



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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

Item 1

9:05 AM

January 26, 2017

STAFF REPORT

TO: Planning Commission

FROM: Robert Massarelli, Community Development Director
Prepared by: Michalyn DelValle, Principal Planner

DATE: January 9, 2017

SUBJECT: Middletown Dollar General Design Review and Initial Study for Use Permit;
UP 15-08, IS 15-10, APN 024-501-18, 20900 S. State Highway 29, Middletown
Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. ~~Site Plan, Building Elevations and Landscape Plan~~ BOS Exhibit D
3. ~~Design Review Conditions~~ BOS Exhibit G
4. ~~Use Permit Conditions~~ BOS Exhibit H
5. ~~Prior Public Comment~~ BOS Exhibit I, J and K
6. Initial Study BOS Exhibit L
7. August 25, 2016 PC Minutes
8. December 8, 2016 PC minutes
9. ~~Findings of Fact and Decision by the Board of Supervisors~~ BOS Exhibit M

I. PROJECT DESCRIPTION

Project Name: Middletown Dollar General

Application: Major Use Permit, Design Review and Initial Study

Applicant: Cross Development, 5317 Inverrary Drive, Plano, Texas 75093

Owner: Louis L. and Ann Neve, 295 Rock Rose Lane, Petaluma, CA 94952

Project Summary: The developer, Cross Development is proposing to construct an approximately 9,100 square foot retail store for Dollar General, on a parcel that currently totals 3.7 acres in land area. The project site is located within downtown Middletown, on State Highway 29 across from Middletown High school and Bible Church. As proposed the project consists of twenty-three paved parking spaces and would provide circulation for delivery trucks to occur facing Highway 29. A trash enclosure, lighting, and two detention basins are proposed as part of the project. Landscaping is required throughout the unpaved areas, and pedestrian improvements

A Major Use Permit, Design Review and Initial Study (Environmental Review) is required for this project. The developer, Cross Development applied for a Major Use Permit to construct an approximately 9,100 square foot retail store for Dollar General, which was denied by the Planning Commission on April 28, 2016. The application was appealed by the developer to the Board of Supervisors and the hearing was held on July 19, 2016 which ultimately approved the Use Permit. The Board of Supervisors decided to bring the Design Review portion of the project back to the Planning Commission for their consideration which was heard on August 25, 2016. The Planning Commission directed the applicant to work with MATH AND MAMA on the design of the building. A hearing was held on December 8, 2017 and some public comment was taken and was continued to January 26, 2017.

Location: 20900 S. State Highway 29, Middletown, CA
(Parcel located across from the Middletown High school)

A.P.N.: 024-501-18

Parcel Size: Approximately 3.7 acres currently, 0.96 acres with PM 15-02 approval.
PM 15-02 proposes to create 2 parcels of .96 and 2.74 acres.

General Plan: Local Commercial

Zoning: "C1-DR-FF-FW-SC-WW"
Local Commercial-Design Review-Floodway Fringe-Floodway-Scenic-Waterway.

Flood Designation: AE and X

Slope: Relatively flat

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 proposed structures, with dimensions, including height.

Provided

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.

Provided

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

Onsite parking only.

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

Provided

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

Provided

11. RESERVED.

12. Proposed street dedications and improvements.

New curb and gutter along edge of pavement.

13. All easements.

None shown or proposed.

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

Water Supply: Callayomi County Water District

Sewage Disposal: Lake County Sanitation District (LACOSAN)

15. Landscape plans.

Information provided.

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

See Below

- (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.

Not Applicable

- (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.

Not Applicable

- (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.

Provided

The site address and Assessor's 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.

Provided

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.

Provided

III. ZONING ORDINANCE – COMMUNITY COMMERCIAL – PARKING (19-17 AND 46.5)

1. Retail and service commercial use: 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. Required: $9,100/400 = 23$

Provided: 23 plus two handicap parking spaces.

2. 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.

Parking spaces are 9' X 20'.

3. 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.

The applicant did not propose compact car spaces.

4. 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.

The applicant did not propose motorcycle spaces.

5. 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.

2 handicapped spaces are proposed.

6. A minimum of one (1) post or rail type bicycle rack or similar device shall be provided for each fifteen (15) spaces in any parking lot

No bicycle racks are proposed. The following condition has been included:

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.

7. Uses proposing to utilize shopping carts, including but not limited to, variety stores, junior department stores, home improvement centers, hardware stores, and grocery stores shall provide area(s) within the parking lot for the storage of shopping carts.

No shopping cart storage areas are proposed. The following condition has been included:

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.

8. 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.

Parking is on the same lot as the building.

9. 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.

Required signage is included.

10. 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).

Proposed landscaping and curbs will prevent vehicular access at any point other than designated points of ingress (entrance) or egress (exit).

11. Each developed site shall not have more than two (2) accessways to any one street,

One accessway is proposed.

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

The nearest driveway is greater than 24 feet away.

13. No driveway shall be allowed to encroach closer than twenty (20) feet to the end or beginning of the radius on any street corner.

The site is greater than 20 feet from a street corner.

14. 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 proposed driveway is 48' in width.

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

The proposed driveway is 48' in width. In accordance with Article 46.3 (a) an exception can be granted by allowing design modification through the Use Permit process. The following mitigations have been included:

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 Caltrans Commercial Road Approach Standards. All necessary commercial encroachment permits shall be obtained from the California Department of Transportation.

An encroachment permit shall be obtained from the California Department of Transportation (Caltrans) for all sidewalks and or pedestrians routes located within the State right of way.

Prior to occupancy, S. State Highway 29 shall be improved with curb, gutter, sidewalk and Highway improvements shall be installed in accordance with the requirements of the California Department of Transportation. The improvements shall be contained within the existing right of way and be constructed to California Department of Transportation.

16. 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.

The slope is less than 8 percent.

17. All driveways shall be constructed and maintained with an all-weather surface of asphaltic concrete or concrete

Asphaltic concrete is proposed to be used.

18. 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 front yard dimension is 15'.

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

Wheelstops are not proposed. In accordance with Article 46.3 (a) it is recommended that wheelstops not be required, as curbs are provided to protect the landscape and wheelstops might be a tripping hazard.

20. The minimum driveway width (F) at any parking stall angle of ninety (90) degrees shall be twenty-five (25) feet

The driveway width is 36' feet.

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

No turnaround is proposed.

22. 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 areas is 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.

23. 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.

No wheelstops are proposed. In accordance with Article 46.3 (a) it is recommended that wheelstops not be required, as curbs are provided to protect the landscape and wheelstops might be a tripping hazard.

24. 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 submitted.

25. 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 parking lot will be paved with asphaltic concrete. The unloading and loading area should be kept clear for vehicle backup space. The following condition has been included:

Unloading and Loading area(s) identified on the site plan shall be kept clear to allow for adequate vehicle backup space.

IV. ZONING ORDINANCE – GLARE AND HEAT (41.8)

1. 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.

No lighting plan provided. The following condition has been included:

A lighting plan shall be submitted and approved by staff prior to occupancy. 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.

V. ZONING ORDINANCE - LANDSCAPING STANDARDS (41.9)

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.

The landscape plan provides a visual screen and/or provides an increased aesthetic environment.

2. The front of the lot shall be landscaped with a minimum of a ten (10) foot wide planted area.

The landscape plan provides a 15 foot wide planted area along the front.

3. The rear of the lot shall be landscaped with a minimum of a five (5) foot wide planted area when abutting any residential use or district; or a six (6) foot high wooden fence or masonry wall shall be constructed at the rear lot line.

The landscape plan does provide a five (5) foot wide planted area of native grasses along the rear property line adjacent to residential areas. There is an existing wooden fence on the adjacent residential properties. The code allows the use of existing or indigenous plant materials.

4. 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.

The landscape plan does meet this requirement. Additional landscaping should be added within the striped walkway area toward the entrance area as identified on the site plan. The following condition has been included:

Landscaping shall be provided within the walkway area identified with striped markings on the site plan near the buildings entrance.

5. 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.

For the one area provided, concrete curbing is included.

6. 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.

Native grass vegetation is maintained along the rear property line.

7. Minimum plant size

The landscape plan meets or exceeds the minimum plant size.

8. Irrigation required: All landscaping shall be provided with a drip irrigation system or in-ground sprinkler system.

A drip irrigation system is provided.

9. The location of all landscaped areas with the proposed shrubs, trees, and other plant materials clearly labeled with information on size, type, and spacing.

The landscape plan shows the location of all landscaped areas with the proposed shrubs, trees, and other plant materials clearly labeled with information on size, type, and spacing.

10. The location of existing trees and shrubs, including any riparian vegetation, large oak trees, etc., and indicating those existing trees, shrubs, or other indigenous species that are to be included as part of the landscape plan.

None proposed. There are some existing trees with Caltrans' right-of-way which Caltrans is requiring to be removed.

11. A description and layout of the proposed irrigation system.

A description and layout of the proposed irrigation system is provided.

VI. ZONING ORDINANCE – DEVELOPMENT STANDARD EXCEPTIONS

1. Yard Exceptions (section 42.4) Every part of a required yard (setback) shall be unobstructed from the ground to the sky, except as otherwise provided in this Article and except for landscaping, septic tanks or other appropriate underground utilities, driveways and sidewalks, and the ordinary projection of sills, buttresses, cornices, chimneys, eaves, solar energy equipment, greenhouses, and ornamental features but in no case shall such projections exceed three (3) feet. The yard requirements are none for the front or side; 10 feet on the rear.

The site plan meets the yard requirements.

2. Precise Plan (section 42.24) Highway 29 official setback line 50 feet from centerline.

The site plan exceeds the precise plan setback.

VII. ZONING ORDINANCE – SIGNS

1. Two (2) individual sign shall be permitted for any use. The size of the sign shall not exceed one-half (.5) square foot per foot of occupancy frontage. No matter how small the frontage of an establishment, at least sixteen (16) square feet in area of signing will be allowed. All signs may be illuminated.

Two signs are proposed on the building elevations dated November 9, 2016. Signage will be installed consistent with the approved elevation.

2. Signs may consist of a wall sign, roof or a projecting sign.

Two wall signs are proposed.

3. The total area of signs shall not exceed four hundred (400) square feet in area

Two signs are proposed on the building elevations dated November 9, 2016. Signage will be installed consistent with the approved elevation.

4. Signs permitted by this chapter shall conform to the size, location, height and other development and performance standards established for the zone in which they are located, except as may be modified herein.

Two signs are proposed on the building elevations dated November 9, 2016. Signage will be installed consistent with the approved elevation.

5. All lighted signs shall be so located or shielded to prevent glare to surrounding properties or public streets. No sign shall be so lighted as to in any way endanger public safety by causing distraction to operators of motor vehicles on the streets and highways.

A lighting plan was not provided to determine the impact of the lights on surrounding properties or streets. The following condition has been included:

A lighting plan shall be submitted and approved by staff prior to occupancy. 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.

6. All signs shall in no way endanger the health and safety by causing distraction to operators or motor vehicles on the streets and highways. Location, lighting and color of signs shall not cause confusion with public signs and traffic signals.

A lighting plan was not provided to determine the impact of the lights on adjacent streets. The following condition has been included:

A lighting plan shall be submitted and approved by staff prior to occupancy. 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.

7. Except for awning signs and projecting signs reviewed and approved by the Department of Public Works, no sign shall be erected in such a manner that any portion of its surface or supports is located within, or hangs over, any public right-of-way including streets, roads, flood control or maintenance easements, and navigable waters.

None proposed

8. No permit for any sign shall be issued, and no sign shall be constructed or maintained, where said sign has less horizontal or vertical clearance from communications lines and energized electrical power lines, than that prescribed by the laws of the State of California, or rules and regulations duly promulgated by agencies thereof.

Power lines are located on the other side of Highway 29.

9. No sign shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window.

The proposed signs do not interfere in any way with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window.

VIII. MIDDLETOWN AREA PLAN

1. Design Guidelines

*Design guidelines are a series of **recommendations** which will help each community retain its uniqueness and discourage incompatible construction. Guidelines will not, by themselves guarantee good design. An important goal of these Design Guidelines is to present positive solutions to design problems that developers may encounter. These guidelines should be viewed as a starting point for new construction or replacement buildings.*

*These Design Guidelines are specifically drafted to address the General Plan and zoning issues identified during the preparation of the Middletown Area Plan. The established character reflects a "western-style" design theme that has been continued intermittently through the years. A majority of development in the town's center will take the form of infill on vacant properties or replacement of existing structures. **The current "core" of the downtown area has been defined as the blocks facing Highway 29/Calistoga Street from Wardlaw Street, south to Callayomi Street. The design principles should be applied to all commercial and industrial areas, but particularly to the downtown.***

A. Building/Site Design

- i. Design to maintain and reinforce the unique scale and character of Middletown.
There are no historic buildings nearby, no canvas or vinyl awnings are proposed, and the façade is broken into segments.
- ii. Orient building fronts toward primary corridors
The building front is oriented towards Highway 29.
- iii. Break larger building facades into smaller segments
All four facades are broken into smaller segments.
- iv. Avoid visually bulky buildings
The façade design for all four sides avoids a visually bulky building.
- v. Provide a unified design around all sides of buildings
A unified design is proposed for all four sides of the building.
- vi. Avoid blank walls and service areas which are visible from adjacent streets and projects
There are no blank walls.
- vii. Utilize solid building forms with “punched” window openings
There are no “punched” window openings
- viii. Provide architectural elements, detailing an ornament to add richness and variety to building facades
Architectural detail has been provided.
- ix. Provide a richness of architectural façade depth and detail
Architectural façade depth and detail richness has been provided.
- x. Utilize high quality building materials and details
High quality building materials and detail has been utilized.
- xi. Utilize colors that are appropriate to the use and the surrounding area
The proposed building colors are appropriate to the use and the surrounding area.
- xii. Maintain a high degree of transparency at all window areas
Transparent windows are proposed.
- xiii. Respect the privacy of neighboring residents
Hopseed is proposed along the building and parking area which, if allow to grow tall, will provide an effective visual barrier to the neighboring residents.

B. Pedestrian Corridor

- i. Enhance front sidewalk and plaza paving

The front sidewalk and plaza paving is not enhanced. The following condition is recommended:

Prior to occupancy, the truck pull in area in the front of the building shall be redesigned by adding a change of pattern and or material for the paved area with a stamped concrete design to set that area apart from the sidewalks and parking areas.

- ii. Encourage porches/awnings which utilize a “western-style” theme and stretch from the building front to the street edge of the sidewalk

A “porch” is not provided along the front of the building. This is an “encouragement”, not a requirement. However, a steel canopy has been provided that provides a similar look. The applicant is encouraged to add some posts along the canopy to make it look more like a porch.

- iii. Pedestrian amenities are encouraged in front setback areas

Pedestrian amenities are not provided in the front setback area. Staff recommends the following condition:

Prior to occupancy, a minimum of two park benches shall be added, one for each of side of the retail store. A planter box shall be planted below the metal trellis for climbing vines and or plants.

C. Parking

- i. Place parking behind buildings whenever possible

If parking was located behind the building, the orientation of the building would place the long edge of the building facing the street. Parking has been placed to the side of the building minimizing the amount of parking seen from the street and minimizing the amount of the building facing the street.

- ii. Minimize the visual impact of parking lot lighting

A lighting plan has not been provided. This condition has been included:

A lighting plan shall be submitted and approved by staff prior to occupancy. 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.

- iii. Subordinate parking to the buildings

Parking is subordinate to the building. Additional landscaping should be added within the striped walkway area toward the entrance area as identified on the site plan. The following condition has been included:

Landscaping shall be provided within the walkway area identified with striped markings on the site plan near the buildings entrance.

- iv. Restricted parking lots should be discouraged

Restricted parking is not proposed.

D. Landscaping

- i. All projects should be well landscaped

Extensive landscaping is proposed.

- ii. Provide substantial landscaping along street frontages (particularly Calistoga St./Highway 29)

Substantial landscaping is proposed along Highway 29.

- iii. Provide greater landscape buffering adjacent to residential parcels

The landscape buffer adjacent to the residential parcels consists of native grass. However, hopseed is proposed along the building and parking area which, if allow to grow tall, will provide an effective visual barrier.

E. Peripherals (solar panels, mechanical equipment, etc.)

- i. Provide visual buffering of on-site utility elements

Visual buffering is proposed on two sides of a proposed transformer.

- ii. Integrate the screening for all trash and service areas into the design of the buildings

The dumpster area has landscaping on both sides. However, the details of the “trash enclosure” are not provided. Condition G1 has been included as follows:

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

- iii. Screen all roof equipment

Provided.

- iv. Solar Panels

Not proposed.

2. Signage Guidelines

- i. Prohibited signage types

The proposed signs are not a prohibited type.

- ii. Avoid excessive wording and advertising messages

The proposed signs are limited to the name of the store.

- iii. Use no more than two letter font types per sign

The proposed signs are of one font type.

- iv. Keep the size of letters and graphics in proportion to overall sign area

The proposed letters of the signs are in proportion of the overall sign area.

- v. Use high quality materials

Raceway letters are proposed.

- vi. Use simple and symmetrical sign shapes

The proposed signs are of a simple shape.

- vii. Relate sign colors to building colors

The proposed color of the signs relate to the building colors.

A. Wall Signs

i. Limit sign information

The proposed signs are limited to the name of the store.

ii. Place signs within a clean Signable Area

The proposed signs are flat and do not contain any doors or windows. No information is provided on projecting molding or trim nor is a sign plan included to determine the proportion of the sign to the overall façade.

iii. Use Sign materials which project slightly from the face of the building

Since the signs are being provided by a third party, they will project from the face of the building.

iv. Provide sign illumination appropriate to the area

No lighting plan is provided. This will be reviewed prior to occupancy.

A lighting plan shall be submitted and approved by staff prior to occupancy. 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. Awning Signs – Not Proposed

C. Window Signs – Not Proposed

D. Projecting Signs – Not Proposed

E. Hanging Signs – Not Proposed

F. Plaque Signs – Not Proposed

G. Ground Signs – Not Proposed

H. Freestanding Signs – Not Proposed

I. Billboard Signs – Not Proposed

J. Flag Signs – Not Proposed

IX. GENERAL PLAN

A. Table 3-1. General Plan Land Use Density / Intensity Standards

0.2 – 0.5 FAR required,

.19 FAR

B. 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 products should be encouraged.

The proposed design is consistent with this policy.

C. 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 design is less than 40,000 square feet.

D. 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 proposed design is consistent with the Middletown Area Plan with incorporated mitigations.

E. 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 areas. Screening shall consist of solid fencing, landscaping, or a combination of both.

The dumpster is screened by a fence and landscaping.

F. 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).

The site is not suitable for reverse frontage. The parking is placed to the side of the building to reduce the visibility from the street.

G. Policy PFS-4.1 Adequate Storm Drainage Facilities

The County shall ensure storm water collection and drainage facilities are properly designed and sited and incorporate public safety as well as efficient use of water criteria.

The storm water collection and drainage facilities is designed and sited to incorporate public safety as well as efficient use of water criteria.

H. Policy PFS-4.2 Development Requirements

The County shall encourage project designs that minimize drainage concentrations and impervious coverage, compliment groundwater recharge, avoid floodplain areas, and where feasible, be designed to provide a natural watercourse appearance and that maintain natural watershed functions.

The design does not minimize impervious surface but other considerations such as truck movements require additional impervious surface.

I. Policy PFS-8.2 Fire Protection and Medical Service Standards

The County shall require that all development in Community Growth Boundaries be adequately served by water supplies, storage, and conveyance facilities for fire

protection, and adequate medical services are or will be provided concurrent with development. All services must be designed and constructed to meet the Fire Protection Standards of Lake County or the responsible agency.

Prior to issuance of a building permit, the permit holder must comply with all of the requirements of the Southlake County Fire Protection District.

J. Policy T-4.2 Provisions for Bicycle Use

Where feasible, the County shall require local government agencies and businesses to include bicycle access and provisions for safe bicycle parking facilities at office buildings, schools, shopping centers, and parks.

No bicycle racks are proposed. The following condition has been included:

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.

X. **OTHER ISSUES**

A. Loading and unloading blocking parking

There is a potential for the truck deliveries to block vehicles from exiting the parking if parked toward the loading and unloading zone. The applicant should consider limiting deliveries to only off peak.

B. Cross access easements

A shared access is being proposed for the adjacent parcel. A shared access easement will need to be recorded upon sale of the parcel. The following condition is included: A shared access easement shall be recorded for the shared access

C. Left hand turn lane

Caltrans should verify that the left turn lane will adequately serve traffic entering and exiting the Highway from Dollar General as well as from the Church.

D. Sidewalk design

The design of the asphalt and concrete in the front of the building could potential serve a future access road.

E. Removal of trees

Tree removal may be necessary. The following mitigation has been included:

If any Valley Oak trees five inches in diameter or larger is 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. A replacement plan shall be submitted to the Community Development Department prior to planting.

F. Eight foot shoulder

Caltrans has requested construction of a 8 foot shoulder.

The following mitigations have been included:

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 Caltrans Commercial Road Approach Standards. All necessary commercial encroachment permits shall be obtained from the California Department of Transportation.

An encroachment permit shall be obtained from the California Department of Transportation (Caltrans) for all sidewalks and or pedestrians routes located within the State right of way.

Prior to occupancy, S. State Highway 29 shall be improved with curb, gutter, sidewalk and Highway improvements shall be installed in accordance with the requirements of the California Department of Transportation. The improvements shall be contained within the existing right of way and be constructed to California Department of Transportation.

G. Drainage

The drainage should be kept clear of debris and maintained at all times. The following mitigations have been included:

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.

Prior to start of construction, an operation and maintenance plan for the post construction BMP's shall be developed and approved. The post construction BMP's shall be maintained for the life of the project.

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.

H. Stop bars, highway signage, and striping

Caltrans has requested stop bars, highway signage and striping.

The following conditions have been included:

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 Caltrans Commercial Road Approach Standards. All necessary commercial encroachment permits shall be obtained from the California Department of Transportation.

An encroachment permit shall be obtained from the California Department of Transportation (Caltrans) for all sidewalks and or pedestrians routes located within the State right of way.

Prior to occupancy, S. State Highway 29 shall be improved with curb, gutter, sidewalk and Highway improvements shall be installed in accordance with the requirements of the California Department of Transportation. The improvements shall be contained within the existing right of way and be constructed to California Department of Transportation.

XI. CONDITIONS OF APPROVAL AND MITIGATIONS (ENVIRONMENTAL ANALYSIS (CEQA) FOR THE USE PERMIT

CONDITIONS:

A. GENERAL:

- 1. The use hereby permitted shall substantially conform to the *site plan, landscaping plans dated July 27, 2016 and building elevation (Including signage) dated November 9, 2016, 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. A permit from Lake County Air Quality Management District shall be required for backup generators.**
- 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 geological 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.**

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. Final Map recordation of Parcel Map, PM 15-02 is required prior to issuance of a building permit. Alternatively, the site plan may be modified as required by Calfire.**

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 trees are to be removed as part of this work should be performed outside of bird nesting season. Any trees to be removed between February 1st and September 1st shall require a survey from a qualified biologist for nesting birds prior to work being performed. If nesting birds are found within the project area, applicant shall contact the California Department of Fish and Wildlife and the County of Lake Community Development Department.**
- 3. Nesting birds within 250 feet of construction activities shall be monitored. Should construction activities cause nesting or migratory birds to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, an exclusionary buffer of at least 250 feet shall be enforced and should remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.**

D. UTILITIES, SERVICE SYSTEMS & PUBLIC SAFETY:

- 1. The permit holder shall comply with all requirements of LACOSAN for sewer service.**
- 2. The permit holder shall comply with all requirements of Callayomi County Water District 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 issuance of building permit, the permit holder shall comply with all of**

the requirements of the Southlake County 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.**

E. 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.**

MITIGATIONS:

F. TRAFFIC:

- 1. Prior to occupancy, a transit stop shall be installed in accordance with Lake Transit rules and regulations or an in lieu fee shall be paid to the Lake Transit Authority.**

G. AIR QUALITY AND NOISE:

- 2. All construction that may generate dust is required to be completed before or after school is in session. If substantial dust complaints are received a dust mitigation plan shall be reviewed and approved by the Lake County Air Quality Management Division prior to continuing construction.**
- 3. All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts to nearby residents and school.**
- 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.**

H. 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. 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.

XII. CONDITIONS OF APPROVAL AND MITIGATIONS (ENVIRONMENTAL ANALYSIS (CEQA) FOR THE DESIGN REVIEW

CONDITIONS:

A. GENERAL

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. The use hereby permitted shall substantially conform to the *site plan, landscaping plans dated July 27, 2016 and building elevation (including signage) dated November 9, 2016, except as modified herein*, and any conditions of approval imposed by the Design Review Authority. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts.
3. 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.

- 4. All other applicable requirements of UP 15-08 shall remain in effect as previously approved.**

B. GLARE AND HEAT

- 1. A lighting plan shall be submitted and approved by staff prior to occupancy. 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.**

C. PEDESTRIAN CORRIDOR

- 1. Prior to occupancy, the truck pull in area in the front of the building shall be redesigned by adding a change of pattern and or material for the paved area with a stamped concrete design to set that area apart from the sidewalks and parking areas.**
- 2. Prior to occupancy, a minimum of two park benches shall be added, one for each of side of the retail store. A planter box shall be planted below the metal trellis for climbing vines and or plants.**

D. TIMING & MITIGATION MONITORING:

- 5. 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.**
- 6. 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.**
- 7. 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.**
- 8. 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.**

MITIGATIONS:

E. PARKING

1. 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.
 2. Construction, circulation, access and pedestrian improvements including sidewalks to the site shall be provided. Minor modifications not resulting in increased environmental impact may be approved in writing by the Community Development Director.
 3. All twenty-three (23) parking spaces and (two handicapped) 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.
 4. 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.
 5. 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.
 6. 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 Caltrans Commercial Road Approach Standards. All necessary commercial encroachment permits shall be obtained from the California Department of Transportation.
 7. An encroachment permit shall be obtained from the California Department of Transportation (Caltrans) for all sidewalks and or pedestrians routes located within the State right of way.
 8. Prior to occupancy, S. State Highway 29 shall be improved with curb, gutter, sidewalk and Highway improvements shall be installed in accordance with the requirements of the California Department of Transportation. The improvements shall be contained within the existing right of way and be constructed to California Department of Transportation.
 9. Unloading and Loading area(s) identified on the site plan shall be kept clear to allow for adequate vehicle backup space.
- F. LANDSCAPING

1. All landscaping and irrigation plan shall be submitted installed and maintained for the life of the project as shown on the submitted plans. Additional landscaping shall be provided along the rear side of the building along the west property line prior to occupancy. 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).
2. A six foot high wooden fence or masonry wall shall be constructed along the entire southern and property lines of the parcel and maintained for the life of the project.
3. The existing Valley Oak trees located on the property shall be maintained for the life of the project, unless removal is required for safety reasons by California Department of Transportation.
4. If any Valley Oak trees five inches in diameter or larger is 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. A replacement plan shall be submitted to the Community Development Department prior to planting.
5. Landscaping shall be provided within the walkway area identified with striped markings on the site plan near the buildings entrance.
6. All undeveloped areas as shown on the landscape plan shall be maintained in aggregate base and kept free of weeds for the life of the project.

G. PERIPHERALS

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

XIII. DESIGN REVIEW FINDINGS

The eight required findings for approval of a Design Review Permit follow. Alternatively modification of the application can be made and if modifications are not feasible then the application may be denied.

1. That the proposed use is a permitted use in the district where located.
Yes, a retail store of this size is permitted with a Use Permit in the C1 zoning district.
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.

This parcel is currently over 3.7 acres. Upon approval of the Parcel Map the parcel where construction is proposed would be .96 of an acre. The minimum lot size in the C1 Zoning

district is 8,000 square feet. This parcel well exceeds that size. This parcel is located at the northern edge of downtown Middletown.

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

This parcel is served by the South Lake Fire Protection District, public water through Callayomi County Water District and Sewer through Lake County Sanitation District.

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.

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

The existing development in the vicinity consists of various commercial buildings and a school. Most of the commercial buildings do not have pitched roofs and are facing front property lines. Nearby commercial uses to the south, are older, auto oriented businesses, however, across from the proposed development, the two institutional uses comply with the design criteria.

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

Staff has determined that the project with incorporated mitigations by staff meets all of the design criteria as specified in the Middletown Area Plan as most practicable.

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

Yes, with incorporated improvements including, but not limited to curb, gutter sidewalk, transit stop and Highway Improvements which are included as conditions of approval, see Attachment 4 the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the retail 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 property does not have any active violations of 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 15-08 and Design Review with the following findings:

1. Potential environmental impacts related to land use and aesthetics have been mitigated to insignificant levels by design review conditions section E, F and G.

2. Potential environmental impacts related to traffic have been mitigated to insignificant levels by use permit condition section F.
5. Potential environmental impacts related to air quality and noise have been mitigated to insignificant levels by use permit conditions section G.
6. Potential environmental impacts related to geology, soils, hydrology, and water quality have been mitigated to insignificant levels by use permit conditions section H.
7. This project is consistent with land uses in the vicinity.
8. This project is consistent with the Lake County General Plan, Middletown Area Plan and Zoning Ordinance.
9. As mitigated, this project will not result in any significant adverse environmental impacts.

B. 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. 15-10 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 January 10, 2017.

Design Review Approval

I move that the Planning Commission find that the Design Review applied for by Cross Development on property located at 20900 S. State Highway 29, Middletown 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 January 10, 2017.

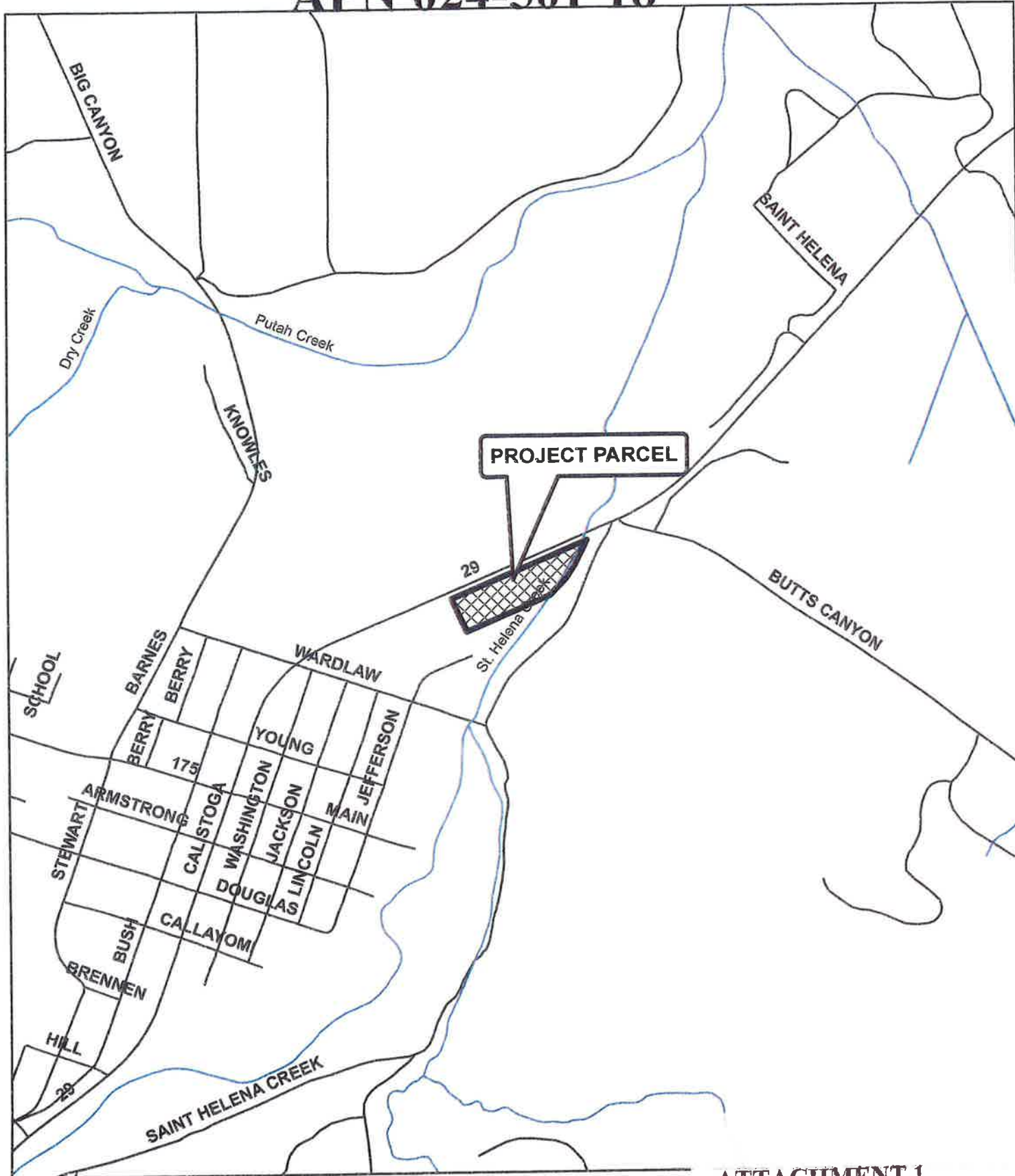
NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

Reviewed by: _____

Middletown Dollar General

Design Review

APN 024-501-18



LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

August 25, 2016

Commission Members

P Joseph Sullivan, District I
P Bob Malley, District II
A Gladys Rosehill, District III
P Don Deuchar, District IV
P Gil Schoux, District V

Staff Members

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

12:16 a.m. Public hearing on consideration of a Design Review Permit for Major Use Permit (UP 15-08). The project applicant is CROSS DEVELOPMENT on behalf of DOLLAR GENERAL proposing construction of a +/- 9,100 sq. ft. retail store. The project is located at 20900 State Hwy. 29, Middletown and further described as 024-501-18. (Michalyn DelValle)

Robert Massarelli, Community Development Director, announced that the Board of Supervisors adopted a set of findings for the approval of the Dollar General Use Permit on Tuesday, September 23rd. He said at that meeting the Board asked that it be sent back to the Planning Commission for Design Review and Environmental aspects. He explained that what has been scheduled before the Planning Commission today is only for the Design Review, because staff was not able to include the environmental aspects of the project in the noticing. He said no action will be taken today, however he asked to move forward with public input, and continue this item to include the proper noticing related to the environmental aspects of the project.

Mr. Massarelli explained the new format for writing staff reports. He said staff has outlined the requirements in the Zoning Ordinance and gone through them item by item in the ordinance to identify whether the applicant has met the requirements or if they can be mitigated. He said in the staff report they have also included the relevant aspects of the General Plan and if that has been satisfied, and addressed the appropriate sections of the Area Plan that should be considered. He said this is a format that will be developed, because from a staff perspective, it is a faster check-list to review/evaluate projects. He added that it will give the Commission the full layout that staff has considered all of the facts and the Commission can base their decisions on what the findings are. He said this is a more informative way of providing information.

Mr. Massarelli said in comments received, staff identified two major quotes that are relevant as this plan is considered. He said on page 7.4 of the Middletown Area Plan, the design guidelines are a series of recommendations, which will help the community retain its uniqueness and discourage incompatible construction. He said it is a series of recommendations, whereas the

Zoning Ordinance is a series of requirements (those or shall), that will have to be given proper consideration. He said where there are a series of recommendations the Commission will weigh the evidence and give it the weight they feel is appropriate.

Mr. Massarelli pointed out in Chapter 6 of the Middletown Area Plan, there is discussion about the Design Requirements, and it specifically refers to the Design Requirements in Chapter 7, which this project should comply with. He said it should analyze the review process and it specifies the design parameters for the downtown development. He said Chapter 6 discusses special areas, so it is the core of Middletown. He said Chapter 7 only applies to the core area and does not apply to areas outside the core. He felt that was an important consideration and it was up to the Planning Commission as to how much weight is given to these design standards to areas outside the core.

Mr. Massarelli further addressed applying and considering design guidelines and provided a power point presentation, which included specific design parameters; traditional look of the rural area; issues with franchise designs and reviewed the on-street/off-street parking in Middletown.

Michalyn DelValle, Senior Planner provided a power point presentation and addressed the Zoning Ordinance. She said staff calculated based on the size of Dollar General, the parking/handicap space requirements and confirmed that they currently meet those requirements. She said staff has recommended that they provide a minimum of one post or rail bicycle rack or similar device as part of their condition of approval, as well as they did not indicate where their shopping cart storage would be located. She said staff has asked for a condition that they provide an area on their site plan, if the project is approved when they come in for building permit submittal.

Ms. DelValle said that the applicant has met most of the requirements and noted that the Zoning Ordinance does limit the width of a right-of-way, which is thirty feet; however as part of the use permit approval, staff can approve a wider right-of-way. She said the applicant is requesting a forty-eight foot wide right-of-way and staff has incorporated comments and conditions from Caltrans. She said Caltrans is requesting to improve the encroachment permit and all of their plans would be required to go through them, before approval.

Ms. DelValle said the applicant has not proposed wheel stops, but as part of the use permit process, staff can approve the design without wheel stops. She said staff has included a condition that the site should be kept clear to allow for vehicle backup space for the vehicles that may end up parking in these areas to make sure they can still exit without interference with the truck that is unloading and loading. She said a lighting plan was not provided, so staff has included a condition that they would need to submit a lighting plan showing where all of the heights and location of all of the proposed lights would be for the parking lot.

Ms. DelValle said the applicant has provided a detailed landscaping plan, with various trees and shrubs all drought resistant and several are native to Lake County. She said staff is asking in the pedestrian area to include additional landscaping, to make it esthetically pleasing at the entrance of the building.

Mr. Massarelli spoke on the topic of signs and he said the science of signage is a complex study. He said in this project, only two signs have been identified.

Ms. DelValle said that staff has included several conditions in regards to signage and staff is recommending that the signage be limited to 95 square feet and shall consist of a combination of a wall, roof or projecting sign. She said they are proposing two signs, which would need to share the 95 square feet limitations. She said there were recommendations in the area plan specifically referencing the pedestrian corridor, to enhance front sidewalk and plaza paving. She said staff has included a condition that prior to occupancy, the truck pull-in area shall be redesigned by adding a change of pattern or material for the paved area with a stamped concrete design to set that area apart from the sidewalks and parking areas. She said staff also recommended that the applicant provide a minimum of two park benches, one for each side their retail store and a planter box be placed underneath the graded area with climbing vines to climb up a trellis area. She added that staff has included a condition that the trash enclosure would need to meet the County Ordinance.

Ms. DelValle said staff wanted to make note of loading/unloading and there was a potential for truck deliveries to block vehicles, if parked towards the loading/unloading zone and the applicant should consider limiting deliveries to only off peak times. She said a shared access is being proposed for the adjacent parcel and staff noted that a shared access easement should be recorded for the shared access on the site.

Comm. Sullivan said that he liked the new staff report format. He said it made it easier to go through, and staff made good comments on the same concerns that the citizens of MATH have addressed.

12:43 p.m. Opened Public Hearing

Ed Robey, former District I Planning Commissioner (8 years) and former District I Supervisor (12 years), said he has twenty years of history representing District I in Middletown. He said what got him here today was that there is a missing component, which has to do with the history of the Area Plan and the Middletown community and what they desire and what it means. He said Middletown has always wanted to avoid chain and big box stores and they wanted to have regulations and rules similar to Calistoga and St. Helena. He said the County spent over twenty years going community by community, setting up citizens committees to develop area plans, so that each community could have their own set of standards and make their communities grow and develop the way they wanted them to and they are all individual and unique. He said the committees worked for two to three years. He said these area plans are significant and not just recommendations, they are the vision that the community put forth and it is important in this case, because if this project goes through it will be the first time that a chain store or a big box store has been allowed in Middletown. He said he believed that the Planning Commission made the correct determination the first time this came through, unanimously voting no to this project, because this project does not conform to the area plan. He said at the Board of Supervisors meeting, not only did they sent it back to the Commission for Design and Environmental review, but they also said it was contingent upon and subject to the Planning Commission's approval.

He said the Board of Supervisors on a split vote 3/2 approved this, subject to it going back through the environmental review.

Mr. Robey said this is an unusual situation and the ball is in the Planning Commissions court. He encouraged the Planning Commission to listen to the Board of Supervisors hearing and the testimony and to read in addition to the staff report, the letter that was submitted by the Sierra Club and by a group of citizens in Middletown, that hired an Attorney in Santa Rosa to write a letter on their behalf, because both of those letters go through and review the Zoning Ordinance and the Area Plan and point out the relevant portions, from the point of view of denying the project. He said new planning staff does not understand the historical importance of this.

Sandy Tucker said that she was the Chair of the Middletown Area Plan, which took many years of their lives to get through. She said they wanted to keep the equestrian feel and keep big buildings out of the town. She said those meetings were very well attended and she felt those were two important issues that were constant through the entire process. She said she has lived in Hidden Valley for twenty-six years and that area is a nightmare and the traffic backs up to Middletown when kids are being dropped off or picked up from school, right there where the Dollar General is planned. She said when you add the traffic from schools with big delivery trucks and bicycles and pedestrians, it is going to be a nightmare where this store is located and it really does go against what the community thinks the town should look like.

Catherine Stone, Superintendent of the Middletown Unified School District, said that they were left out of the notifications in the beginning of this whole process or she would have been to the previous meetings. She said they have serious concerns, which has to do with access. She pointed out that there is a preschool in the area and the addition of a middle lane will create an even worse bottleneck. She said their concerns have to do with traffic mitigation, which as part of the design there needs to be some other way of accessing it or a separate pull out lane, because it is going to make a bad situation that they already have even worse. She said there are also concerns about students getting there, because this is a place where students will go and it is a dangerous spot.

Comm. Malley said he expressed those exact concerns prior to the Board of Supervisors Hearing and he was sorry Ms. Stone did not get the notifications.

Ms. DelValle said the legal notices are sent to the addresses that they get from the Assessor/Recorders office. She said the address that they had in their records was a post office box, which she noticed that the district does not use.

Kimberly Haynie, stated in the opinion of the people of Middletown, that Dollar General does not meet the overall vision of Middletown. She submitted a letter to the Planning Commission providing quotes from the Middletown Area Plan (MAP) that express what many Middletown residents have been trying to communicate regarding compliance and read in to the record some of the key points.

Julie Richardson, spoke to Middletown's Design Review and that Dollar General is not in compliance with the General Plan or what the Middletown residents want. She was not in favor of Big Box stores.

Victoria Brandon, Sierra Club Lake Group, said she submitted a letter to the Planning Commission and asked the Board of Supervisors about the authority of the Planning Commission on the Design Review and they said that this is strictly contingent on the Planning Commission's decision and that discretion and power lies with the Planning Commission. She agreed that the fundamental nature of this business is not compatible with desires of the Middletown community as expressed in the Area Plan. She showed photographs of Dollar Generals in other areas and how the buildings can be redesigned and that there is flexibility with the design of the building. She said that this is fundamentally inconsistent with the Area Plan.

Morgan Vogel Chinnock, Middletown Business Owner, said she was not in favor of a big box store in Middletown and speaking from the Merchants Association standpoint, their concerns are with anything that would hamper the towns' character as a tourist attraction, because Middletown is the gateway to the rest of Lake County. She asked that the Planning Commission keep that in mind when considering the design of the store.

Beth Rudiger, President Middletown Area Merchants Association (MAMA), said that their major concern is that the community has invested a lot of time and effort in developing the Middletown Area Plan and since its approval in 2010, there have not been any major developments and this is the first test of that plan. She said it is imperative that they set a precedent for future development to follow the guidelines of the plan with this Dollar General development. She said the Board Members of MAMA have identified three key elements to help the Planning Commission define the small town rural character of Middletown. She said one element is the façade and in keeping with character of Middletown, the design should include a gabled portico at the entrance to the store, and there should be three significant level changes throughout the elevations on all sides, she said the design shall incorporate inset windows with awing's and/or shutters on all four sides of the building, because this building backs up against a residential neighborhood. She said signage and color is the third point, so a single identifying sign in muted color to be painted on the building, otherwise a push pin letter sign is acceptable and no free standing, strip commercial style signs shall be installed. She pointed out in the Middletown Area Plan on page 7-4; *"These design guidelines will be used by Planning Staff, the Planning Commission and Middletown Design Review Board in evaluating changes to existing properties and new construction."* She said that is a mandate that these guidelines will be followed. She said that MAMA would like to see a plan before it is approved.

Lisa Kaplin, on behalf of Middletown community members, submitted a letter of recovery and development said she felt their voices were ignored and wants the Area Plan to be adhered to. She read key points from the letter submitted on the Design of the Dollar General building and asked that the vision of the Middletown Area Plan be respected moving forward. She added that the plan is unacceptable as presented.

Joe Dell, Cross Development, Developer of the project, said based on what Middletown Area Merchants Associations (MAMA) comments is to basically strip the name off the building and

look at the development as a whole and land on a design that can work for the community. He said he is working with County Staff and MATH and that the design is adaptable and they are trying to stay within the Middletown Area Plan. He said he will work endlessly to conform to what the community would like to see.

Comm. Sullivan commented on recommendations and what needs to be done. He said there is a lot of passion coming from the Middletown community on this and he is happy to see that Dollar General is flexible and will work with the community on the building design. He said he understands the frustration with all of the different ideas and it is hard to assemble into one plan. He said if MATH puts together a small focused group of people that can be an advisory committee he will be happy to work with them.

Mr. Dell asked for early notice of the next hearing for adequate time for scheduling.

Ms. Knight suggested, giving the diversity of opinions on the look of the building that a couple of alternatives be given to show the range and generate direction.

Comm. Malley stated that the photographs that have been presented have made a difference. He said that Dollar General should show what they are capable of and what it can look like, so that the Middletown residents can feel confident that they can build what they want within reason.

Comm. Sullivan said that this is the first development in Middletown and they are establishing a pattern. He said as the town grows it will become important and everyone wants to be involved and have something unique to the community that everyone can feel proud about.

Mr. Dell said he does have the ability to pull additional designs that have already been completed and he will come up with some elevations. He asked for clarification of primary contacts for MATH with Fletcher Thornton and a single point of contact for MAMA would be Beth Rudiger.

Mr. Robey said he wanted to make sure everyone is clear on one thing and that the Board of Supervisors did not send this project back to the Planning Commission and say make it work, but what they did was, to send it back subject to the Planning Commission approving it. He said he commended the efforts of everyone to see if there is some way to make this thing fit the area plan, but one of the options is to say we tried as hard as we could, it just does not fit the area plan. He said that is still an option and the Board knows that.

2:05 p.m. Closed Public Hearing

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

December 8, 2016

DRAFT

Commission Members

P Joseph Sullivan, District I
P Bob Malley, District II
P Eddie Crandall, District III
P Don Deuchar, District IV
P Gil Schoux, 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

10:27 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 15-10) for Design Review Permit for Major Use Permit (UP 15-08). 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 20900 State Highway 29, Middletown and further described as APN 024-301-18 (Michalyn DelValle)

Comm. Sullivan explained that the Commission will not be able to make a decision on this item today, because there was improper legal noticing on this item. He said this item will be opened for public comments.

Comm. Deuchar reminded people who wanted to speak on this item, that the Commission will be changing in January, so the current Commissioners will not be voting on this item.

Shanda Harry, Deputy County Counsel, clarified that there will be public input at the next hearing as well. She said because it was improperly noticed, it is being opened for public comment to be put into the record.

Michalyn DelValle, Principal Planner, said that she did not plan a power point presentation today, however she did provide pictures of the project for the public to view. She pointed out elevations and most recent pictures of the project design from Cross Development and said the most substantial change was for the design of the sign.

10:30 a.m. Opened Public Hearing

Ed Robey, Chair of the Sierra Club, said he was here because the Sierra Club has taken a position in opposition of this project. He said they have hired an Attorney, Mr. Wolfe and a citizens group in Middletown, called the Middletown Neighbors, also have hired an Attorney,

Rose M. Zoia, who has submitted a letter to the Planning Commission for the hearing today. He pointed out that the Planning Commission unanimously voted to initially deny this project. He said Lake County has Area Plans, which are a subset of the General Plan and the Area Plans have taken years to develop with a great deal of public input. He said what these plans are, is a chance for each area to customize some of the land use rules in the area. He said Middletown has never wanted to have chain or big box stores, they want to have rules similar to St. Helena and Calistoga and that is what concerns him about the whole process. He said the Board of Supervisors adopted the Area Plan, and the community expressed their opinions very clearly and the Board of Supervisors has the ability to modify them. He said they should not adopt rules, and just ignore them, which he considers that to be arbitrary and capricious and it is not good government, which is the main reason for their opposition. He realizes there will be no decision made today and appreciates the difficulty of the Planning Commissions job.

Mark Hamilton, Architect, voiced his opposition to this project, because he has a vision as a future merchant in Middletown, which is the gateway for Lake County. He fears for the children who will be buying the products that are sold in the Dollar General. He said he is pleased to see the unanimous opposition to the project, because if you have ever been in a Dollar General store, it smells like shower curtains and inflatable pools. He said this proposed project development is right across the street from the Middletown School and it is a strip development for a franchise and it goes against the Middletown Area Plan. He said he has higher aspirations for the town and from what he observed in the previous item on the agenda, he is pleased to know that there are checks and balances from County staff. He voiced his support for the County staffs work and encourages the bar to be raised.

Katherine Stone, Superintendent of Middletown School, pointed out that right across the highway there are four schools, and they have serious concerns about safety and children going to this store, which is an attractive nuisance. She said there is only one safe crossing at the signal, which they have a crossing guard at. She said there are no other safe passages to this store and also pointed out the traffic in this area, and noted that it is dangerous and narrow and not healthy for children to have this store in their local. She said the School District firmly stands in opposition to this project being placed there.

Kimberley Haney, Middletown resident, read a letter into the record and said that the project presentation is a manipulation of the facts She was not in support of this project

Beth Rudigar, Middletown Area Merchants Association (MAMA) President, stated that this project does not meet the Middletown Area Plan guidelines and if this Commission changes its mind and votes the way staff recommends, it will be a slap in the face to the Middletown community, who spent months of time putting together that plan. She said there is no way that this Dollar General fits the Middletown Area Plan. She said Dollar General will make a negative impression on people coming into the County.

Lisa Kaplan spoke in opposition of Dollar General and said it does not fit the vision of the Middletown Area Plan. She said it brings an impression of blight and poverty. She said she has a petition signed by 115 people along with 300 electronic signatures who believe this is wrong

DRAFT

for Middletown and that it does not adhere to the Area Plan. She submitted a memo with 23 names in opposition to this project.

Jody Galvan, Middletown resident, said she was opposed to the project for many reasons, and said the design is not nice to look at. She said Middletown is recovering and rebuilding beautiful new houses after the fires and this store does not match and does not match the Area Plan and no one wants it.

Comm. Sullivan commented on the design submitted by Joe Dell and said the community did not like it, and Mr. Dell said he would work with the community. Comm. Sullivan submitted a pencil drawing for the Dollar General store drawn by local Architect, Wade Steel, which reflects more of what the community is looking for. He said they found existing Dollar General Designs, which more reflected what Mr. Steels design looked like, which was more appealing than what was being presented. He felt it was important from the design standpoint when you are having a first project like this coming from a large corporation moving into your community, that they understand the needs of the community. He said the community has a vision and that is why the Area Plan is put together. He said if you allow this to happen on the first one, you are setting the whole thing up for failure.

Ms. DelValle requested that this item be continued to January 26, 2017 at 9:05 a.m.

Comm. Sullivan confirmed the continuance of this item to January 26, 2017 at 9:05 a.m.

DRAFT

