



Legislation Details (With Text)

File #: 22-703 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 6/28/2022 **In control:** Planning Commission

On agenda: 7/14/2022 **Final action:**

Title: 9:05 a.m. – Public Hearing on Consideration of a Rezone (RZ 22-02) and a Mitigated Negative Declaration (IS 22-19). The Planning Commission will be asked to make a formal recommendation to the Board of Supervisors, which will occur during a later public hearing. The applicant, DANIEL SOSA is proposing a rezoning to change two property's zoning from CH Highway Commercial to C2 Service Commercial, and to amend the General Plan designations. The property is developed with two existing buildings and a parking lot. No development is proposed in conjunction with this action. The project is located at 3774 AND 3794 E. Highway 20, CA; APNs: 032-181-02 and 03.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Attachment 1 vicinity map, 2. Attachment 2 zoning map, 3. Attachment 3 agency comments, 4. Attachment 4 COAs, 5. Attachment 5 IS, 6. Attachment 6 public comments, 7. Attachment 7 rezone ord, 8. Sosa (RZ 22-02) Staff Report (Final), 9. Proof of Publication RZ 22-02 (PC 7-14-22) 905am, 10. Sosa RZ (Revised)

Date	Ver.	Action By	Action	Result
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Memorandum

Item # 1
9:05 AM
July 14, 2022

STAFF REPORT

TO: Planning Commission

FROM: Mary Darby, Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: July 14, 2022

SUBJECT: Daniel Sosa, Rezone (RZ 22-02) and Initial Study (IS 22-19)

Supervisor District 3

- ATTACHMENTS:**
1. Vicinity Map
 2. Proposed Rezone Map
 3. Agency Comments
 4. Conditions of Approval
 5. Initial Study
 6. Public Comments
 7. Rezone Ordinance (Draft)

I. EXECUTIVE SUMMARY

The applicant is requesting approval to rezone two contiguous lots from CH-DR (Highway Commercial - Design Review) to C2-DR (Service Commercial - Design Review). The properties are located at 3774 & 3794 E. Highway 20, Nice, California and are APNs: 032-181-02 and 032-181-03. The applicant has submitted no development proposals for this project. No site development is intended. The purpose of the rezone is to sell retail cannabis, which is not a permitted land use in the CH zoning district.

The applicant applied for a Categorical Exemption to CEQA. However the County determined that a Rezone required a more in-depth evaluation of potential impacts, and the Planning Department's Initial Study (IS 22-19) and review resulted in a Negative Declaration.

II. RECOMMENDATIONS

Staff recommends that the Planning Commission provide the following recommendations to the County of Lake Board of Supervisors:

A. That the Board adopts Negative Declaration (IS 22-19) for General Plan Amendment, Rezone, RZ 22-02 with the following findings:

1. That no new development proposals were submitted for this rezone, nor are any intended by the applicant.
2. This project is consistent with the County of Lake General Plan, Upper Lake - Nice Area Plan and County of Lake 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, and no mitigation measures are required.

B. That the Board Approves Rezone (RZ 22-02) 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, Upper Lake - Nice 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:

Negative Declaration (IS 22-19)

I move that the Planning Commission find the **Rezone (RZ 22-02)** applied for by **Daniel Sosa** on property located at **3774 and 3794 E. Highway 20, Nice, CA** further described as **APNs: 032-181-02 and 03** recommend the adoption of the Negative Declaration (IS 22-19) by the Board of Supervisors based on the findings set forth in the staff report dated **July 14, 2022**.

Rezone (RZ 22-02)

I move that the Planning Commission find that the **Rezone (RZ 22-02)** applied for by **Daniel Sosa** on property located at **3774 and 3794 E. Highway 20, Nice, CA** further described as **APNs: 032-181-02 and 03** does meet the requirements of Section 47.22 and Article 19 of the Lake County Zoning Ordinance, and that a recommendation of approval be provided to the Board of Supervisors for the Rezone subject to the findings listed in the staff report dated **July 14, 2022**.

***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's recommendation, 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.*