

**COUNTY OF LAKE**  
**MAJOR USE PERMIT 16-04**  
**DESIGN REVIEW DR 17-02**  
**CROSS DEVELOPMENT**  
**DOLLAR GENERAL – CLEAR LAKE RIVIERA**  
Expires if not used by: February 23, 2019

Pursuant to the approval of the Lake County Planning Commission on **February 23, 2017**, there is hereby granted to **Cross Development, Dollar General – Clear Lake Riviera**, a **Major Use Permit and Design Review to allow demolition of an existing structure and construction of a new retail store** on property located at **9781 Point Lakeview Road, Kelseyville, CA**, further described as Assessor Parcel Numbers **043-551-06, 07 & 47**, subject to the following terms and conditions.

**Conditions:**

**A. GENERAL:**

1. 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.
2. 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.
3. 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.
4. 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.

**B. LAND USE AND AESTHETICS:**

1. 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.

2. 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.

### **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](http://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.

### **C. CULTURAL RESOURCES AND BIOLOGICAL:**

1. 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.
2. 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.

3. The Blue Oaks identified on the Landscape Plan to replace removed trees shall be a minimum of 1 ½” caliper.

**D. TRAFFIC:**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

**E. UTILITIES, SERVICE SYSTEMS & PUBLIC SAFETY:**

1. The permit holder shall comply with all requirements of Health Services – Environmental Health Division regarding on-site sewage disposal.
2. The permit holder shall comply with all requirements of Mount Konocti Mutual Water Company for water service.

3. 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.
4. Prior to occupancy, the permit holder shall comply with all of the requirements of the Kelseyville Fire Protection District.
5. Prior issuance of a building permit, a food facility plan check must be approved by the Environmental Health Division.
6. Prior to occupancy, a food facility permit to operate must be obtained and an opening inspection completed by the Environmental Health Division.
7. Prior to occupancy, a Trash Enclosure area shall be provided, consistent with Ordinance 2650 of the Lake County Code.

**F. AIR QUALITY AND NOISE:**

1. A permit from Lake County Air Quality Management District shall be required for backup generators.
2. 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.
3. 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.
4. 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.
5. 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.
6. Vegetation burning on commercial sites is not allowed. Construction debris and/or demolition debris cannot be disposed of by burning.

**G. GEOLOGY & SOILS, HYDROLOGY & WATER QUALITY:**

1. 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.
2. 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.
3. Prior to start of construction, an operation and maintenance plan for the post construction BMP's shall be developed and approved by the Community Development Department. The post construction BMP's shall be maintained for the life of the project.
4. 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.
5. 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.
6. 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.

**H. TIMING & MITIGATION MONITORING:**

1. 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.
2. 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.
3. 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.
4. 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.

**Robert Massarelli, Director  
COMMUNITY DEVELOPMENT DEPARTMENT**

Prepared by: MGT

By: \_\_\_\_\_  
Danae Bowen, Office Assistant III

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**ACCEPTANCE**

I have read and understand the foregoing Minor Use Permit and agree to each and every term and condition thereof.

Date: \_\_\_\_\_  
\_\_\_\_\_

Applicant or Authorized Agent

\_\_\_\_\_  
Printed Name of Authorized agent