



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> General Plan Consistency Determination, GPCD 2023-01 And Categorical Exemption CE 2023-01	<b>MEETING DATE (Regular): 5/9/2023</b>
<b>SUBMITTED BY:</b> Community Development Department - Planning	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
<b>LOCATION:</b> 14709 Palmer Ave Clearlake, CA 95422 APN: 040-193-560-000	<b>APPLICANT/OWNER:</b> City of Clearlake/ Higher Power Zun, LTD AKA
<b>ZONING:</b> Mixed-Use (MUX)	<b>GENERAL PLAN:</b> Mixed-Use

**WHAT IS BEING ASKED OF THE PLANNING COMMISSION**

The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 040-193-560-000, and is commonly known as 14709 Palmer Avenue, Clearlake, CA 95422.

**BACKGROUND/DISCUSSION**

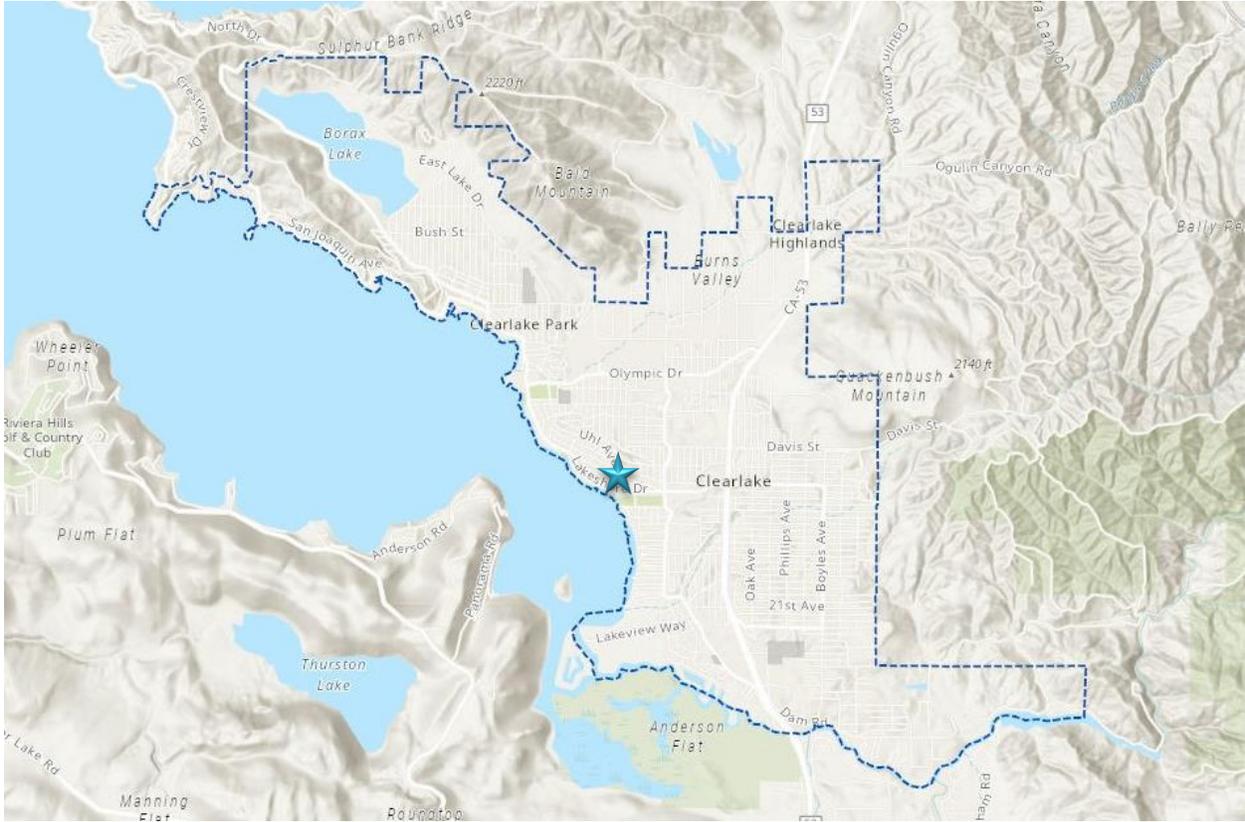
The property is one parcel comprised of lots 71, 72 and 73, located Block 43 of the “Club House Addition to Clear Lake Highlands”. City assessor parcel book notes indicate that the parcels were merged on February 28, 1989. The parcel is vacant.

The adjacent lots are predominantly developed with various structures including commercial and residential. The lots to the west are zoned high density residential, general commercial to the south and east, and medium density residential to the north. Beyond the adjacent lots are areas zoned medium density residential to the north, mixed-Use to the south and east, and medium density residential to the west. This parcel is generally square in shape and approximately 0.39 acres in size (16,988 square feet). The surrounding lots are predominately rectangular in shape and approximately 5,000 square feet in size.

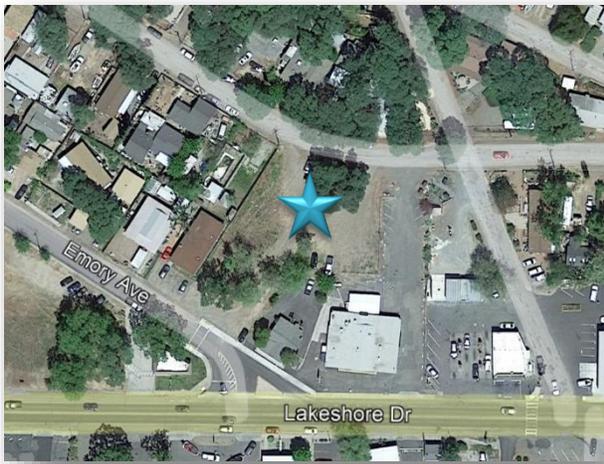
The parcel is about one-eighth a mile walking distance to Redbud Park. Lakeshore Drive downtown and Clear Lake are about three blocks to the west, Burns Valley Elementary school and Austin Park are a little over one mile to the northwest, and Lower Lake High School is approximately 3 three miles southeast as the crow flies.

**Roads**

According to the City of Clearlake "Public and Private Streets" map, roads in the area are predominantly public. Palmer Avenue is an all-weather surface road within a forty-foot right-of-way.



Location Map



Aerial of Parcel



APN: 040-193-560-000

**Water**

Highlands Water District, 6-inch pipeline.

### Sewer

County of Lake Special Districts, gravity main.

### Power

Pacific Gas Electric.

### Topography

Predominantly 0 to 10 percent slope.

### Vegetation

Disturbed ground. Several Oak trees.

### Flood Area

Zone X. 0.2 percent annual chance flood hazard. Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Sources: FEMA Flood Map Service Center, County of Lake Parcel Viewer).

### Code Enforcement

No active cases.

The property could be developed with a mix of uses per Section 18-18 Use Regulations of the municipal code.

## **GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY**

### General Plan

The parcel and immediate surrounding area are designated as Medium Density Residential which allows for residential densities of up to 15 units per acre. The primary use would be single-family detached and attached residential. All general plan land use policy elements applicable for this parcel.

### Zoning Ordinance

The MUX Zone allows for a mix of residential and nonresidential uses, such as commercial uses, on the same site where mixed-use development would otherwise be optional. The MUX Zone is intended to allow greater flexibility of development alternatives, especially attractive higher density residential development and live-work buildings, in appropriate areas of the City. The MUX Zone will be applied to areas designated Mixed-Use on the Clearlake General Plan Zoning Map. Minimum lot size is 3,000 square feet with maximum residential density of twenty-five units per acre (Section 18-7.020 Property Development Standards).

## **ENVIRONMENTAL REVIEW (CEQA)**

### Categorical Exemption CE 2023-01

The California Environmental Quality Act (CEQA) Statute and Guidelines, Article 5, Preliminary Review of Projects and Conduct of Initial Study, Section 15061, Review for Exemptions (b)(3),

states that “activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, Article 12, Special Situations, Section 15183 (a), Projects Consistent with a Community Plan or Zoning, mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.

Staff has determined that the GPCD is consistent with zoning, general plan policies, and does not require additional environmental review.

### **ENABLING PROVISIONS OF THE PLANNING COMMISSION**

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the proposed transfer of 14709 Palmer Avenue, Clearlake, CA 95422.

### **RECOMMENDATION**

Staff recommends option 1 below – that the Planning Commission move to Adopt Resolution PC 2023-02, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

### **MOTION/OPTIONS**

1. Move to Adopt Resolution PC 2023-02, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
2. Move to Deny Resolution PC 2023-02 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

### **ATTACHMENT(S)**

1. Attachment 1-Resolution
2. Attachment 2-Deed(s)