



**CITY OF CLEARLAKE**  
**Planning Commission**

STAFF REPORT	
<b>SUBJECT:</b> JS Market Conditional Use Permits CUP 2022-12 Design Review, DR 2022-02 Categorical Exemption, CE 2022-11	<b>MEETING DATE (Regular):</b> May 24, 2022
<b>SUBMITTED BY:</b> Mark Roberts - Planning Department	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> <b>Action Item</b>	
<b>LOCATION:</b> 6653 & 6673 Old HWY 53  <b>PARCEL NUMBER(S):</b> 040-376-20 and 21	<b>APPLICANT/OWNER:</b> <ul style="list-style-type: none"><li>• Wafaa Almahamid (Applicant)</li><li>• Sunil Joshi (Owner)</li></ul>
<b>ZONING:</b> “GC” - General Commercial	<b>GENERAL PLAN:</b> Commercial

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

The Planning Commission is being asked to consider Conditional Use Permit Application, CUP 2022-12, Design Review, DR 2022-02 and Categorical Exemption CE 2022-11, to allow the development and operation of a Mixed-Use Commercial and Residential Development located at 6653 & 6673 Old Highway 53; Clearlake, CA 95422 further described as Assessor Parcel Numbers (APNs) 040-376-20 and 040-376-21.

**BACKGROUND/DISCUSSION**

The project involves the development and operation of a Mixed Use Commercial and Residential Development spanning across two parcels approximately 0.80 acres in size, known as Lot 1 and Lot 2 (*Please refer to Attachment # 2 for details*). Even though the project consists of two parcels, all existing/proposed structures will remain within the designated boundary lines. The only improvements that will cross the boundary lines is the shared parking lot and off-site improvements (curb, gutter, sidewalk, etc.). Per the plans, the development includes but is not limited to:

Development/Construction on Lot 1 will consist of a +/- 3,095 SQFT Convenience Store/Market; A Propane/Waste Enclosure and two apartment located on the second story of the Convenience Store/Market. Below is the anticipated square footage of the apartments.

- One Apartment is approximately 1,495 SQFT
- One Apartment is approximately 1,600 SQFT

Development/Construction on Lot 2 will consist of converting the existing market into a Coined Laundromat (approx. 1,540 SQFT in size), with an associated Water Purification Operation (approx. 502 SQFT in size). It will also include the construction of a new +/- 3, 225 SQFT retail/eatery structure with a drive through facility. Below is the anticipated square footage of each use.

- 500 Sq. Ft. Water Purification facility
- 1,540 Sq. Ft Coined Laundromat
- 980 Sq. Ft. Retail space including storage and maintenance
- 1,315 Sq. Ft. Pizza
- 480 Sq. Ft Deli
- 450 Sq. Ft Ice Cream Shop
- 24 Parking Spaces

According to the site plan, the applicant is proposing to install curb, gutter, and sidewalk along Old Highway 53 and Lake View Way. This would satisfy the City's requirements for commercial developments, (as normally required).

### **ENVIRONMENTAL SETTING**

The site is located approximately 0.65 miles from the intersection of Old Highway 53/State Highway 53 and consist of two parcels. Parcel 1 (6653 Old Hwy 53) is +/- 0.27 acres in size, relatively flat, covered in gravel with several trees and is vacant. The second adjoining parcel to the east (6673 Old Hwy 53) is +/- 0.48 acres in size, relatively flat and developed with a small retail building currently operating as a convenience market. The project is mostly surrounded by undeveloped and developed lots with Residential lots to the West, South/Southwest and a large vacant commercial zoned parcel to the East/Southeast (known as the airport).

### **GENERAL PLAN CONSISTENCY, AND ZONING AND DESIGN STANDARDS COMPLIANCE**

#### **General Plan Consistency:**

The project site is designated Commercial on the General Plan Land Use Map. This is consistent with the General Commercial zoning of the property. The General Plan defines Commercial as "a general commercial category including retail, restaurants, shopping centers, strip malls, and markets serving both residents and visitors. The proposed commercial uses are consistent with this definition. Residential mixed uses, with commercial uses would be consistent with the proposed development.

#### **GOAL ED 2:** A supportive and nurturing business climate.

- Objective ED 2.1: Develop a diverse economic base including a range of manufacturing, retail, service, and knowledge-based professional activities.
  - Policy ED 2.1.1: The City should approve development proposals suitable for business districts with specific functional uses including office, commercial, retail, and applicable industry.
  - Policy ED 2.1.2: The City shall support a healthy mix of businesses.
- Objective ED 2.2: Provide high-quality municipal services, facilities, and economic development assistance for business growth and expansion.

- Policy ED 2.2.1: The City should reduce obstacles and barrier for business establishments and development.
- Program ED 2.2.1.1: Through the Zoning Code Update, the City shall designate appropriate land for commercial land use along highly accessible commercial corridors such as Lakeshore and Olympic Drives and State Route 53.

**Zoning Ordinance Compliance:**

The project would allow the establishment of a Mixed-Use Commercial and Residential Development, with a drive through, including the sales and/or onsite consumption of alcohol associated with the restaurant which requires a Conditional Use Permit when located in the “GC” General Commercial Land Use Designation. Upon review, staff has determined the proposed development is in compliance with all applicable sections of the Clearlake Municipal Code(s).

**Residential Mixed Use:**

The project proposes two apartments, ranging from 1,400 to 1,600 square feet in size (*exceeding the minimum residential design requirements in 15 feet in width and 750 SQFT in size*), above the northwesterly retail building with an open stairway access facing Lakeview Way (*Section 18-18.020 of the Zoning Code requires a Planning Commission Use Permit for mixed use housing developments*). ***Conditions of Approval have been incorporated to ensure the operations adhere to all applicable requirements.***

**On-Site Alcoholic Beverage Sales:**

The retail components (i.e., Market, Pizzeria/Restaurant, Ice cream Parlor) will allow the onsite sales and consumption of alcoholic beverages. Section 18-19.110 of the Zoning Code requires a use permit from the Planning Commission for businesses whose floor space is primarily devoted to the sale of beer, wine or other alcoholic beverages for on-premises consumption, and which requires a license under state regulations. ***Conditions of Approval have been incorporated to ensure the operations adhere to all applicable requirements.***

**Drive Through Facilities:**

The project proposes a drive-through facility (*associated with the commercial retail/eatery*). Access would be from the northerly driveway off Old Highway 53 traveling to the south along the back side of the property with vehicles exiting to the south driveway back onto Old Highway 53. Section 18-19.070 references recommend performance standards for drive-through facilities. The proposed development has met all the recommendations except for two, which is drive through isles should be a minimum of 100 feet from any residential zone and the suggested stacking of +/- 114 feet. The proposed drive through isle is located directly adjacent to residentially zoned parcels and some of these lots are developed with single family dwellings. The recommended setback/buffer is intended to help improve neighborhood compatibility from noise and emissions generated from the drive-through lanes onto adjoining residents.

- **Response/Analysis #1:** ***To mitigate this impact to the residential zoned lots, the applicant has agreed to construct a minimum of a six-foot-tall concrete or block wall along the south side of the drive-through lane.***
- **Response/Analysis #2:** ***During review of the preliminary design plans the City Engineer indicated that the message board and the order speaker will be located near the parking stall at the north side of the buildings resulting in approximately 90 feet of vehicle stacking distance. The average car is about 14.7 feet long, meaning there is enough space for a***

***minimum of five (5) cars with space in between and a 6th vehicle located at the ordering at the message/board. Therefore, Staff has determined that the project design meets the intent of this performance standards.***

Off-Street Parking (Section 18-20.090):

After staff and city engineer review of the mixed-use project components it was appropriate to interpret parking demands/requirements as a collective development and consider shared parking and not parking on a use-by-use basis. The applicant is proposing 36 parking spaces for the development. According to Section --18-20.090 (d) of the City Municipal Code the applicant qualifies for up to a 30% reduction in parking. However, based on the number of parking spaces proposed by the applicant the number of spaces equates to a 20% reduction, leaving a parking surplus of 4 spaces; a 30% reduction would have required a minimum of 32 spaces if demonstrated that the times of maximum parking demand from various uses will not coincide.. Staff has determined the proposed project qualifies for the 20% parking reduction and will operate adequately given the proposed parking configuration.

Exterior Lighting:

The applicant has not provided a lighting plan at this time. Any new lighting will be subject to compliance with all applicable Federal, State and local agency requirements, including Section 18-20.120 of the Municipal Code regarding night sky preservation. Use permit conditions of approval requires submittal and approval by staff of a detailed lighting plan that complies with these standards.

Trash/Recycling Containment:

The applicant has not provided a Trash/Recycling Containment Plan at this time. In accordance with Section 18-20.070, a 15' x 15' trash enclosure plan for storage of recycling and trash shall provide for the proposed operation. A condition of approval requires that such installation be completed and is consistent with the City's Trash/Recycling Enclosure Design Standards prior to occupancy.

Signage:

The applicant submitted a Preliminary Signage Plan with the application. Prior to the installations of any signed, use permit conditions of approval requires the applicant to submit final signage plans for consideration/approval by Staff.

Landscaping:

The Preliminary Landscape Planting and Irrigation Design conforms to the Lake County Low Impact Development Standards, the City of Clearlake's Water Efficient Landscaping and the Landscaping Design Standards. The proposed landscape design plan meets the maximum applied water allowance calculation. All plant materials, even those in the bio-swale areas, are low water use as defined by the Water Use Classifications of Landscape Species. Four Valley Oaks are incorporated in the plan to offset the removal of the Blue Oaks on site. Additionally, the project proposes a six-foot-tall solid sound attenuation wall between the drive-thru aisle and southeasterly adjoining residential properties to help reduce/avoid noise and vehicle emission impacts on neighboring lots. ***As a condition of approval, the applicant shall submit a Final Landscape and Irrigation Plan for staff to review for compliance with the Municipal Code prior to installations/operation.***

Native Tree Preservation:

Currently, on the site are four native Blue Oak trees. The four Blue Oak Trees are proposed to be removed as they are located within the area to be developed. Prior to removal of the four Blue Oak Trees, the applicant shall obtain a Tree Removal Permit. As mitigation for removal of the four trees in

accordance with the City's Municipal Code, the applicant is proposing to re-plant four Valley Oaks onsite. Section 18-40.050(d) outlines the regulations for replacement of native trees:

- *"For each protected tree felled and/or removed, two (2) replacement trees shall be planted for the first ten (10") inches DBH of tree removed and one (1) tree for each additional two (2") inches of DBH of the protected tree felled. The replacement trees shall be of the same species type as that of the removed tree and shall be planted by the permittee within twelve (12) months of issuance of the removal permit. . . and furthermore states "where replacement trees cannot be reasonably accommodated on site, replacement trees shall be planted off-site at a ratio of four (4) replacement trees for the first six (6") inches of DBH of the protected tree felled and/or removed and one (1) tree for each additional inch of DBH of the protected tree felled."*

While the proposed mitigation of four Valley Oaks does not meet the full requirement of the code, a condition has been added to require the applicant to pay the required fee to the City for the offsite mitigation re-planting fee to fulfill this requirement. Project complies as conditioned.

### **AGENCY REVIEW**

The project was sent out to various Federal, State and local agencies for review/comment beginning on October 27, 2021 and ending on November 19, 2021. This process is commonly known as Request for Review (RFR). The project was also sent to the local tribal organizations in accordance with AB 52 (Section 21080.3.1(b) of the PRC)

- *During the review period, the city did not receive any adverse comments and/or Tribal Consultation Request. The city did receive comments from Lake County Environmental District, Lake County Special Districts, and Northwest Archeological Center (Sonoma State).*

**Response/Analysis:** *All agencies/comments have been incorporated into Conditions of Approval and have been forward to the applicant. Please refer to Attachment # 3 for agency comments.*

### **ENVIRONMENTAL REVIEW/CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Upon review of the proposed project, and agency comments/concerns, Staff has made the determination that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15332 (Class 32) of the CEQA Guidelines concerning Infill Development.

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  - **Analysis/Response:** *The project is located on a site designated for commercial uses and has a Land Use Designation of "GC" - General Commercial. The development primarily use would be used commercial, and the residential component is consistent with the general plan and land use designation.*
2. The proposed development occurs within city limits on a project site of no more than five acres and substantially surrounded by urban uses.
  - **Analysis/Response:** *The project is proposed within the city limits on a site of less than five acres in size (both parcels combined) and is surrounded on three sides with urban development.*

3. The project site has no value as habitat for endangered, rare or threatened species.
  - **Analysis/Response:** *The project site has undergone previous grading and disturbance and has no value as habitat for endangered, rare, or threatened species.*
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  - **Analysis/Response:** *Potential Traffic, Noise, Air and/or Water Quality Impacts will be avoided from project design and proposed operations. Based on the Institute of Traffic Engineer's Manual, collectively the project is expected to increase traffic to Highway 53 by approximately 1,500 (an average) vehicle trips per day (fast food/retail/2 apartment units).*

*Based on the General Plan EIR for this area, this amount of traffic is anticipated for future development in the area. Also, pursuant to Ordinance Number 247-2020, the City of Clearlake added Article 3-8 to Chapter III of the Municipal Code allowing the collection of traffic impacts fees. The development impact fee revenue will be collected and used to cover the cost of capital facilities and infrastructure required to serve new development and growth in the city, and therefore, avoid cumulative traffic impacts.*

*The project proposes a minimum six-foot-tall solid sound attenuation wall between the drive-thru aisle and southeasterly adjoining residential properties to avoid noise and vehicle emission impacts on sensitive residential uses.*

*Water quality impacts would be avoided with preparation and implementation of a grading plan which will include Best Management Practices (BMPs) to avoid water quality impacts into the City's drainage system.*

*Also, a Cultural Resource Report, conducted by Dr. John Parker, was prepared for the project site on April 5, 2021. The report concludes that the project would not have a significant impact on cultural/tribal resources.*

5. The site can be adequately served by all required utilities and public services.
  - **Analysis/Response:** *The project is served by all required utilities and public services, including water and sewer. Staff did not receive any adverse comments from Lake County Environmental Health, Lake County Special Districts and the local water districts. Conditions of Approval have been incorporate requiring the applicant to adhere to all applicable Federal, State and local agency requirements.*

## **LEGAL NOTICE & PUBLIC COMMENT**

The public hearing was noticed at least ten (10) days in advance in an electronic publication of the Lake County Record Bee on Friday, May 13, 202, and mailed (via USPS) to all surrounding property owners (including those who have requested to be notified in writing) within 300 feet of the subject parcel(s) as required pursuant to the Clearlake Municipal Code. All mailing address are drawn from the electronic database supplied by the Lake County Assessor Office Database. The City of Clearlake did not receive any written public concerns regarding the project.

## **FINDINGS OF APPROVAL**

Upon review of the proposed Mixed Use Commercial and Residential Development, Staff has determined that the proposed use has met all the required “Findings of Approval” in the Clearlake Municipal code/Zoning Ordinance as outlined in the attached PC Resolution 2022-12. *Please refer to Attachment # 1 for details*

## **MOTION/OPTIONS**

1. Move to Adopt Resolution PC 2022-12 A Resolution of the Planning Commission of the City of Clearlake Approving of Conditional Use Permit Application CUP 2022-12, Design Review, DR 2022-02, and, corresponding environmental assessment/Categorical Exemption, CE 2022-11 to develop and operate a Mixed-Use Commercial & Residential Development located at 6653 & 6673 Old Highway 53, Clearlake, CA 95422 further described as Assessor Parcel Numbers (APNs) 040-376-20 and 040-376-21.
2. Move to Deny Resolutions PC 2022-12 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

### **Attachments:**

- 1) PC 2022-12 Resolution with Conditional of Approval
- 2) Application Packet with Preliminary Site/Architectural Plans
- 3) Agency Comments