



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

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Item # 5

9:25 AM

April 22, 2021

STAFF REPORT

TO: Planning Commission

FROM: Scott De Leon, Community Development Director
Tocarra Nicole Thomas, Community Development Deputy Director

Prepared by: Eric Porter, Associate Planner

DATE: April 22, 2021

SUBJECT: Richard & Beverly Siri General Plan Amendment (GPAP 19-02),
Rezone (RZ 19-02) and Initial Study (IS 19-41).

Supervisor District 4

ATTACHMENTS:

1. Vicinity Map
2. Proposed Rezone and General Plan Mylar
3. Supplemental Data
4. Agency Comments
5. Draft Conditions of Approval
6. Draft Ordinance for RZ 19-01
7. Draft Resolution for GPAP 19-01

I. EXECUTIVE SUMMARY

The applicant is requesting approval of a Rezone of APN: 029-141-22 from "R3 – SC – FF – WW" Multi-Family Residential – Scenic Combining – Floodway Fringe – Waterway Combining District to "R1 – SC – FF – WW" Single-Family Residential – Scenic Combining – Floodway Fringe – Waterway Combining District to accommodate plans for a single family home development in the future. In addition, the applicant is also requesting approval of a General Plan Amendment of APN 029-141-22 "RC – HDR" Resource Conservation – High Density Residential to "RC-LDR" Resource Conservation– Low Density Residential. The parcel fronts the shoreline of Clear Lake and is approximately 0.44 acres (19,166 square feet) along Lakeshore Boulevard, north of the City of Lakeport, and is currently vacant. The site is flat and contains an existing retaining wall along the northern and part of the southern lot line, as well as along the shoreline of Clear Lake (east). The future development is planned to be a single-family dwelling with garage, which would be approved through the ministerial building permit process. The

PROJECT DESCRIPTION

Location: 4436 Lakeshore Blvd., Lakeport

General Plan: Resource Conservation – High Density Residential

Zoning – Proposed: “R1 – SC – FF - WW” Multi-Family Residential – Scenic Combining
– Floodway Fringe – Waterway Combining District

School District: Lakeport Unified School District

II. **PROJECT SETTING**

Existing Uses and Improvements: The site is presently vacant and fronts the shoreline of Clear Lake.

Surrounding Uses and Zoning:

- **North:** “R3” – Multi-Family Residential; “SC” – Scenic Combining District; “FF” – Floodway Fringe; “WW” – Waterway Combining District. The parcels sizes range from approximately 0.398 to 0.635 acres in size.
- **East:** Clear Lake.
- **South:** “R1” – Single-Family Residential; “SC” – Scenic Combining District; “FF” – Floodway Fringe; “WW” – Waterway Combining District. The parcels sizes range from approximately 0.383 to 0.682 acres in size.
- **West:** “R1” – Single-Family Residential; “SC” – Scenic Combining District; “FF” – Floodway Fringe Combining District. The parcels sizes range from approximately 0.139 to 1.588 acres in size.

Topography: The site is relatively flat.

Soils: According to the soil survey of Lake County, prepared by the U.S.D.A., the soil in the project area is Manzanita loams with 5-15% slopes (soil unit 160). The permeability of the soil is slow. Surface runoff is medium, and the hazard of erosion is moderate. This very deep, well-drained soil is on terraces. This soil unit is on the entire parcel.

Fire Protection: Lakeport Fire Protection District/Cal Fire

III. **PROJECT ANALYSIS**

General Plan Conformance

The General Plan designations for the subject site are currently Resource Conservation and High Density Residential which does not allow for the development of single family residences. The applicant’s request to change the land use designation to Low Density Residential would allow the applicant to propose a single family residential development. Additionally, the adjacent parcels to the south and west are also designated as Low Density Residential. Therefore, the proposed General Plan Amendment request to change the Land Use Designation from High Density Residential to Low Density Residential would be complement the resonant community development and applicable to the following General Plan goals and policies.

- Goal LU-3: is to provide adequate land in a range of residential densities to accommodate the housing needs to fall income groups expected to reside in the County, and ensure a high quality of development.

Response: The area contains a mixture of R1 and R3 zoned land, and most of the nearby lots contain single family dwellings. Many of the lots that front the lake are too small to contain multi-family dwelling units if the front yard setbacks are taken into consideration (30 feet front yard setbacks adjacent to Lakeshore Boulevard, a scenic road with greater setbacks than non-scenic roads). The Siri lot has a total buildable area of 5350 sq. ft. including the front yard setback area, however by removing the unbuildable front yard setback area (73 feet width by 30 feet depth), the remaining buildable area is 3164 sq. ft. The R3 zone requires a minimum of one duplex, and new single family dwellings are not permitted in this zone. The 3164 sq. ft. of buildable area is adequate for a single family dwelling, but siting a larger multi-family dwelling on this lot presents physical placement challenges considering the spatial requirements for multi family dwellings including open space and parking.

Lakeport Area Plan Conformance

The subject site is within the Lakeport Area Plan's boundary. The Plan contains some goals and policies for affordable housing programs, but is silent on increases to the supply of single family dwelling housing lots other than to encourage a diversity of housing types.

Zoning Ordinance Conformance

Article 10 – Single-Family Residential, “R1” District is intended to develop areas for single residential dwelling units at relatively low densities where the conventional community character of single-family units prevail.

Article 47 – Ordinance Text Amendment and Rezoning Amendment is intended to provide the community welfare, public necessity, or changes in state law and the General Plan.

The applicant's request of the zone change is permitted with the appropriate application procedures pursuant to Article 47, Section 47.22 Lake County Zoning Ordinance. On July 10, 2019, the applicant submitted an application for a Rezone, RZ 19-02, General Plan Amendment, GPAP 19-02, and Initial Study, IS 19-41 for the future residential development at 4436 Lakeshore Blvd. The project meets all development standards for Rezoning and General Plan Amendment.

IV. ENVIRONMENTAL REVIEW

The project request is to amend the General Plan and to rezone the parcels from “R3” Multi-Family Residential to “R1” Single-Family Residential and general land use change from High Density Residential to Low Density Residential. The applicant seeks to enhance the development potential for the property site to allow construction of a single family dwelling.

Air Quality

The proposed Rezone and General Plan Amendment will not conflict with and/or obstruct implementation of the applicable air quality plan. However the primary reason of the application to have a viable parcel for a single family dwelling. Therefore, the future development has the potential to create fugitive dust during construction to the adjacent neighbor approximately 10 feet from the site. The following mitigation measures will reduce the project to 'less than significant' levels:

AQ-1: Work practices and/or future development shall minimize vehicular and fugitive dust to reduce the impact of fugitive dust emissions to a less than significant level in staging areas, work areas, and adjoining roads by use of water, paving or other acceptable dust palliatives to ensure that dust does not leave the property. Access to project areas shall be limited to authorized vehicles.

AQ-2: All vegetative waste from future development activities shall be composted and/or chipped as a means of disposal. All vegetation removed shall be chipped and spread for ground cover and erosion control. Site development and vegetation disposal shall not create a nuisance odors, smoke or dust.

AQ-3: Burning of vegetative material is discourage, but if not alternative material is available, a Smoke Management Plan shall be submitted to the Lake County Air Quality Management District and the local fire protection District for review and approval.

Biological Resources

A Biological Resource Assessment with Botanical Survey and Delineation of Waters of the U.S. was prepared by Northwest Biosurvey on June 27, 2019 for the project (Attachment 5). The survey states that the shoreward area of the retaining wall has been recently disturbed, including a thick layer of fill material, and has limited the number and diversity of plant taxa. No special-status animals or plants were detected within the proposed areas or adjacent areas. If land clearing is performed in the future on the lakeward area of the retaining wall, a pre-construction special-status species survey is recommended. Future construction activities associated with development have the potential to indirectly significantly impact habitat for sensitive species. All future development shall obtain all necessary federal, state and local agency permits, which may include additional environmental analyses. Further, mitigation measure BIO-5 requires an Erosion and Sediment Control Plan and a Stormwater Plan prior to any site development due to the proximity of the property next to Clear Lake to mitigate any potential soil erosion into the lake during site development.

The following mitigation measures will reduce potential biologically-related impacts to less than significant levels:

BIO-1: If future ground disturbance or removal of vegetation occurs between February 1 and August 31 of any year, preconstruction surveys should be performed by a qualified

biologist no more than 14 days prior to commencement of such activities to determine the presence and location of nesting bird species. If active nests are observed, temporary protective breeding season buffers will be established to avoid incidental take of birds, nests, or young. The appropriate buffer distance is dependent on the species, surrounding vegetation, and topography, and should be determined by a qualified biologist as appropriate to prevent nest abandonment or direct mortality from vegetation removal.

- Non-breeding Season: September 1 through January 31. Ground disturbance and removal of vegetation within the Study Area does not require pre-construction surveys if performed between September 1 and January 31.

BIO-2: All future residential development and its access shall be emphasized within the central portions of the project parcel and be accessed by existing Lakeshore Boulevard.

BIO-3: All future development shall maintain a minimum of a thirty (30) foot or greater setback from top of bank for all waterways located on project parcel.

BIO-4: Any future development shall meet all the requirements of Lake County Municipal Code Chapter 25, Floodplain Management.

BIO-5: Prior to any work occurring in and/or near any waterway, the applicant shall submit Erosion and Sediment Control Plans and a Storm Water Management Plan to the Community Development Department for review and approval. Said Plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance.

Cultural and Tribal Resources

A *Cultural Resource Inventory* was prepared by John Parker on July 5, 2019 for this property. During the field inspection of the archeological research it was discovered that fill had been placed on the shoreward area of the retaining wall. The fill material amounts between approximately 1 to 4 feet in depth. No ground-disturbing activities are proposed. Future construction of the Project has the potential for accidental discovery of unknown, undiscovered cultural resources and tribal cultural resources. The following mitigation measures will reduce cultural / tribal potential impacts to less than significant levels:

CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the local overseeing Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the local overseeing Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-2: If any human remains are encountered during site preparation and construction activities, the applicant shall halt all work and immediately contact the Lake County

Sheriff's Department and the Community Development Department. If any artifacts or remains are found, the local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

Overall, the project is consistent with the Lake County General Plan, Lakeport Area Plan, and Lake County Zoning Ordinance. Therefore, staff has determined that the proposed use will be less than significant impact with mitigation measures incorporated pursuant to CEQA guidelines (Sec.15070 to 15075).

V. RECOMMENDATIONS

Staff recommends that the Planning Commission take the following Actions:

A. Adopt Mitigated Negative Declaration of Initial Study (IS 19-41) for General Plan Amendment, GPAP 19-02 and Rezone, RZ 19-02 with the following findings:

1. Although future developments of the project could have a significant effect on the environment, the project will have less than significant impact with mitigation measures consistent with CEQA guidelines (Sec.15070 to 15075).
2. This project is consistent with the Lake County General Plan, Lakeport Area Plan and Zoning Ordinance.
3. The project is consistent with land uses in the vicinity.
4. This project will not result in any significant adverse environmental impacts with the proposed mitigation measures.

B. Approve General Plan Amendment (GPAP 19-02) and Rezone (RZ 19-02) with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of the future development proposed.
3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

5. This project is consistent with the Lake County General Plan, Lakeport Area Plan, and Lake County Zoning Ordinance.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation.

Sample Motions:

Initial Study (IS 19-41)

I move that the Planning Commission find the **General Plan Amendment (GPAP 19-02) and Rezone (RZ 19-02)** applied for by **Richard and Beverly Siri** on property located at **4436 Lakeshore Blvd., Lakeport** further described as **APN: 029-141-22** adopts the mitigated negative declaration (IS 19-41) based on the findings set forth in the staff report dated **April 22, 2021**.

General Plan Amendment (GPAP 19-02)

I move that the Planning Commission find that the **General Plan Amendment (GPAP 19-02)** applied for by **Richard and Beverly Siri** on property located **4436 Lakeshore Blvd., Lakeport** further described as **APN: 029-141-22** does meet the requirements of Section 47.22 and Article 10 of the Lake County Zoning Ordinance and the General Plan Amendment be granted subject to the findings listed in the staff report dated **April 22, 2021**.

Rezone (RZ 19-02)

I move that the Planning Commission find the **Rezone (RZ 19-02)** applied for by **Richard and Beverly Siri** on property located at **4436 Lakeshore Blvd., Lakeport** further described as **APN: 029-141-22** does meet the requirements of Section 47.22 and Article 10 of the Lake County Zoning Ordinance and the Rezone be granted subject to the findings listed in the staff report dated **April 22, 2021**.

***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.*