

UP 01-09

**RESOLUTION No. PC 2009-05**

**A Resolution of the Planning Commission of the  
City of Clearlake Approving a Use Permit for Robinson  
for an Early Education Center  
14840 Burns Valley Road, APN: 039-353-08**

WHEREAS, Robinson has applied for approval of a use permit for an Early Education Center including the construction of a new building for the Center; and

WHEREAS, the proposed project, its design and improvement, conforms with the applicable local ordinances and the Clearlake General Plan if certain conditions are met; and

WHEREAS, the project has to be reviewed under the provisions of the California Environmental Quality Act; and

WHEREAS, an Initial Study has been completed and it was found that if certain conditions are met, a Mitigated Negative Declaration of Environmental Impact could be adopted; and

WHEREAS, the Planning Commission has considered this project on this date at a duly noticed public hearing, the staff report, public testimony, and found that the project is compatible with the surrounding area, it will not be detrimental to adjacent property owners or the public at large, and approval is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that (1) a mitigated negative declaration of environmental impact is hereby adopted and (2) the proposed development project shown on the site plan dated April 14, 2009 is hereby approved, subject to the following conditions being satisfied:

1. The approval is valid for one year unless an extension is granted in accordance with the Zoning Ordinance or the applicant has obtained a building permit for the project.
2. The approval is specifically for the uses and improvements shown on the site plan dated April 14, 2009. The uses include converting an existing single family home and garage into an Early Education Center. The number of students is limited to 60. Any changes to the site plan or the uses will require the approval of the Planning Commission. A
3. The applicant shall obtain a building permit, encroachment permit, grading permit, and certificate of occupancy from the City. The applicant shall also obtain any permits and clearances from the Lake County Fire Protection District, Lake County Division of Environmental Health, Highlands Water Company, and Special Districts before a certificate of occupancy is issued.
4. The applicant shall satisfy all Department of Social Services requirements with approval and letter submitted to the Community Development Department.

5. An environmental filing fee is required to be paid pursuant to Fish and Game Code Section 711.4(d) and shall be paid to the Lake County Clerk on or before the filing of a Notice of Determination for this project. The 2009 fee is \$1,993 and the administrative fee to the County Clerk is \$50. The project will not be valid under State law unless the fees are paid.
6. The applicant shall dedicate the following easements to the City of Clearlake:
  - A. A public utility easement 5 feet in width along the frontage of the parcels. Such easement shall be used for the placement of utility poles and/or street lights.
  - B. An easement for right-of-way 25 feet from center line of Burns Valley Road along the frontage.
7. All exterior lighting shall be shielded and/or directed so that it does not produce off-site glare.
8. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction to limit the generation of dust or other methods approved by the Lake County Air Quality Management District.
9. The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.
10. During construction activities, the applicant shall remove daily accumulation of mud and dirt from Burns Valley Road.
11. All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent odors and rodent infestation. The trash receptacles shall be screened by constructing an enclosure.
12. If archaeological or paleontological resources are encountered during construction, all construction activity in the immediate area of the find(s) shall cease in accordance with State and Federal law until a qualified professional is retained to determine the significance of the resources and recommend mitigations to be completed by the permit holder, if necessary, subject to the approval of the Community Development Department.
13. Should human remains be discovered during project construction, all work in the vicinity of the discovery shall be halted in accordance with State and Federal law until the coroner, the Native American Heritage Commission, and any involved ancestors can evaluate the remains and propose mitigation measures, if necessary, that shall be implemented prior to resumption of work in the area. The proposed mitigation measures

shall be submitted for review to the Community Development Department prior to implementation.

14. Should the area of ground disturbance exceed one acre in size, the applicant/owner shall submit a Notice of Intent to comply with the Construction General Permit and Storm Water Pollution Prevention Plan to the Central Valley Regional Water Quality Control Board.
15. The hours of operation of the Early Education Center shall be limited to the hours of 7:00 AM to 6:00 PM, Monday through Friday. The noise level shall be contained and kept as minimal as possible during the Center's hours of use.
16. The maximum number of students shall be no more than 60 in the first phase.
17. During construction, noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM unless the Building Official or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours.
18. The applicant shall install and construct a curb, gutter, sidewalk and a half street along the frontage of Burns Valley Road. The applicant will coordinate with the City's improvement project.
19. The applicant shall submit a flood elevation certificate to the City prepared by a licensed surveyor showing the flood and structure elevations at this location consistent with the City's regulations controlling development within flood zones. The survey shall also show the proposed structures.
20. No trees may be removed with the exception of 1) dangerous or a hazard as determined by a registered arborist and 2) removal for constructing the buildings, street, driveway and parking lot.
21. Any signage proposed for the project shall be installed in accordance with section 18-5.4 of the Clearlake Municipal Code. Unless exempted under section 18-5.402, prior to erection of signage, a permit shall be secured from the Community Development Department.
22. All the improvements shall be constructed in accordance with the City of Clearlake's Design and Construction Standards and City Code. Prior to performing any work on the improvements, an Improvement Plan shall be reviewed and approved by the City Engineer and/or Building Inspector. The following improvements shall be installed or secured in accordance with the City Code prior to the issuance of a Certificate of Occupancy:
  - A. An on-site landscaping plan shall be prepared and included as part of the Improvement Plan. Such plan shall be submitted and approved by the Community

Development Director prior to issuance of a building permit. The plan shall conform to Section 18-5.7 of the Clearlake Municipal Code.

- B. The parking spaces shown on the site plan shall be moved to an area determined by the Community Development Director and screened from the two adjoining streets. The minimum number of parking spaces shall be 38. The lot shall be landscaped and installed in accordance with the City's parking standards set forth in Section 18-5.3 of the City Code and the approved parking plan. Repairs and maintenance shall be performed on an as needed basis, pursuant to notice from the City. Improvement plans for the project shall show details of proposed parking areas, including asphalt paving, base, grading, striping, etc. consistent with City of Clearlake Design and Construction Standards.
- C. A play area shall be located in the area proposed by the applicant on July 7, 2009. A six foot solid wood fence shall be constructed adjacent to Sharp Lane. The other three sides can be chainlink. The other play areas can also be chainlink. (Exhibit A).
- D. The applicant shall meet the Lake County Fire Protection District's standards for fire protection. The applicant shall submit the construction plans for the District's review and approval. The construction plans shall address all the items in the letter from the District attached as Exhibit B.
- E. The applicant shall either connect to the Lake County Special Districts sewer system or provide the City with written verification the District is not requiring the applicant to connect. If the applicant is not required to connect to the public sewer system, the applicant shall obtain a permit for on-site sewage disposal from the Lake County Division of Environmental Health. The on-site system must be installed and operated in accordance with adopted regulations (Exhibit C).
- F. The applicant shall provide potable water and meet the Fire Department's minimum fire flow standards in accordance with the applicable water supplier's requirements or obtain a permit for a well from the Lake County Division of Environmental Health.
- G. An on-site drainage and grading plan shall be submitted for review and approval prior to issuance of a building permit. The applicant shall meet the following grading and erosion control conditions:
  - i. Prior to commencement of earth moving activities, the applicant shall submit a Grading Plan and Erosion and Sedimentation Control Plan prepared by a registered civil engineer to the City Engineer for review and approval. The Erosion and Sedimentation Control Plan shall show both the temporary and permanent erosion control measures to be implemented in accordance with the City's grading requirements, Storm Water Management regulations, and the Stormwater Best Management Practices adopted by the City

- ii. If grading is to occur between October 15 and April 15, all temporary erosion control measures identified in the Erosion and Sedimentation Control Plan shall be implemented and maintained. At the completion of the project and prior to final acceptance, permanent erosion control measures shall be installed and maintained.
- iii. The site shall be graded so that the surface water runoff shall drain either to the street or a drainage facility approved by the City Engineer. All drainage facilities outside the street right-of-way shall be installed in pipe or a drainage ditch. The drainage improvements shall also intercept the drainage from the adjacent properties and transmit the runoff to an approved drainage course/pipe.

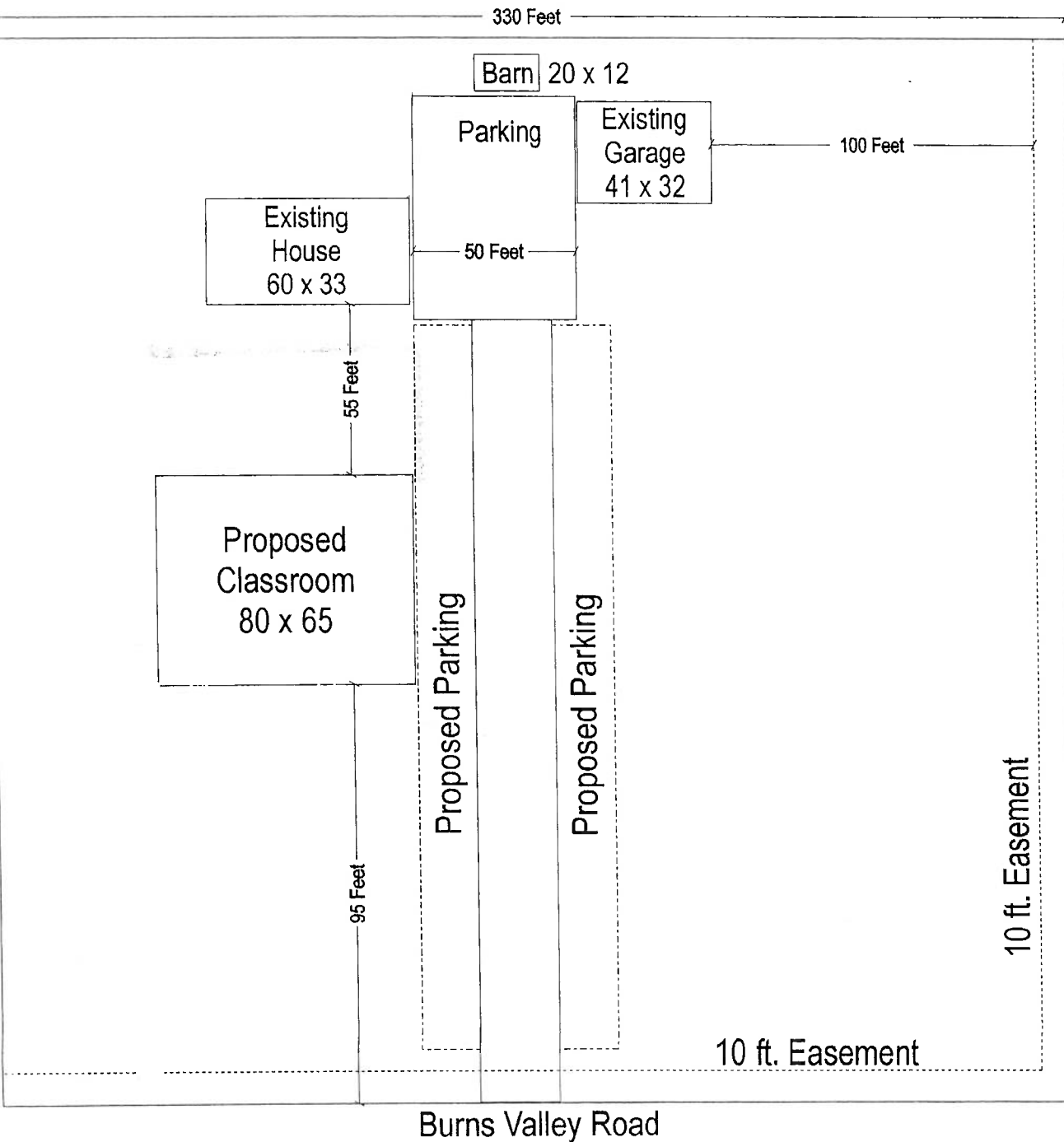
23. There shall also be an exit onto Sharp Lane.

PASSED AND ADOPTED on this 7th day of July, 2009 by the following vote:

AYES: 5  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

  
Chairman, Planning Commission

ATTEST:   
Deputy City Clerk, Planning Commission



Name: Charlene and Ken Bronsert  
 Address: 14840 Burns Valley Rd.  
 Phone: 707 995 1541

APN: 039-353-08  
 14840 Burns Valley Rd.  
 Clearlake, CA

2.21 Acres  
 330 ft. x 330 ft.

Scale: 1 inch = 33.3 feet

EXHIBIT A

Drawn by: Adrian Morgan  
 Date: 03/31/2009

North

# Lake County Fire Protection District

14815 Olympic Drive  
Clearlake, CA. 95422  
Phone: (707) 994-2170  
Or (707) 994-2531  
Fax (707) 994-9178

## Bureau of Investigation and Prevention

6/16/09

To: Nathalie Antus  
Community Development Dept.  
14050 Olympic Dr.  
Clearlake Ca. 95422

RECEIVED

JUN 17 2009

CITY OF CLEARLAKE

EXHIBIT B

From: Charlie Diener  
Fire Prevention Officer  
Lake County Fire Dist.

Re: Robinson Use Permit App. APN # 039-353-08 (The Learning House)

Dear Nathalie,

I am writing this letter as a follow up to my letter dated April 22, 2009 regarding the use permit application for an early education center located at 14840 Burns Valley Road. I have spoken with Elaine Robinson regarding her plans. It is my understanding that she plans on utilizing two existing buildings as a preschool and infant center and eventually constructing a new building for future growth. Now that I have more information on the project I can now give you our requirements. I have listed them below.

1. I will need to perform a fire safety inspection in the existing buildings prior to opening. This will be just a normal inspection I usually perform annually on such a facility. CFC Sec. 106
2. The existing buildings will require a manual and automatic fire alarm system installed. The new building will require an alarm system that will activate the notification appliances upon sprinkler water flow and have one manual alarm activation device in a normally occupied location. CFC Sec 907.2.3
3. The new building will require a fire sprinkler system be installed per NFPA 13. This building will not be able to meet fire flows in that area. The installation of a fire sprinkler system allows us to significantly reduce the required fire flows. CFC Sec BB105
4. They will be required to have fire extinguishers. Two 2A10BC extinguishers in the existing home, one in the existing garage space and two in the new building. CFC Sec. 906

I have no other requirements at this time. If you have any questions or concerns please call. (707) 994 - 2531. Thank You.

Sincerely,



Charles E. Diener  
Fire Prevention Officer  
LCFPD

Cc: Fire District file  
Cc: Elaine Robinson

RECEIVED

APR 20 2009

CITY OF CLEARLAKE

DEVELOPMENT PROJECT REFERRAL COMMENTS

EXHIBIT C

Date: April 16, 2009

To: Nathalie Antus, Assistant Planner

Subject: Robinson Use Permit Application  
14840 Burns Valley Road, Clearlake, CA.  
APN: 039-353-08

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Subject parcel is not currently served by sewer, however there is an existing 8" diameter collector line in Burns Valley Road. This line was constructed to serve the Redbud Library and is within 200' of the subject property line. Per the Sewer Use Ordinance, the proposed and existing structure are required to connect to the sewer system.

A tap to the existing 8" line will be required. The payment of a Capacity Expansion Fee will also be required, depending upon the number of children expected to attend the daycare. Please request the owner to contact Special Districts in order to discuss the proposed project in greater detail.

Connections to LACOSAN will be made in accordance with the rules, regulations, policies, procedures and ordinances in effect at the time of application.

Should you have any questions, please do not hesitate to contact me at 263-0119.

Jill Shaul  
Customer Service Coordinator

## INTER OFFICE MEMO

TO: UP 01-09 File  
From: Julie  
Regarding: The Learning Center, 14840 Burns Valley Rd  
Date: 07/14/11

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- # 3 - Letter of approval from Lake County Environmental Health. **Received 02/25/11**
- #4 - Letter of approval from Dept of Social Services. **Received 02/25/11**
- #5- Environmental Health, Fish & Game fees paid to Lake County Clerk's office or the receipt's showing payment. **Paid 3/17/11**
- #6(A) Dedicate 5 feet in width utility easement to the City along the frontage of the parcels. **Part of the \$30,000 Security Agreement**
- #6(B) Dedicate an easement for right-of-way 25 feet from center line of Burns Valley Rd along the frontage. **Part of the \$30,000 Security Agreement**
- #21 Submit sign application. **Submitted SG 07-11**
- #22(A) Submit on-site Landscape Plan. **Submitted 3/15/11**
- (B) Designated parking spaces minimum (38) and screened from the two adjacent streets. **Submitted 3/15/11**

**Filing of a Notice of Determination in Compliance  
With Section 21152 of the Public Resource Code**

**Date:** March 9, 2011

**To:** County Clerk  
County of Lake

**From:** City of Clearlake  
14050 Olympic Dr  
Clearlake, Ca. 95422

**Subject:** Filing of Notice of Determination in Compliance with Section  
21108 or 21152 of the Public Resource Code.

**Project Title:** Robinson

**Project Site:** 14840 Burns Valley Rd., Clearlake, Ca

**Project Description:** Use Permit for an Early education center.

This is to advise that the City of Clearlake has approved the above described project on May 15<sup>th</sup> 2007, and has determined that the project will not have a significant effect on the environment. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made as condition of the approval of the project. A statement of overriding consideration was not adopted for this project.

Information on this project is available at the Community Development Department of the City of Clearlake located at 14050 Olympic Dr., Clearlake, California.

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Julie L. Burrow, Community Development Department

## **Department of Fish and Game**

### **Environmental Review Fee**

Senate Bill 1535 became effective on January 1, 2007 and it requires the following filing fees to be paid to the County Clerk to cover the Department of Fish and Game's environmental review costs. The filing fees are shown below:

| <b>Document</b>      | <b>Filing Fee</b> |
|----------------------|-------------------|
| Negative Declaration | \$2044.00         |

SB 1535 amends Assembly Bill 3185 for which the legislature found that:

“It is the intent of the Legislature to extend the current user-based funding system by allocating the transactional costs of wildlife protection and management to those who would consume resources through organization and development, as well as to those traditional sport and commercial users. The Legislature finds that the deficiency in current department revenues must be offset by additional user fees designed to provide adequate environmental review and management of the state's wildlife. Funds generated by this act shall be available without restriction to those purposes, consistent with existing budgetary and statutory authority.”

If a “Certificate of Fee Exemption” applies to your project you do not have to pay the above fees. You will, however, have to pay a filing fee of \$50.00 to the County Clerk when you file your Certificate. If you do not file your Certificate or pay the above fees, your project approval will not be valid.