



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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Item #1
9:05 A.M.
February 23, 2017

STAFF REPORT

TO: Planning Commission

FROM: Robert Massarelli, Community Development Director
Prepared by: Mireya G. Turner, Associate Planner

DATE: February 23, 2017

SUBJECT: Major Use Permit for Cross Development – Dollar General, Clear Lake Riviera, UP 16-04, Initial Study IS 16-07 and Design Review DR 17-02, APNs 043-551-06, 07 & 47, 9781 Point Lakeview Road, Kelseyville, Supervisor District 5

ATTACHMENTS:

1. Vicinity Map
2. Site Plan, Building Elevations, Grading Plan and Landscape Plan
3. Clear Lake Riviera, Unit No. 4 Subdivision Map
4. Initial Study IS 16-07
5. Proposed Use Permit and Design Review Conditions
6. Agency Comments
7. Public Comments

I. PROJECT DESCRIPTION

Project Name: Use Permit for a Dollar General Store

Application: Major Use Permit, Design Review and Initial Study

Applicant: Cross Development, 17430 Campbell Rd., Ste. 225, Dallas, TX 75252

Owner: Linda & Robert Harvey, 5135 Dry Creek Road, Napa, CA 94558

Project Summary: Cross Development proposes the demolition of the existing commercial building and the construction of a 9,100 square foot commercial building for Dollar General retail store in the Clear Lake Riviera area.

Location: 9781 Point Lakeview Road, Kelseyville

APN: 043-551-06, 07 & 47

Parcel Size: ±1.064 acres (total acreage of the three parcels)

Zoning: “C2-DR” Community Commercial-Design Review

General Plan: Community Commercial

Flood Zone: Flood Zone X; this parcel is outside of the 500-year floodplain and is not considered a Special Flood Hazard Area.

Slope: Less than 10% slope

II. ZONING ORDINANCE ARTICLE 55 APPLICATION

55.2 Information for application submittal

(a) A site plan with all dimensions clearly indicated, and the following information as applicable:

1. North arrow and scale of drawing.

Provided

2. Site address.

Provided

3. Lot dimensions and boundaries; including the total area of property presented in square feet or acres.

Provided

4. Location of all existing and proposed structures, with dimensions, including height.

The existing building is not shown on the site plan. The applicant proposes its removal and replacement with a 9,100 square foot building.

5. Distance from proposed structure(s) to property lines, centerline of the street or alley, and existing structures.

Provided

6. Walls and fences: Their location, height, and construction materials.

Provided

7. Public right(s)-of-way: With street names, route numbers, width of right-of-way, and surfacing.

The width of the right-of-way of Point Lakeview Road is not identified.

8. Off-street parking: Location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.

Provided. See 19.17 Parking and 46 – Parking below for evaluation.

9. Access: Pedestrian, vehicular, service; and delineations of all points of ingress and egress.

Provided. The surrounding area does not have sidewalks for pedestrian access, nor are they proposed on this project.

10. Signs: Location, size, height, and method of illumination.

The location of the pylon sign and front elevation signage is indicated, but height and method of illumination are not indicated.

11. RESERVED.

12. Proposed street dedications and improvements.

None proposed

13. All easements.

Five (5') utility easements reserved in the Clear Lake Riviera Unit No. 4 Subdivision map remain along the side and rear lines of the parcels, including the three lots previously merged into APN 043-551-47. The applicant proposes the removal of the utility easements on the inner portions of the project area, which is included in the use permit conditions.

14. Location of well and/or septic field, or indication that the property is to be served by public water and/or sewer.

The site is served by the Mount Konocti Mutual Water Company. The current location of the septic system is indicated, as well as the proposed new location of septic area.

15. Landscape plans.

Provided

- (b) Information needed to determine that the performance standards of Article 41 will be met.

Provided

- (c) Any request for amendment to the performance standards of Article 41 shall be in writing with an explanation of why the standard(s) should be waived.

None requested.

- (d) All required fees shall be paid at the time of filing the application with the Planning Department, and no processing shall commence until the fee is paid.

Paid

- (e) When filed by an agent, contract purchaser or lessee, the application shall include a written statement signed by the property owner(s) indicating his or her endorsement of the application.

The property owners signed the application.

- (f) A signed statement by the applicant indicating whether the project is located on a site which is included on any of the lists relating to hazardous waste, provided to the County by the State Office of Planning and Research pursuant to Government Code Section 65962.5(f).

The project area is not listed as a location of hazardous waste.

- (g) Additional information:

1. Any additional pertinent information required by the Planning Department from the “List specifying required data for development projects” of Section 55.5.

A north arrow and scale of drawing.

See II(a)(1).

The site address and Assessor Parcel Number (APN).

Provided

Lot dimensions and boundaries, including the total area of the property in sq. ft. or acres, and drawn to a measurable scale.

See II(a)(3).

Location, function, height and size of all existing and proposed structures (including walls and fences) on the property. Gross and net floor area for all commercial and multi-unit development.

Provided

Location of driveways and required parking areas. Describe material of construction of driveways and parking.

Provided

Distance from proposed and existing structures to property lines, and to centerline of street or alley. Distance between principal and accessory buildings and structures. Include any established building setback lines.

Provided

Adjacent right(s)-of-way including street names, route numbers, width of right-of-way, existing center line and existing surfacing.

Provided

Location and nature of all existing and proposed public and private easements.

Provided

Location of wells or statement that the property is to be served by public water. Location of watercourses. Location and direction of slope and/or drainage facilities.

The parcel is served by the Mount Konocti Mutual Water Company.

Location and direction of slope and/or drainage facilities provided.

Location of septic tanks and leach fields including expansion area or statement that the property is to be served by public sewer. If a septic system is existing or proposed, the two (2) site plans must be approved by the Environmental Health Division prior to plan submittal.

Location of proposed septic identified. Environmental Health has submitted comments. Approval of site plan to be deferred to building permit application.

Two (2) copies of the site plan no larger than 11"x17" are required.

Existing Trees or Shrubs to be removed, and any proposed landscaping. Any other data as may be required by the Planning Division.

Provided

Site Topography is required to complete Application Review

Provided

2. The applicant may be requested to provide more detailed information on a project as part of the application requirements, including but not limited to the following: Soils reports; drainage plans; geologic, hydrologic, or seismic investigations; archaeological reports; biological studies; flood hazard reports; market analysis; fiscal impact studies; noise studies; traffic and circulation studies or other pertinent studies of a technical nature which would assist the Planning Department in its evaluation of, or mitigation of, any potential adverse impacts.

III. ZONING ORDINANCE ARTICLE 19 REGULATIONS FOR THE COMMUNITY COMMERCIAL OR "C2" DISTRICT

19.10 DEVELOPMENT STANDARDS.

19.11 Minimum lot size:

Complies. Parcels must be merged and public utility easements vacated prior to issuance of building permit.

19.12 Minimum average lot width:

Complies

19.13 Maximum length to width ratio: Three (3) to one (1).

Complies

19.14 Maximum lot coverage: 100 percent

Complies

19.15 Minimum yards:

- (a) Front yard: Front yard: None; except where frontage in a block is partially in and “R” district, in which case the frontage shall be the same as required in such “R” districts. Yards abutting streets are front yards.

There is a thirty (30) foot front setback from Point Lakeview Road, per Article 42.24. The proposed location of the building complies with this setback.

- (b) Rear yard: None; or ten (10) feet from the lot line when contiguous to any residential district.

Complies

- (c) Side yard: None; or ten (10) feet from the lot line when contiguous to any residential district.

Complies

- (d) Accessory uses: The above yards shall apply.

Complies

19.16 Maximum height:

- (a) Principal structure: Thirty-five feet

Complies

- (b) Accessory structure: Twenty (20) feet.

N/A

19.17 Parking:

- (a) Retail and service commercial use: One (1) space per two hundred fifty (250) square feet of gross floor area.

Article 46 of the Zoning Ordinance reads,

One (1) space per two hundred fifty (250) square feet of floor area for structures up to two thousand (2,000) square feet of floor area; Eight (8) spaces, or one (1) space per three hundred (300) square feet of floor area for structures exceeding two thousand (2,000) square feet of floor area but less than five thousand (5,000) square feet of floor area, whichever is greater; seventeen (17) spaces, or one (1) space per four hundred (400) square feet of floor area for structures exceeding five thousand (5,000) square feet of floor area, whichever is greater.

The applicant proposes a 9,100 square foot building. $9,100/400 = 22.75$ parking spaces required. The site plan identifies twenty-five (25) spaces.

IV. ZONING ORDINANCE ARTICLE 41 PERFORMANCE STANDARDS.

41.3 Exceptions:

- (c) The performance standards contained in the following Subsections are the required minimum. They shall not be construed as preventing the Review Authority, as part of any discretionary approval, to require more restrictive standards as deemed necessary.

41.4 Air quality:

All uses shall comply with applicable local, state, and federal laws and regulations regarding contaminants and pollutants. This requirement includes, but is not 41-2 limited to, emissions of suspended particulates, carbon monoxide, hydrocarbons, odors, toxic or obnoxious gases and fumes.

The Lake County Air Quality Management District has provided required mitigations for the demolition of the existing structure and short-term impacts of construction

41.5 Electromagnetic interference:

Devices which generate electromagnetic interference shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Public utilities shall comply with all applicable state and federal regulations.

Complies

41.6 Erosion control:

The following erosion control standards shall apply to all development projects in commercial or industrial zoning districts:

- (a) The smallest practical area of land shall be exposed at any one time during development.

No phasing plan is proposed in the site plan; therefore the entire site may be exposed during development. Staff recommends a phasing plan be implemented during demolition and construction.

- (b) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

The applicant has submitted a Landscape Plan identifying locations of new trees and grass revegetation location and species.

- (c) Natural features such as trees, groves, natural terrain, waterways, and other similar resources shall be preserved where feasible.

The applicant proposes the removal of eleven (11) trees, for the driveway, septic area and retaining wall. The Landscape Plan shows the tree replacement with fifteen (15) blue oak and pine trees.

- (d) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

Temporary vegetation and/or mulching are not addressed in the site plan.

- (e) The permanent final vegetation and structures shall be installed as soon as practical in the development.

The Landscape Plan Notes direct the contractor to coordinate all landscape work with other trades (ie: paving, plumbing, electrical, etc.).

- (f) Wherever feasible the development shall be fitted to the topography and soils to create the least erosion potential.

Minimal topography alterations are indicated on the Grading Plan. The Landscape Plan Notes indicate that soils in the planter area are to be amended per a soil analysis report before revegetation takes place. Disturbed areas area to be revegetated with a California native grass mix, trees, shrubs, perennials and grasses, or covered with rock and bark mulch. Additionally, a landscape detention basin is indicated.

- (g) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

See above.

- (h) Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development where needed.

See above.

41.7 Fire and explosion hazards:

All uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment.

The use or storage of hazardous materials is not indicated in the project description. Two wall hydrants are indicated on the Floor Plan at the front of the building on the side near the loading area. Review of sprinkler plans shall take place during the building permit review process.

41.8 Glare and heat:

- (a) All exterior lighting accessory to any use shall be hooded, shielded or opaque. No unobstructed beam of light shall be directed beyond any exterior lot line. Buildings and structures under construction are exempt from this provision.

Complies

- (b) No use shall generate heat so that increased ambient air temperature or radiant heat is measurable at any exterior lot line.

Complies

41.9 Landscaping standards:

- (a) General: All undeveloped land areas shall be maintained in permanent vegetative cover, or alternatively be landscaped with a combination of materials to control runoff. All yards shall be landscaped such that there shall be no accumulation of silt, mud, or standing water causing unsightly or hazardous conditions, either within the yard or on adjacent properties, public roads, or sidewalks.

Complies

- (b) Standards of uses permitted in the “R3”, “PDR”, “PDC”, “CH”, “CR”, “C1”, “C2”, “C3”, “M1”, “M2”, and “MP” districts: The following recommended landscaping standards shall be required unless an alternative landscaping plan is approved or waived by the Review Authority which meets the intent of this Article.

1. Minimum required landscaping per parcel: All development shall include an area or areas of the parcel for landscaping to serve as a visual screen and/or provide an increased aesthetic environment; except where street frontages are occupied by existing development.

Complies

2. The front of the lot shall be landscaped with a minimum of a ten (10) foot wide planted area but not so as to obstruct traffic or reduce sight distance at any driveway or intersection, unless because of the location or design of existing development, or appropriate site planning would make adherence to this standard result in development inconsistent with the purposes of Subsection (b) 1 above, in which case, an alternative landscape plan may be approved by the Review Authority. The landscaping may be interrupted by building entrances or exits and driveways.

Complies

3. When abutting any residential district side yard:

N/A

4. When abutting any residential district rear yard:

N/A

5. Where a parking lot contains ten (10) or more spaces and is visible from a street, not less than five (5) percent of the parking lot, excluding the area of the landscaped strip required by Subsection (b) 2 shall be landscaped. Such landscaping shall be distributed through the parking lot and shall not be concentrated in any one area. Landscaping shall be computed on the basis of the total amount of parking and driveways provided (except spaces provided for enclosed vehicle storage areas).

Provided

6. For landscaping required for parking lots in Subsection (b) 5 above, protective measures including but not limited to concrete curbing, railroad ties, or decorative rock shall border all landscaped area.

Provided

7. Existing or indigenous plant materials that meet the requirements of this section may be counted as contributing to the total landscaping required when located within the proposed use area.

Provided

8. Minimum plant size: Unless otherwise specifically indicated elsewhere all plant materials shall meet the following minimum standards as indicated in Table 9.1:

Table 9.1 Minimum plant size:

Plant material type	Planting in areas abutting residential property or street	All other plantings
Canopy tree	1 ½ inch caliper	1 ½ inch caliper
Single stem	10 feet (height)	6 feet (height)
Multiple stem	1 ½ inch caliper	4 feet (height)
Understory tree	5 feet (height)	3 feet (height)
Evergreen tree	5 gallon container	1 gallon container
Shrubs		
Deciduous	5 gallon container	1 gallon container
Evergreen	5 gallon container	1 gallon container

The landscape plan is composed of 7 species of trees and shrubs:

Pine (Pinus Eldarica) – The Landscape Plan identifies six pines to be located along eastern border of the project area. It lists a minimum size of 15 gallons and a 6’ minimum height.

Blue Oak (Quercus Douglasii) – The Landscape Plan identifies nine oaks to be located along the Western, Northern and Eastern borders of the parking lot. It lists a minimum of 15 gallons and minimum 1 ¼ ” caliper.

Russian Sage (Perovskia Atriplicifolia ‘Blue Spire’) – This flowering, herbaceous perennial plant grows to between 19” and 4’. It flowers from midsummer through late October. It is drought resistant and drought tolerant. The Landscape Plan shows 13 of these 5-gallon plants located along the Northern and Eastern edges of the parking lot.

Rock Rose (Cistux X ‘Purple A’) – This drought tolerant evergreen reaches a height of 4’ and a width of 4-6’. It flowers from late Spring into Summer. The Landscape Plan identifies 19 5-gallon plants along the Eastern edge of the parking lot and around the landscape detention basin.

Manzanita (Arctostaphylos Uva-ursi ‘Green Supreme’) – This member of the Manzanita genus is a drought tolerant ground cover, reaching 1’ in height with a spread of 6-10’. The Landscape Plan identifies 15 5-gallon plants along the Northern and Eastern edges of the parking lot.

New Zealand Flax (Phormium Tenax ‘Duet’) – This perennial grows to 2’ tall and 2’ wide. It requires regular watering. The Landscape Plan shows 13 of these 5-gallon plants located along the Northern and Eastern edges of the parking lot.

Hopseed (Dodonea Viscosa Purpurea) – This evergreen can reach 12-16’ tall and almost as wide. The leaves turn purple in cooler weather and can be sticky. It is drought tolerant. The Landscape Plan shows 3 of these 5-gallon plants located in the Southeast edge of the parking lot.



Pine



Blue Oak



Russian Sage



Rock Rose



Manzanita ‘Green Supreme’



New Zealand Flax



Hopseed

V. ZONING ORDINANCE ARTICLE 45 SIGNS

45.10 ON-SITE SIGNS.

45.12 On-site regulations for signs in the Highway Commercial “CH”, Commercial Resort “CR”, Community Commercial “C2”, and Service Commercial “C3”, Planned Development Commercial “PDC”, Commercial/Manufacturing “M1”, Heavy Industrial “M2”, and Industrial Park “MP” Districts:

- (a) The total area of signing shall not exceed one (1) square foot in area for each linear foot of street or occupancy and lake frontage, except that any commercial operation may have up to thirty-two (32) square feet of signing, regardless of street or lake frontage. Lake frontage

shall be used only in calculating sign areas for lake-oriented signs. All signs may be illuminated.

The proposed structure is 130 feet of street occupancy. This would allow for 130 square feet of total signage. Proposed store front sign is 12 square feet. Proposed free standing sign specifications are not included.

- (b) For double-faced signs, the maximum area of any one face shall not exceed one hundred (100) square feet; however, only one face shall be counted as part of the total allowed sign area. For signs with more than two (2) parallel faces, all surfaces shall be included as part of the total sign area.

Single face sign proposed for the store front.

- (c) Where the face of a building is twenty (20) or more feet in height below the eave, the signing allowance for that frontage may be increased one (1) percent in area for each foot above the initial twenty (20) feet.

N/A

- (d) Signing may consist of any combination of one (1) free-standing sign per occupancy, plus any number of projecting signs, roof signs or wall signs. Corner lots and through lots may have one free-standing sign facing each frontage provided that the total allowable sign area is not exceeded.

One free standing sign and one roof sign are proposed.

- (e) Notwithstanding any other provision of this section, for each individual occupancy, the total area of signs shall not exceed four hundred (400) square feet in area.

Proposed sign is 12 square feet; the dimensions of the free standing sign are not indicated.

- (f) A free-standing sign shall not exceed a height of twenty-five (25) feet at the front property line. This height may be increased to a maximum of thirty-five (35) feet by providing one (1) foot of setback for each additional foot in height.

The location of the free standing sign is indicated on the plans, however the dimensions are not included.

- (g) One (1) portable sign may be permitted per parcel. Any permitted portable sign shall be limited to eight (8) square feet on any one face, provided overall sign area on the parcel is not exceeded. Portable signs shall be located outside of any right-of-way.

No portable signs are proposed.

- (h) In addition to the above requirements, a shopping center may have one (1) free-standing sign not to exceed twenty-five (25) feet in height or fifty (50) square feet in area on any one face. The total area of signs with more than one face shall not exceed one hundred (100) square feet in area. There shall be a common theme to the signing of a shopping center. The theme should include some identifiable common element or elements such as: dimension, construction material, color scheme, lighting or lettering style. All signs in the center shall be integral components of the common theme. Free-standing signs for individual occupancies shall be prohibited.

N/A

VI. ZONING ORDINANCE ARTICLE 46 PARKING

46.5(b) Required number of spaces

1. Seventeen (17) spaces, or one (1) space per four hundred (400) square feet of floor area for structures exceeding five thousand (5,000) square feet of floor area, whichever is greater.

A 9,100 square foot retail structure would require 22.75 spaces. 25 spaces are proposed.

46.11 Space requirements

- (a) A required off-street open parking space shall not be less than nine (9) feet in width and not less than twenty (20) feet in length (9' x 20'), exclusive of access drives or aisles, ramps, posts or other uses of space. Such space shall have a vertical clearance of not less than seven (7) feet.

Complies

- (b) If a parking lot includes ten (10) parking spaces or more, then one small car space of not less than seven and one-half (7 ½) feet in width and not less than sixteen (16) feet in length (7.5' x 16') may be permitted. For each (8) spaces thereafter, a small car space may be provided. All compact spaces shall be clearly marked and permanently identified.

No compact spaces are proposed.

- (c) Parking lots with twenty (20) or more spaces may replace regular spaces with motorcycle spaces at a ratio of one motorcycle space per each twenty (20) required spaces. Motorcycle spaces are to be a minimum three (3) feet in width and six (6) feet in length (3' x 6').

No motorcycle spaces are proposed.

- (d) Parallel parking: Space dimensions are to be nine (9) feet in width and twenty two (22) feet in length (9' x 22'). Aisle widths for parallel parking are to be twelve (12) feet in width for one-way aisles and twenty-four (24) feet in width for two-way aisles.

N/A

- (e) Handicapped parking: Every parking facility serving commercial, industrial and public uses shall include parking stalls for the physically handicapped. Parking stalls for the handicapped shall have a minimum width of fourteen (14) feet and a minimum length of twenty (20) feet (14' x 20'). The number of handicapped parking stalls required shall be one (1) per forty (40) spaces, but in no case less than one (1) space, and shall meet the requirements of the State Building Code, Chapter 2-7102, et. seq.

Exceptions to this requirement may be made by the Review Authority when the circumstances of the particular case meet the requirements for exceptions of the State Building Code, Chapter 2-7102, et. seq.

The handicapped spaces are 9 feet wide and are adjacent to an accessible van loading and unloading access aisle to increase the usable space.

- (h) Recreational vehicle (RV) parking spaces: Required spaces shall not be less than ten (10) feet in width and twenty (20) feet in length (10' x 20') when located in a parking lot; or a minimum area of three hundred twenty-five (325) square feet shall be provided per required space when separate storage parking lots are proposed, provided that such lots are fenced and screened by solid fencing or landscaping.

None proposed

46.13 Location requirements

- (a) Parking required in any district shall be located on the same lot as the building or use that it is to serve, or located on an adjacent or contiguous lot pursuant to an agreement with the County that the lots in question be held as one lot for the life of the project or merged to create one lot, except as provided in Subsections (b) and (d) below. Off-street parking shall be available without charge except for public institutions.

All parking is on-site

- (b) Off-street, off-site, and non-contiguous parking lots may be permitted when located within three hundred (300) feet of the lot line, containing the building or use that the parking is to serve subject to a minor use permit, or when located further than three hundred (300) feet of the lot line, containing the building or use the parking is to serve subject to a major use permit, and provided that the parking lot is in the same ownership as the use, or is under a recorded lease with the use that provides that the parking will exist as long as the use it serves, unless the parking is replaced with other spaces that satisfy the requirements of this Article.

All parking is on-site

- (c) Shared on-site parking adjustment: Where two (2) or more nonresidential uses are on a single site, the number of parking spaces may be reduced through adjustment at a rate of five (5)

percent for each separate use, up to a maximum of ten (10) percent as long as the total number of spaces is not less than required for the use requiring the largest number of spaces. The parking adjustment shall be reviewed and approved by the Review Authority.

N/A

- (d) Joint use parking adjustment: Where two (2) or more nonresidential uses propose to share parking spaces on or off-site, the applicant shall meet the applicable requirements of Subsection (b) and the applicant shall show that there is no substantial conflict in the operating hours or uses. The required parking shall equal that of the use requiring the higher number of parking spaces pursuant to this Article.

An on-site parking adjustment shall be reviewed and approved by the Review Authority.

N/A

- (e) Any off-street parking space, whether open or enclosed, shall be located so as to be individually accessible and useable for the parking of motor vehicles, except as provided in Section 46.14.

All parking spaces are individually accessible and useable

- (f) Uncovered parking in any required yard area bordering a street is prohibited except in the case of single-family residential, duplex, triplex or fourplex residential development provided that such parking is in tandem to and adjacent to required covered parking.

No parking is proposed in required yard areas

- (g) Handicapped stalls shall be located so that the handicapped person will not be required to wheel behind parked cars other than parked cars for the handicapped, while entering or exiting the parking area. Said stalls shall be located as close as possible to the main entrance of the building. Except as provided in Chapter 2-7102 of the State Building Code, each parking stall for the physically handicapped shall be clearly identified with posting immediately adjacent to and visible from each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

Exceptions to this requirement may be made by the Review Authority when the circumstances of the particular case meet the requirements for exceptions of the State Building Code, Chapter 2-7102, et.seq.

The handicapped parking is located directly in front of the building entrance.

46.14 Access requirements

- (a) Parking lots are to be designed and improved to prevent vehicular access at any point other than designated points of ingress (entrance) or egress (exit). This applies to both commercial and residential areas. Driveway access locations shall be approved by the Review Authority.

The parking lot is designed to prevent access from other than the driveway.

- (b) Each developed site shall not have more than two (2) accessways to any one street, except as provided for in a required use permit.

The project has a single accessway, on Point Lakeview Road. CALTRANS noted the proposed location of the driveway would increase traffic safety by moving it further from State Highway 281.

- (c) There should be a minimum distance of twenty-four (24) feet between driveway curb cuts along any street frontage.

There are no driveways within twenty-four (24) feet of the proposed driveway location.

- (d) No driveway shall be allowed to encroach closer than twenty (20) feet to the end or beginning of the radius on any street corner unless approved by the Department of Public Works.

The centerline of the driveway is approximately 320 feet from the nearest intersection.

- (e) The width of a driveway providing access to a parking lot from the public street or between separate parking areas on a site is to be a minimum of twelve (12) feet for one-way access, twenty (20) feet for multiple-family residential, and commercial or industrial two-way access.

The driveway is 35 feet in width

- (f) No driveway entering onto a right-of-way shall exceed a width of thirty (30) feet.

The driveway is 35 feet in width to allow for one entrance lane and two exit lanes.

- (g) For commercial use a driveway access grade of no more than eight (8) percent shall be allowed for the first forty (40) feet, thereafter a grade of over twelve (12) percent shall not be acceptable without prior approval of Planning Department and Department of Public Works.

The driveway access grade does not exceed eight percent (8%) at any point.

- (h) For single-family residential uses in all “APZ”, “A”, “TPZ”, “RL”, “RR” and “SR” zoning districts, the first fifty (50) feet of a driveway beginning at the edge of the existing improved surface shall be constructed and maintained with an all-weather surface. An all-weather surface includes: Six (6) inches of gravel or crushed rock, an oil and rock surface, asphaltic concrete, or concrete.

In all other zoning districts, all driveways shall be constructed and maintained with an all-weather surface of asphaltic concrete or concrete unless another all-weather surface is approved by the Review Authority.

The project proposes asphaltic concrete pavement.

46.15 Design specification requirements

Parking lots shall be designed according to minimum specifications as set forth in this Section and Table 1. A sample parking and circulation plan is provided in Figure 1 to show how the minimum specifications may be applied.

- (a) The required front yard setback dimension (A) as shown in Figure 1 shall be as specified for the zone in which the parking lot is to be located or as provided in Article 41; however, such dimension shall not be less than ten feet (10) unless modified as permitted in Article 41.

The driveway access is approximately 95 feet long.

- (b) The wheelstop setback dimension (E) as shown in Figure 1 shall be a minimum of three (3) feet.

No wheel stops are proposed.

- (c) The minimum driveway width (F) at any parking stall angle less than forty five (45) degrees, including parallel stalls, shall be twelve (12) feet as shown in Figure 1.

The driveway is “L” shaped, with widths of 28 and 35 feet, in compliance with Table 1.

- (d) The turnaround or end driveway width (G) as shown in Figure 1 shall be a minimum of eighteen (18) feet.

The end driveway widths are 28 and 35 feet.

- (e) Parking areas are to be designed so as to not require or encourage cars to back out into a public street, public or private pedestrian walk, or public alley, in order to leave the lot or to maneuver out of the parking space.

The parking is accessed by Point Lakeview Road via a 95 foot long driveway. The parking lot is designed to be fully contained away from Point Lakeview Road.

- (f) Except as provided for in Section 46.13(f), no parking space shall be designed to back out directly toward a right-of-way without a minimum clearance between right-of-way and the rear of the stall of twenty five (25) feet at a ninety (90) degree angle.

N/A

- (g) Parking may be designed to include tandem parking only in the following situations:

1. In a parking area serving a single-family dwelling, duplex, triplex, or fourplex residential development where the tandem parking is not more than two (2) cars in depth provided that such parking is in tandem to and adjacent to required covered parking.
2. In a public garage or public parking lot where all parking is performed by attendants at all times, or for public assembly facilities and temporary events where user arrivals and departures are simultaneous and parking is attendant-directed.
3. For all-day employee parking lots restricted to employee use, provided that required aisle widths are maintained, and no more than fifty (50) percent of the employee spaces are designed for tandem use.

N/A

- (h) All parking lots providing ten (10) or more spaces, or any parking lot which contains angled parking, shall provide permanent directional markers to indicate driveway location and circulation pattern.

Permanent directional markers have not been proposed

- (i) Parking lot spaces serving multifamily residential, commercial and industrial uses which face sidewalks, walkway curbs or landscaped perimeters shall be provided with adequate wheel stops.

Wheel stops have not been proposed

- (j) All parking lots containing four (4) or more spaces shall be required to submit a landscaping plan as set forth in Article 41, Section 41.9.

A landscape plan has been provided

- (k) A parking lot of four (4) or more spaces shall be surfaced with an asphaltic, cement, or other appropriate pavement material to provide a durable surface. It shall be graded and drained to dispose of all surface water accumulated, and shall be arranged and marked to provide for orderly and safe loading, unloading, parking and storage of vehicles.

The site plan describes a light asphalt section of 3" asphaltic concrete pavement over 6" Class 2 aggregate base in the parking area, with a heavy asphalt section of 4" asphaltic concrete pavement over 8" Class 2 aggregate base in the areas of circulation.

The grading plan describes a maximum cross slope of 2% for the accessible parking and unloading spaces, with a maximum cross slope of 3.05-3.35% in the circulation area, tapered to a maximum of 0.90-1.50% along the edges of the parking areas for drainage direction.

46.16 Drive-in and drive-through facilities

N/A

46.17 off-street loading facilities

The site plan describes a 6” concrete section of 6” Class 2 aggregate base in the store loading and trash enclosure area.

VII. GENERAL PLAN

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

Although the Zoning Ordinance defines neither compatible nor incompatible, the General Plan states in its Introduction,

“The general plan has been called the ‘constitution’ for land use development and management to emphasize its importance to land use decisions. Once a general plan is adopted, its maps, diagrams, and policies form the basis for County zoning, discretionary entitlements, subdivision, resource management, and public works actions. Under California law, no area plan, zoning, subdivision map, nor public works project may be approved unless the County finds that it is consistent with the adopted General Plan.” (Section 1.2)

As directed, this department looks to a project’s compliance and consistency with the many aspects of the General Plan, Riviera Area Plan and Zoning Ordinance in its analysis. Listed below are the relevant General Plan policies.

Policy LU-2.2 Encourage Infill Development The County shall encourage infill development within community growth boundaries where public services such as water and sewer systems, school, and roads already exist and capacity is sufficient.

The proposed project is within the community growth boundaries, on parcels with Community Commercial General Plan designation.

Policy LU-4.1 Neighborhood Commercial Uses The County shall encourage the development of small neighborhood convenience facilities (that do not exceed 15,000 total square feet of floor space) to meet the everyday shopping and personal needs of immediately surrounding residents and visitors. Venues for marketing of local, value added agricultural projects should be encouraged.

The proposed structure is 9,100 square feet. According to the Economic Analysis Report,

“Dollar General is a discount general merchandise retailer offering a broad selection of merchandise, including consumables, seasonal, home products, and apparel...The store’s product offerings include most necessities, such as basic packaged and refrigerated food

and dairy products, cleaning supplies, paper products, health and beauty care items, basic apparel, housewares, hardware and automotive supplies, among others.”

Policy LU-4.5 Commercial Center Guidelines The County shall use the following guidelines for the proper development and location of commercial centers:

- The market area should serve the community and surrounding areas.
- Typical uses include eating and drinking establishments, food and beverage sales, general personal services, entertainment services and retail sales. Other uses such as supermarkets, administrative and professional offices, medical services, and financial, insurance, and real estate services may be included.
- Where the surrounding area is an agricultural area, the center should include goods and services that serve agricultural needs, and venues for marketing of local, value-added agricultural products should be encouraged.
- The center should be located where it can be easily accessed from at least one major local road.
- Development should provide for adequate, appropriately placed parking to accommodate patrons to the market area.

According to the Economic Analysis Report, “Through its broad merchandise offering, Dollar General seeks to enable customers to fulfill their routine shopping requirements.”

Policy LU-4.6 Big Box Development The County shall enact changes to the zoning ordinance to limit the size of formula retail businesses to no more than 40,000 square feet to be consistent with the character of the area. Exceptions may be considered through the Planned Development Commercial process.

The proposed building would be 9,100 square feet, with an anticipated 7,400 square feet of selling space.

Policy LU-6.14 Clustering The County shall encourage clustering and smart growth concepts that promote fewer vehicle access points and enhance visual and pedestrian access, such as:

- Residential clustering where dwelling units are grouped on a portion of the available land, reserving a significant amount of the site as protected open space.
- Industrial and commercial clustering where uses are put into a focal area to enhance opportunities for transit and proximity to residential and other uses.

The project’s location is consistent with the priority of clustering commercial space.

Policy LU-7.4 Contextual and Compatible Design The County shall ensure that new development respects Lake County’s heritage by requiring that development respond to its context, be compatible with the traditions and character of each community, and develop in an orderly fashion which is compatible with the scale of surrounding structures.

The Riviera Architectural Control and Planning Committee met with Cross Development Representative Joe Dell to discuss the proposed design of the structure. As described in an email to staff from the Clear Lake Riviera Association Office Manager, design alterations were agreed upon to help the structure meet the design guidelines. The changes include:

- 1. Concrete block front to cover all 4 sides of the metal structure.**
- 2. Metal roof, sloped to the back of building. Tile parapet angled above roof around front and sides of building. This will be built high enough to hide the HVAC units on the roof. No parapet along back of building.**
- 3. Sign will be lit from the front.**
- 4. Remove small awnings and metal trellis from sides of building.**

Policy LU-7.9 Integrate Natural Features The County shall emphasize each community's natural features as the visual framework for new development and redevelopment.

Policy LU-7.15 Screening The County shall require screening of storage, trash receptacles, loading docks, and other building or site features required to reduce visual impacts from public area. Screening shall consist of solid fencing, landscaping, or a combination of both.

Policy LU-7.16 Parking location The County shall encourage automobile-oriented uses to locate parking in areas less visible from the street (e.g., reverse frontage commercial centers).

A number of existing trees will remain. Blue Oaks will be positioned to screen the parking area from Point Lakeview Road. The trash receptacles and loading dock are located furthest from both Point Lakeview Road and State Highway 281. The parking area is proposed in the same location as historical parking for this site.

Policy HS-2.2 Development Near Fault Zones The siting of residential, commercial, recreational, or industrial structures on or adjacent to known active or potentially active fault zones should be avoided. In areas of known seismic hazards, building intensity should be dictated by a scale of acceptable risks as shown in Table 7-1.

Policy HS-2.6 Development Criteria The County should consider geologic and seismic criteria in its permitting authority, and in determination of land use policies and development decisions, particularly in identified study areas.

Policy HS-7.1 Consultation with Fire Service Districts The County shall consult with the appropriate fire service district or CALFIRE in areas designated as high and extreme fire hazard, for particular regulations or design requirements prior to issuance of a building permit or approval of subdivisions.

The project is located within the Alquist-Priolo earthquake zone. The proposed location of the structure is 60 feet from an active fault line. Recommendations from the geotechnical engineering report have been included in the use permit conditions.

Policy N-1.7 Noise Controls During Construction The County shall require contractors to implement noise-reducing mitigation measures during construction when residential uses or other sensitive receptors are located within 500 feet.

Noise-reducing mitigations, as requested by the Lake County Air Quality Management District have been included in the use permit conditions.

Policy OSC-1.7 Encourage Planting of Native Vegetation The County shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation, and ensure that a maximum number and variety of well-adapted plants are maintained.

Policy OSC-1.18 Minimize Lighting Impacts The County shall ensure that lighting in residential areas and along roadways shall be designed to prevent artificial lighting from reflecting into adjacent natural or open space areas.

Policy OSC-2.2 Design Guidelines for Structures in Urbanized Areas In the urbanized areas of the County (within Community Growth Boundaries) structures within the immediate foreground of a scenic roadway should be constructed at a height and/or sited at a sufficient distance to maintain roadway and adjacent structures' views of distant, but visually significant natural features.

Policy OSC-2.6 Commercial Parking Areas Commercial parking areas within scenic corridors should be designed to provide attractive open areas, which complement and expand scenic views. Special consideration should be given to these parking areas as to their physical location, layout, and landscaping in an effort to make them an asset in the preservation of scenic corridor values.

Policy OSC-2.12 Equipment and Trash Storage Screening Mechanical equipment for buildings and trash storage facilities shall be screened from public view within new developments.

Policy OSC-2.13 Control of Light and Glare The County shall require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level). Where public safety would not be compromised, the County shall encourage the use of low energy lighting for all outdoor light fixtures.

Policy OSC-2.16 Low Glare Building Materials The County shall require the use of low glare building materials for new buildings constructed within the county.

Policy OSC-5.1 Energy Conservation Measures The County shall require the use of energy conservation features and clean alternative energy use in new construction and renovation of existing structures in accordance with state law.

The project must comply with conditions regarding containment of artificial lighting within the project area, with lighting equipment limited to those consistent with recommendations of the International Dark-Sky Association. The proposed location for the structure is removed from the roadway and at less than 24 feet in height, will not detract from the views of distant natural features. The driveway to the parking lot will be moved further away from Highway 281, increasing the area of natural landscape visible from that road. The use permit conditions require trash receptacles to be screened from view. In negotiations with the Riviera Architectural Control and Planning Committee, concrete block will cover all sides of the structure, replacing the metal siding previously proposed.

Policy WR-2.1 Protect Surface & Ground Water Quality All proposed land use and development plans should be evaluated as to their potential to create surface and groundwater contamination hazards from point and non-point sources. Effects include, but are not limited to: soil erosion; direct discharge of potentially harmful substances; ground leaching from storage of raw materials, petroleum products, or wastes; floating debris by runoff from the site.

Policy WR-2.2 NPDES Enforcement The County shall continue to monitor and enforce provisions to control nonpoint source water pollution contained in the United States Environmental Protection Agency NPDES program.

Policy WR-2.3 Construction Site Sediment Control The County shall continue to enforce provisions to control erosion and sediment from construction sites.

Policy WR-2.4 Best Management Practices The County shall continue to require the use of feasible and practical best management practices (BMPs) to protect surface water and groundwater from the adverse effects of construction activities and urban runoff.

Policy WR-2.5 Storm Water Runoff The County shall ensure the design of facilities and management of storm water runoff in a safe and environmentally sustainable manner. This will be accomplished through the proper siting, design and operation and maintenance of storm drainage collection and drainage facilities so as to protect the people, property and environment including the quality of runoff water and receiving water.

Policy WR-2.6 TMDL Implementation The County shall evaluate land use and development plans for their potential to cause an exceedance of the municipal waste load allocation for any TMDL under implementation, and to the maximum extent possible shall ensure that projects do not cause or contribute to water quality impairment.

Policy WR-5.1 Water Use Efficiency for New Development The County shall require the use of water conservation techniques appropriate for new development. Such techniques include, but are not limited to; requiring low flow plumbing fixtures on new construction, the use of high efficiency irrigation systems, use of gray-water for landscaping, the integration of storm

water runoff into passive groundwater recharge, the use (when feasible) of reclaimed water resources for reasonable and beneficial use and the use of drought-tolerant vegetation.

Policy WR-5.6 Use of Water Tolerant Landscaping and Irrigation The County should encourage the use of low water consuming, drought tolerant landscaping and water-conserving agricultural irrigation as means of reducing water demand.

Standard best management practices are included in the use permit conditions to protect surface and ground water quality and minimize the effect of construction and storm water runoff. The landscaping plants proposed are all drought tolerant.

VIII. AREA PLAN

The Rivas Area Plan was adopted on January 9, 2007. According to 5.5 Land Use and Zoning Plans,

“Located relatively centrally in the planning area, an appropriate place for a regional community commercial area appears to be within the Clear Lake Riviera subdivision adjacent to Highway 281. Existing community commercial uses include beauty shops, a restaurant, grocery store and real estate offices. The types of uses that would be expected to develop here are similar to the existing uses that would serve both residents and visitors, such as restaurants and personal services. Policies of this plan support the maintenance and growth of this commercial area.”

Policy 5.5.1a Support in-fill development of commercial areas in locations and with uses compatible with surrounding development and the policies of this plan.

The proposed project is located within the area designated by the area plan for Community Commercial activity. Its use as a general merchandise retailer is consistent with the Community Commercial General Plan designation, the “C2” Community Commercial zoning designation and the above Area Plan policy.

6.2 Area-Wide Commercial Design Guidelines

1. General Guidelines

A. Desirable Characteristics

1. Attractive color schemes, employing earth tones with contrasting colors that accent architectural details such as trim, windows and entrances.
2. Compatible size and style of buildings
3. Natural materials such as wood or stone

4. Prominent entries and windows.
5. Facades with varying depths and corners.
6. Relate the size and proportions of new commercial structures to the scale of adjacent buildings.

B. Undesirable Characteristics

1. Highly reflective surfaces
2. Large, blank monotonous exteriors
3. Unpainted concrete or corrugated metal siding
4. Square, box-like buildings
5. Unscreened storage and loading areas
6. Avoid commercial buildings that are inconsistent with the height, width or massing of other buildings in the vicinity.

As shown on the exterior elevations, the building will be earth toned, with a roof similar in style as the nearby buildings. At the request of the Riviera Architectural Control and Planning Committee, all four outer walls will have 8" split face concrete panels, with a stone texture. The entry is centered prominently at the front of the building. At ±9,100 square feet, the new building would be one of the larger buildings in the area, but not as large as the neighboring Riviera Market building. The loading doors are located at the rear of the Southeast corner of the structure, away from the main view.

2. Scenic Corridors and Areas

New commercial development in areas designated as scenic corridors by the Plan should not take away from the scenic character of the area. Uses that include open and outdoor storage may not be appropriate in scenic areas.

This project proposes a new commercial structure designed to match similar scenic characteristics of the neighboring commercial structures. The applicant does not propose open and outdoor storage.

3. Site Design

New buildings and other structures should be designed to fit into the existing landscape in such a way that leaves the natural features of the site intact and functional. Existing natural features on a site should be retained and incorporated into the site design to the greatest extent feasible. New development should be designed to avoid disturbance to rock outcrops and to minimize vegetation removal and maintain the natural slope of the property.

A. Site Analysis

Every project, no matter the size, should prepare a site analysis. The analysis is a method to evaluate the existing conditions on or near a site proposed for development. At a minimum, the analysis should identify the location and type of the following:

1. Slope of the land and drainage – **Please see attached Grading and Landscaping Plans**
2. Access – **Please see attached Site Plan**
3. Vegetation – **Please refer to the Landcape Plan**
4. Views both onto the site and from the site – **Please see views below.**
5. Natural features – **Please refer to the views below and the attached Landscape Plan**
6. Aspect and orientation (sun/shadow patterns) – **The proposed structure will have an identical orientation as the existing building.**
7. Location of utilities – **Please see attached Site Plan.**
8. Location of property boundaries and any required yard setbacks and required landscaping – **Please refer to Site Plan and Landscape Plan.**
9. Adjacent land uses and photos of building styles, height, mass and form of neighboring structures – **Please see photos below. These pictures were taken from the Economic Analysis provided by ALH/ECON for Cross Development.**

Many of the above items are included in the Site, Grading and Landscape Plans. The new building will be oriented in an identical manner to the current structure. Below are a few views both onto and from the site:



Site as viewed from Point Lakeview Road



The Eastern portion of the project area



View from site toward Point Lakeview Road



View from site, toward Highway 281



From site, toward intersection of Point Lakeview Road and Highway 281

Below are pictures of adjacent land uses and photos of building styles, height, mass and form of neighboring structures, as seen in the Economic Analysis Report:



Kit's Corner, 7990 CA-29



Vacant building, 9700 Soda Bay Rd.



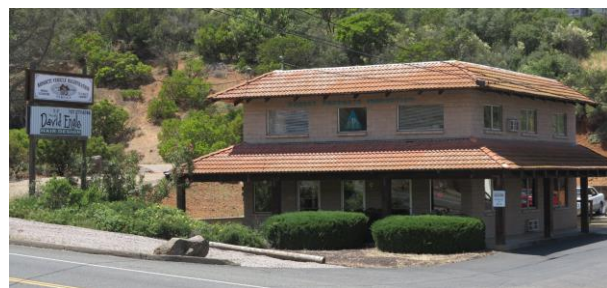
Riviera Shopping Center, State Highway 281



Riviera Shopping Center, Front Entrance



9700 Broadmore Way
(@ State Highway 281)



9739 State Highway 281



9711 State Highway 281

B. Incorporate Natural Features and Existing Topography into the Site Design

1. For instance, construct a building, deck or driveway around a mature tree or large boulder rather than removing them.
2. Buildings designed for sloping topography should conform to the natural topography rather than alter it to accommodate the structure. In areas of sloped topography, stepped foundations can be utilized in order to avoid grading necessary for slab foundations.
3. The form, mass and profile of individual buildings and architectural features should be designed to blend with the natural terrain and preserve the character and profile of the site as much as possible.

The applicant proposes moving the driveway from its current position to the location directly across from the intersection of Point Lakeview Drive and Konocti Bay Road. CALTRANS stated in its comments that the proposed location of the driveway will increase driver safety. Trees which will need to be removed for this purpose will be replaced in locations along the parking lot, creating a landscape barrier between the parking lot and the road.

C. Design for Views

Views can range from a filtered view of the lake through trees to a panoramic view of the lake with few visual obstructions. It is important to consider both views from the site and views of the site from the road, surrounding properties and Clear Lake (where applicable). How a commercial area looks from off the site is important in maintaining the scenic quality of the area.

Please see above.

D. Site Preparation

1. Site grading should minimize disturbance to existing terrain and drainage patterns.
2. Large cut slopes and abrupt transitions should be avoided.
3. Fills should be contoured. Site designs that retain existing trees are encouraged.
4. Revegetation of disturbed areas should be completed as quickly as possible.

The applicant proposes some grading of the project area. This will improve current drainage patterns in the parking lot area. Large cut slopes and abrupt transitions are not proposed. All trees outside of the driveway and septic area are designated to remain. Revegetation of disturbed areas is to be coordinated with the other activities on site and includes a soil analysis and addition of necessary soil amendments. The contractor shall also guarantee all plant materials for one full year.

4. Building Design

The planning and design of any new building, structure or addition should incorporate the following attributes:

A. Conceal Unattractive Features

Exterior mechanical equipment, including roof-mounted accessories, satellite dishes, refuse and storage areas should be attractively screened from public view.

At the request of the Riviera Architectural Control and Planning Committee, the parapet was increased in height and added to the sides of the building in order to screen the roof mounted air conditioning unit from public view. Please see attached Exterior Elevations.

B. Provide Usable Outdoor Spaces, where applicable

Building design and site planning should consider the types of outdoor spaces that will be created by a development. Where appropriate, based on the type of development proposed, buildings should be designed to create outdoor spaces that have their own identity and function, rather than being unused spaces. The incorporation of outdoor spaces should be considered in designing restaurants, resorts and similar uses.

The entire area of the three project parcels will be used space, either with a structure, parking or revegetated.

C. Interesting Building Facades, Roof Shape and Materials

1. Long, flat facades are generally uninviting. Attractive facades can add visual variety and distinctiveness to commercial areas. The overall proportion, spacing, size and shape of windows and doors are also important design elements.

2. Commercial buildings often have horizontal roof lines. Sloping, hipped, or gable end roof are more common in residential structures. The shape of the roof, its parapet line, and its decorative details are all important in defining the characteristics of a commercial building. Sloping, exposed roofs, especially hip roofs facing the street should be discouraged. An exception would be to create a gabled or hipped roof for a portion of the building, where that portion signified something important about its location, such as at an entry point to the building. Sloping parapets can be introduced in building remodels or new construction in order to break up the monotony of horizontal roof forms.

The roof line is horizontal and consistent with other nearby commercial structures.

3. Natural materials or high quality simulated materials should be used. Glazing should be clear or lightly tinted and not reflective.

According to the elevations, the roof will be Spanish tile and the facades will be concrete masonry units. The plans do not indicate the level of tinting or reflection.

D. Comprehensive Design Integrating All Structures

All structures on a site should be designed with architectural and spatial relationships in mind. Accessory structures, such as refuse enclosures, vending machine areas, picnic tables and piers, should be integrated into the design of the development in order to create a pleasant appearance both on- and off-site. The same or complementary design, materials and colors should be utilized throughout a commercial site.

The applicant does not propose additional structures.

E. Signs

Signs can strengthen a building's appearance, or easily detract from it. Following is a list of general sign guidelines:

1. Signs should be a harmonious element of the overall building design, using complimentary materials and colors. Signs should not dominate building architecture through inappropriate sizes, colors or designs.
2. Signage should be incorporated into the design of the building. If a wall or roof sign is planned, the façade should be designed to accommodate signage so that a business will have advertising space without detracting from the appearance of the structure. Signs that obscure the roof line are discouraged. Flush mounted signs, located below the parapet are encouraged.
3. Roof or parapet mounted signs are discouraged.
4. Signs with a brief, succinct message are usually more attractive, simpler and easier to read. Cluttered, hard to read signs are discouraged.
5. Plastic faced, back illuminated signs, with a light colored field and dark lettering that project perpendicularly from the building façade are strongly discouraged.
6. Tall signs are discouraged.
7. Signs that appear as large as the building are discouraged.
8. Signs which are lit from an external source can be used.

As seen on the Exterior Elevations page, the Awning mounted sign is concise and in accordance with the recommendation of the Riviera Architectural Control and Planning Committee, it shall be lit from the front. It is consistent with the Zoning Ordinance in size and placement.

F. Color

1. Bright primary colors, often associated with national chain stores, should be discouraged.
2. Buildings should have colors that coordinate with, not exactly match, its neighbors.
3. Color palettes on facades should be kept simple: two or three colors are usually sufficient to accent detail and provide variety.
4. Warm colors that relate to the surrounding natural environment are encouraged. More intense, contrasting colors should be limited to details.

The applicant proposes building colors which are consistent with the earth tones used in neighboring commercial structures. Please see attached Exterior Elevations.

G. Landscaping and Hardscape

The use of plant and hardscape materials is an important design element. Hardscape is the part of a building's grounds consisting of structures, such as patios, retaining walls, and walkways, made with hard materials. The following general guidelines should be incorporated into commercial projects:

1. Existing trees and native vegetation should be retained to the greatest extent possible.
2. Decorative paving should be encouraged.
3. Landscaping should consist largely of plants native or well-adapted to the Rivas area. Drought resistant vegetation is encouraged.
4. Grass, and other plants that require a lot of water, are discouraged.
5. Plant selections should be low maintenance and not fragile.
6. Decorative boulders and rocks are encouraged.
7. Parking areas should be landscaped, as topography allows.

The applicant proposes the removal of trees as necessary for the new driveway and for the septic area. These trees will be replaced along the parking lot, providing shade for the parked cars and a landscape barrier between the site and Point Lakeview Road. Please refer to Section IV for details on plant selections.

H. Circulation and Parking

Parking areas should be clearly separated from street frontages by landscaping and/or curbs as existing topography permits. Parking lot circulation should be clearly marked with defined points of ingress and egress.

Curbing will be installed along the parking lot area. Please see above regarding landscaping. The Site Plan shows a sole point of ingress and egress.

I. Energy Conservation

Buildings should be designed for energy efficiency consistent with an attractive public appearance. Where solar panels are proposed, it is encouraged that they be integrated into the roof design, flush with the roof slope. Frames should match the roof color. Solar equipment should be enclosed and screened from view when practical.

The above design guidelines serve as the basis for project evaluation by the Riviera Architectural Control and Planning Committee. As described in the previous section, this Committee has met with the Applicant, resulting in modifications to the design of the structure. If the use permit is approved, the Committee retains the right to review the complete set of project plans and provide additional comments as needed.

IX. ENVIRONMENTAL ANALYSIS

A CEQA Initial Study for this project was completed (Attachment 4). An archaeological records search for the project site was conducted; records showed an historical building had been present, although that structure was removed prior to the construction of the existing building. Permit conditions will be imposed by the California Department of Fish and Wildlife.

Implementation of and compliance with project conditions of approval identified in the CEQA Initial Study as mitigation measures, as outlined below, would avoid or reduce potential impacts to less than significant levels.

1. AESTHETICS

The Riviera Architectural Control and Planning Committee met with the applicant and their suggestions have been incorporated into the building elevations. If the project is approved, they will also review the final building plans and submit their comments to this department.

Conditions are in place to ensure the landscaping signage and lighting will be mitigated to less than significant impacts.

2. AGRICULTURE AND FORESTRY RESOURCES

No potentially significant impacts were identified.

3. AIR QUALITY

Conditions are in place to mitigate any possible asbestos prior to demolition of the existing structure. Additionally, a permit will be required should backup generators be used.

4. BIOLOGICAL RESOURCES

No sensitive species were noted within the project area. A California Department of Fish and Wildlife filing fee shall be required.

5. CULTURAL RESOURCES

A cultural resource study was completed on April 13, 2016 with no cultural resources identified. Conditions are in place to immediately halt construction if any archeological materials are discovered during demolition or irrigation.

6. GEOLOGY AND SOILS

The project area is within an Alquist-Priolo Earthquake Fault Zone and the trace of an active fault is located approximately 60 feet east of the project building pad. A geotechnical engineering report was submitted. All recommendations in this report are incorporated into the project conditions.

7. GREENHOUSE GAS EMISSIONS

No potentially significant impacts were identified.

8. HAZARDS & HAZARDOUS MATERIALS

Conditions are in place to reduce potential impacts to less than significant.

9. HYDROLOGY & WATER QUALITY

Conditions are in place to reduce potential impacts to less than significant.

10. LAND USE & PLANNING

The project area consists of three legal lots of record. Each of these lots contains public utility easements and building setbacks established by the subdivision. Prior to the issuance of a building permit, the lots must be merged, the utility easements vacated and if needed, the building setback line must be corrected.

11. MINERAL RESOURCES

No potentially significant impacts were identified.

12. NOISE

Conditions are in place to mitigate any short-term noise impacts during construction.

13. POPULATION & HOUSING

No potentially significant impacts were identified.

14. PUBLIC SERVICES

A condition is in place to ensure the construction and project area comply with local and state fire protection regulations.

15. RECREATION

No potentially significant impacts were identified.

16. TRANSPORTATION/TRAFFIC

The proposed location of the new driveway increases traffic safety. Conditions are in place to ensure appropriate handicap access, as well as pedestrian and driver safety.

17. UTILITIES & SERVICE SYSTEMS

Conditions are in place to address local agency requirements for both municipal water service and on-site wastewater system.

X. ZONING ORDINANCE ARTICLE 51 MAJOR USE PERMIT FINDINGS

51.4 Findings required for approval:

- (a) The Review Authority may only approve or conditionally approve a major use permit if all of the following findings are made:
 - 1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

It is Staff's position that the project, with required conditions and mitigations (listed below), will not be detrimental to the health, safety, morals, comfort and general welfare of the neighboring community, nor detrimental to property and improvements in the neighborhood, nor the general welfare of the County.

CONDITIONS/MITIGATIONS

- A1. The use hereby permitted shall substantially conform to the *site plan dated February 16, 2016, and exterior elevation dated February 10, 2017, except as modified herein*, and any conditions of approval imposed by the use permit and the Design Review Authority. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts.
- A4. All construction shall be reviewed and approved by a California-licensed professional civil engineer or architect, and be constructed to those specifications and recommendations in the geological report, subject to review and approval of the Community Development Department.
- B1. The Planning Commission shall act as the Design Review authority on this project. All exterior elements, lighting, and trash storage areas shall be installed in accordance to the conditions of approval and approved plans and maintained for the life of the project unless modified herein by the Planning Commission. The Community Development Director or

authorized representative may approve in writing, minor modifications that do not result in increased environmental impacts.

- B&D 1. All landscaping and irrigation plans shall be submitted, installed and maintained for the life of the project as shown on the submitted plans. All Landscaping shall be consistent with the regulations and standards of Section 41.9 of the Lake County Zoning Ordinance and the Model Water Efficient Landscaping Ordinance (Government Code Section 65591 Et. Seq). All undeveloped areas as shown on the Landscape Plan shall be maintained in aggregate base and be kept free of weeds and litter for the life of the project.
- B&D 2. All lighting shall be directed downwards onto the project site and not onto adjacent roads or properties. Lighting equipment shall be consistent with that which is recommended on the website: www.darkskyorg, and provisions of Section 21.41.8 of the Zoning Ordinance.
- B&D 3. Prior to installation of all signage, detailed sign plans shall be submitted to the Community Development Department for review and approval. Signage shall be designed in accordance with Section 21-45.12 of the Zoning Ordinance. Total signage shall be limited to 130 square feet, and shall consist of a combination of a wall sign, roof, free standing or a projecting sign.
- B&D 4. Prior to building permit submittal the Clear Lake Riviera Architectural Control and Planning Committee shall review the building permit application packet and their recommendations and/or approval shall be forwarded to the Community Development Department.
- F1. A permit from Lake County Air Quality Management District shall be required for backup generators.
- F2. An Asbestos Notification must be submitted to the District at least 14 days prior to beginning any demolition work. All demolition activities should use adequate water/amended water to prevent dust generation and nuisance conditions.
- F3. All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00 a.m. and 7:00 p.m. to minimize noise impacts to nearby residents.
- F4. Maximum non-construction related sounds levels shall not exceed the noise standards of 57 dBA between (7am-10pm) and 50 DBA between (10pm-7am) at the property line, pursuant to the Lake County Zoning Ordinance.
- F5. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines. The

applicant shall contact the District for further information if the project includes a backup generator.

- F6. Vegetation burning on commercial sites is not allowed. Construction debris and/or demolition debris cannot be disposed of by burning.
 - G2. All new construction shall incorporate Best Management Practices (BMP's) to the maximum extent practicable to prevent or reduce discharge of all construction or post construction pollutants into the County storm drainage system and Clear Lake. BMP's include scheduling of activities, erosion and sediment control, operation and maintenance procedures and other measures in accordance with Chapter 29 of the Lake County Code.
 - G4. Prior to occupancy, a method of financing and performing the long term maintenance of the post construction BMP's in accordance with the approved operation and maintenance plan shall be established through a maintenance agreement or other means acceptable to the Department of Public Works.
 - G6. If required, a General Construction Permit shall be obtained from the Central Valley Regional Water Quality Control Board. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Lake County Community Development Department.
2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

The proposed project area consists of three parcels. Once the parcels are merged and the public utility easements are vacated, the size of the site will be adequate. The structure meets all setback requirements and the site plan includes the appropriate amount of parking. The geotechnical report noted the evidence of an active seismic fault along the eastern portion of the project area, approximately 60 feet from the proposed structure. The recommendations included in the report have been incorporated into the project conditions to mitigate this physical characteristic's potential effect on the project.

CONDITIONS/MITIGATIONS:

- B2. Prior to issuance of building permits, the Voluntary Merger of the three adjacent parcels within the project area, and the Public Utility Easement Vacation shall be recorded. The building setback line, as shown in the recorded subdivision map shall be adjusted with the recordation of a Certificate of Correction, if needed.
- G1. Prior to issuance of the building permit, engineered drainage plans and calculations shall be submitted to the Lake County Water Resources Department for review and approval, along with an operation and maintenance plan for the post construction BMP's. The post construction BMP's shall be maintained for the life of the project.

G5. All construction shall be reviewed and approved by a California-licensed professional civil engineer or architect, and be constructed to those specifications and recommendations in the geotechnical report, subject to review and approval of the Community Development Department.

3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.

As proposed, the existing streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use. The conditions/mitigations listed below reduce potential effects to less than significant.

CONDITIONS/MITIGATIONS:

D1. Prior to occupancy, the driveway and parking areas shall be surfaced with asphalt or other appropriate pavement material with the exception of the access which shall be constructed to the County Commercial Encroachment Standards. The existing driveway shall be removed/obliterated, including the removal of the existing culvert. All necessary commercial encroachment permits shall be obtained from both the County Public Works Department and the California Department of Transportation.

D2. All handicap parking areas, routes of travel (pedestrian paths, walkways and sidewalks), building access and bathrooms shall meet American with Disabilities Act (ADA) requirements and be subject to review and approval stamp of a CASp, Certified Accessibility Access Specialist.

D3. Construction, circulation, access and pedestrian improvements shall be provided. Minor modifications not resulting in increased environmental impact may be approved in writing by the Community Development Director.

D4. All twenty-three (23) parking spaces and two handicapped spaces as shown on the submitted site plan shall be provided. A minimum of one van accessible parking stall sixteen (14) feet in width and twenty (20) feet in length is required per the Lake County Zoning Ordinance. All accessible parking shall meet the requirements of the State Building Code. Up to three compact parking spaces 7.5 feet in width and 16 feet in length (7.5x16) can be provided by the permit holder to replace the required 9x20 standard parking spaces if necessary.

D5. A minimum of one (1) post or rail type bicycle rack or similar device shall be provided. The bicycle rack shall be located near the entrance of the building and shall not interfere with vehicular or pedestrian circulation and be designed to provide for locking of the bicycle to the rack.

D6. An area within the parking lot shall be required for the storage of shopping carts. These storage areas shall be specifically marked as such and shall be constructed in a manner to physically contain the carts and not interfere with vehicular or pedestrian circulation.

4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

The project is within the Mount Konocti Mutual Water service area, will use an on-site septic system and the fire district is able to provide fire protection services to this site. The corresponding conditions/mitigations are listed below.

CONDITIONS/MITIGATIONS:

E1. The permit holder shall comply with all requirements of Health Services – Environmental Health Division regarding on-site sewage disposal.

E2. The permit holder shall comply with all requirements of Mount Konocti Mutual Water Company for water service.

E3. The project shall comply with Section 41.7 of the Lake County Zoning Ordinance, which specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

E4. Prior to occupancy, the permit holder shall comply with all of the requirements of the Kelseyville Fire Protection District.

E5. Prior issuance of a building permit, a food facility plan check must be approved by the Environmental Health Division.

E6. Prior to occupancy, a food facility permit to operate must be obtained and an opening inspection completed by the Environmental Health Division.

E7. Prior to occupancy, a Trash Enclosure area shall be provided, consistent with Ordinance 2650 of the Lake County Code.

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

With incorporated mitigations, as partially listed above, the project is in conformance. Further conditions/mitigations are listed below.

CONDITIONS/MITIGATIONS

- A2. All necessary permits shall be obtained from applicable State and County agencies having jurisdiction over this project prior to commencement of any construction activities including but not limited to, all building, plumbing, mechanical and electrical modifications.
- A3. This use permit approval shall not become effective, operative, vested or final until the California Department of Fish and Wildlife filing fee required or authorized by Section 711.4 of the Fish and Wildlife Code is submitted by the property owner to the Community Development Department. Said fee shall be paid within 30 days of approval. Failure to pay said fee by the specified deadline shall result in this use permit automatically becoming null and void.
- C1. Should any archaeological materials be discovered during construction of the new store, or installation of landscaping or irrigation all activity shall be halted in the vicinity of the find(s), and a qualified archaeologist shall be retained to evaluate the find(s) and recommend mitigation measures, if necessary, subject to the approval of the Community Development Department.
- C2. If any Valley Oak trees five inches in diameter or larger are removed, tree(s) shall be replanted at a ratio of five to one and shall be maintained for five years. If trees die, they too shall be replanted and maintained for five years. Every practical effort shall be made to minimize impacts to all viable oak trees during development of this property.
- C3. The Blue Oaks identified on the Landscape Plan to replace removed trees shall be a minimum of 1 ½" caliper.
- H1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- H2. Prior to issuance of development permits, the applicant shall enter into a mitigation monitoring inspection agreement with the Planning Division and an annual mitigation monitoring fee shall be paid until all conditions are met.
- H3. This permit shall be null and void if not used within a two year period, or if the use is abandoned for a period of two (2) years.
- H4. This permit shall be valid for an indefinite period of time unless it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

The department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.

XI. ZONING ORDINANCE ARTICLE 54 DESIGN REVIEW

54.5 Findings required for approval:

(a) The Review Authority shall only approve or conditionally approve a design review permit if all the following findings are made:

1. That the proposed use is a permitted use in the district where located.

This site is zoned “Community Commercial” which allows for retail sales.

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

The proposed project area consists of three parcels. Once the parcels are merged and the public utility easements are vacated, the size of the site will be adequate. The structure meets all setback requirements and the site plan includes the appropriate amount of parking.

3. That there are adequate public and private services, including but not limited to fire protection, water supply, and sewage disposal.

The project proposes using municipal water, an on-site septic system and the fire district is able to provide fire protection services to this site.

4. That the project is in conformance with the applicable provisions and policies of this Chapter, the Lake County General Plan and any approved zoning or land use study or plan.

With incorporated mitigations the project is in conformance.

CONDITIONS/MITIGATIONS:

Build & Design

1. All landscaping and irrigation plans shall be submitted, installed and maintained for the life of the project as shown on the submitted plans. All Landscaping shall be consistent with the regulations and standards of Section 41.9 of the Lake County Zoning Ordinance and the Model Water Efficient Landscaping Ordinance (Government Code Section 65591 Et. Seq). All undeveloped areas as shown on the Landscape Plan shall be maintained in aggregate base and be kept free of weeds and litter for the life of the project.

2. All lighting shall be directed downwards onto the project site and not onto adjacent roads or properties. Lighting equipment shall be consistent with that which is recommended on the website: www.darksky.org, and provisions of Section 21.41.8 of the Zoning Ordinance.

3. Prior to installation of all signage, detailed sign plans shall be submitted to the Community Development Department for review and approval. Signage shall be designed in accordance with Section 21-45.12 of the Zoning Ordinance. Total signage shall be limited to 130 square feet, and shall consist of a combination of a wall sign, roof, free standing or a projecting sign.

4. Prior to building permit submittal the Clear Lake Riviera Architectural Control and Planning Committee shall review the building permit application packet and their recommendations and/or approval shall be forwarded to the Community Development Department.

5. That the placement and design of buildings and structures are compatible with existing development and will not detract from the visual setting.

The footprint of the building will exceed that of the current building. Its design is consistent with the neighboring businesses. Landscaping has been proposed to limit its visual impact to the area.

6. That the project is in conformance with any applicable community design manual criteria.

Staff has determined that the project with incorporated mitigations meets all of the design criteria as specified in the Riviera Area Plan as most practicable. Please see above conditions/mitigations.

7. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.

As proposed, the existing streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.

8. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from

the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

The department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.

XIV. RECOMMENDATION

Staff recommends the Planning Commission approve the project with the modifications suggested by staff, with the following findings:

A. Adopt a mitigated negative declaration for UP 16-04 and DR 17-02 with the following findings:

1. Potential environmental impacts related to land use and aesthetics have been mitigated to insignificant levels by conditions section B.
2. Potential environmental impacts related to cultural and biological resources have been mitigated to insignificant levels by use permit conditions C.
3. Potential environmental impacts related to traffic have been mitigated to insignificant levels by use permit condition section D.
4. Potential environmental impacts related to utilities, services systems and public safety have been mitigated to insignificant levels by use permit conditions E.
5. Potential environmental impacts related to air quality and noise have been mitigated to insignificant levels by use permit conditions section F.
6. Potential environmental impacts related to geology, soils, hydrology, and water quality have been mitigated to insignificant levels by use permit conditions section G.
7. Potential environmental impacts related to timing and monitoring have been mitigated to insignificant levels by use permit conditions H.
7. This project is consistent with land uses in the vicinity.
8. This project is consistent with the Lake County General Plan, Rivas Area Plan and Zoning Ordinance with the incorporated mitigations and conditions of approval.
9. As mitigated, this project will not result in any significant adverse environmental impacts.

B. Approve Use Permit UP 16-04 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

C. With regards to Design Review Permit make the following findings:

1. That the proposed use is a permitted use in the district where located.
2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
3. That there are adequate public or private services, including but not limited to fire protection, water supply and sewage disposal.
4. That the project is in conformance with the applicable provisions and policies of this chapter, the Lake County General Plan and any approved zoning or land use study or plan.

5. That the placement and design of the buildings and structures are compatible with existing development and will not detract from the visual setting.
6. That the project is in conformance with any applicable community design manual criteria.
7. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
8. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find on the basis of the Initial Study No. 16-07 prepared by the Planning Division and the mitigation measures and conditions of approval which have been added to the project, that the use permit and design review as applied for by the Cross Development will not have a significant effect on the environment and therefore a mitigated negative declaration shall be issued with the findings listed in the staff report dated February 23, 2017.

Major Use Permit Approval

I move that the Planning Commission find that the Major Use Permit (UP 16-04) applied for by Cross Development on property located at 9781 Point Lakeview, Kelseyville does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated February 23, 2017.

Design Review Approval

I move that the Planning Commission find that the Design Review (DR 17-02) applied for by Cross Development on property located at 9781 Point Lakeview Road, Kelseyville does meet the requirements of Section 54.5 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Design Review be granted subject to the conditions and with the findings listed in the staff report dated February 23, 2017.

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:_____