifically, development near and around the shoreline of the lake has had a significant impact on the water quality...[providing] adequate public access to Clear Lake and its shoreline is also a necessary ingredient to the lake’s enjoyment...access is sometimes provided in those areas where streets dead-end into the lake.”

The proposed vacation does not conform to the General Plan Goal OSC-7a.5:

- As described in Goal OSC-7a.5, the County’s goal is preservation of views as “Development regulations and review procedures should prevent further blockage of lake views from shoreline roadways and where feasible, restore visual contact with the lake from these roadways.”
- As described in Goal OSC-7b.1, the County’s goal is “to maximize the opportunity for human enjoyment of Clear Lake, [ensuring] frequent and easy public access to the lake,...vacant County-owned lakefront properties not presently developed for recreation purposes should be retained in public ownership and improved as needed to expand opportunities for the general public to have access and use of Clear Lake...Additionally, public streets which dead-end at the lake should be used for public access and open space.”

The proposed vacation does conform to the General Plan Chapter 3.7 Commercial Development:

- As described in Goal LU-4, the County is “to maintain economic vitality and promote the development of commercial uses that are compatible with surrounding land uses and meet the present and future needs of Lake County residents, the regional community, and visitors.”
- As described in Policy LU-4.2 Travel-Related Commercial Uses, “the County shall locate commercial designations for travel-related commercial services, such as gasoline service stations, food and beverage sales, eating and drinking establishments, and lodging, along major collectors (within ¼-mile from intersections), State Highways (within ¼-mile from interchanges) and in resort areas as identified in the Land Use Plan.”

The proposed vacation does conform to the General Plan Chapter 3.9 Economic Development:

- As described in Goal LU-6, the County is “to maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents.”
- As described in Policy LU-6.10 Old Resort Revitalization, “the County shall encourage the revitalization of old resorts in order to attract more visitors. Restoration, instead of

replacement of unique and historic resorts and facilities shall be encouraged when practical.”

- As described in Policy LU-6.11 Clear Lake Northshore, “the County shall focus its development/redevelopment efforts along the Northshore of Clear Lake to make it more attractive as a visitor destination.”

This portion of Collier Avenue is currently unimproved and provides ingress and egress to Clear Lake. Vacation of Collier Avenue would inhibit public access to Clear Lake at this location and allow the applicant a pathway to convert the area into a private parking lot and expand the restaurant and docks. Staff consulted with County Counsel, and Counsel noted that the vacation of public right of way should be performed in a manner that results in a public benefit. This is also supported by the General Plan goals and policies noted above related to public access to the lake, preservation of lake views, and the potential impacts of lakeshore development. Here, the road is being proposed for vacation for the sole benefit of the private property owner. Vacating Collier Avenue would not benefit the public directly, in the way of providing or improving public facilities along the lake, but the proposed vacation could allow the applicant to expand the lakeside opportunity of boat-up eating opportunities which is supported by the General Plan goals and policies related to recreation and economic development. Additionally, the level of public use at this location is not known and Public Works has noted that they do not intent to improve the facilities. Lastly, there are other public facilities providing access to the lake in the vicinity of the proposed vacation. Of particular note, is a boat ramp and public park approximately one-quarter mile east of Collier Avenue, at Keeling Park. The approximately 220 feet of requested road vacation pose no health issues to the public due to harmful conditions such as erosion, traffic hazards, nuisance issues, etc. As such, Staff finds that the proposed vacation for the identified intended use is consistent with the General Plan.

IV. AGENCY COMMENTS

The proposed general plan of conformity application was routed to all of the appropriate public and private service providers including Air Quality, Public Services, Public Works, Lake County Surveyor, Special Districts, Environmental Health, Water Resources, North Shore Fire Protection, PG&E, and all area Tribes. Lake County Special Districts does have a sewer main that runs along Lakeshore and a manhole near parcel 031-071-09. However, the proposed project will not impact the district's ability to continue to provide service to the nearby parcels and or access the mainline and manhole.

V. CEQA REVIEW

The proposed project is not subject to the California Environmental Quality Act (CEQA), pursuant to Sections 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This activity only involves a report and determination concerning the consistency of a potential road vacation with the County's General Plan. Accordingly, there is no potential for this approval resulting in any significant physical change to the environment, either directly or indirectly, and is not subject to CEQA review. Approvals for the vacation of the property and associated development will undergo further discretionary and environmental review, as required by the Lake County Municipal Code and CEQA.

VI. RECOMMENDATION

Staff recommends that the Planning Commission, after reviewing the agenda report and receiving evidence at the public meeting, finds that the location, purpose, and extent of the proposed vacation of Collier Avenue, adjacent to 2685 Lakeshore Blvd., Nice CA 95464, is in conformance with the County of Lake General Plan pursuant to California Government Code Section 65402.

VII. SAMPLE MOTION

General Plan of Conformity (GPC 23-04)

I move that the Planning Commission find that the General Plan of Conformity (GPC 23-04) applied for by Diane DeMichele on the shoreline of Collier Avenue, Nice does meet those findings of the Lake County General Plan and that the Planning Commission has reviewed and considered the Lake County General Plan for this project to grant the road vacation of this portion of Collier Avenue subject to the findings listed in the staff report dated April 25, 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.

Reviewed By: _____