



**CITY OF LAKEPORT
PLANNING COMMISSION
December 9, 2015**

MINUTES

CALL MEETING TO ORDER AND ROLL CALL: Chairman Gayner called the meeting to order at 5:04 p.m., with Commissioners Wicks, Russell, Kauper, and Taylor were present. Also present were Community Development Director, Kevin Ingram; Associate Planner, Dan Chance; and Administrative Specialist, Linda Sobieraj.

ACCEPTANCE OF AGENDA: A motion was made by Commissioner Kauper seconded by Commissioner Taylor, and unanimously carried by voice vote (5-0) to approve the agenda as posted.

CONSENT AGENDA: A motion was made by Commissioner Taylor to accept the minutes as posted; seconded by Commissioner Russell, and unanimously carried by voice vote (5-0) to accept consent agenda item A (Minutes from the regular Planning Commission meeting of September 9, 2015).

REGULAR AGENDA:

Consideration of Minor Revisions to Zoning Ordinance

Review of proposed minor revision to the Lakeport Zoning Ordinance to increase transparency and streamline permitting processes.

Ingram read from his staff report stating it was a minor revision to the Zoning Ordinance to increase transparency as it relates to administratively approved Land Use Development permits by providing notification to adjoining property owners prior to the approval of administrative project and to revise the application processing procedures to combine our current 30 day review internally, where we to determine whether or not an application is complete, with the review period where we would solicit it out to other agencies.

Ingram stated at the previous review of this item at the November Planning Commission meeting he told the Commission he would follow up with the City Attorney as to whether the requirement for a pre-application meeting could be made mandatory. Ingram advised, the City could require all applicants to go through a pre-application meeting. However, Ingram recommended the Planning Commission to keep the wording of strongly urged in place rather than making pre-application meetings mandatory as some of the questions that

would be asked could be handled over the counter when submitting the application. Some projects are so small that we would actually be doing a disservice to the applicant by having them come back for a pre-application meeting.

Ingram stated in the previous staff report, he provided some analysis in regards to Zoning Permits, which wasn't adequately discussed at the last meeting. Ingram stated staff is recommending, as part of the 10 day review period for any administrative approval, that a neighboring property owner or any member of the public can automatically request that a project automatically come before and be reviewed by the Planning Commission. This is not something that is in Zoning Ordinance as it relates to Zoning Permits presently.

Commissioner Kauper stated he would like to see the notices be sent by certified mail with return receipt. He stated that sometimes the property owners don't live at the residence full time and don't get the notices within the time frame. Ingram advised his only concern would be that we don't get the signature cards back sometimes for more than a month. Ingram stated this may not be fair to the applicant to wait.

Kauper advised that for staff it would be a good thing because we would have proof the property owners received the notice. Ingram advised we don't require that of other standard legal notices.

Commissioner Russell stated she agrees with Ingram and believes it is an unfair burden upon the applicant. She advised that the City is noticing the hearings and we still have meetings where no one shows up for them.

Commissioner Taylor advised the way we have been doing it has been working. It's up to the people we are noticing to do their homework too.

Commissioner Wicks wanted to know other than the mail what other way do we have to get ahold of the adjacent neighbors; what database do we use. Ingram advised, as far as noticing adjacent property owners, we use a database that is updated every three months from the County and is derived from where property tax bills are mailed to.

Wicks pointed out under Section 7 Chapter 17.29.030 Land Use Application Procedures that the definition was crossed out and if this was supposed to be as the others were not. It was decided to leave in the definition portion only.

Ingram questioned the Commission on how they wanted to handle Zoning Permits. Do they want to include a notification where they are given an opportunity to request a hearing before the Planning Commission or keep it the way it is where the public is provided notification of the action?

Chair Gayner advised it seems to be working the way it is. Commissioner Wicks stated he liked the idea of small projects getting fast tracked, however for major renovations or new construction should come before the Planning Commission. He stated perhaps a standard needs to be created or reasonable clause that indicated standards be approved. Ingram advised each of the Zoning Permit types have certain criteria that have to be met before they can be approved. If they are not all met then it cannot be approved.

Categorical Exemption:

Commissioner Wicks moved that the Planning Commission find that the proposed Zone Change text amendment (ZC 15-04) is not a project as defined by the California Environmental Quality Act per CEQA Guidelines Section 15378(b) and further that this action is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15305. Motion seconded by Commissioner Taylor.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell, Kauper, and Chair Gayner (5-0)

NOES: None

ABSENT: None

Zone Change:

Commissioner Wicks moved that the Planning Commission recommend that the City Council approve a Lakeport Zoning Ordinance text amendment (ZC 15-04) as applied for by the City of Lakeport, subject to the findings listed in the staff report dated December 9, 2015 and as amended by the Planning Commission. Motion was seconded by Commissioner Russell.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell, Kauper, and Chair Gayner (5-0)

NOES: None

ABSENT: None

AutoZone – AR 14-11 PM 14-01/ ZC 14-01/ VA 14-01 / LLA 14-01

Application for a Tentative Parcel Map to create four (4) new parcels, a Zone Change from I, Industrial to C-2, Major Retail for proposed parcel 1, a Lot Line Adjustment with 292 Industrial Avenue, and Architectural & Design Review of a proposed 7,842 square foot retail building on proposed parcel 1, and a Variance to exceed the maximum amount of signage permitted by an additional 85 square feet on property located at 301 & 401 Industrial Avenue,

Lakeport, APNs 005-045-29 & 005-045-30.

Community Development Director Ingram read from his staff and advised that subject property is an 8.532 acre site located in the City of Lakeport, on the west side of South Main Street, with land area on both sides of Industrial Avenue. Existing uses in the vicinity of the subject site include the K- Mart store and shopping center with O'Reilly Auto Parts just to the south. Lakeport Tire and Auto (the co-applicant for the Lot Line Adjustment) is located to the north. Land uses to the north also include mini storage units and the Lake County Corporation yard. There is vacant commercial land to the east along with residential areas along the Clear Lake shoreline area.

Ingram advised the land to the north, south, and east is designated Major Retail according to the Lakeport General Plan Land Use Map; land to the east near Clear Lake is designated Low Density Residential. State Highway 29 is existing to the immediate west and land along Parallel Drive further west is designated Professional Office.

Ingram stated AutoZone, Inc. desires to build a new retail auto parts store at the southwest corner of Industrial Avenue and South Main Street. Because the City Zoning Map designates the subject property as Industrial, the applicant has submitted a Zone Change application for C-2 Major Retail Zoning for the area of proposed Parcel 1.

Ingram advised existing 8.532 acre property is currently un-subdivided land with a private non-standard street extending west from South Main Street. In order for AutoZone to build on a separate lot, there is a need for the approval and recordation of a parcel map, hence the TPM application. Property owner LaMonica has proposed to subdivide the land into four lots.

Ingram stated AutoZone Inc. is requesting the approval of a Zone Change for proposed Parcel 1, as shown on the TPM, from I-Industrial zoning district to C-2 Major Retail Zoning district in order to facilitate the construction of a new auto parts retail store. The proposed Zone Change applies only to the proposed .87 acre Parcel 1.

Ingram advised based on the above staff analysis and findings, staff recommends approval of the Zone Change request and recommends that the Planning Commission recommend approval to the Lakeport City Council.

Ingram stated in accordance with the provisions of the City of Lakeport Subdivision Ordinance, the land owner/project proponent has submitted a tentative parcel map (TPM) application for the purpose of subdividing an 8.532 acre parcel of land into four (4) parcels. The proposed parcels will have frontage on a new publicly-dedicated 50 foot wide street right of way - Industrial Avenue. The Industrial Avenue street right-of-way is proposed to extend west of South Main Street a distance of about 900 feet to a cul-de-sac bulb.

Ingram stated at the recommendation of the City Engineer the removal of the requirement for the provision of sidewalk along the north side until such time that a development proposal came in and we would actually know where driveways and other such things would be located.

Ingram advised there were several mitigations in regards to storm water. Currently there are three 48" storm drainage culverts existing along the southern boundary of the project that convey storm water from the K Mart site and an unnamed creek on the other side of the highway. As proposed, the project will actually improve the amount of runoff and the quality of runoff from this site.

Ingram stated staff does not agree with the request for the additional 50 square feet of building mount signage. Staff disagrees with the assessment made by the applicant that the additional signage is necessary to maintain a fair competition balance with the signage of the O'Reilly's Auto Parts next door. Both businesses, although they fall under different signage allowances, have the same amount of signage allowable, just the building free standing signage ratio is different.

Commissioner Kauper noticed that the building is going to be raised 4 feet and asked if it would be fill and foundation or just fill. Ingram advised it was primarily fill. Kauper asked regarding the underground utilities being placed underground along "peripheral streets," what was considered a peripheral street. Ingram advised that a peripheral street is any street that is not the main street of the development.

Commissioner Taylor stated on the south side of Industrial there will be curb, gutter and sidewalk but on the north side there will not so where does that determine where the business park their cars? Ingram advised that was one of the concerns that the City Engineer had, and he asked the project engineer if that was worked out. Bob Eynck, project Engineer advised what they did was match the existing flow line on the north side that flows down across the property towards Main Street. It did get worked out and the existing tire store will still be able to park their vehicles in front of their bay doors.

Commissioner Wicks stated one of the conditions mentioned staff had talked about alternative awnings and asked what the alternatives were. Ingram advised if you look at the Building Elevations the project includes an awning over the two public entries; our Special Projects Consultant, at the time, suggested perhaps consider including placement of a small awning over the service door at the side to break up some of the linear building face as well. Ingram advised it was not a required condition, but a suggestion.

Commissioner Kauper advised that the right-of-way dedication shown on the Parcel Map shows a 75' radius and a cul-de-sac bulb with a curb to curb diameter of 150', however condition #36 showed a 50' radius with a 150'

diameter. Additionally it was referred in the Initial Study to as 50' as well. Ingram advised the correct radius is the 75' radius and the IS should be amended.

Public hearing was opened at 6:19. Bob Eynck, engineer for the project; and Batsulwin Brown, Big Valley Rancheria Tribal History Preservation Officer, spoke regarding the project.

Mr. Eynck advised regarding #37 which states "applicant/owner/developer shall dedicate 10' of right-of-way behind the proposed face of curb along the east side of Parcel 1, including the radius at the intersection of South Main and Industrial Avenue" has already been incorporated in. Ingram advised that this condition is no longer needed; it's already been dedicated.

Mr. Eynck stated there is overhead utilities along the south side of Industrial Avenue now and the plan is to underground those utilities with the development of the project. Commissioner Kauper asked if they were going to be underground from the two telephone poles at the corner or from across the street? Mr. Eynck advised he was not sure or how that would work out but it would have to be worked out with the City.

Commissioner Kauper stated he would like to thank the project engineer and applicant for going the extra mile to provide the information needed. Commissioner Wicks agreed.

Commissioner Russell requested the project engineer add parking stops for each of the parking spaces or wider sidewalks because without them they the hangover of a car parking would cut down on walking area. Mr. Eynck advised he would have to take the request back to AutoZone.

Mr. Brown, of the Big Valley Rancheria Band of Pomo Indians, requested representatives of AutoZone and the City work with the Big Valley Rancheria tribe to assure that the preservation of cultural history be monitored during development of the site. He further recommended that this preservation be assured through the requirement that the applicant enter into a tribal monitoring agreement with the Big Valley Rancheria Band of Pomo Indians. Mr. Brown stated he did not initially get any of the materials that were sent out in the request for review process.

Commissioner Wicks asked what the basis of the agreement is about. Mr. Brown advised with the monitoring plan the tribe will develop in cooperation with the AutoZone developers; it is something that will be worked out stating how, and when the monitoring is going to take place.

Commissioner Wicks asked who would provide the archeologist or Native American monitor. Ingram advised that would be AutoZone.

Public hearing closed at 6:55 p.m.

The Commissioners made the following changes to the project conditions agreements:

#2 removed the last sentence.

#13 now will read "Either Big Valley Rancheria Band of Pomo Indians monitor and/or a qualified archaeologist shall be present during exaction and removal of ground materials beyond 18 inches below existing ground level."

#15 add the sentence: Work may resume outside of the burial location with concurrence from the Big Valley Rancheria Band of Pomo Indians Tribal Historic Preservation Officer, qualified archaeologist and the project manager.

Add a new condition above #13 (and re-number accordingly) stating: AutoZone is recommended to enter into a Cultural Resource Protection Agreement with the Big Valley Band of Pomo Indians Tribal Historic Preservation Office to provide Cultural Resource Monitoring for any ground disturbing activities.

Eliminate #37.

Re-word #38 to read: The applicant/owner/developer shall install the curb and gutter shown along the north side of Industrial Avenue along propose parcel 4, (then remove the other "sidewalk" references").

Commissioner Russell asked if there was a condition that addressed the addition of a street light. Commissioner Wicks advised it was not but it was suggested to him that #62 would be a logical place to put it. The second sentence in #62 will be revised to read: The applicant/owner/developer shall provide a plan detailing the provision of electrical, street light at the intersection, telephone, cable television and internet services

Public hearing re-opened at 7:24 p.m.

Bob Eynck, project engineer for the applicant spoke in favor of the project. Mr. Eynck advised of a typographical error in #19 where it reads retention it should be detention. Ingram noted that the error would be remedied on the revised conditions.

Mitigated Negative Declaration Approval

Commissioner Taylor moved that the Planning Commission find that on the basis of the Initial Study ER 14-01 prepared by the Community Development Department that the Parcel Map, Zone Change and Architectural & Design Review as applied for by Sam LaMonica and AutoZone, Inc. will not have a significant effect on the environment and, therefore, recommend to the City Council that it approve a

Mitigated Negative Declaration for the project as provided for in the California Environmental Quality Act. Motion was seconded by Commissioner Kauper.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell, Kauper and Chair Gayner (5-0)

NOES: None

ABSENT: None

Tentative Parcel Map Approval

Commissioner Wicks move that the Planning Commission find that the tentative parcel map applied for by Sam LaMonica on property located at 301 and 401 Industrial Avenue, is in conformity with the provisions of the California Subdivision Map Act and Chapter 16 of the Lakeport Municipal Code and, upon that basis, approve said map subject to the project conditions of approval and with the findings listed in the staff report dated December 9, 2015 and as amended by the Planning Commission. Motion was seconded by Commissioner Russell.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell, Kauper and Chair Gayner (5-0)

NOES: None

ABSENT: None

Direct Community Development Staff to Complete Lot Line Adjustment

Commissioner Russell moved to direct staff to complete the lot line adjustment application (LLA 14-01) as applied for by Sam LaMonica and Bob & Toni Funderburg between properties located at 301 Industrial Avenue and 292 Industrial Avenue prior to the recordation of the final parcel map (PM 14-01), on the basis that the application is in conformity with the provisions of the California Subdivision Map Act and Chapter 16 of the Lakeport Municipal Code subject to the findings listed in the staff report dated December 9, 2015. Motion was seconded by Commissioner Taylor.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell, Kauper and Chair Gayner (5-0)

NOES: None

ABSENT: None

Zone Change Approval

Commissioner Taylor moved that the Planning Commission recommend that the City Council approve a Lakeport Zoning Ordinance Amendment (ZC 14-01) as applied for by Sam LaMonica & Autozone, Inc. for a portion of property (proposed Parcel 1) located at 301 and 401 Industrial Avenue from I, Industrial to C-2, Major Retail, subject to the findings listed in the staff report dated December 9, 2015. Motion was seconded by Commissioner Kauper.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell, Kauper and Chair Gayner (5-0)

NOES: None

ABSENT: None

Architectural and Design Review

Commissioner Kauper moved that the Planning Commission find that the Architectural and Design Review (AR 14-11), as applied for by AutoZone, Inc. on property located at 301 and 401 Industrial Avenue does meet the requirements of Section 17.27.080 of the Lakeport Zoning Ordinance, subject to the approval of ZC 14-01 by the City Council, and approve the architectural and design review, subject to the project conditions of approval and with the findings listed in the staff report dated December 9, 2015 and as amended by the Planning Commission. Motion was seconded by Commissioner Taylor.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell, Kauper and Chair Gayner (5-0)

NOES: None

ABSENT: None

Variance Denial

Commissioner Wicks moved that the Variance (VA 14-01), as applied for by AutoZone, Inc. on property located at 301 and 401 Industrial Avenue to exceed the maximum permitted building mounted sign allowance by an additional 50 square feet, does not meet the requirements of Section 17.26.050 of the Lakeport Zoning Ordinance and does not grant the variance subject to the findings listed in the staff report dated December 9, 2015. Motion was seconded by Commissioner Russell.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell, Kauper and Chair Gayner (5-0)

NOES: None

ABSENT: None

COMMENTS FROM STAFF AND COMMISSIONERS:

Ingram updated the Commission on the outcome of the Verizon project appeal to the City Council, the updates to the Planning Projects Pending list, and the Initial Study for the upcoming Somberg project that was handed out.

Chance advised the Commissioners of the Request for Proposal that was sent out regarding the Lakefront Revitalization Plan. Ingram advised that our City Engineer was working on a Request for Proposal regarding a lift in Carnegie Library and a Request for Review for its design should be sent out to bid in the near future.

DISCUSS AND SET THE NEXT MEETING DATE: It was agreed by consensus that the next meeting be held on Wednesday, January 13, 2016.

There being no further business, the meeting adjourned at 7:24 p.m.

Respectfully submitted,

KEVIN M. INGRAM
Community Development Director

These are the summary Minutes of the Planning Commission meeting. A recorded tape of the meeting is available at the Community Development Department at Lakeport City Hall, 225 Park Street, Lakeport, California for a period of 30 days after the approval of these Minutes.