



Legislation Details (With Text)

File #: 22-848 **Version:** 1 **Name:**

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

File created: 8/2/2022 **In control:** Planning Commission

On agenda: 8/11/2022 **Final action:**

Title: 9:20 a.m. – PUBLIC HEARING - Consideration of proposed Rezone (RZ 22-01) and General Plan Amendment (GPA 22-01); Applicant is VALERIE PENG; Project Located at 11377 Highway 29, Lower Lake (APN: 049-300-02)

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Attachment 1 vicinity map, 2. Attachment 2 map, 3. Attachment 3 Supplemental Data, 4. Attachment 4 agency, 5. Attachment 5 public, 6. Attachment 6 IS, 7. Peng SR V2 denial MGT, 8. Public Comment (Peng)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Memorandum

Item # 5
9:20 AM
August 11, 2022

STAFF REPORT

TO: Planning Commission

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

DATE: August 11, 2022

SUBJECT: Valerie Peng; General Plan Amendment (GPAP 22-01), Rezone (RZ 22-01) and Initial Study (IS 22-20); Request to rezone a property from "C3" to "C2" to allow commercial cannabis sales. Location: 11377 Highway 29, Lower Lake. APN: 049-300-02

Supervisor District 1

- ATTACHMENTS:**
1. Vicinity Map
 2. Proposed Rezone and General Plan Map
 3. Supplemental Data
 4. Agency Comments
 5. Public Comments
 6. Initial Study IS 22-20

I. EXECUTIVE SUMMARY

The applicant requests approval of a Rezone of a 0.14± acre property from “C3” Service Commercial to “C2” Community Commercial for the purpose of selling retail cannabis, which is not a permitted use in the “C3” zoning district. The property is located at 11377 Highway 29, Lower Lake (APN: 049-300-02). In addition, the applicant requests approval of a General Plan Amendment of the property from Service Commercial to Community Commercial. The applicant has indicated that no site improvements are proposed. The site contains a two-story, 2000 sq. ft. building and six (6) marked parking spaces.

CEQA - since a denial recommendation is being presented, CEQA does not apply.

Approval of this project would result in ‘spot zoning’, the creation of a single-parcel zoning district, surrounded by other zoning districts. While not prohibited by State or County regulations, this is not a Best Practice for Planning because it could create an incompatibility with the surrounding parcels. The Department is unable to support the application and recommends denial.

I. RECOMMENDATIONS

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

- A. That the Board does not adopt Negative Declaration (IS 22-20) for General Plan Amendment, GPAP 22-01 and Rezone, RZ 22-01 with the following findings:
1. That uses allowed in the “C2” Community Commercial Zoning District are not compatible with the existing “C3” zoned lots and uses in the vicinity.
 2. This project could result in any adverse impacts related to traffic given the site’s access is through other “C3” zoned lots that are developed with established uses.
- B. That the Board does not approve General Plan Amendment (GPAP 22-01) and Rezone (RZ 22-01) with the following findings:
1. That the establishment, maintenance, or operation of the use applied for may be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use based on uses permitted in the “C2” Community Commercial zoning district.
 2. That potential retail cannabis sales are not compatible with the “C3” zoning district and established land uses.
 3. That the road serving this site is not adequate to accommodate vehicular trips to the facility due to site traffic having to pass through other established C3 lots.
 4. That the project is not consistent with the General Plan, the Lower Lake Area Plan, and certain applicable portions of the Zoning Ordinance.

Sample Motions:

Negative Declaration (IS 22-20)

I move that the Planning Commission recommend that the Board of Supervisors **not adopt** of the Negative Declaration (IS 22-20) based on the findings set forth in the staff report dated **August 11, 2022**.

General Plan Amendment (GPAP 22-01)

I move that the Planning Commission find that the **General Plan Amendment (GPAP 22-01)** applied for by **Valerie Peng** on property located at **11377 Highway 29, Lower Lake**, further described as **APN: 049-300-02** does not meet the requirements of the General Plan, the Lower Lake Area Plan, and certain applicable portions of the Lake County Zoning Ordinance, and that a recommendation of denial be provided to the Board of Supervisors for the subject to the findings listed in the staff report dated **August 11, 2022**.

Rezone (RZ 22-01)

I move that the Planning Commission find that the **Rezone (RZ 22-01)** applied for by **Valerie Peng** on property located at **11377 Highway 29, Lower Lake**, further described as **APN: 049-300-02** does not meet the requirements of the Lake County General Plan, the Lower Lake Area Plan, and certain portions of the Lake County Zoning Ordinance, and that a recommendation of denial be provided to the Board of Supervisors for the Rezone subject to the findings listed in the staff report dated **August 11, 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.