

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

February 23, 2017

Commission Members

P John Hess, District I
P Bob Malley, District II
P Eddie Crandall, District III
P Matt Levesque, District IV
P Daniel Suenram, District V

Staff Members

P Robert Massarelli, CDD Director
P Michalyn DelValle, Principal Planner
P Shanda Harry, Deputy County Counsel
P Danae Bowen, Office Assistant III

9:07 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 16-07) for Major Use Permit (UP 16-04) and Design Review (DR 17-02). The project applicant is CROSS DEVELOPMENT on behalf of DOLLAR GENERAL proposing construction of a +/- 9,100 square foot retail store. The project is located at 9781 Point Lakeview Road, Kelseyville and further described as APN 043-551-06, 07 & 47. (Mireya Turner)

Mireya Turner, Associate Planner, provided background information and a power point presentation of the proposed project.

9:47 a.m. Opened Public Hearing

Tom Nixon, President of the Clearlake Riviera Community Association, said the Board decided to stay neutral on this project in terms of endorsing or opposing it. He said they agreed to put out petitions in support/opposition of this project and there were 12 people in favor and at least 150 to 200 signatures in opposition to the project. He said it was clear where the community stood on this project.

Mr. Nixon continued with his comments as a resident of the Clearlake Riviera and said that he is personally opposed to this project, and one of his reasons is regarding policy LU-7.4 in the Staff Report, which states that the project should be compatible with the traditions and character of each community and should be compatible with the scale of surrounding structures and small locally owned businesses. He also pointed out in the staff report; the development near Fault Zones, undesirable characteristics with large, blank monotonous exteriors and square box-like buildings should be avoided. He also spoke to the Best Management Practices (BMPs) of pollutants into the system from post construction and that box stores are not encouraged, it is near an earthquake fault and it is on a scenic corridor.

Lynn Harvey, property owner for proposed project site, submitted an outline to the Planning Commission and spoke in favor to the development of Dollar General on the project site.

Bob Harvey, property owner for proposed site, spoke to the development of Dollar General at this location. He said that Dollar General will be a huge improvement on this site, because the current structure is run down and dilapidated.

Helen Finch read a letter into the record from Sue Dodd, President of the Kelseyville Business Association and members who are opposed to the project development.

Ed Calkins, Kelseyville resident, said he was a member of the group who worked on the Rivas Area Plan and spent a lot of time on the scenic attributes of this area. He said Soda Bay Road and Point Lakeview Road is key scenic territory. He said the area plan limited any retail stores to 5,000 square feet and it is clearly not the area for big box stores. He said it is not a good place for a Dollar General and if it somehow gets approved, they are going to boycott using the store.

Jim Robello, Kelseyville resident, spoke to the economic impacts of the current businesses in the area if Dollar General is approved. He said he was opposed to this project development.

Burt Tunzi, Kelseyville resident, said he was not in support of Dollar General at this project site. He said he is not opposed to growth, but Dollar General is not a factor of that growth. He said there is no uniqueness to this store and he is opposed to this project development.

Rick White, Kelseyville Resident, spoke to the esthetics of buildings and did not see anything unique with the Dollar General enhancing Lake County. He said the concern is the look and feel and how we want this County to grow.

Valerie Meyer Nixon, Kelseyville resident, said she did not think Dollar General is the right fit in a rural neighborhood and it is not compatible with the intent of the Rivas Area Plan. She said it is being proposed on a scenic corridor and shared her concerns with safety issues, increase in crime, noise and light pollution. She is opposed to this project application.

Lonny Rittler, Kelseyville resident, submitted a letter to the Commission. She spoke in opposition to this project application.

Wendy Weiss, Kelseyville resident, read her letter into the record. She was not in favor of this project application.

Janet Swedberg, Kelseyville Resident, read a letter into the record voicing her opposition to this project application.

Robert Hammond, General Manager of Riviera Foods, said he employs over thirty people and more than twenty are earning above minimum wage, working fulltime and have medical benefits. He said if Dollar General is approved, good paying fulltime jobs with benefits will be traded for part-time jobs for minimum wage, with no benefits. He said the desire of the people is

extremely clear and his hope is that those who are involved in the decision making process, would hear the people.

Barbara Knuckols, Kelseyville resident, spoke to the Rivas Area Plan and what the intent of this plan is and the people who helped create it. She submitted an email from Robert Massarelli, confirming that all portions of Highway 29, Highway 281, Soda Bay Road, and Point Lakeview Road, within the planning area as described in the Rivas Area Plan, have been designated as County Scenic roads. She said this should be greatly enhanced by projection of a positive community image to the traveler and she hoped that this status could be retained. She submitted a petition with 1600 signatures of Riviera residents and people who work, travel and vacation in Lake County, who say they do not want to participate or be consumers of Dollar General.

Hildegard Krause, Kelseyville resident, read her letter into the record voicing her concerns in opposition with this project proposal.

Bruce Hollander, Kelseyville resident, presented a video to the Commission with emphasis on stopping Dollar General in the Clear Lake Riviera. He said that this development is not in compliance with the Rivas Area Plan or with the Lake County General Plan and should be denied.

Mark Borghesani, Kelseyville resident, spoke to the economic impacts of dollar shifting from one business to the other. He felt that consideration of any Dollar Generals could not really go forward until there is a full Environmental Impact Report done on the economics and the cumulative effect of nine to twelve stores in Lake County with the effects of; blight and the economic effect of each store proposed in a specific area. He said when the Dollar General was denied across the street from Kelseyville High School, some of the issues were; traffic, proximity to the school and the economic information was not specific to our area, due to the lack of economic data and information. He mentioned the cumulative effect of these stores on Lake County in general and each specific area that they are being proposed to go. He said Dollar general should have to identify everywhere they want to go instead of looking at them one at a time; they should be looked at as a whole project. He said this should be sent back to evaluate the economic impacts to the County. He said this is not a fit for our County and there is no added value to us as consumers.

Valerie Nixon read a letter into the record from Edward and Kathleen Stockman, who could not attend the hearing and were opposed to this project moving forward.

Timothy Keenan, Lake County resident, said esthetically Dollar General is not a good fit for Lake County.

Speaker and Lake County resident for twenty years and owner of a business at Kits Corner said if this project is allowed it will make it very hard for him to survive and feed his family. He asked that this project be denied.

Steven Stalker, Lake County resident, compared a Home Depot moving across the street from Kelseyville Lumber to Dollar General moving into the Riviera and what would happen to those

little businesses and what will happen to this County if Dollar General keeps adding more stores. He asked that this project be denied.

Debra Fredrickson, Kelseyville resident, said Dollar General is not a good fit anywhere in Lake County and the long term effects need to be carefully looked at.

11:30 a.m. Break

11:47 a.m. Back to Order

Carl Fredrickson, Kelseyville resident, said that he was opposed to this project and read a letter from Mr. & Mrs. Dufee into the record.

Michaela Keenan, Lake County resident, said they rely on Braito's Riviera Market and they do not want this store in their neighborhood and felt it was wrong for the community.

Victoria Brandon, Lake County Sierra Club, said there are basic conflicts with the Rivas Area Plan, specifically regarding the Design Review Guidelines and the future provision for the future of our community. She said red flags in the staff report on page 43 item 3: *"Prior to installation of all signage, detailed sign plans shall be submitted to the Community Development Department for review and approval."* She said on that same page there is a conclusion that: *"The project is in conformance with any applicable community design manual criteria."* She said it also states: *"Staff has determined that the project with incorporated mitigations meets all of the design criteria as specified in the Rivas Area Plan as most practicable."* She said with all due respect, she maintains that this is not a judgment for staff, this decision belongs to the Planning Commission to determine whether those criteria have been met, whether the project is consistent and is not a responsibility that can be delegated and hoped that can be considered when looking at this project.

Mischell Mablando, Kelseyville resident and small business owner in the Kelseyville area, said she was concerned about her business if this project is allowed to move forward. She spoke in opposition to the project and said she would boycott the business if it is approved.

John Smiraglia, Kelseyville resident, said there are a lot of people here that represent the community who are opposed to this project and he has not heard one person in support of this project. He said the 1600 people who signed the petition do not think this is a good fit for the community. He asked that the Planning Commission support what the community wants and deny this project.

Ms. Swedburg read another letter into the record from Margaret Horn who was not in favor of this project.

Dennis Purcel, Kelseyville resident, spoke to the Dollar General being right in his view shed and was opposed to this project.

Candy Hurley, Kelseyville resident, spoke to the store being right in her viewshed and that she would not have purchased her property if the store was there. She said she is opposed to this project.

Kris Andre, Kelseyville resident, said this Dollar General Corporation is taking advantage of the fact that this is a small County, very rural, very little industry, low population, high unemployment, low education and they think they can move in and create jobs. She asked if this is how Lake County wants to be seen with having nine to twelve Dollar Generals and thought we can do better than that, especially since we are one of the up and coming wine regions in the State of California. She said Dollar General does not have a stake in Lake County, but the community does and asked that this project be denied.

Ed Robey, Lake County resident, said he was invited to attend a meeting in the Riviera to ask about the planning process. He said he saw the 1600 plus petition and he is here today supporting their cause. He said the California Environmental Quality Act (CEQA) requires that you cannot piecemeal projects. He said infesting Dollar Generals into Lake County is a project and the cumulative impact needs to be looked at that way. He said he was here in support of the people who are in opposition of this project.

Derek Wilson, Rubicon Design Group on behalf of Cross Development, said that they are a grocery store, which sells basic grocery items and it is not a dollar store, despite the name. He said it is to capture sales locally, which would generally go out of the area. He said it is a reuse of an existing commercial site, and the area right now is functioning as a homeless camp and it needs some change. He said the location of this project, directly supports the General Plan, clustering of commercial, the infill aspect and staff has done a complete job of analyzing this project. He said the proposed project incorporates changes by the community architectural committee. He said the site is at a major intersection where the traffic already exists, which minimizes additional traffic generation. He said the reason that Dollar General is pursuing sites in this area is because they have been successful in Lake County with their existing sites. He said there is a demand and people respond to it. He appreciates the people here who are opposed, however would like to see the planning process run its course and he is glad that a forum exists where everyone can be heard. He said people commented on economic development and he said that vacant buildings are the biggest detriment to new businesses locating here and if there are vacant buildings, they should be cleaned up to get the site occupied, which generates interest and investment and spurs a new user looking and bringing a broad base of uses that people can support and he felt that this was a link in that chain. He said the bottom line for him, if the project meets County Code, which he thinks it does, it should be approved.

Mr. Robello said he thought he heard Mr. Wilson say, as long as it meets the County Code then to disregard what the community thinks.

Mr. Nixon said the facility that is currently there is awful, but it is not about what is there, it is about what is proposed to be there.

12:17 a.m.

Closed Public Hearing

Mr. Massarelli pointed out issues facing the Commission today; the first is the Negative Declaration for the Major Use Permit and the Design Review. He said there have been a lot of comments about CEQA, the economics, and the multiple Dollar General stores around the lake, rather than just the one store. He said CEQA specifically does not address economics; it is not covered in the CEQA process, nor is it covered in the Lake County Zoning Ordinance. He said in other communities there has been an economic study on a project like this, but we do not have that as a requirement in our ordinance. He said if the Planning Commission would like to recommend an economic study to the Board of Supervisors, we could, but that economic impact is not part of staff's evaluation. He said looking at this multiple store situation under CEQA, we are required to look at activities that are related by the site or the use of the property, that the project is located on or by the use.

Mr. Massarelli said this property is zoned "C2" Community commercial and the maximum height for structures that are allowed in "C2" is thirty-five feet. He addressed property values, rundown building and truck noise. He said this whole area is zoned commercial and there will trucks coming into this area to serve it and this one store will not create anymore or any less truck noise. He said staff recommends a Major Use Permit be issued, because it is consistent with the General Plan, Area Plan and the Zoning Ordinance. He spoke to the Design Review and noted that the Clearlake Riviera Architectural Control and Planning Committee approved the design, and it was modified to meet their desires. He said because the local body approved it, he felt it met the design requirements for the area. He said based on the Committee approving it, it appears to comply with the requirements of the area. He said staff recommends approval of the Design Review Permit.

Comm. Hess said having gone through this experience with Middletown recently, he hears a lot of the same echoes in the arguments that were made and he also recalls being reminded of certain types of parameters that we are supposed to operate within, and yet as a new Commissioner, his idea about any of these projects is to strike a balance and indeed listen to what people are saying from the community. He said the big issue for him for the Middletown Dollar General was the proximity to a school, which seems to be absent from the situation here, however it does not strike him as the right fit for the area.

Comm. Suenram said he holds many of the same views as the current residents in the Clearlake Riviera. He said he has never actually been into a Dollar General; however he agreed that this type of store does not fit right with area. He said he was not in support of this store.

Shanda Harry, Deputy County Counsel, said there seems to be a general consensus of not approving this Major Use Permit, and if that is the will of the Commissioners, she suggested that the sample motions be reworded to indicate that they do not meet these particular requirements in the Commission's opinion, which will make it an appealable action to the Board of Supervisors. Commissioners deliberated over the findings and the reasons why they are not proceeding today as staff has asked. The Commission reviewed page 44 of the staff report dated February 23, 2017 and made the following findings:

MITIGATED NEGATIVE DECLARATION

- The proposed design will degrade the existing visual character of the area.
- The project is not consistent with the Lake County General Plan, Rivas Area Plan and Zoning Ordinance with the incorporated mitigations and conditions of approval.
- Traffic Concerns: It does create increased hazards due to design features, adding trips in and out of the parking lot and what it will do to the intersection of Highway 281 and Point Lakeview Road.
- Utilities, Services Systems and Public Safety. Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Find that there will be increased noise on deliveries and trash service.
- Find that there is a risk associated with the earthquakes in the area.

USE PERMIT

- The establishment, maintenance, or operation of the use applied for will be under the circumstances of the particular case, will be detrimental to the health, safety, morals, comfort and general welfare and have adverse impacts on the local economics of the persons residing or working in the neighborhood of such proposed use and will be detrimental to property and improvements in the neighborhood or the general welfare of the County.
- The existing streets, highways and pedestrian facilities are not adequate to safely accommodate the specific proposed uses.
- The project is not consistent with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

DESIGN REVIEW

- The project is not consistent with the Rivas Area Plan.
- This project will detract from the visual setting.

Comm. Suenram moved, 2nd by Comm. Crandell that the Planning Commission deny a Mitigated Negative Declaration for Major Use Permit UP 16-04 and Design Review DR 17-02 with the findings discussed today.

MITIGATED NEGATIVE DECLARATION 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

Comm. Suenram moved, 2nd by Comm. Crandell that the Planning Commission deny the Major Use Permit UP 16-04, with the findings discussed today.

MAJOR USE PERMIT DENIAL 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

Comm. Suenram moved, 2nd by Comm. Crandell that the Planning Commission deny the Design Review DR 17-02, with the findings discussed today.

DESIGN REVIEW DENIAL 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.