



STAFF REPORT	
SUBJECT: Conditional Use Permit, CUP 2022-11 Categorical Exemption, CE 2022-10	MEETING DATE 8/23/2022 (Regular):
SUBMITTED BY: Mark Roberts and Michael Taylor - Planning Department	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 14139 Konocti Street APN: 039-066-250-000 (APN: 039-066-24)	APPLICANT/OWNER: Gary Shimotsu (Applicant) Be April Importante (Owners)
ZONING: "MDR" Medium Density Residential	GENERAL PLAN: Medium Density Residential

WHAT IS BEING ASKED OF THE DEPARTMENT

Gary Shimotsu, representative of *Be April Importante (property owner)*, is applying for a Conditional Use Permit (CUP 2022-11) and associated environmental filing, Categorical Exemption (CE 2022-10) in accordance with Section 18-18.020 to allow the development and operation of a Residential Care Facility in the "MDR" Medium Density Residential Land Use District.

PROJECT SUMMARY

The Residential Care Facility would operate 24 hours - 7 days a week. There would be approximately two (2) shifts and each shift would have up to three (3) employees that would care for up to twelve (12) residents at any given time. The tables below, is the anticipated square footage of the proposed structures.

BUILDING # 1 – CARE FACILITY

ROOM	PROPOSED SQFT FOOTAGE
6 Patient Rooms (2 patients per room)	182.5 SQFT EA (1,095 SQFT total)
Laundry Room	149 SQFT
Staff Room	149 SQFT
Four - Full Bathrooms	101 SQFT EA (404 SQFT total)
½ bathroom	68 SQFT
Pantry Room	114 SQFT
Kitchen	272 SQFT
Living Room	775 SQFT
Office Room	326 SQFT
Medication Room	55 SQFT
Storage Room	68 SQFT
Visitation/Conference Room	100 SQFT
Washer/Dryer Room	31 SQFT
Gross Total Square Footage (include hallways, etc.)	+/- 4, 331 SQFT in total

BUILDING # 2 – ONSITE EMPLOYEE HOUSING

ROOM TYPE	PROPOSED SQFT FOOTAGE
Covered Entry	158 SQFT
Staff Bathroom	101 SQFT
Staff Bedroom # 1 (2 staff per room)	137 SQFT
Staff Bedroom # 2 (2 staff per room)	140 SQFT
Staff Break Room	109 SQFT
Supervisor suite with walk in closet and private bath	494 SQFT
Gross Total Square Footage (include hallways, etc.)	1,176 SQFT in total
Additional Onsite Improvements	
Onsite Parking	Ten (10) Parking Spaces, including two (2) ADA Complaint Parking Spaces
Two Patio/Gazebos	192 SQFT EA (384 SQFT Total)

Off-Street Parking/Access Improvements:

The parking lot design must comply with the *City's Parking Design Standards* in terms of size, orientation, and access, as well as fulfill ADA requirements. The subject parcel is proposing three (3) points of access:

- One access/exit point (located eastern portion of Konocti Street) will lead into the designated parking area with seven (7) parking spaces, including two (2) ADA Complaint Spaces.
- The second and third access/entrance point is located on the western portion of Konocti Street and the southeast portion of Lupoyoma Street. This is a through and through access point.

Pursuant to Section 18-20.090 Parking Space Requirements of the Municipal Code, the applicant should provide one space per three beds, plus one space per three beds in shared living facilities. Therefore, the operation shall provide a minimum of ten parking spaces, not including ADA Complaint Parking Spaces.

- **Review/Analysis: The applicant is meeting the minimum parking requirements as they are providing a minimum of ten parking spaces and two ADA Complaint Parking Spaces.**

Exterior Lighting: The applicant has not provided a lighting plan at this time. Any new lighting will be subject to compliance with Section 18-20.120 of the Zoning Code regarding night sky preservation as well as the *City's Lighting Standards*. Use permit conditions of approval requires the submittal and approval by staff of a detailed lighting plan that complies with these standards.

Trash/Recycling Containment: The applicant has submitted a Preliminary Trash Enclosure Design. The Preliminary Design appears to meet the required Design Guidelines in accordance with Section 18-20.070. Use permit conditions of approval requires the submittal and approval by staff of a Final Trash and Recycle Plan that complies with the City Municipal Code/Design Standards.

Signage: The applicant has not indicated any new signage for the facility. Use permit conditions of approval requires the submittal and approval by staff of a Final Signage Plan that complies with Section 18-21 (Sign Regulations) of the City's Municipal Codes.

Landscaping: The applicant provided a Preliminary Landscape and Irrigation Plan for review. The preliminary Landscape and Irrigation Plan, appears to meet the requirements of the adopted Design Standards/Regulations. Use permit conditions of approval requires submittal of a Final Landscape and Irrigation Plan for review and approval prior to occupancy.

AGENCY AND PUBLIC REVIEW

A request for review (RFR) was distributed to various Federal, State, and local agencies for review/comment. The RFR was sent out on *May 11, 2022*, which allowed agencies to provide and submit comments no later than May 31, 2022. During the commenting period, the city did not receive any adverse comments/concerns.

The project was also sent out for Tribal Consultation in accordance with Section 21080.3.1(b) of the PRC, Consultation request under AB 52. This allows Tribal Organizations 30 days from the receipt of the notice to request Tribal Consultation. The city did not receive any comments and/or Tribal Consultation request regarding this project.

ENVIRONMENTAL SETTING

The parcel is irregular shaped and approximately 0.42 acres in size. The parcel is located approximately 775 feet from the intersection of Konocti Street/Lakeshore Drive and approximately 210 feet from the intersection of Konocti/Koloko Street. The surrounding Land Use Designation is “RR” Rural Residential with a General Plan of Medium Density Residential. Nearby development consists of vacant parcels and parcels developed with residential dwellings/mixed-uses.

GENERAL PLAN CONSISTENCY, AND ZONING AND DESIGN STANDARDS COMPLIANCE

General Plan Consistency: The General Plan identifies the project site for Medium Density Residential

GOAL LU 1: Grow a Sustainable Community:

- Objective LU 1.1: Maintain an appropriate mix of land uses.
 - *Policy LU 1.1.1: The City should grow contiguously to manage the efficiency of public services and municipal infrastructure provision, to maintain a compact and well-defined community form, and to oblige its fiscal responsibility.*
 - *Policy LU 1.1.3: Future development and redevelopment should be planned and implemented with appreciation for the physical environment and natural features of the community and with recognition of potential physical constraints to ensure appropriate siting of various types of development.*
 - *Policy LU 1.1.7: An assortment of housing types should be provided to meet community and regional housing needs and to fulfill objectives of choice and affordability.*

Zoning Ordinance Consistency/Regulations:

The proposed operation would involve the development and operation of a Residential Care Facility, which requires a Conditional Use Permit Pursuant to Section 18-18.020(e) of the City Municipal Code. Upon review of the submitted application, including agency review, staff has determined the proposed use in in conformance with all applicable regulations with the incorporated Conditions of Approval.

To grant a discretionary permit, the Director, Planning Commission, or City Council, the review authority, must find that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity.

The Director, Planning Commission or Council may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations. Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record (Section 18-28.040, Findings).

ENVIRONMENTAL REVIEW (CEQA)

Upon review, staff has determined the project to be Categorical Exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15332 (Class 32) In-Fill Development Projects. A Class 32 consist of projects characterized as in-full development meeting the conditions described below.

- a) 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/ residential uses and has a land use designation of "RR" – Rural Residential. The development primarily use would be used as residential care facility which is consistent with the general plan and land use designation upon securing a Conditional Use Permit pursuant to Section 18-18.020 of the City's Municipal Codes.*
- b) 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 (project parcel is +/- 0.42 acres) in size and is surrounded with urban development.*
- c) The project site has no value as habitat for endangered, rare or threatened species.
 - **Analysis/Response:** *The project site was previously developed with a similar operation, and in 2017 over 90% of the infrastructure was destroyed by a fire. Therefore, it has no value for habitat for endangered, rare, or threatened species.*
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - **Analysis/Response:** *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality as site was previous developed with a similar operation being proposed. Additionally, the surrounding area is developed with various uses, including but not limited to residential and commercial uses.*
- e) 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. The project was circulated to the Lake County Environmental Health, Lake County Special Districts, Clearlake Police Department, Lake County Fire Protection District, and the local water districts. The city did not receive any adverse comments. Conditions of Approval have been incorporated 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 August 13, 2022, 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.

MOTION/OPTIONS

1. Move to Adopt Resolution PC 2022-15, A Resolution of the Planning Commission of the City of Clearlake Approving Conditional Use Permit Application CUP 2022-11 & Categorical Exemption, CE 2022-10 for the development and operation of a Residential Care Facility located at 14139 Konocti Street, Clearlake, CA 95422, further described as Assessor Parcel Number 039-066-250-000 (APN 039-066-240-000)
2. Move to Deny Resolution PC 2022-15, and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENTS

- 1) Resolution PC 2022-15 with Conditions of Approval
- 2) Application Packet with Proposed Architecture and Site Plan
- 3) Agency Comments