



CITY OF CLEARLAKE
Planning Commission

STAFF REPORT	
SUBJECT: Conditional Use Permits CUP 2022-01 Categorical Exemption, CE 2022-05	MEETING DATE (Regular): April 26, 2022
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: 15895 Dam Road (formally 15881) Clearlake, CA 95422 PARCEL NUMBER(S): 010-043-53-000	APPLICANT/OWNER: <ul style="list-style-type: none">• Jeanette Verdugo (Applicant)• Jatinder Sign (Owner)
ZONING: General Commercial	GENERAL PLAN: Commercial

WHAT IS BEING ASKED OF THE PLANNING COMMISSION

The Planning Commission is being asked to consider Conditional Use Permit Application CUP 2022-01 and corresponding environmental assessment, Categorical Exemption CE 2022-05, to develop and operate a gas station with convenience store (with onsite sales of alcohol), office space, fast food restaurant, and a drive through car wash, located at 15895 Dam Road (formally 15881), Clearlake, CA further described as Assessor Parcel Number 010-043-53-000.

BACKGROUND/DISCUSSION

Specifically, the following use permit is being requested in accordance with Chapter XVIII Zoning Regulations, section 18-18 Use Regulations of the City of Clearlake Municipal Code (*Refer to Attachments 1 and 2 for full details*)

- Convenience Store: 2,800 square feet in size
- Fast Food Restaurant: 1,600square feet in Size
- Office (2nd Floor): 400square feet in size
- Covered Canopy Area (12 pump Gas Station): 3,179 square feet in size
- Drive through Car Wash: 1,150 square feet in Size
- 15 Parking Spaces (9'x20) and one (1) ADA Accessible Parking Space
- Landscape Area: 6,172 square feet
- Underground Gasoline Tanks

The proposed hours of operation are 24 hours - 7 days a week. During normal shifts there will be +/- 3 employees and during peak shifts there will be +/- 4 employees. The applicant anticipates three normal shifts and up to four peak shifts. The business will employ up to approximately 8 individuals when fully operational. The applicant anticipates starting construction September of 2022, and construction will take approximately 6 months, 7 a.m. to 6 p.m., Monday through Saturday.

ENVIRONMENTAL SETTING

The site lies within the Clearlake Shopping Center, a developed commercial shopping complex on the corner of California State Highway 53/Old Hwy 53 and Dam Road. The project is mostly surrounded by commercially zoned parcels, with some mixed-use properties on the southwest side of the intersection. There are various big box commercial retail stores and national fast-food chains in the general vicinity including Walmart, Tractor Supply, McDonald's, Big Five, Carl's Jr., and Starbuck's.

GENERAL PLAN CONSISTENCY, AND ZONING AND DESIGN STANDARDS COMPLIANCE

General Plan Consistency: The General Plan identifies the project site for commercial land uses. The project involves retail sales of automotive products consistent with the commercial land use designation. The site falls within the Olympic Drive Corridor, one of nine key growth areas of Clearlake's Preferred Growth Scenario, as described by the General Plan (2040):

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 Regulations: The proposed development would allow the establishment of a gas station, including a convenience store (with onsite sales of alcohol), with office Space (with onsite sales of alcohol), fast food Restaurant, and a drive through car wash which requires a Conditional Use Permit in the "GC" General Commercial Zoning District.

- To grant a use permit, the Director or Planning Commission, an appeal, or the Council, 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 (CZC Section 18-28.040, Findings)

Off-Street Parking: As indicated on the site plan (*Refer to Attachment 2 for details*) the applicant has supplied a minimum of 14 parking spaces and one (1) ADA Parking Space. Therefore, the number of parking spaces complies with the number of required spaces per the City's Off-Street Parking Code requirements for the size of building proposed. In addition to the parking spaces, the applicant has provided approximately 121.9 feet of vehicle stacking for the drive through lane which exceeds the minimum requirement of 114 feet. **The parking lot design complies with the City's Parking Design Standards in terms of size, orientation, and access.**

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 Municipal Code regarding night sky preservation as well as the City's Lighting Standards. 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 will be provided adjacent to the proposed structure. A condition of approval requires that such installation shall be completed, consistent with the City's Trash/Recycling Enclosure Design Standards prior to occupancy.

Signage: The applicant has submitted Preliminary Signage for the operation (*Refer to Attachment 2 for details*). Upon review of the preliminary signage, the applicant is in compliance with the City of Clearlake Municipal Code. As a condition of approval, the applicant will need to submit a sign program (if proposed in the future) for staff review for compliance with the Zoning Code prior to installation of any signs.

Landscaping: The site plan indicates little to no landscaping from the street view of the property. Use permit conditions of approval requires submittal and approval by staff of a detailed landscaping and irrigation plan in accordance with Section 18-20.130 of the Municipal Code (*Specifically for the parking area and street/highway frontage areas*).

AGENCY REVIEW

The project documents were sent to the appropriate federal, state and local agencies for review and comment beginning on February 3, 2022, and ending on February 8, 2022. 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 the city Engineer, Lake County Environmental District and Lake County Special Districts.*
- *The City did receive comments from the Department of Transportation (Cal Trans) dated March 17, 2022. Upon reviewing the comments with the City Engineer, Staff does not have any concerns and/or think the proposed use will have a greater impact on the surrounding area. The surrounding area is heavily developed with commercial and/or light to heavy industrial uses.*

All agencies/comments have been incorporated into Conditions of Approval and have been forward to the applicant.

ENVIRONMENTAL REVIEW/CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. Upon review of the application, agency comments, and considering that the project is located within an urbanized area, staff has determined the project is exempt from the California Environmental Quality Act (CEQA), pursuant to California Environmental Quality Act (CEQA) guidelines, the project is considered categorically exempt from additional environmental review in accordance with Article 19. Categorical Exemption, 15303 New Construction or Conversion of Small Structures Class 3

- Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (c) A store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

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 April 15, 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.

FINDINGS OF APPROVAL

Pursuant to Section 18-28.040, to grant a Conditional Use Permit, the Community Development Director, Planning Commission or City Council must determine the following:

1. 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.
2. The Community Development Director, Planning Commission or the City Council may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations.
3. Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record.

MOTION/OPTIONS

1. Move to Adopt Resolution PC 2022-08 A Resolution of the Planning Commission of the City of Clearlake Recommending Approval of Conditional Use Permit Applications CUP 2022-01, and, corresponding environmental assessment/Categorical Exemption, CE 2022-05 to develop and operate a Gas Station, Convenience Store/Office Space (with onsite sales of alcohol), Fast Food Restaurant, and a Drive through Car Wash located at 15895 Dam Road (formally 15881); Clearlake, CA further described as Assessor Parcel Number 010-043-53-000.
2. Move to Deny Resolutions PC 2022-08, and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

Attachments:

- 1) Use Permit Application
- 2) Proposed Site & Architectural Plans
- 3) Agency Comments
- 4) PC 2022-08 Resolution with Conditional of Approval