



PLANNING COMMISSION MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Tuesday, May 09, 2023

6:00 PM

The Planning Commission meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public can submit comments and questions in writing for Commission consideration by sending them to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the Planning Commission adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m. on the day of the meeting.

AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the Planning Commission prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the Planning Commission less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Zoom Link: <https://clearlakeca.zoom.us/j/83493647625>

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE**C. ADOPTION OF THE AGENDA** *(This is the time for agenda modifications.)*

D. PUBLIC COMMENT: *This is the time for any member of the public to address the Planning Commission on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Commission or staff to discuss issues brought forth under Public Comment.** The Commission cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*

E. CONSENT AGENDA: *All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Commission requests otherwise, or if staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda.*

1. Minutes of the December 13, 2022 Planning Commission Meeting

Recommended action: Receive and File

2. Minutes of the April 25, 2023 Planning Commission Meeting

Recommended action: Receive and File

F. PUBLIC HEARING**G. BUSINESS**

3. The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 040-193-560-000, and is commonly known as 14709 Palmer Avenue, Clearlake, CA 95422.

Recommendation: Adopt PC Resolution 2023-02

4. The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 010-031-08-000, and is commonly known as 6820 Old Highway 53, Clearlake, CA 95422.

Recommendation: Adopt PC Resolution 2023-03

5. The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government

agency, pursuant to Government Code 65402. The assessor parcel number of the property is 010-031-090-000, and is commonly known as 6840 Old Highway 53, Clearlake, CA 95422.

Recommendation: Adopt PC Resolution 2023-04

6. The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 010-031-050-000, and is commonly known as 6860 Old Highway 53, Clearlake, CA 95422.

Recommendation: Adopt PC Resolution 2023-05

7. The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance (disposal) of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 041-211-280-000, and is commonly known as 16178 35th Avenue, Clearlake, CA 95422.

Recommendation: Adopt Resolution PC 2023-06

8. The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 042-253-200-000, and is commonly known as 16336 29th Avenue, Clearlake, CA 95422.

Recommendation: Adopt Resolution PC 2023-07

9. The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 042-345-020-000, and is commonly known as 16137 12th Avenue, Clearlake, CA 95422.

Recommendation: Adopt Resolution No. PC 2023-08

10. The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 042-345-030-000, and is commonly known as 16147 12th Avenue, Clearlake, CA 95422.

Recommendation: Adopt Resolution No. PC 2023-09

H. CITY MANAGER AND COMMISSIONER REPORTS

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

POSTED: May 04, 2023

BY:

A handwritten signature in blue ink, appearing to read "Justin Sturgill". The signature is written in a cursive style with a large initial "J".

Justin Sturgill, Secretary/Permit Technician



PLANNING COMMISSION MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Tuesday, December 13, 2022

6:00 PM

MINUTES

Zoom Link: <https://clearlakeca.zoom.us/j/81969380039>

A. ROLL CALL

PRESENT

Chair Lisa Wilson

Vice Chair Robert Coker

Commissioner Erin McCarrick

Commissioner Fawn Williams

Commissioner Terry Stewart

B. PLEDGE OF ALLEGIANCE

C. ADOPTION OF THE AGENDA

Motion made by Commissioner Williams, Seconded by Commissioner Stewart.

Voting Yea: Vice Chair Coker, Commissioner McCarrick, Commissioner Williams, Chair Wilson, Commissioner Stewart.

D. PUBLIC COMMENT:

There were no public comments.

E. CONSENT AGENDA: .

1. Minutes of the November 16th, 2022, Planning Commission Special Meeting.

Recommended Action: Receive and File

Motion made by Commissioner Williams, Seconded by Commissioner Stewart.

Voting Yea: Vice Chair Coker, Commissioner McCarrick, Commissioner Williams, Chair Wilson, Commissioner Stewart

F. PUBLIC HEARING

2. Consideration of Conditional Use Permit (CUP 2022-17) and associated environmental filing (Categorical Exemption, CE 2022-25) to allow alcoholic beverage sales, on-site consumption of beer, wine and distilled spirits at an existing restaurant (La Chilanguita Mexican Restaurant) located at 15165 Lakeshore Drive.
Recommended Action: Adopt Resolution PC 2022-24

Assistant Planner Michael Taylor read the staff report.

Commissioner McCarrick asked the applicants if they plan on utilizing the drive through window.

Applicant replied they do plan to use it in the future.

Motion made by Commissioner Williams, Seconded by Commissioner Stewart.

Voting Yea: Vice Chair Coker, Commissioner McCarrick, Commissioner Williams, Chair Wilson, Commissioner Stewart.

3. Consideration of Conditional Use Permit (CUP 2022-02), Design Review (DR 2022-02) and corresponding environmental assessment/Mitigated Negative Declaration for the development of a +/- 75 bedroom hotel with meeting hall/event center and the onsite sales and consumption of alcoholic beverages located at 6356 Armijo Avenue. Although not part of the above Planning Applications, the extension of 18th Avenue was evaluated under the related environmental assessment.
Recommended action: Adopt PC Resolution 2022-26

Senior Planner Mark Roberts read the staff report.

Commissioner McCarrick asked if there was any concern on Local Tribal Organizations or any water conservation district

Mark Roberts confirmed that there were no concerns with Local Tribes and the hotel is a use by right.

Commissioner McCarrick asked if the applicant will have to obtain approval from the local Fish and Game agency.

Mark Roberts stated that would be within the overall approval process.

Motion made by Commissioner Williams, Seconded by Commissioner Stewart.

Voting Yea: Vice Chair Coker, Commissioner McCarrick, Commissioner Williams, Chair Wilson, Commissioner Stewart

4. Consideration of Conditional Use Permit Applications CUP 2022-03 (Processing – No Cultivation and/or Nursery Activities will occur onsite); CUP 2022-04 (Manufacturing), CUP 2022-05 (Distribution), CUP 2022-06 (Retail Dispensary; Delivery Only); Development Agreement (DA 2022-02) and corresponding environmental assessment/Mitigated Negative Declaration (CEQA

IS 2022-02) to establish a Commercial Cannabis Operation located at 2160 Ogulin Canyon Road.
Recommended Action: Adopt PC Resolution 2022-02

Commissioner McCarrick recused herself due to conflict of interest.

Senior Planner Mark Roberts read the staff report.

Richard Knowle spoke in favor of the project.

Dave Hughes spoke against the project.

Motion made by Commissioner Williams, Seconded by Vice Chair Coker.

Voting Yea: Vice Chair Coker, Commissioner Williams, Chair Wilson

Voting Nay: Commissioner Stewart

Voting Abstaining: Commissioner McCarrick

G. BUSINESS

H. CITY MANAGER AND COMMISSIONER REPORTS

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

The meeting was adjourned at 6:56pm.

BY:



Justin Sturgill, Building Inspector/Permit Technician



PLANNING COMMISSION MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Tuesday, April 25, 2023

6:00 PM

MINUTES

Zoom Link: <https://clearlakeca.zoom.us/j/86768694451>

A. ROLL CALL

Present:

Chair Williams

Vice Chair Coker

Commissioner Stewart

Commissioner Smalley

Commissioner Inglis

B. PLEDGE OF ALLEGIANCE

C. ADOPTION OF THE AGENDA

A motion was made to remove consent item #2 from the agenda and move to a later date.

Motion made by Commissioner Inglis, Seconded by Commissioner Coker.

Voting Yea: Commissioner Coker, Vice Chair Stewart, Chair Williams, Commissioner Inglis,
Commissioner Smalley

D. PUBLIC COMMENT:

There was no public comment.

E. CONSENT AGENDA:

1. Recommended Action: Receive and file.

Motion made by Vice Chair Stewart, Seconded by Commissioner Coker.

Voting Yea: Vice Chair Stewart, Chair Williams, Commissioner Inglis, Commissioner
Smalley, Commissioner Coker

2. The Planning Commission is being asked to make a determination of general plan consistency to the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property for conveyance is 040-193-570-000, and is commonly known as 14647 Palmer Avenue, Clearlake, CA 95422.

Recommendation: Adopt PC 2023-02

This item was removed

F. PUBLIC HEARING

3. Consideration of Mitigated Negative Declaration, based on IS 2022-05, and Conditional Use Permit, CUP 2022-16 to allow the Burns Valley Sports Complex located at 14885 Burns Valley Road; Clearlake, CA 95422 further described as Assessor Parcel Number 010-026-40
Recommendation: Adopt PC Resolution PC 2023-01

Confidential materials were passed out to the Commissioners before the meeting for review.

City Manger Flora gave the staff report.

Dr White gave his archaeological findings report.

Darin Beltran of Koi Nation spoke in favor of the project.

Helen Mitchim spoke in favor of the project.

Erin McCarrick spoke in favor of having tribal monitoring during ground disturbance.

Latoya Fortino spoke in favor of the project.

Rob Morgan spoke in favor of having tribal monitoring during ground disturbance.

Robert Geary spoke in favor of having tribal monitoring during ground disturbance.

Holly Roberson spoke in favor of having tribal monitoring during ground disturbance.

Mario Pallari from the Native American Heritage Commission spoke regarding correspondences with the project.

Holly Roberson spoke about offering tribal/cultural sensitivity training during the project.

Dino Beltran of Koi Nation spoke in favor of having tribal/cultural sensitivity training along with tribal monitoring during ground disturbance.

Motion made by Commissioner Smalley, Seconded by Commissioner Inglis.

Voting Yea: Commissioner Coker, Vice Chair Stewart, Chair Williams, Commissioner Inglis, Commissioner Smalley

G. BUSINESS

H. CITY MANAGER AND COMMISSIONER REPORTS

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

The meeting was adjourned at 7:58pm.

BY:



Justin Sturgill - Secretary/Permit Tech



CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: General Plan Consistency Determination, GPCD 2023-01 And Categorical Exemption CE 2023-01	MEETING DATE (Regular): 5/9/2023
SUBMITTED BY: Community Development Department - Planning	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 14709 Palmer Ave Clearlake, CA 95422 APN: 040-193-560-000	APPLICANT/OWNER: City of Clearlake/ Higher Power Zun, LTD AKA
ZONING: Mixed-Use (MUX)	GENERAL PLAN: Mixed-Use

WHAT IS BEING ASKED OF THE PLANNING COMMISSION

The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 040-193-560-000, and is commonly known as 14709 Palmer Avenue, Clearlake, CA 95422.

BACKGROUND/DISCUSSION

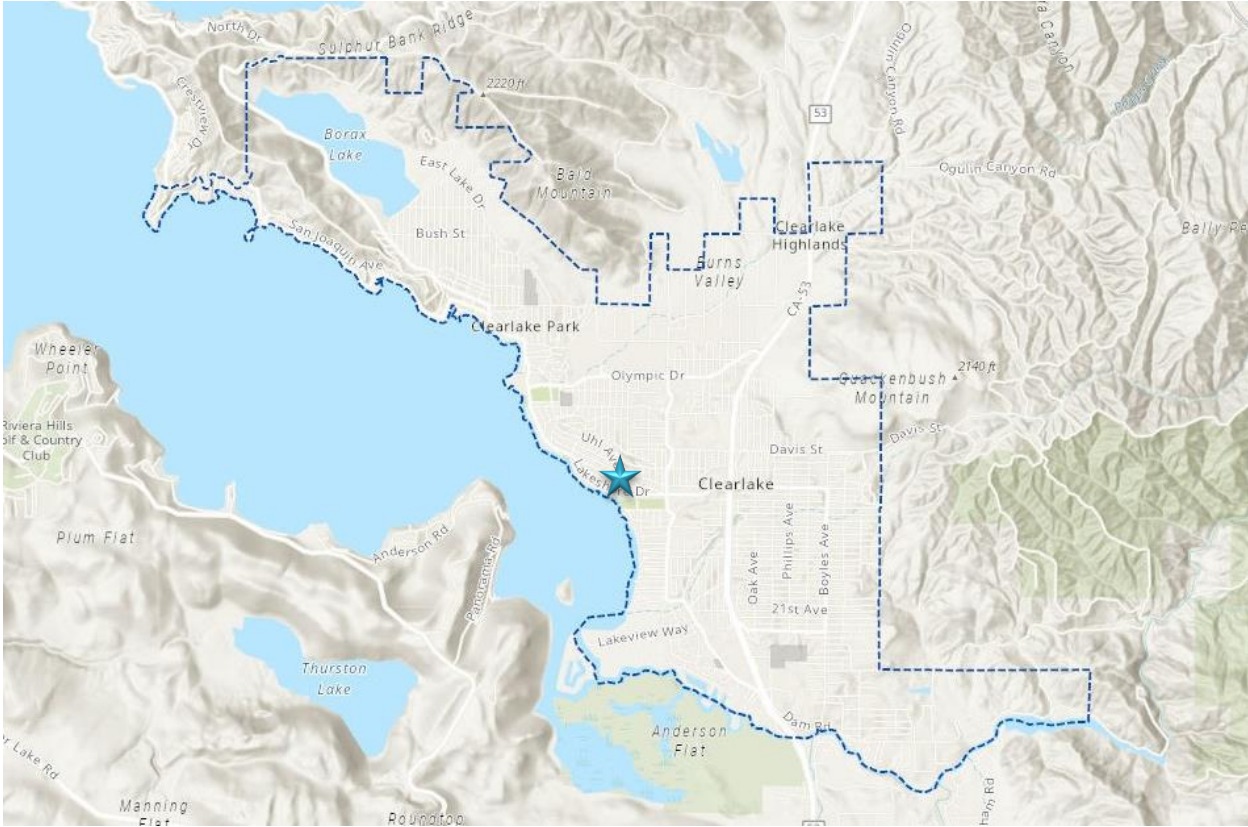
The property is one parcel comprised of lots 71, 72 and 73, located Block 43 of the “Club House Addition to Clear Lake Highlands”. City assessor parcel book notes indicate that the parcels were merged on February 28, 1989. The parcel is vacant.

The adjacent lots are predominantly developed with various structures including commercial and residential. The lots to the west are zoned high density residential, general commercial to the south and east, and medium density residential to the north. Beyond the adjacent lots are areas zoned medium density residential to the north, mixed-Use to the south and east, and medium density residential to the west. This parcel is generally square in shape and approximately 0.39 acres in size (16,988 square feet). The surrounding lots are predominately rectangular in shape and approximately 5,000 square feet in size.

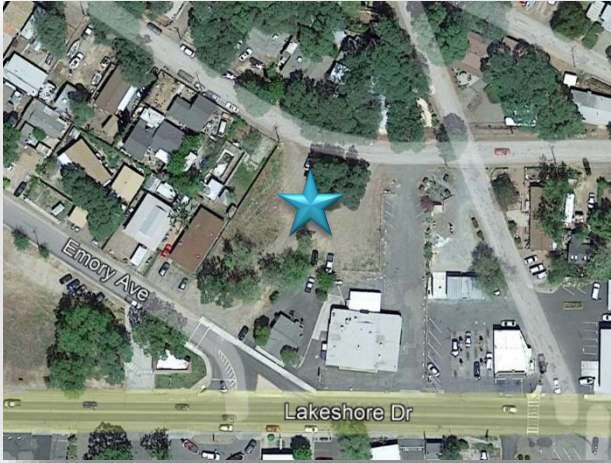
The parcel is about one-eighth a mile walking distance to Redbud Park. Lakeshore Drive downtown and Clear Lake are about three blocks to the west, Burns Valley Elementary school and Austin Park are a little over one mile to the northwest, and Lower Lake High School is approximately 3 three miles southeast as the crow flies.

Roads

According to the City of Clearlake "Public and Private Streets" map, roads in the area are predominantly public. Palmer Avenue is an all-weather surface road within a forty-foot right-of-way.



Location Map



Aerial of Parcel



APN: 040-193-560-000

Water

Highlands Water District, 6-inch pipeline.

Sewer

County of Lake Special Districts, gravity main.

Power

Pacific Gas Electric.

Topography

Predominantly 0 to 10 percent slope.

Vegetation

Disturbed ground. Several Oak trees.

Flood Area

Zone X. 0.2 percent annual chance flood hazard. Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Sources: FEMA Flood Map Service Center, County of Lake Parcel Viewer).

Code Enforcement

No active cases.

The property could be developed with a mix of uses per Section 18-18 Use Regulations of the municipal code.

GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY

General Plan

The parcel and immediate surrounding area are designated as Medium Density Residential which allows for residential densities of up to 15 units per acre. The primary use would be single-family detached and attached residential. All general plan land use policy elements applicable for this parcel.

Zoning Ordinance

The MUX Zone allows for a mix of residential and nonresidential uses, such as commercial uses, on the same site where mixed-use development would otherwise be optional. The MUX Zone is intended to allow greater flexibility of development alternatives, especially attractive higher density residential development and live-work buildings, in appropriate areas of the City. The MUX Zone will be applied to areas designated Mixed-Use on the Clearlake General Plan Zoning Map. Minimum lot size is 3,000 square feet with maximum residential density of twenty-five units per acre (Section 18-7.020 Property Development Standards).

ENVIRONMENTAL REVIEW (CEQA)

Categorical Exemption CE 2023-01

The California Environmental Quality Act (CEQA) Statute and Guidelines, Article 5, Preliminary Review of Projects and Conduct of Initial Study, Section 15061, Review for Exemptions (b)(3),

states that “activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, Article 12, Special Situations, Section 15183 (a), Projects Consistent with a Community Plan or Zoning, mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.

Staff has determined that the GPCD is consistent with zoning, general plan policies, and does not require additional environmental review.

ENABLING PROVISIONS OF THE PLANNING COMMISSION

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the proposed transfer of 14709 Palmer Avenue, Clearlake, CA 95422.

RECOMMENDATION

Staff recommends option 1 below – that the Planning Commission move to Adopt Resolution PC 2023-02, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

MOTION/OPTIONS

- 1. Move to Adopt Resolution PC 2023-02, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
- 2. Move to Deny Resolution PC 2023-02 and direct staff to prepare appropriate findings.
- 3. Move to continue the item and provide alternate direction to staff.

ATTACHMENT(S)

- 1. Attachment 1-Resolution
- 2. Attachment 2-Deed(s)

RESOLUTION NO. PC 2023-02

**A Resolution of the Planning Commission of the City of Clearlake
General Plan Consistency Determination GPCD 2023-01
for the property located at 14709 Palmer Avenue, Clearlake CA 95422
Assessor Parcel Number (APN) 040-193-560-000**

WHEREAS, State Government Code Section 65402 stipulates that prior to the acquisition of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the transfer of said real property is in conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City more particularly described as 14709 Palmer Avenue, Clearlake CA 95422, APN 040-193-560-000; and

WHEREAS, the project does not require additional environmental review per the California Environmental Quality Act, Article 5, Section 15061, Review for Exemption; and

WHEREAS, the Planning Commission of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on May 9, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Clearlake makes the following findings:

- 1) The acquisition of this property is consistent with the adopted goals, objectives, and policies of the General Plan.

PASSED AND ADOPTED on this 9th day of May 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission

7



Section G, Item 3.

Doc # 2023004364

Page 1 of 3

Date: 4/20/2023 10:38A

Filed by: FIRST AMERICAN TITLE
Filed & Recorded in Official Records
of COUNTY OF LAKE
RICHARD A. FORD
COUNTY RECORDER
Fee: \$68.40

RECORDING REQUESTED BY:
First American Title Company

**MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:**
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422

Space Above This Line for Recorder's Use Only

A.P.N.: 040-193-560-000

File No.: 1705-6961970 (KD)

GRANT DEED



The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$48.40; CITY TRANSFER TAX \$;
SURVEY MONUMENT FEE \$

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area; City of Clearlake, and

EXEMPT FROM BUILDING HOMES AND JOBS ACTS FEE PER GOVERNMENT CODE 27388.1(a)(2)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Higher Power Zun, LTD AKA Higher Power Un, LTD**

hereby GRANTS to **City of Clearlake, a Municipal Corporation, a California**

the following described property in the City of **Clearlake**, County of **Lake**, State of **California**:

ONE PARCEL, PARCEL COMPRISED OF ALL OF LOTS 71, 72 AND 73 IN BLOCK 43 AS SHOWN ON THAT CERTAIN MAP ENTITLED "CLUB HOUSE ADDITION TO CLEAR LAKE HIGHLANDS, THIRD PORTION OF TRACTS A & B, AND SO FORTH" FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY ON OCTOBER 15, 1924, IN BOOK 4 OF TOWN MAPS AT PAGE 4.

THIS LEGAL IS PURSUANT TO THAT CERTAIN NOTICE OF MERGER RECORDED FEBRUARY 28, 1989 AS INSTRUMENT NO. 1989-003234, BOOK 1451, PAGE 587 OF OFFICIAL RECORDS

Mail Tax Statements To: **SAME AS ABOVE**

Grant Deed - continued

Date: 04/17/2023

A.P.N.: 040-193-560-000

File No.: 1705-6961970 (KD)

Dated: April 17, 2023

Higher Power Zun, LTD AKA Higher Power Un,
LTD

By: [Signature]
Name: Robert Gardener MD
Title: President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)SS

COUNTY OF Lake)

On 4-17-23 before me, Ashley Sagehorn, Notary Public, personally appeared Robert Gardener MD

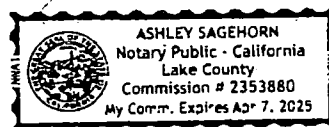
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

This area for official notarial seal.

A. Sagehorn
Notary Signature



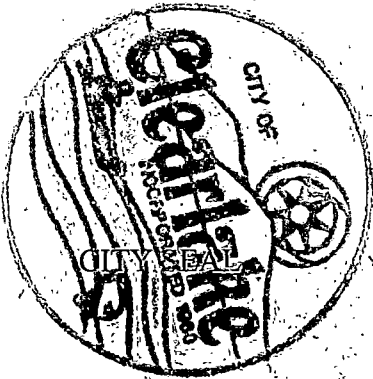
CERTIFICATE OF ACCEPTANCE

Pursuant to Government Code 27281

This is to certify that the interest in real property conveyed by the deed or grant dated 4-17-2023 from Higher Power Zun, LTD AKA Higher Power Un, LTD to the City of Clearlake, a political corporation and/or governmental agency is hereby accepted by order of the City Council of the City of Clearlake on February 16, 2023 , and the grantee consents to recordation thereof by its duly authorized officer.

DATED:

CITY OF CLEARLAKE



Alan Flora
City Manager

By: _____
Alan Flora



CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: General Plan Consistency Determination, GPCD 2023-02 Categorical Exemption CE 2023-02	MEETING DATE (Regular): 05/09/2023
SUBMITTED BY: Community Development Department – Planning	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 6820 Old Highway 53 Clearlake, CA 95422 APN: 010-031-08-000	APPLICANT/OWNER: City of Clearlake/ Lower Lake Leasing Inc.
ZONING: General Commercial (GC)	GENERAL PLAN: General Commercial

WHAT IS BEING ASKED OF THE PLANNING COMMISSION

The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 010-031-08-000, and is commonly known as 6820 Old Highway 53, Clearlake, CA 95422.

BACKGROUND/DISCUSSION

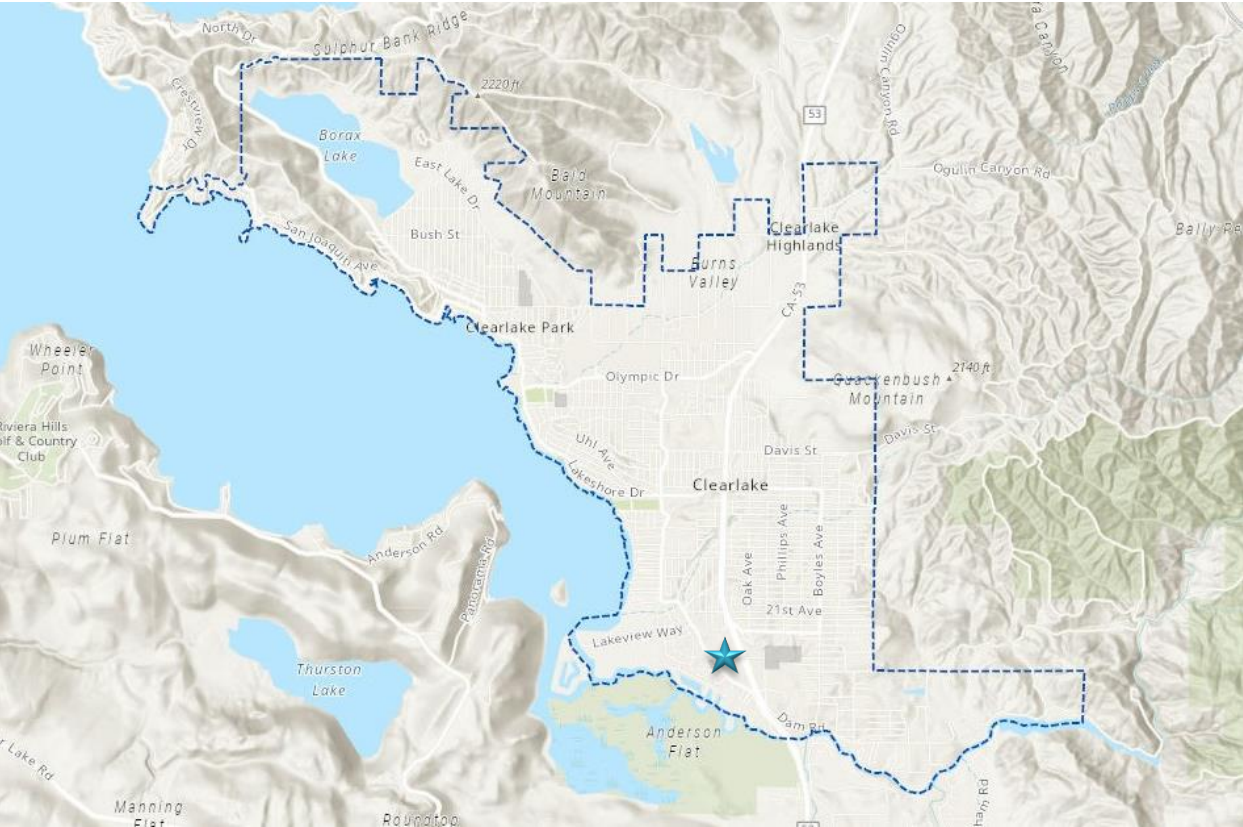
The property is one parcel, located Block 43 of the “A Portion of SE1/4 of NW1/4 SEC. 34 T13N R7W. Currently, the parcel is undeveloped.

The surrounding lots are predominantly vacant or developed with commercial structures and zoned “GC” General Commercial. Beyond the surrounding lots are areas zoned General Commercial to the north, south and east and high density residential to the west.

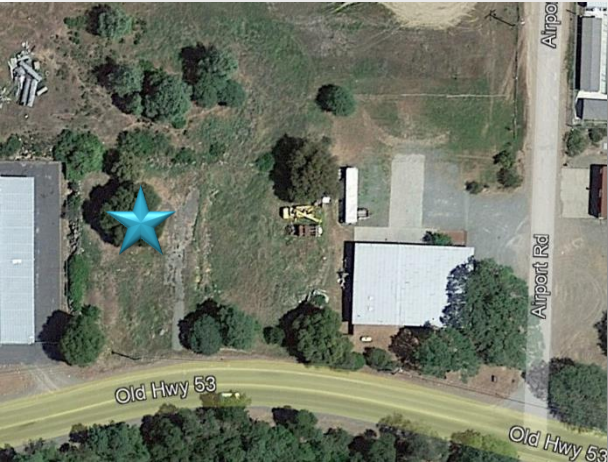
This parcel is generally square in shape and approximately 0.31 acres in size (13,503 square feet). The surrounding lots are predominately rectangular/square or irregular in shape and are greater than quarter an acre in size. The parcel is within a 0.25 to 0.50 miles of driving/walking distance to the hospital located off of 18th Avenue and a large commercial development located off of Dam Road/Dam Road Extension (i.e. Walmart, Tractor Supply, Big 5, Sporting Goods, Starbucks, Fast Food Chains).

Roads

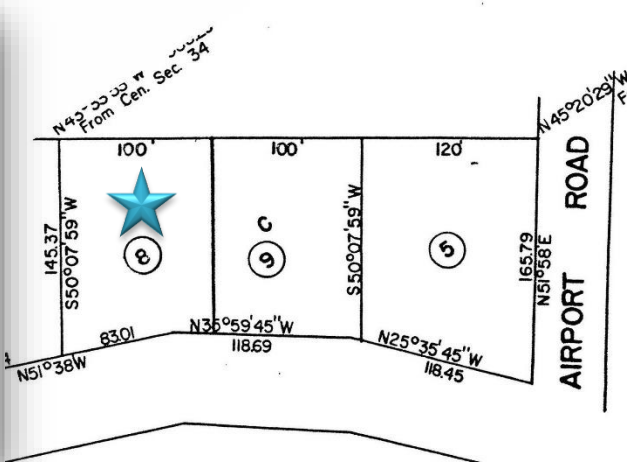
According to the City of Clearlake "Public and Private Streets" map, roads in the area are predominantly public. Old Highway 53 Avenue is an all-weather surface road within a 40 to 50foot right-of-way.



Location Map



Aerial of Parcel



APN: 010-031-080-000

Water
Highlands Water District, 6-inch pipeline.

Sewer

County of Lake Special Districts, gravity main.

Power

Pacific Gas Electric.

Topography

Predominantly 0 to 10 percent slope (source: Lake County Parcel Quest/ESRI).

Flood Area

Zone X: 0.2 percent annual chance flood hazard. Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Sources: FEMA Flood Map Service Center, County of Lake Parcel Viewer).

Code Enforcement

No active cases.

GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY

General Plan

The parcel and immediate surrounding area are designated as General Commercial which provides sites for general commercial uses which are diverse, visually pleasing, convenient in terms of parking and access. All general plan land use policy elements applicable for this parcel.

Zoning Ordinance

The parcel and immediate surrounding area are designated as General Commercial which provides sites for general commercial uses which are diverse, visually pleasing, convenient in terms of parking and access. Depending on the type of use, it may require securing a discretionary permit (i.e. Administrative or Conditional Use Permit, etc) prior to operation/development occurring.

Chapter 18-23, Section 18-23.020 (Non-Conforming Uses):

The existing single-family dwelling was constructed in approximately 1973 and per Chapter 18-23 of the Municipal code, the use is considered non-conforming as it was prior to the adoption/amendments to the Zoning Codes/Regulations. A non-conforming use may continue if the use does not cease for a continuous period of six (6) months. If the use ceases for greater than six (6) months, it shall be considered abandoned and shall be used only in accordance with the regulations for the zoning district it is located in.

ENVIRONMENTAL REVIEW (CEQA)

Categorical Exemption CE 2023-02

The California Environmental Quality Act (CEQA) Statute and Guidelines, Article 5, Preliminary Review of Projects and Conduct of Initial Study, Section 15061, Review for Exemptions (b)(3), states that “activity is covered by the common sense exemption that CEQA applies only to

projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, Article 12, Special Situations, Section 15183 (a), Projects Consistent with a Community Plan or Zoning, mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.

Staff has determined that the GPCD is consistent with zoning, general plan policies, and does not require additional environmental review.

ENABLING PROVISIONS OF THE PLANNING COMMISSION

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the proposed transfer of 6820 Old Highway 53, Clearlake, CA 95422, further described as assessor parcel number 010-031-08-000.

RECOMMENDATION

Staff recommends option 1 below – that the Planning Commission move to Adopt Resolution PC 2023-03, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

MOTION/OPTIONS

- 1. Move to Adopt Resolution PC 2023-03, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
- 2. Move to Deny Resolution PC 2023-03 and direct staff to prepare appropriate findings.
- 3. Move to continue the item and provide alternate direction to staff.

ATTACHMENT(S)

- 1. Attachment 1-Resolution
- 2. Attachment 2-Deed(s)

RESOLUTION NO. PC 2023-03

**A Resolution of the Planning Commission of the City of Clearlake
General Plan Consistency Determination GPCD 2023-02
for the property located at 6820 Old Highway 53, Clearlake CA 95422
Assessor Parcel Number (APN) 010-031-08-000.**

WHEREAS, State Government Code Section 65402 stipulates that prior to the acquisition of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the transfer of said real property is in conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City more particularly described as 6820 Old Highway 53, Clearlake CA 95422, APN 010-031-08-000.; and

WHEREAS, the project does not require additional environmental review per the California Environmental Quality Act, Article 5, Section 15061, Review for Exemption; and

WHEREAS, the Planning Commission of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on May 9th, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Clearlake makes the following findings:

- 1) The acquisition of this property is consistent with the adopted goals, objectives, and policies of the General Plan.

PASSED AND ADOPTED on this 9th day of May 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission

INCORPORATED

RECORDING REQUESTED BY
LAKE COUNTY TITLE COMPANY
MAIL TAX STATEMENT TO

Same as below

WHEN RECORDED MAIL TO

Name [LOWER LAKE LEASING, INC.
Street Address 11444 KONOCTI VISTA DRIVE
City & State LOWER LAKE, CA. 95457]

DOCUMENT NUMBER
95-017424

R	5
M	3
ST	2
GC	3
LN	
CO	20

RECORDED AT REQUEST
LAKE COUNTY TITLE C.
95 OCT 24 AM 9:00

ASSASSOR-RECORDER
DAN L. IRWIN

Order/Escrow No.: 130198

Grant Deed

L C M

The undersigned grantor(s) declare(s): Documentary transfer tax is \$ 13.20
(xx) Computed on full value of property conveyed, or
() Computed on full value less value of liens and encumbrances remaining at time of sale.
() Unincorporated area (xx) City of CLEARLAKE
Tax Parcel No. 10-031-08 10-031-09



FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, R. H. HANSEN and INGRID HANSEN, husband and wife

hereby GRANT(S) to LOWER LAKE LEASING, INC., a Delaware corporation

the following described real property in the incorporated City of CLEARLAKE
County of LAKE, State of California:

COMMENCING at the intersection of County Road #205B, also known as Old Highway 53, in the Southeast quarter of the Northwest quarter of Section 34, Township 13 North, Range 7 West, M.D.M., with the Southerly line of the lands of the Lake County Utility Co., as the same is recorded in Book 328 of Official Records of Lake County at Page 48, said point of commencement being located 35 feet Easterly from and at right angles to the center line of said Road #205B, and running thence, along the Easterly line of said Road #205B, South 15° 26' 30" East, a distance of 232.91 feet; thence South 29° 25' 15" East, a distance of 271.19 feet; thence South 37° 41' 00" East, a distance of 71.41 feet; thence South 51° 38' 00" East, a distance of 110.24 feet to the true point of beginning which is located 35 feet Easterly from and at right angles to the center line of said Road #205B; thence from said true point of beginning, leaving the Easterly line of said Road #205B and running North 50° 07' 59" East, a distance of 145.37 feet to a point that is located North 43° 33' 53" West, a distance of 986.29 feet from the center of said Section 34; thence South 39° 52' 01" East, a distance of 320.00 feet to a point on the Northerly line of the access road to Pearce Airfield that is located North 45° 20' 29" West, a distance of 665.84 feet from the center of
(Continued)

Date: October 6, 1995

R H Hansen
R. H. HANSEN
[Signature]

Ingrid Hansen
INGRID HANSEN
[Signature]

(Continued on reverse side)

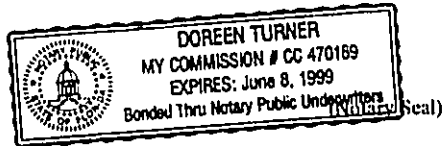
STATE OF CALIFORNIA FLORIDA }
COUNTY OF LEE } SS.

On October 16, 1995 before me, the undersigned, a Notary Public in and for said County and State,
personally appeared R.H. Hansch

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESSETH by hand and official seal.

Doreen Turner
Notary Public in and for said County and State.



STATE OF CALIFORNIA FLORIDA }
COUNTY OF LEE } SS.

On October 16, 1995 before me, the undersigned, a Notary Public in and for said County and State,
personally appeared Ingrid Hansen

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESSETH by hand and official seal.

Doreen Turner
Notary Public in and for said County and State.

(Notary Seal)



Grant Deed
(Individual)



Lake County Title Company
180 Third Street - P.O. Box 9
Lakeport, California 95453

14280 Lakeshore Drive
P.O. Box 6628
Clearlake, CA 95422

21128 Calistoga Street
P.O. Box 159
Middletown, CA 95461

G R A N T D E E D

Order/Escrow No.: 130198

Legal Description (Continued)

said Section 34; thence, along the Northerly line of said access road, South 51° 58' 00" West, a distance of 165.79 feet to a point on the Easterly line of said Road #205B that is located 35 feet from and at right angles to the center line of said Road 205B; thence, along the Easterly line of said Road #205B, North 25° 35' 45" West, a distance of 118.45 feet; thence North 35° 59' 45" West, a distance of 118.69 feet; thence North 51° 38' 00" West, a distance of 83.01 feet to the true point of beginning, and containing 1.02 acre of land, more or less.

EXCEPTING THEREFROM all that portion thereof lying Southeasterly of the following described line:

BEGINNING at a point on the Northeasterly line of the herein described tract that is South 39° 52' 01" East 200 feet; measured along said line, from the most Northerly corner thereof, and running thence South 50° 07' 59" West, being parallel with the Northwesterly line of said tract and 200 feet distant therefrom to the Southwesterly line thereof.

AP #010-031-08 and 09, formerly AP #010-031-04.

Together with an easement for ingress and egress over that certain real property situate in the City of Clearlake, County of Lake, State of California, being within the Southeast one-quarter of the Northwest one-quarter of Section 34, Township 13 North, Range 7 West, M.D.B. & M. and being a portion of that certain 1.02 acre parcel shown on Record of Survey filed November 10, 1972 in Book 11 of Record of Surveys at Page 1, described as follows: Beginning at the most Easterly corner of said 1.02 acre parcel; thence N 39° 52' 01" W, 120.00 feet along the Northeasterly line of the most Northerly corner of the within described parcel; thence S 50° 14' 08" W, 20.00 feet along the Northwesterly line; thence S 39° 52' 01" E, 78.09 feet to a point on the arc of a curve to the right having a radius of 40.00 feet; thence Southeasterly, Southerly and Southwesterly along the arc of said curve through a central angle of 91° 50' 01" an arc distance of 64.11 feet to a point on the Southeasterly line of said 1.02 acre parcel; thence N 51° 58' 00" E, 61.31 feet to the Point of Beginning.

END OF DOC 3



CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: General Plan Consistency Determination, GPCD 2023-03 And Categorical Exemption CE 2023-03	MEETING DATE (Regular): 05/09/2023
SUBMITTED BY: Community Development Department - Planning	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 6840 Old Highway 53 Clearlake, CA 95422 APN: 010-031-090-000	APPLICANT/OWNER: City of Clearlake/ Lower Lake Leasing Inc.
ZONING: General Commercial (GC)	GENERAL PLAN: General Commercial

WHAT IS BEING ASKED OF THE PLANNING COMMISSION

The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 010-031-09-000, and is commonly known as 6840 Old Highway 53, Clearlake, CA 95422.

BACKGROUND/DISCUSSION

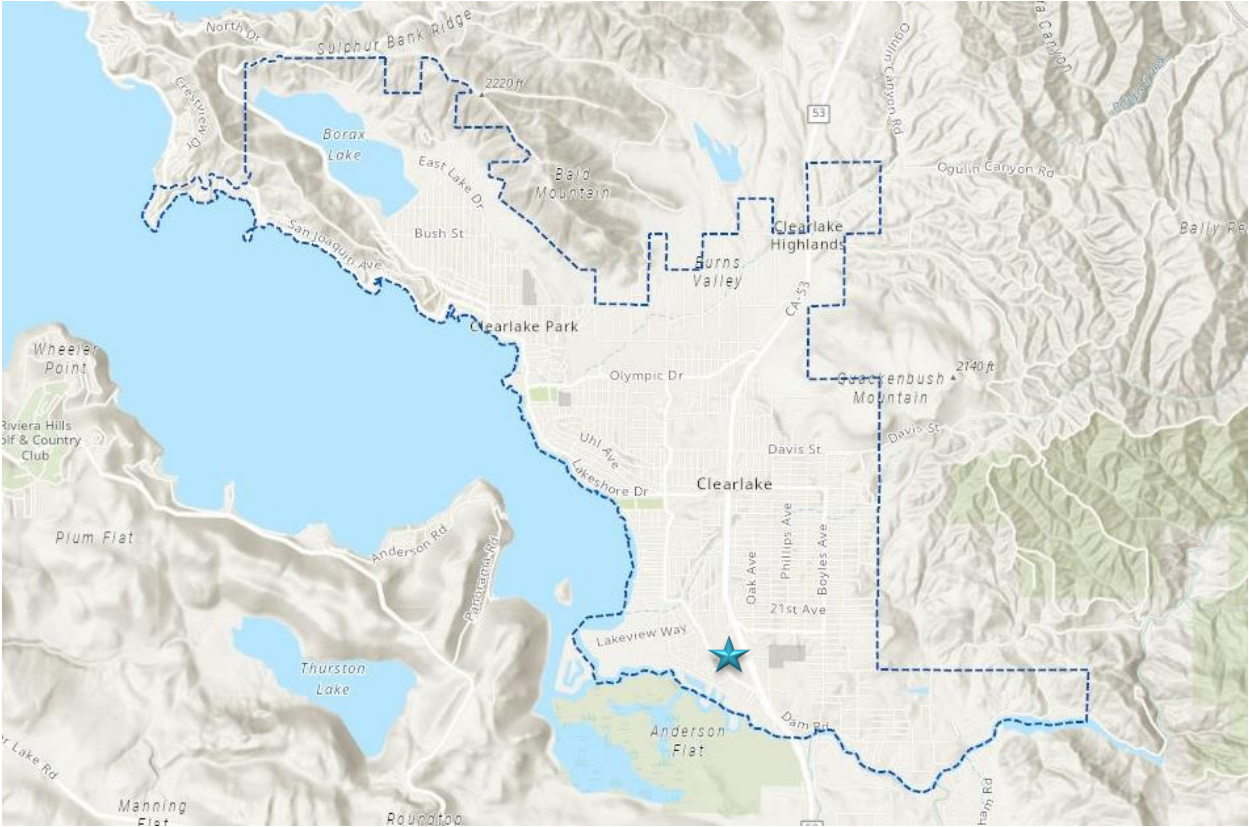
The property is one parcel, located Block 43 of the “A Portion of SE1/4 of NW1/4 SEC. 34 T13N R7W. Currently, the parcel is undeveloped.

The surrounding lots are predominantly vacant or developed with commercial structures and zoned “GC” General Commercial. Beyond the surrounding lots are areas zoned General Commercial to the north, south and east and high density residential to the west.

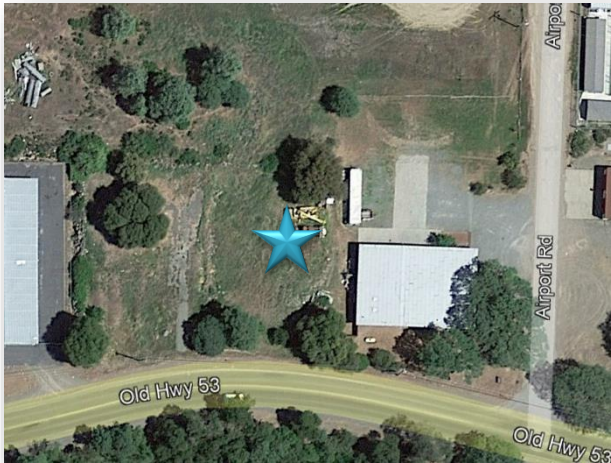
This parcel is generally square in shape and approximately 0.33 acres in size (14,374 square feet). The surrounding lots are predominately rectangular/square or irregular in shape and are greater than quarter an acre in size. The parcel is within a 0.25 to 0.50 miles of driving/walking distance to the hospital located off of 18th Avenue and a large commercial development located off of Dam Road/Dam Road Extension (i.e. Walmart, Tractor Supply, Big 5, Sporting Goods, Starbucks, Fast Food Chains).

Roads

According to the City of Clearlake "Public and Private Streets" map, roads in the area are predominantly public. Old Highway 53 Avenue is an all-weather surface road within a 40 to 50foot right-of-way.



Location Map



Aerial of Parcel



APN: 010-031-090-000

Water

Highlands Water District, 6-inch pipeline.

Sewer

County of Lake Special Districts, gravity main.

Power

Pacific Gas Electric.

Topography

Predominantly 0 to 10 percent slope (source: Lake County Parcel Quest/ESRI).

Flood Area

Zone X: 0.2 percent annual chance flood hazard. Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Sources: FEMA Flood Map Service Center, County of Lake Parcel Viewer).

Code Enforcement

No active cases.

GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY

General Plan

The parcel and immediate surrounding area are designated as General Commercial which provides sites for general commercial uses which are diverse, visually pleasing, convenient in terms of parking and access. All general plan land use policy elements applicable for this parcel.

Zoning Ordinance

The parcel and immediate surrounding area are designated as General Commercial which provides sites for general commercial uses which are diverse, visually pleasing, convenient in terms of parking and access. Depending on the type of use, it may require securing a discretionary permit (i.e. Administrative or Conditional Use Permit, etc) prior to operation/development occurring.

ENVIRONMENTAL REVIEW (CEQA)

Categorical Exemption CE 2023-03

The California Environmental Quality Act (CEQA) Statute and Guidelines, Article 5, Preliminary Review of Projects and Conduct of Initial Study, Section 15061, Review for Exemptions (b)(3), states that “activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, Article 12, Special Situations, Section 15183 (a), Projects Consistent with a Community Plan or Zoning,

mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.

Staff has determined that the GPCD is consistent with zoning, general plan policies, and does not require additional environmental review.

ENABLING PROVISIONS OF THE PLANNING COMMISSION

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the proposed transfer of 6840 Old Highway 53, Clearlake, CA 95422, further described as assessor parcel number 010-031-09-000.

RECOMMENDATION

Staff recommends option 1 below – that the Planning Commission move to Adopt Resolution PC 2023-04, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

MOTION/OPTIONS

1. Move to Adopt Resolution PC 2023-04, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
2. Move to Deny Resolution PC 2023-04 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENT(S)

1. Attachment 1-Resolution
2. Attachment 2-Deed(s)

RESOLUTION NO. PC 2023-04

**A Resolution of the Planning Commission of the City of Clearlake
General Plan Consistency Determination GPCD 2023-03
for the property located at 6840 Old Highway 53, Clearlake CA 95422
Assessor Parcel Number (APN) 010-031-09-000.**

WHEREAS, State Government Code Section 65402 stipulates that prior to the acquisition of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the transfer of said real property is in conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City more particularly described as 6840 Old Highway 53, Clearlake CA 95422, APN 010-031-09-000.; and

WHEREAS, the project does not require additional environmental review per the California Environmental Quality Act, Article 5, Section 15061, Review for Exemption; and

WHEREAS, the Planning Commission of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on May 9th, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Clearlake makes the following findings:

- 1) The acquisition of this property is consistent with the adopted goals, objectives, and policies of the General Plan.

PASSED AND ADOPTED on this 9th day of May 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission

INCORPORATED

RECORDING REQUESTED BY
LAKE COUNTY TITLE COMPANY
MAIL TAX STATEMENT TO

Same as below

WHEN RECORDED MAIL TO

Name [LOWER LAKE LEASING, INC.
Street Address 11444 KONOCTI VISTA DRIVE
City & State LOWER LAKE, CA. 95457]

DOCUMENT NUMBER
95-017424

R	5
M	3
ST	2
GC	3
LN	
CO	20

RECORDED AT REQUEST
LAKE COUNTY TITLE C.
95 OCT 24 AM 9:00

ASSASSOR-RECORDER
DAN L. IRWIN

Order/Escrow No.: 130198

Grant Deed

L C M

The undersigned grantor(s) declare(s): Documentary transfer tax is \$ 13.20
(xx) Computed on full value of property conveyed, or
() Computed on full value less value of liens and encumbrances remaining at time of sale.
() Unincorporated area (xx) City of CLEARLAKE
Tax Parcel No. 10-031-08 10-031-09



FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, R. H. HANSEN and INGRID HANSEN, husband and wife

hereby GRANT(S) to LOWER LAKE LEASING, INC., a Delaware corporation

the following described real property in the incorporated City of CLEARLAKE
County of LAKE, State of California:

COMMENCING at the intersection of County Road #205B, also known as Old Highway 53, in the Southeast quarter of the Northwest quarter of Section 34, Township 13 North, Range 7 West, M.D.M., with the Southerly line of the lands of the Lake County Utility Co., as the same is recorded in Book 328 of Official Records of Lake County at Page 48, said point of commencement being located 35 feet Easterly from and at right angles to the center line of said Road #205B, and running thence, along the Easterly line of said Road #205B, South 15° 26' 30" East, a distance of 232.91 feet; thence South 29° 25' 15" East, a distance of 271.19 feet; thence South 37° 41' 00" East, a distance of 71.41 feet; thence South 51° 38' 00" East, a distance of 110.24 feet to the true point of beginning which is located 35 feet Easterly from and at right angles to the center line of said Road #205B; thence from said true point of beginning, leaving the Easterly line of said Road #205B and running North 50° 07' 59" East, a distance of 145.37 feet to a point that is located North 43° 33' 53" West, a distance of 986.29 feet from the center of said Section 34; thence South 39° 52' 01" East, a distance of 320.00 feet to a point on the Northerly line of the access road to Pearce Airfield that is located North 45° 20' 29" West, a distance of 665.84 feet from the center of
(Continued)

Date: October 6, 1995

R H Hansen
R. H. HANSEN
[Signature]

Ingrid Hansen
INGRID HANSEN
[Signature]

(Continued on reverse side)

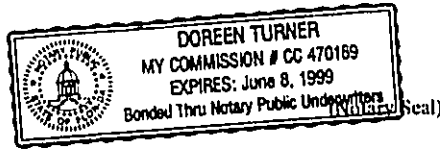
STATE OF CALIFORNIA FLORIDA }
COUNTY OF LEE } SS.

On October 16, 1995 before me, the undersigned, a Notary Public in and for said County and State,
personally appeared R.H. Hansch

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESSETH by hand and official seal.

Doreen Turner
Notary Public in and for said County and State.



STATE OF CALIFORNIA FLORIDA }
COUNTY OF LEE } SS.

On October 16, 1995 before me, the undersigned, a Notary Public in and for said County and State,
personally appeared Ingrid Hansen

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESSETH by hand and official seal.

Doreen Turner
Notary Public in and for said County and State.

(Notary Seal)



Grant Deed
(Individual)



Lake County Title Company
180 Third Street - P.O. Box 9
Lakeport, California 95453

14280 Lakeshore Drive
P.O. Box 6628
Clearlake, CA 95422

21128 Calistoga Street
P.O. Box 159
Middletown, CA 95461

G R A N T D E E D

Order/Escrow No.: 130198

Legal Description (Continued)

said Section 34; thence, along the Northerly line of said access road, South 51° 58' 00" West, a distance of 165.79 feet to a point on the Easterly line of said Road #205B that is located 35 feet from and at right angles to the center line of said Road 205B; thence, along the Easterly line of said Road #205B, North 25° 35' 45" West, a distance of 118.45 feet; thence North 35° 59' 45" West, a distance of 118.69 feet; thence North 51° 38' 00" West, a distance of 83.01 feet to the true point of beginning, and containing 1.02 acre of land, more or less.

EXCEPTING THEREFROM all that portion thereof lying Southeasterly of the following described line:

BEGINNING at a point on the Northeasterly line of the herein described tract that is South 39° 52' 01" East 200 feet; measured along said line, from the most Northerly corner thereof, and running thence South 50° 07' 59" West, being parallel with the Northwesterly line of said tract and 200 feet distant therefrom to the Southwesterly line thereof.

AP #010-031-08 and 09, formerly AP #010-031-04.

Together with an easement for ingress and egress over that certain real property situate in the City of Clearlake, County of Lake, State of California, being within the Southeast one-quarter of the Northwest one-quarter of Section 34, Township 13 North, Range 7 West, M.D.B. & M. and being a portion of that certain 1.02 acre parcel shown on Record of Survey filed November 10, 1972 in Book 11 of Record of Surveys at Page 1, described as follows: Beginning at the most Easterly corner of said 1.02 acre parcel; thence N 39° 52' 01" W, 120.00 feet along the Northeasterly line of the most Northerly corner of the within described parcel; thence S 50° 14' 08" W, 20.00 feet along the Northwesterly line; thence S 39° 52' 01" E, 78.09 feet to a point on the arc of a curve to the right having a radius of 40.00 feet; thence Southeasterly, Southerly and Southwesterly along the arc of said curve through a central angle of 91° 50' 01" an arc distance of 64.11 feet to a point on the Southeasterly line of said 1.02 acre parcel; thence N 51° 58' 00" E, 61.31 feet to the Point of Beginning.

END OF DOC 3



CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: General Plan Consistency Determination, GPCD 2023-04 and Categorical Exemption CE 2023-04	MEETING DATE (Regular): 05/09/2023
SUBMITTED BY: Community Development Department - Planning	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 6860 Old Highway 53 Clearlake, CA 95422 APN: 010-031-050-000	APPLICANT/OWNER: City of Clearlake/ Donald R Hunt Trustee
ZONING: General Commercial (GC)	GENERAL PLAN: General Commercial

WHAT IS BEING ASKED OF THE PLANNING COMMISSION

The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 010-031-050-000, and is commonly known as 6860 Old Highway 53, Clearlake, CA 95422.

BACKGROUND/DISCUSSION

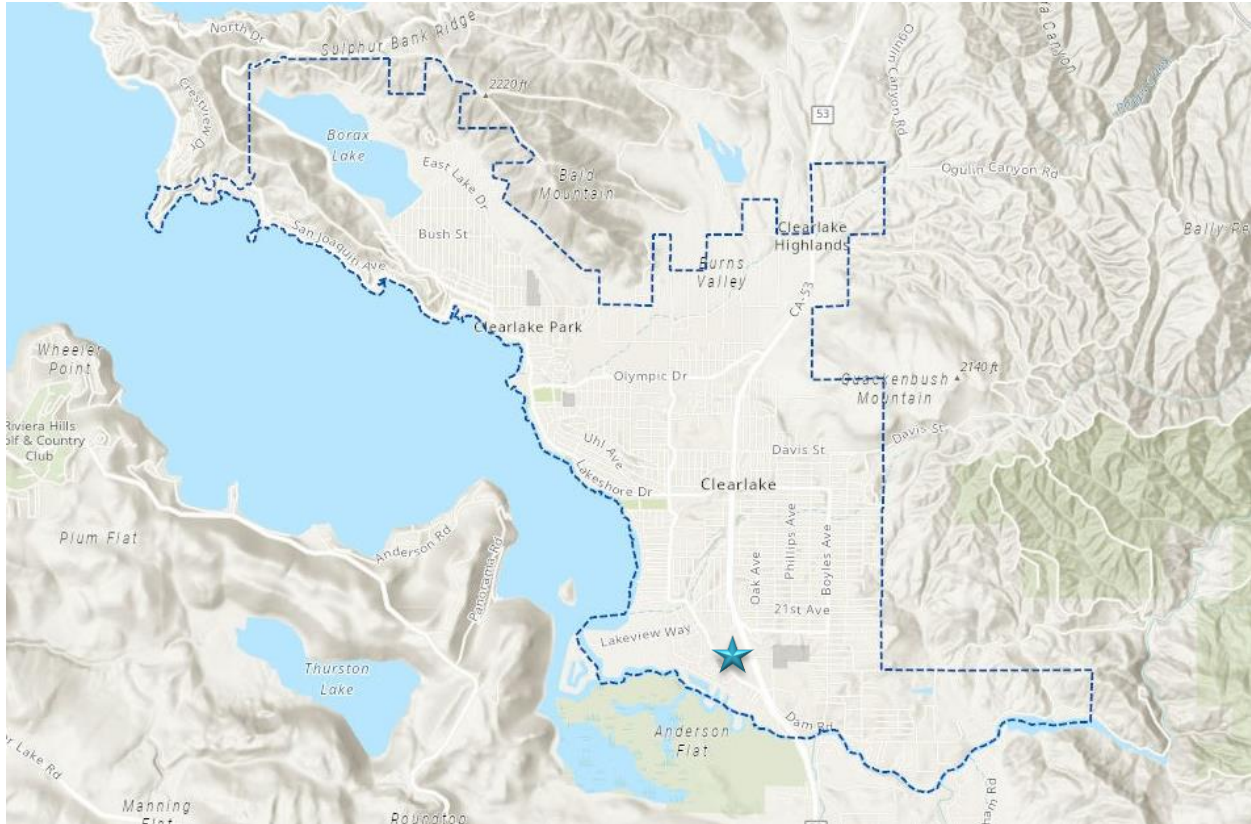
The property is one parcel, located Block 43 of the “A Portion of SE1/4 of NW1/4 SEC. 34 T13N R7W. The parcel is developed with 3,840 square feet of commercial structures.

The surrounding lots are predominantly vacant or developed with commercial structures and zoned “GC” General Commercial. Beyond the surrounding lots are areas zoned General Commercial to the north, south and east and high density residential to the west.

This parcel is generally rectangular in shape and approximately 0.44 acres in size (19,166 square feet). The surrounding lots are predominately rectangular/square or irregular in shape and are greater than quarter an acre in size. The parcel is within a 0.25 to 0.50 miles of driving/walking distance to the hospital located off of 18th Avenue and a large commercial development located off of Dam Road/Dam Road Extension (i.e., Walmart, Tractor Supply, Big 5, Sporting Goods, Starbucks, Fast Food Chains).

Roads

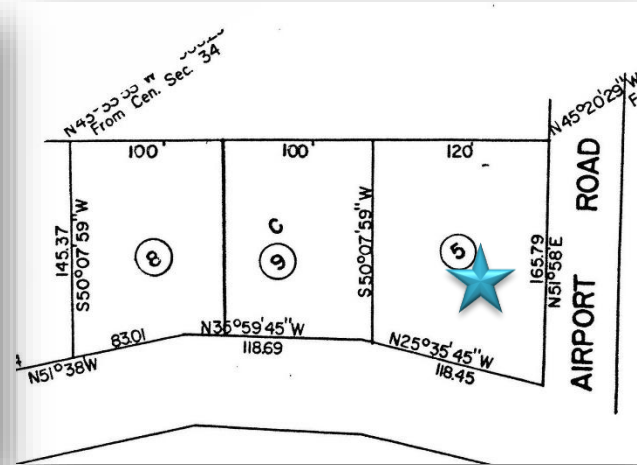
According to the City of Clearlake “Public and Private Streets” map, roads in the area are predominantly public. Old Highway 53 Avenue is an all-weather surface road within a 40-to-50-foot right-of-way.



Location Map



Aerial of Parcel



APN: 010-031-090-000

Water

Highlands Water District, 6-inch pipeline.

Sewer

County of Lake Special Districts, gravity main.

Power

Pacific Gas Electric.

Topography

Predominantly 0 to 10 percent slope (source: Lake County Parcel Quest/ESRI).

Flood Area

Zone X: 0.2 percent annual chance flood hazard. Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Sources: FEMA Flood Map Service Center, County of Lake Parcel Viewer).

Code Enforcement

No active cases.

GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY

General Plan

The parcel and immediate surrounding area are designated as General Commercial which provides sites for general commercial uses which are diverse, visually pleasing, convenient in terms of parking and access. All general plan land use policy elements applicable for this parcel.

Zoning Ordinance

The parcel and immediate surrounding area are designated as General Commercial which provides sites for general commercial uses which are diverse, visually pleasing, convenient in terms of parking and access. Depending on the type of use, it may require securing a discretionary permit (i.e. Administrative or Conditional Use Permit, etc) prior to operation/development occurring.

ENVIRONMENTAL REVIEW (CEQA)

Categorical Exemption CE 2023-03

The California Environmental Quality Act (CEQA) Statute and Guidelines, Article 5, Preliminary Review of Projects and Conduct of Initial Study, Section 15061, Review for Exemptions (b)(3), states that “activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, Article 12, Special Situations, Section 15183 (a), Projects Consistent with a Community Plan or Zoning, mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there

are project-specific significant effects which are peculiar to the project or site.

Staff has determined that the GPCD is consistent with zoning, general plan policies, and does not require additional environmental review.

ENABLING PROVISIONS OF THE PLANNING COMMISSION

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the proposed transfer of 6860 Old Highway 53, Clearlake, CA 95422, further described as assessor parcel number 010-031-05-000.

RECOMMENDATION

Staff recommends option 1 below – that the Planning Commission move to Adopt Resolution PC 2023-05, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

MOTION/OPTIONS

- 1. Move to Adopt Resolution PC 2023-05, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
- 2. Move to Deny Resolution PC 2023-05 and direct staff to prepare appropriate findings.
- 3. Move to continue the item and provide alternate direction to staff.

ATTACHMENT(S)

- 1. Attachment 1-Resolution
- 2. Attachment 2-Deed(s)

RESOLUTION NO. PC 2023-05

**A Resolution of the Planning Commission of the City of Clearlake
General Plan Consistency Determination GPCD 2023-04
for the property located at 6860 Old Highway 53, Clearlake CA 95422
Assessor Parcel Number (APN) 010-031-050-000.**

WHEREAS, State Government Code Section 65402 stipulates that prior to the acquisition of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the transfer of said real property is in conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City more particularly described as 6860 Old Highway 53, Clearlake CA 95422, APN 010-031-050-000.; and

WHEREAS, the project does not require additional environmental review per the California Environmental Quality Act, Article 5, Section 15061, Review for Exemption; and

WHEREAS, the Planning Commission of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on May 9th, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Clearlake makes the following findings:

- 1) The acquisition of this property is consistent with the adopted goals, objectives, and policies of the General Plan.

PASSED AND ADOPTED on this 9th day of May 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission

4



Section G, Item 6.

RECORDING REQUESTED BY:
First American Title Company

**MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:**
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422

Doc # **2023002959**
Page 1 of 3
Date: **3/14/2023 10:32A**
Filed by: **FIRST AMERICAN TITLE**
Filed & Recorded in Official Records
of **COUNTY OF LAKE**
RICHARD A. FORD
COUNTY RECORDER
Fee: **\$790.00**

Space Above This Line for Recorder's Use Only

A.P.N.: 010-031-050-000

File No.: 1705-6939056 (KD)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX **\$770.00**; CITY TRANSFER TAX \$;
SURVEY MONUMENT FEE \$
[**xx**] computed on the consideration or full value of property conveyed, OR
[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[] unincorporated area; [**xx**] City of **Clearlake**, and
EXEMPT FROM BUILDING HOMES AND JOBS ACTS FEE PER GOVERNMENT CODE 27388.1(a)(2)



FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Donald R. Hunt and Renee L. Hunt, Trustees of the Donald and Renee Hunt 2020 Trust Dated September 4, 2020**

hereby GRANTS to **City of Clearlake, a Municipal Corporation**

the following described property in the City of **Clearlake**, County of **Lake**, State of **California**:

A PORTION OF THAT CERTAIN 1.02 ACRE PARCEL OF LAND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED NOVEMBER 10, 1972 IN BOOK 11 OF RECORD OF SURVEYS, AT PAGE 1, OF LAKE COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SAID PARCEL OF LAND, DISTANT THEREON SOUTH 39° 52' 01" EAST, 200.00 FEET FROM THE MOST NORTHERLY CORNER THEREOF; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE, SOUTH 39° 52' 01" EAST, 120.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF ACCESS ROAD, AS SHOWN ON SAID RECORD OF SURVEY; THENCE ALONG SAID NORTHWESTERLY LINE OF ACCESS ROAD, SOUTH 51° 58' 00" WEST, 165.79 FEET TO ITS INTERSECTION WITH THE NORTHEASTERLY LINE OF OLD HIGHWAY 53; THENCE ALONG SAID NORTHEASTERLY LINE OF OLD HIGHWAY 53, NORTH 25° 28' 48" WEST, 118.66 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE OF OLD HIGHWAY 53, NORTH 50° 11' 08" EAST, 136.22 FEET TO THE POINT OF BEGINNING.

Grant Deed - continued

Date: 03/08/2023

A.P.N.: 010-031-050-000

File No.: 1705-6939056 (KD)

Dated: March 08, 2023

Donald R. Hunt and Renee L. Hunt, Trustees of the Donald and Renee Hunt 2020 Trust Dated September 4, 2020

Donald R. Hunt
Donald Hunt, Trustee

Renee L. Hunt
Renee Hunt, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)SS

COUNTY OF Lake)

On March 12, 2023 before me, Robert K. Crosby, Notary Public, personally appeared Donald R. Hunt and Renee L. Hunt

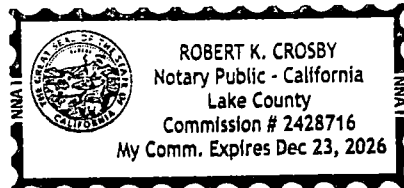
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

This area for official notarial seal.

Robert K. Crosby
Notary Signature Robert K. Crosby



CERTIFICATE OF ACCEPTANCE

Pursuant to Government Code 27281


This is to certify that the interest in real property conveyed by the deed or grant dated 3-8-2023 from Donald R. Hunt and Renee L. Hunt, Trustees of the Donald and Renee Hunt 2020 Trust Dated September 4, 2020 to the City of Clearlake, a political corporation and/or governmental agency is hereby accepted by order of the City Council of the City of Clearlake on March 2, 2023 , and the grantee consents to recordation thereof by its duly authorized officer.

DATED: March 10, 2023

CITY OF CLEARLAKE

Alan Flora
City Manager



By: 
Alan Flora



CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: General Plan Consistency Determination, GPCD 2023-05 Categorical Exemption CE 2023-05	MEETING DATE (Regular): 5/9/2023
SUBMITTED BY: Community Development Department - Planning	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 16178 35th Avenue Clearlake, CA 95422 APN: 041-211-280-000	APPLICANT/OWNER: City of Clearlake/ City of Clearlake
ZONING: Low Density Residential (LDR)	GENERAL PLAN: Medium Density Residential

WHAT IS BEING ASKED OF THE PLANNING COMMISSION

The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance (disposal) of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 041-211-280-000, and is commonly known as 16178 35th Avenue, Clearlake, CA 95422.

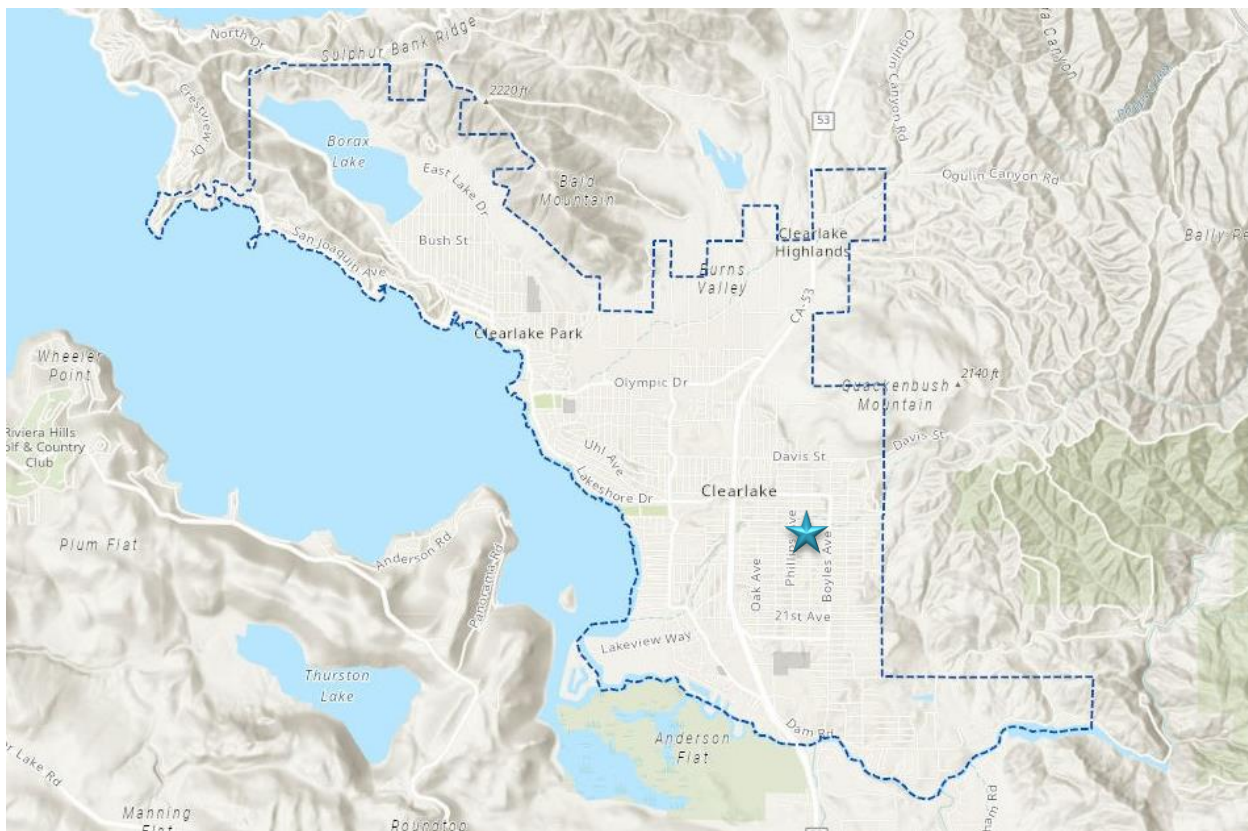
BACKGROUND/DISCUSSION

The parcel is comprised of lots 5 and 6, located Block 10 of Tract No. 3 Clear Lake Highlands”. The parcel is currently vacant.

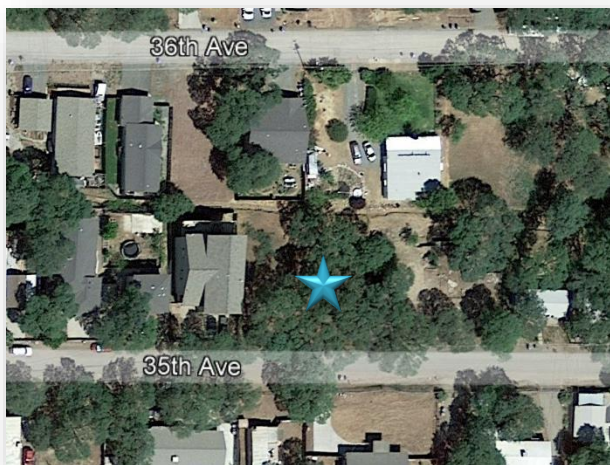
The surrounding lots are a mix of vacant and lots developed with residential and accessory structures, also zoned LDR. This parcel is generally square in shape and approximately 0.23 acres in size (10,000 square feet). The surrounding lots are predominately rectangular in shape and approximately 5,000 square feet in size.

Roads

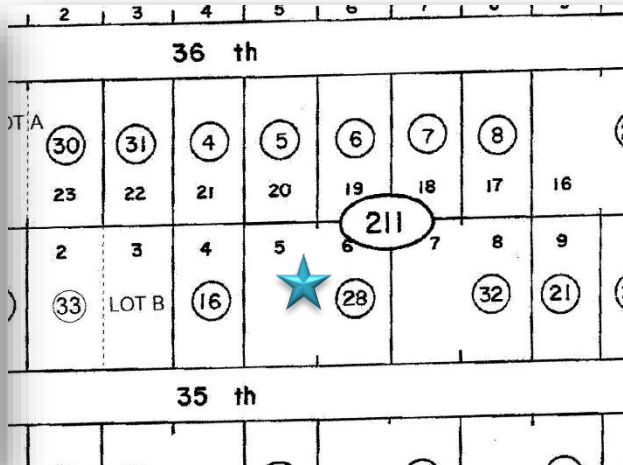
According to the City of Clearlake “Public and Private Streets” GIS map, roads in the area are predominantly public. 35th Avenue is an all-weather surface road within a forty-foot right-of-way.



Location Map



Aerial of Parcel



APN: 041-211-280-000

Water

Konocti Water District, 6-inch pipeline.

Sewer

County of Lake Special Districts, gravity main.

Power

Pacific Gas Electric.

Topography

Predominantly 10 to 20 percent slope (source: Lake County Parcel Quest/ESRI). Slope direction is to rear of lot.

Vegetation

Multiple Oak trees.

Flood Area

Zone D. Possible but undetermined flood hazards or unstudied areas (Source: FEMA Flood Map Service Center).

Code Enforcement

No active cases.

The property could be developed with a residential use per Section 18-18 Use Regulations of the municipal code.

GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY

General Plan

The parcel and immediate surrounding area are designated as Medium Density Residential which allows for residential densities of up to 15 units per acre. All general plan land use policy elements applicable for this parcel.

Zoning Ordinance

The LDR Zone is intended primarily to provide housing opportunities for people who want private open space associated with individual dwellings. It is intended to preserve existing single-family neighborhoods, provide for compatible infill development in such areas and prescribe the overall character of newly subdivided low density areas. This zone shall be applied to areas designated “low density residential” on the Clearlake General Plan Zoning Map. Minimum lot size is 0.11 acres or 5,000 square feet (Section 18-5.020 Property Development Standards).

ENVIRONMENTAL REVIEW (CEQA)

Categorical Exemption CE 2023-05

The California Environmental Quality Act (CEQA) Statute and Guidelines, Article 5, Preliminary Review of Projects and Conduct of Initial Study, Section 15061, Review for Exemptions (b)(3), states that activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, Article 12, Special

Situations, Section 15183 (a), Projects Consistent with a Community Plan or Zoning, mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.

Staff has determined that the GPCD is consistent with zoning, general plan policies, and does not require additional environmental review.

ENABLING PROVISIONS OF THE PLANNING COMMISSION

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the proposed transfer of 16178 35th Avenue, Clearlake, CA 95422.

RECOMMENDATION

Staff recommends option 1 below – that the Planning Commission move to Adopt Resolution PC 2023-06, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

MOTION/OPTIONS

1. Move to Adopt Resolution PC 2023-06, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
2. Move to Deny Resolution PC 2023-06 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENT(S)

1. Attachment 1-Resolution
2. Attachment 2-Deed(s)

RESOLUTION NO. PC 2023-06

**A Resolution of the Planning Commission of the City of Clearlake
General Plan Consistency Determination GPCD 2023-05
for the property located at 16178 35th Avenue, Clearlake CA 95422
Assessor Parcel Number (APN) 041-211-280-000**

WHEREAS, State Government Code Section 65402 stipulates that prior to the disposal of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the transfer of said real property is in conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City more particularly described as 16178 35th Avenue, Clearlake CA 95422, APN 041-211-280-000; and

WHEREAS, the project does not require additional environmental review per the California Environmental Quality Act, Article 5, Section 15061, Review for Exemption; and

WHEREAS, the Planning Commission of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on May 9, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Clearlake makes the following findings:

- 1) The acquisition of this property is consistent with the adopted goals, objectives, and policies of the General Plan.

PASSED AND ADOPTED on this 9th day of May 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission



Doc # 2023004282 Section G, Item 7.
Page 1 of 5

Date: 4/18/2023 02:20P
Filed by: FIDELITY NATIONAL TITLE
Filed & Recorded in Official Records
of COUNTY OF LAKE
RICHARD A. FORD
COUNTY RECORDER
Fee: \$33.70

RECORDING REQUESTED BY:
Fidelity National Title Company of California

**When Recorded Mail Document
and Tax Statement To:**
Stanley T Christensen and Sandra Christensen
16168 35th Ave
Clearlake, CA 95422

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Escrow Order No.: FSNX-3012300100
Property Address: 16178 35th Avenue,
Clearlake, CA 95422
APN/Parcel ID(s): 041-211-280-000

Exempt from fee per GC 27388.1(a)(2); This document is a transfer that is subject to
Documentary Transfer Tax.

GRANT DEED



The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
 - The documentary transfer tax is \$7.70** and is computed on:
 - the full value of the interest or property conveyed.
 - the full value less the liens or encumbrances remaining thereon at the time of sale.
- The property is located in the **City of Clearlake**.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, City of Clearlake, a Municipal Corporation

hereby GRANT(S) to Stanley T Christensen and Sandra Christensen, a married couple as community property with right of survivorship

the following described real property in the City of Clearlake, County of Lake, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF AND

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

PROPERTY COMMONLY KNOWN AS: 16178 35th Avenue, Clearlake, CA 95422

MAIL TAX STATEMENTS AS DIRECTED ABOVE

GRANT DEED
(continued)

APN/Parcel ID(s): 041-211-280-000

Dated: April 14, 2023

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

City of Clearlake
BY: [Signature]
Alan Flora, City Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Lake

On April 17, 2023 before me, Robert K Crosby, Notary Public,
(here insert name and title of the officer)

personally appeared Alan Flora
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
[Signature]
Signature Robert K. Crosby

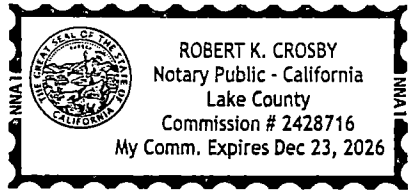


EXHIBIT "A"

Legal Description

For APN/Parcel ID(s): 041-211-280-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CLEARLAKE, COUNTY OF LAKE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOTS 5 AND 6 IN BLOCK 10, AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 3 CLEAR LAKE HIGHLANDS", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY ON NOVEMBER 15, 1923 IN BOOK 3 OF TOWN MAPS AT PAGES 52 TO 59, INCLUSIVE.

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 041-211-280-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CLEARLAKE, COUNTY OF LAKE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOTS 5 AND 6 IN BLOCK 10, AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 3 CLEAR LAKE HIGHLANDS", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY ON NOVEMBER 15, 1923 IN BOOK 3 OF TOWN MAPS AT PAGES 52 TO 59, INCLUSIVE.

Exhibit "B"



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, April 06, 2023

Regular Meeting 6:00 PM

MINUTE ORDER

- 13. Consideration of Sale of Vacant Land Located at 16178 35th Avenue, Clearlake
Recommended Action: Authorize the City Manager to Execute a Sale Agreement for Vacant Land Located at 16178 35th Avenue, Clearlake

City Manager Alan Flora gave the staff report.

Motion made by Council Member Cremer, Seconded by Council Member Slooten.

Voting Yea: Mayor Perdock, Vice Mayor Claffey, Council Member Cremer, Council Member Overton, Council Member Slooten

BY:

Melissa Swanson

Melissa Swanson, Administrative Services Director/City Clerk

5

CITY OF CLEARLAKE

RESOLUTION NO. 97-33

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
ACCEPTING THE DONATION OF REAL PROPERTY AND CONSENTING TO
RECORDATION (APN 41-211-28 - PEREIRA MARITAL TRUST)

WHEREAS, Simplicia M. Pereira, Trustee of the Pereira Marital Trust, desires to donate real property located at 16178 - 35th Avenue, Assessor's Parcel Number 41-211-28, to the City of Clearlake; and

WHEREAS, pursuant to Government Code Section 37354 the City may acquire real property by gift, bequest or devise; and

WHEREAS, the City desires to accept the donation of said real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake that the offer of donation of the real property commonly known as Assessor's Parcel Number 40-211-28 located in Clearlake, California, more particularly described in Exhibit "A" attached hereto, is hereby accepted and the City Council hereby consents to recordation of the Grant Deed.

BE IT FURTHER RESOLVED, the City Council hereby accepts said property for future transfer to the Redevelopment Agency of the City of Clearlake for the purposes of development.

PASSED AND ADOPTED by the City Council of the City of Clearlake, County of Lake, State of California on this 8th day of May, 1997 by the following vote:

AYES: Mayor McMurray, Vice Mayor Kennedy, Council Members Mingori, Sanchez and Smith

NOES: None

ABSENT OR NOT VOTING: None

Jim McMurray
Jim McMurray, Mayor

ATTEST:

Sharon L. Goode
Sharon L. Goode, City Clerk

I hereby certify this to be a true and correct copy of the original document on file in the Office of the City Clerk, City of Clearlake.
Sharon L. Goode
Sharon L. Goode, City Clerk
Deputy City Clerk

END OF DOC 2

RECORDING REQUESTED BY:
City of Clearlake

ORDER :

APN: **41-211-28-00**

WHEN RECORDED MAIL TO:

Name & Mailing Address
**City of Clearlake
 City Clerk
 14050 Olympic Dr.
 Clearlake, Ca. 95422**

RECORDED AT REQUEST OF
Grantee

DOCUMENT NUMBER
97-008220

97 MAY 29 PM 12:09

NO FEE LATE ASSESSOR-RECORDER
 DAN L. IRWIN

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor declares:
 Documentary transfer tax is \$ NONE - transfer without consideration by gift.
 computed on full value of property conveyed, or
 computed on full value less value of liens and encumbrances remaining at time of sale.
 Unincorporated area: City of _____
 Realty not sold.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

SIMPLICIA M. PEREIRA, TRUSTEE OF THE PEREIRA MARITAL TRUST, ESTABLISHED UNDER THE 1989 PEREIRA LIVING TRUST U.D.T. DATED FEBRUARY 24, 1989,

hereby GRANTS to

CITY OF CLEARLAKE, A MUNICIPAL CORPORATION,

that property in the County of Lake, State of California, described as follows:

Block Number 10, Lots 5, 6 of that subdivision known as "TRACT NO. 3 CLEAR LAKE HIGHLANDS," as the same is shown on the official map thereof now on file and of record in the Office of the County Recorder of said Lake County.

Date: APRIL 12, 1997. Pereira Marital Trust, established under the
 1989 Pereira Living Trust u.d.t. dated February 24, 1989.

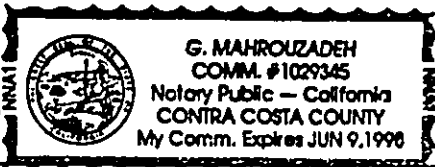
By: *Simplicia M. Pereira*
 Simplicia M. Pereira, Trustee

STATE OF CALIFORNIA)
) ss.
 COUNTY OF Contra Costa)

On APRIL 12, 1997, before me, Golriz Mahrouzadeh, a Notary Public for the State of California, personally appeared Simplicia M. Pereira, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Golriz Mahrouzadeh
 Signature of Notary Public G. Mahrouzadeh, Notary Public
 my comm. exp. June 9, 1998



MAIL TAX STATEMENTS TO: Clerk of the City of Clearlake
 14050 Olympic Drive, Clearlake, CA 95422



CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: General Plan Consistency Determination, GPCD 2023-06 And Categorical Exemption CE 2023-06	MEETING DATE (Regular): 05/09/2023
SUBMITTED BY: Community Development Department - Planning	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 16336 29th Avenue Clearlake, CA 95422 APN: 042-253-200-000	APPLICANT/OWNER: City of Clearlake/ James Saunders
ZONING: Low Density Residential (LDR)	GENERAL PLAN: Medium Density Residential

WHAT IS BEING ASKED OF THE PLANNING COMMISSION

The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 042-253-200-000, and is commonly known as 16336 29th Avenue, Clearlake, CA 95422.

BACKGROUND/DISCUSSION

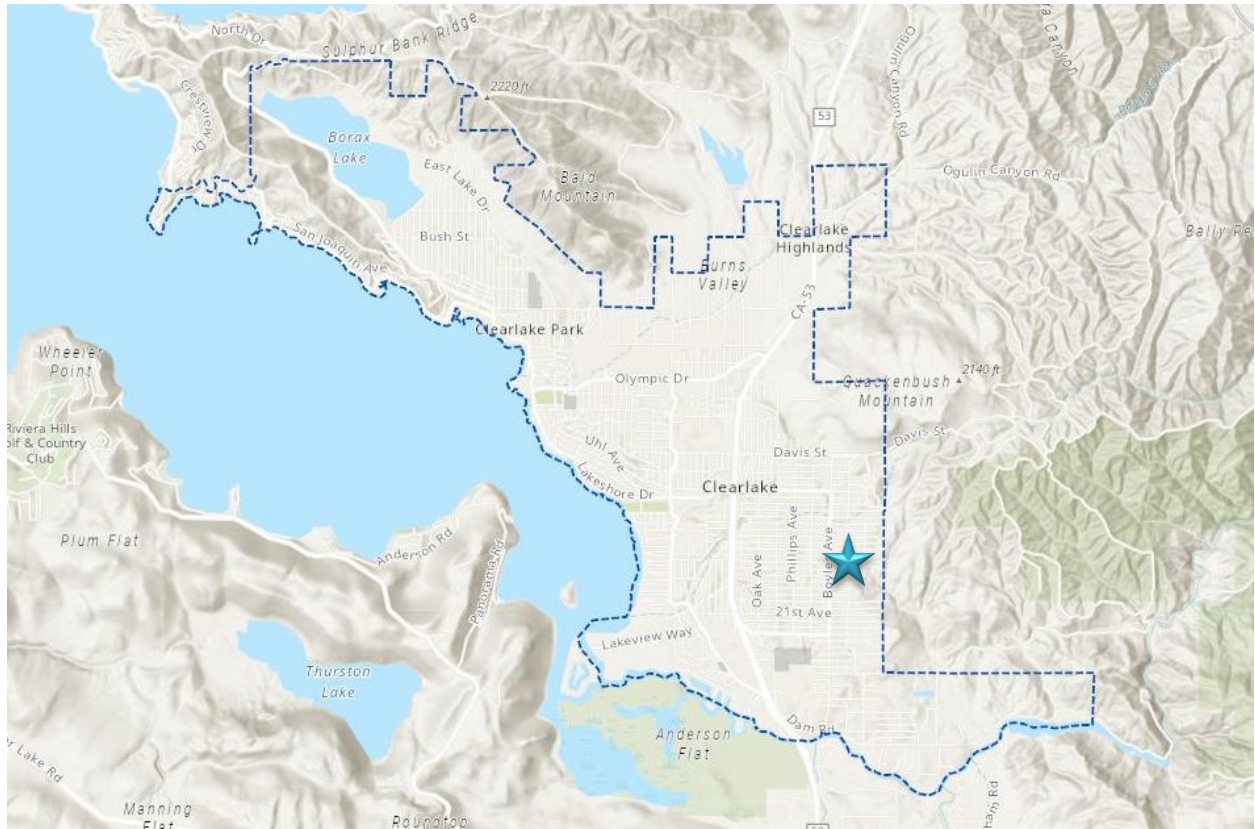
The property is one parcel, lot 8, located in the Clear Lake Highlands Tract 2 subdivision and is undeveloped.

Adjacent lots are also undeveloped and zoned LDR. Surrounding lots are zoned LDR to the north, south, east, and west with Rural Residential lots to the east, beyond the LDR zone. This parcel is generally rectangular in shape and approximately 0.11 acres in size (5,000 square feet). The surrounding lots are predominantly rectangular in shape and approximately 5,000 square feet in area.

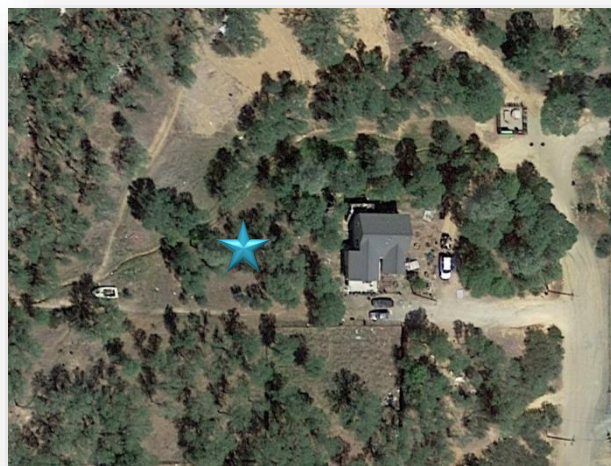
This parcel is approximately one and one-half miles from Clearlake Shopping Center, two and one-half miles to Lakeshore Drive downtown, and three miles to Austin Park.

Roads

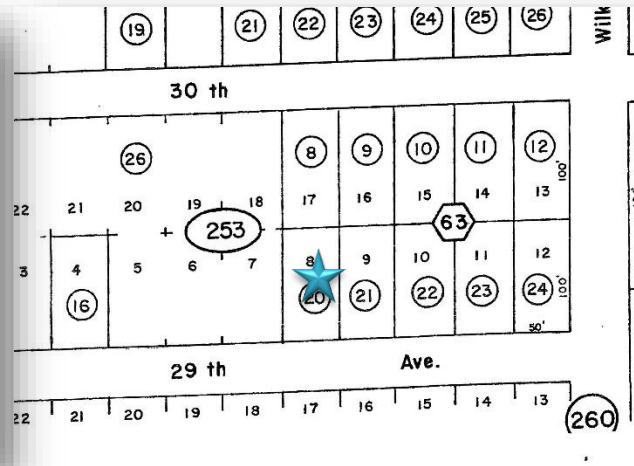
According to the City of Clearlake "Public and Private Streets" map, roads in the area are predominantly public. 29th Avenue is an unimproved forty-foot right-of-way.



Location Map



Aerial of Parcel



APN: 042-253-200-000

Water

Konocti Water District. Nearest pipe is 400 feet to the west at the intersection of 29th Avenue and Konocti Avenue

Sewer

County of Lake Special Districts, gravity main and force main. Transects parcel diagonally from the southwest to the northeast.

Power

Pacific Gas Electric.

Topography

Mix of 0 to 30 percent slope and greater (source: Lake County Parcel Quest/ESRI). Down slope direction is to rear of lot.

Vegetation

Oak trees and shrubs.

Flood Area

Zone X: 0.2 percent annual chance flood hazard. Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Sources: FEMA Flood Map Service Center, County of Lake Parcel Viewer).

Code Enforcement

No active cases.

GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY

General Plan

The parcel and immediate surrounding area are designated as Medium Density Residential which allows for residential densities of up to 15 units per acre. The primary use would be single-family detached and attached residential. All general plan land use policy elements applicable for this parcel.

Zoning Ordinance

The LDR Zone is intended primarily to provide housing opportunities for people who want private open space associated with individual dwellings. It is intended to preserve existing single-family neighborhoods, provide for compatible infill development in such areas and prescribe the overall character of newly subdivided low density areas. The LDR Zone will be applied to areas designated “medium and high density residential” on the Clearlake General Plan Zoning Map. Minimum lot size is 0.11 acres or 5,000 square feet (Section 18-4.020 Property Development Standards).

ENVIRONMENTAL REVIEW (CEQA)

Categorical Exemption CE 2023-06

The California Environmental Quality Act (CEQA) Statute and Guidelines, Article 5, Preliminary Review of Projects and Conduct of Initial Study, Section 15061, Review for Exemptions (b)(3),

states that “activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, Article 12, Special Situations, Section 15183 (a), Projects Consistent with a Community Plan or Zoning, mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.

Staff has determined that the GPCD is consistent with zoning, general plan policies, and does not require additional environmental review.

ENABLING PROVISIONS OF THE PLANNING COMMISSION

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the proposed transfer of 16336 29th Avenue, Clearlake, CA 95422.

RECOMMENDATION

Staff recommends option 1 below – that the Planning Commission move to Adopt Resolution PC 2023-07, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

MOTION/OPTIONS

1. Move to Adopt Resolution PC 2023-07, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
2. Move to Deny Resolution PC 2023-07 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENT(S)

1. Attachment 1-Resolution
2. Attachment 2-Deed(s)

RESOLUTION NO. PC 2023-07

**A Resolution of the Planning Commission of the City of Clearlake
General Plan Consistency Determination GPCD 2023-06
for the property located at 16336 29th Avenue, Clearlake CA 95422
Assessor Parcel Number (APN) 042-253-200-00.**

WHEREAS, State Government Code Section 65402 stipulates that prior to the conveyance of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the transfer of said real property is in conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as 16336 29th Avenue, Clearlake CA 95422, APN 042-253-200-000; and

WHEREAS, the project does not require additional environmental review per the California Environmental Quality Act, Article 5, Section 15061, Review for Exemption; and

WHEREAS, the Planning Commission of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on May 9, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Clearlake makes the following findings:

- 1) The conveyance of this property is consistent with the adopted goals, objectives, and policies of the General Plan.

PASSED AND ADOPTED on this 9th day of May 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission

RECORDING REQUESTED BY

Marken Enterprises Inc.

WHEN RECORDED MAIL TO
AND MAIL TAX STATEMENTS TO

James Saunders

923 Denrock

Dalhart, TX. 79022



Section G, Item 8.

Doc # 2013008667
Page 1 of 1
Date: 6/5/2013 02:22P
Filed by: MAIL
Filed & Recorded in Official Records
of COUNTY OF LAKE
DOUGLAS W. WALKER
COUNTY RECORDER
Fee: \$8.18

GRANT DEED

APN: 042-253-200

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

DOCUMENTARY TRANSFER TAX is \$ 1.10 CITY TAX \$ 0

- Computed on full value of property conveyed, or
- Computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated area: City of Clearlake, and



FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Marken Enterprises Inc., a California Corporation

hereby GRANT(s) to
James Saunders

the following described real property in the County of Lake, State of California:

Lot 8, Block 63 as shown on that certain map entitled, "Tract No. 2, Clear Lake Highlands", filed September 27, 1923 in Book 3 of Town Maps, at Pages 43 to 49, inclusive, according to the Official Records on file in the Office of the County Recorder of said Lake County, California.

Marken Enterprises Inc. a California Corporation

Dated 5-10-13

Mark Girk, President

STATE OF California
COUNTY OF Orange

On 5.10.2013 before me,

Brij Prasad - Notary Public

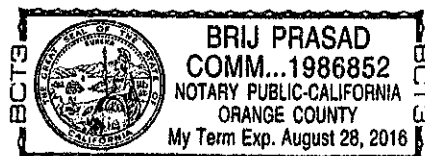
personally appeared, Mark Girk

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California, that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature





CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: General Plan Consistency Determination, GPCD 2023-07 And Categorical Exemption CE 2023-07	MEETING DATE (Regular): 05/09/2023
SUBMITTED BY: Community Development Department - Planning	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 16137 12th Avenue Clearlake, CA 95422 APN: 042-345-020-000	APPLICANT/OWNER: City of Clearlake/ George C. Tadlock
ZONING: Rural Residential (RR)	GENERAL PLAN: Medium Density Residential

WHAT IS BEING ASKED OF THE PLANNING COMMISSION

The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 042-345-020-000, and is commonly known as 16137 12th Avenue, Clearlake, CA 95422.

BACKGROUND/DISCUSSION

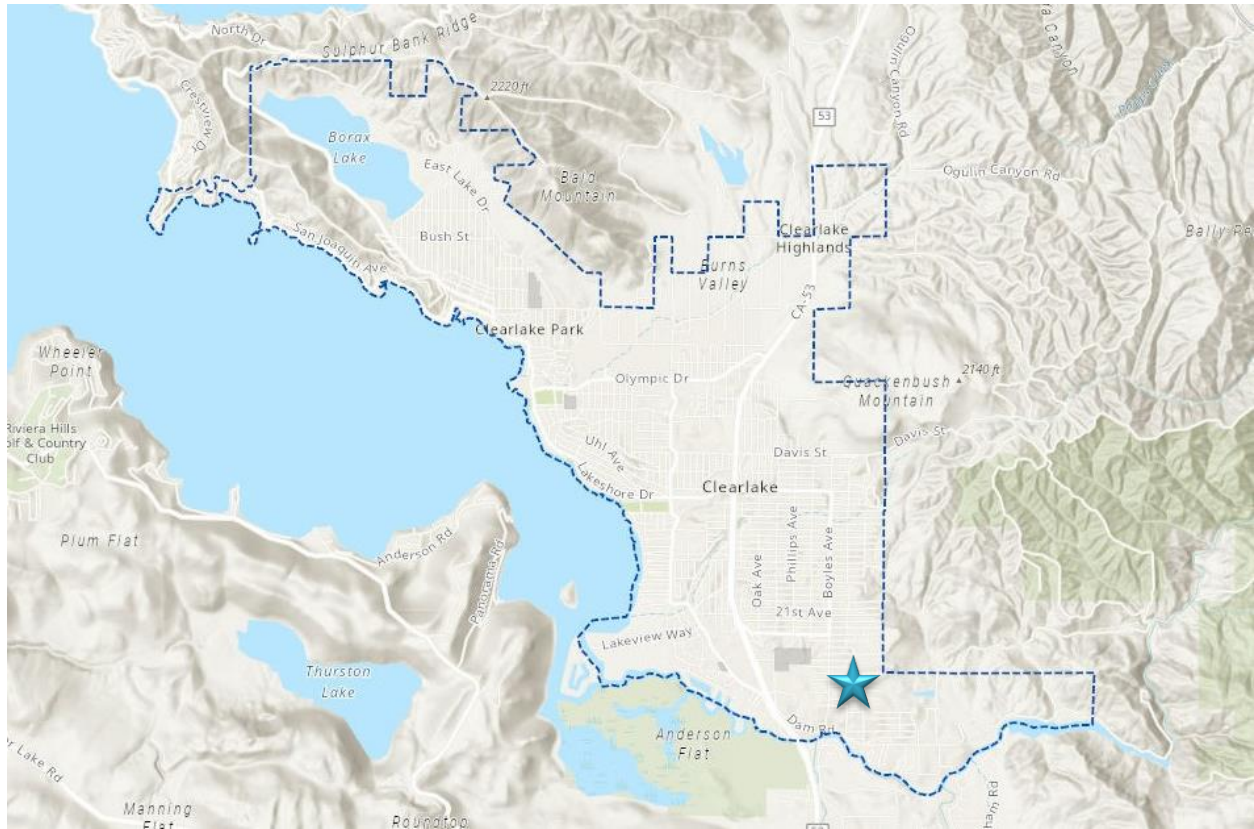
The property is one parcel, lot 23, located in Block 14 of Tract No 5 Clearlake Highlands subdivision and is undeveloped. Lots in the vicinity of the parcel are also undeveloped and zoned RR.

This parcel is generally rectangular in shape and approximately 0.11 acres in size (5,000 square feet). The surrounding lots are also predominantly rectangular in shape and approximately 5,000 square feet in area.

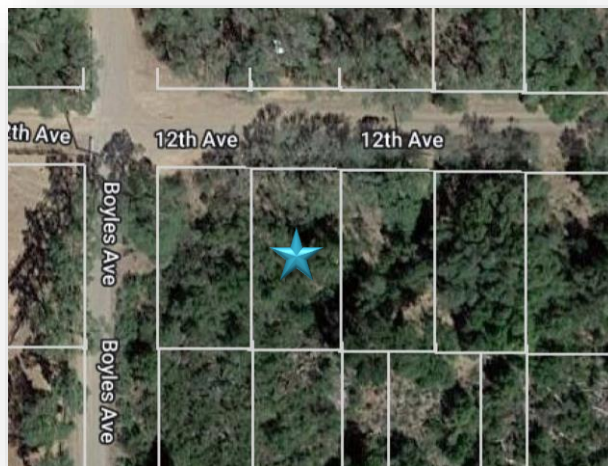
Retail and health services are located within proximity to the lot; Clearlake Shopping Center, Campus of the Woodland Community College, and Adventist Health Clear Lake are approximately one-half mile to the west at the crow flies.

Roads

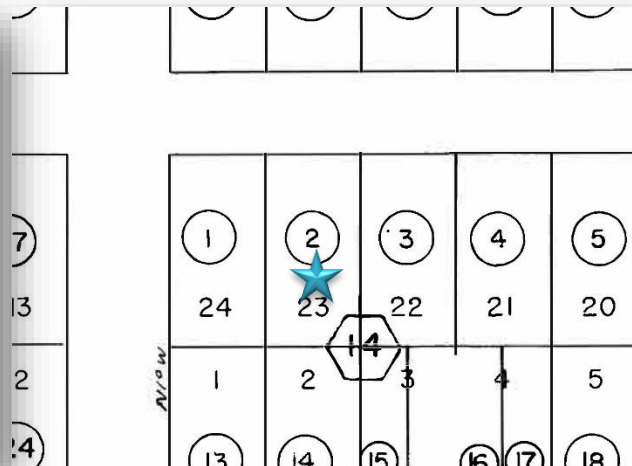
According to the City of Clearlake “Public and Private Streets” map, roads in the area are predominantly public. 12th Avenue is an unimproved public forty-foot right-of-way.



Location Map



Aerial of Parcel



APN: 042-345-020-000

Water

Konocti Water District. Nearest waterline (4”) is approximately 50 feet to the west.

Sewer

County of Lake Special Districts. The nearest gravity main is approximately 1,100 feet to the north at the intersection of Boyles Avenue and 16th Avenue.

Power

Pacific Gas Electric. Power poles exist along 12th Avenue.

Topography

Mix of 0 to 30 percent slope, predominantly 10 to 30 percent slope (source: Lake County Parcel Quest/ESRI). Upslope lot.

Vegetation

Oak trees and dense brush.

Flood Area

Zone X: 0.2 percent annual chance flood hazard. Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Sources: FEMA Flood Map Service Center, County of Lake Parcel Viewer).

Code Enforcement

No active cases.

GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY

General Plan

The parcel and immediate surrounding area are designated as Medium Density Residential which allows for residential densities of up to 15 units per acre. The primary use would be single-family detached and attached residential. All general plan land use policy elements applicable for this parcel.

Zoning Ordinance

The RR Zone is intended primarily to provide housing opportunities for lower density residential development, such as single-family homes on larger sized lots with a density not to exceed one (1) unit to the acre. This zone shall be applied to areas designated “low density residential” on the Clearlake General Plan Zoning Map. Minimum lot size is one and one-quarter (1.25) acre (Section 18-3.020 Property Development Standards).

ENVIRONMENTAL REVIEW (CEQA)

Categorical Exemption CE 2023-07

The California Environmental Quality Act (CEQA) Statute and Guidelines, Article 5, Preliminary Review of Projects and Conduct of Initial Study, Section 15061, Review for Exemptions (b)(3), states that “activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it

can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, Article 12, Special Situations, Section 15183 (a), Projects Consistent with a Community Plan or Zoning, mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.

Staff has determined that the GPCD is consistent with zoning, general plan policies, and does not require additional environmental review.

ENABLING PROVISIONS OF THE PLANNING COMMISSION

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the proposed transfer of 16137 12th Avenue, Clearlake, CA 95422.

RECOMMENDATION

Staff recommends option 1 below – that the Planning Commission move to adopt Resolution No. PC 2023-08, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

MOTION/OPTIONS

1. Move to adopt Resolution No. PC 2023-08, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
2. Move to deny Resolution No. PC 2023-08 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENT(S)

1. Attachment 1-Resolution
2. Attachment 2-Deed(s)

RESOLUTION NO. PC 2023-08

**A Resolution of the Planning Commission of the City of Clearlake
General Plan Consistency Determination GPCD 2023-07
for the property located at 16137 12th Avenue, Clearlake CA 95422
Assessor Parcel Number (APN) 042-345-020-00.**

WHEREAS, State Government Code Section 65402 stipulates that prior to the conveyance of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the transfer of said real property is in conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as 16137 12th Avenue, Clearlake CA 95422, APN 042-345-020-000; and

WHEREAS, the project does not require additional environmental review per the California Environmental Quality Act, Article 5, Section 15061, Review for Exemption; and

WHEREAS, the Planning Commission of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on May 9, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Clearlake makes the following findings:

- 1) The conveyance of this property is consistent with the adopted goals, objectives, and policies of the General Plan.

PASSED AND ADOPTED on this 9th day of May 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission

IN WITNESS WHEREOF, the grantor has executed this deed on this 8 day of March

Section G, Item 9.

David P. Tadlock
Signature

DAVID PHILIP TADLOCK
Print name

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

George C. Tadlock
Signature

GEORGE CALVIN TADLOCK
Print name

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

Sandra Lee Magram
Signature

SANDRA LEE MAGRAM
Print name

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
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GRANTOR
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GRANTOR
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GRANTOR
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GRANTOR
Capacity

GRANTOR
Capacity

Construe all terms with the appropriate gender and quantity required by the sense of this deed.

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California

COUNTY OF Alameda

On this 8 day of March, 2023, before me, Meenu Gupta, Notary Public personally appeared George C. Tadlock, David P. Tadlock and Sandra Lee Magram,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) _____ subscribed to the within instrument and acknowledged to me that _____ executed the same in _____ authorized capacity(ies), and that by _____ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Meenu Gupta
Signature

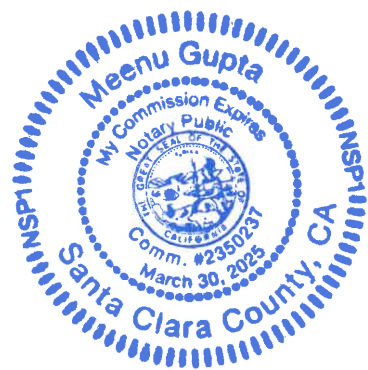
Meenu Gupta
Print name

Notary Public
Title

2350237
Notary certification number

My commission expires: March 30, 2025

Prepared by:



RECORDING REQUESTED BY:

MARK R. SHEPHERD, ESQ.

AND WHEN RECORDED RETURN TO:
MARK R. SHEPHERD, ESQ.
CRIST, BIORN, SHEPHERD & ROSKOPH
550 Hamilton Avenue, Suite 100
Palo Alto, California 94301



Section G, Item 9.

Doc # 2015004625
Page 1 of 1
Date: 4/20/2015 11:14A
Filed by: MAIL
Filed & Recorded in Official Records
of COUNTY OF LAKE
RICHARD A. FORD
COUNTY RECORDER
Fee: \$7.00



SPACE RESERVED FOR RECORDER'S USE

GRANT DEED

The undersigned Grantors declare under penalty of perjury that the following is true and correct: **There is no consideration for this transfer.** Transfer is made pursuant to §63.1 of the Revenue and Taxation Code and not pursuant to a sale. Documentary transfer tax is \$0, pursuant to Revenue and Taxation Code Section 11930.

David P. Tadlock

GRANTOR: DAVID P. TADLOCK, Trustee of THE GEORGE ALBERT TADLOCK AND BETTY JO TADLOCK TRUST, U/D/T dated July 8, 1980,

hereby GRANTS to: GEORGE C. TADLOCK, a married man as his sole and separate property, as to a 1/3 interest; SANDRA L. MAGRAM, a married woman as her sole and separate property, as to a 1/3 interest and DAVID P. TADLOCK, a married man as his sole and separate property, as to a 1/3 interest

the following described real property in the County of Lake, State of California: LOTS 22 and 23, in Block 14, as shown on that certain map entitled, "TRACT NO. 5 CLEARLAKE HIGHLANDS", filed in the office of the County Recorder of said Lake County on February 18, 1924 in Book 3 of Town Maps at pages 76 to 78, inclusive.

APN: 042-345-030-000 & 042-345-020-000
Commonly known as: 16137 & 16147 12th Ave
Clearlake Highlands, CA

Dated: April 9, 2015

ACKNOWLEDGEMENT

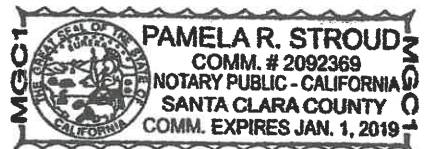
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
 ss)
COUNTY OF SANTA CLARA)

On April 9, 2015, before me, Pamela R. Stroud, Notary Public, personally appeared DAVID P. TADLOCK, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

THE GEORGE ALBERT TADLOCK AND BETTY JO TADLOCK TRUST

By: *David P. Tadlock, Trustee*
DAVID P. TADLOCK, Trustee



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

(Seal)

Witness my hand and official seal.

Pamela R. Stroud
Signature of Notary

MAIL TAX STATEMENTS TO:

Mr. David P. Tadlock
35550 Palomares Road
Castro Valley, CA 94552



CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: General Plan Consistency Determination, GPCD 2023-08 and Categorical Exemption CE 2023-08	MEETING DATE (Regular): 05/09/2023
SUBMITTED BY: Community Development Department - Planning	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 16147 12th Avenue Clearlake, CA 95422 APN: 042-345-030-000	APPLICANT/OWNER: City of Clearlake/ George C. Tadlock
ZONING: Rural Residential (RR)	GENERAL PLAN: Medium Density Residential

WHAT IS BEING ASKED OF THE PLANNING COMMISSION

The Planning Commission is being asked to make a determination of general plan consistency and environmental determination for the conveyance of real property by a government agency, pursuant to Government Code 65402. The assessor parcel number of the property is 042-345-030-000, and is commonly known as 16147 12th Avenue, Clearlake, CA 95422.

BACKGROUND/DISCUSSION

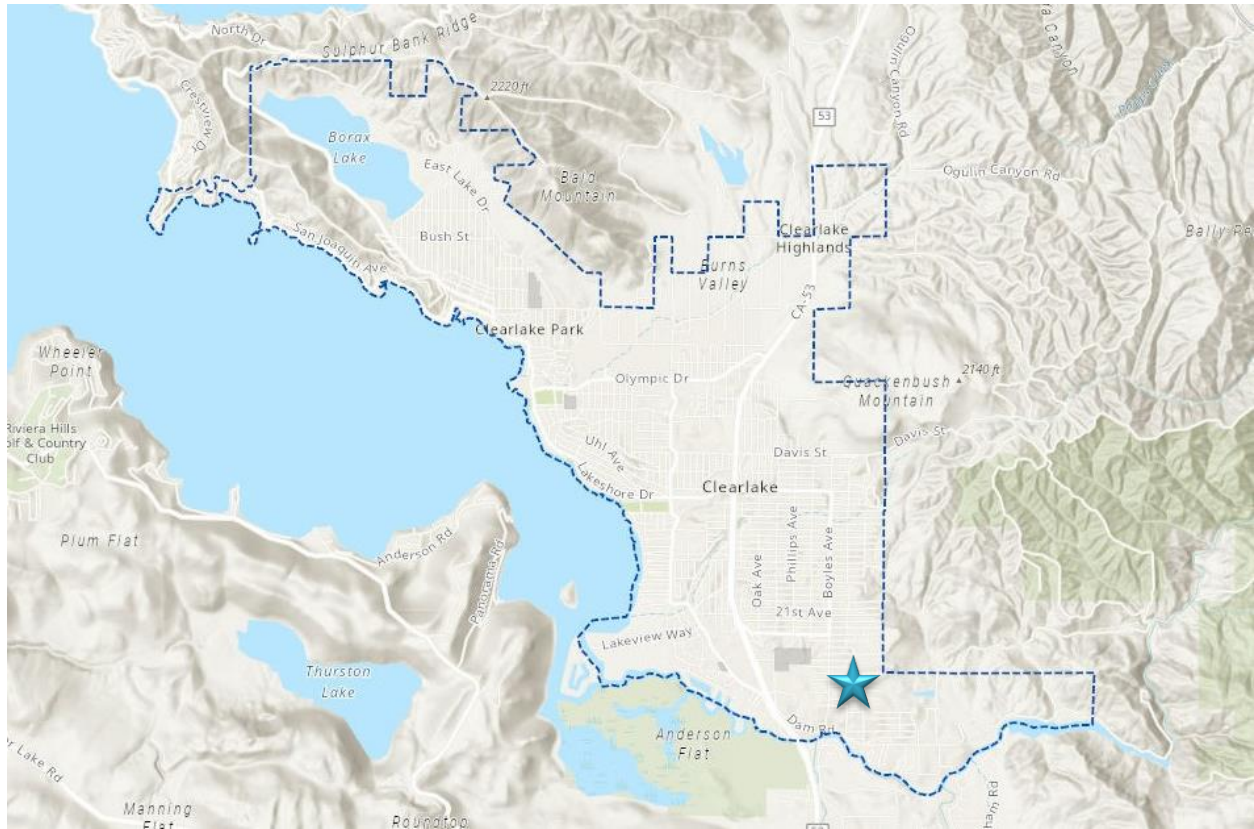
The property is one parcel, lot 22, located in Block 14 of Tract No 5 Clearlake Highlands subdivision and is undeveloped. Lots in the vicinity of the parcel are also undeveloped and zoned RR.

This parcel is generally rectangular in shape and approximately 0.11 acres in size (5,000 square feet). The surrounding lots are also predominantly rectangular in shape and approximately 5,000 square feet in area.

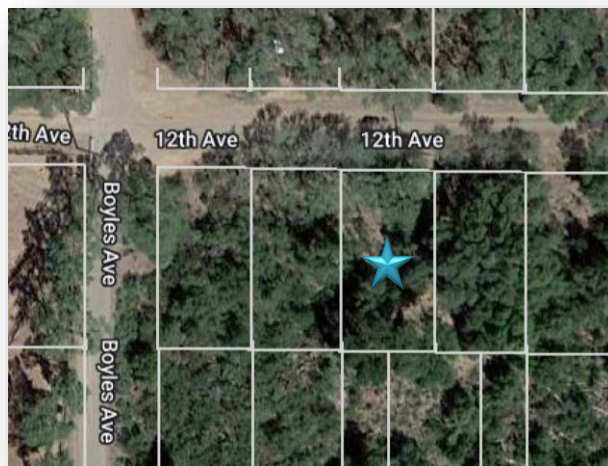
Retail and health services are located within proximity to the lot; Clearlake Shopping Center, Campus of the Woodland Community College, and Adventist Health Clear Lake are approximately one-half mile to the west at the crow flies.

Roads

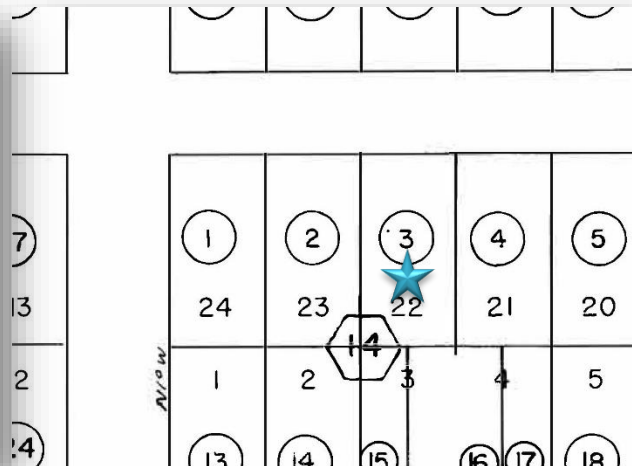
According to the City of Clearlake “Public and Private Streets” map, roads in the area are predominantly public. 12th Avenue is an unimproved public forty-foot right-of-way.



Location Map



Aerial of Parcel



APN: 042-345-030-000

Water

Konocti Water District. The nearest waterline (4”) is approximately 100 feet to the west.

Sewer

County of Lake Special Districts. The nearest gravity main is approximately 1,200 feet to the north at the intersection of Boyles Avenue and 16th Avenue.

Power

Pacific Gas Electric. Power poles exist along 12th Avenue.

Topography

Mix of 0 to 30 percent slope, predominantly 0 to 10 percent slope (source: Lake County Parcel Quest/ESRI). Upslope lot.

Vegetation

Oak trees and dense brush.

Flood Area

Zone X: 0.2 percent annual chance flood hazard. Areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Sources: FEMA Flood Map Service Center, County of Lake Parcel Viewer).

Code Enforcement

No active cases.

GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY

General Plan

The parcel and immediate surrounding area are designated as Medium Density Residential which allows for residential densities of up to 15 units per acre. The primary use would be single-family detached and attached residential. All general plan land use policy elements applicable for this parcel.

Zoning Ordinance

The RR Zone is intended primarily to provide housing opportunities for lower density residential development, such as single-family homes on larger sized lots with a density not to exceed one (1) unit to the acre. This zone shall be applied to areas designated “medium density residential” on the Clearlake General Plan Zoning Map. Minimum lot size is one and one-quarter (1.25) acre (Section 18-3.020 Property Development Standards).

ENVIRONMENTAL REVIEW (CEQA)

Categorical Exemption CE 2023-08

The California Environmental Quality Act (CEQA) Statute and Guidelines, Article 5, Preliminary Review of Projects and Conduct of Initial Study, Section 15061, Review for Exemptions (b)(3), states that “activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it

can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, Article 12, Special Situations, Section 15183 (a), Projects Consistent with a Community Plan or Zoning, mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.

Staff has determined that the GPCD is consistent with zoning, general plan policies, and does not require additional environmental review.

ENABLING PROVISIONS OF THE PLANNING COMMISSION

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the proposed transfer of 16147 12th Avenue, Clearlake, CA 95422.

RECOMMENDATION

Staff recommends option 1 below – that the Planning Commission move to Adopt Resolution No. PC 2023-09, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

MOTION/OPTIONS

- 1. Move to adopt Resolution No. PC 2023-09, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
- 2. Move to deny Resolution No. PC 2023-09 and direct staff to prepare appropriate findings.
- 3. Move to continue the item and provide alternate direction to staff.

ATTACHMENT(S)

- 1. Attachment 1-Resolution
- 2. Attachment 2-Deed(s)

RESOLUTION NO. PC 2023-09

**A Resolution of the Planning Commission of the City of Clearlake
General Plan Consistency Determination GPCD 2023-08
for the property located at 16147 12th Avenue, Clearlake CA 95422
Assessor Parcel Number (APN) 042-345-030-000.**

WHEREAS, State Government Code Section 65402 stipulates that prior to the conveyance of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the transfer of said real property is in conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as 16147 12th Avenue, Clearlake CA 95422, APN 042-345-030-000; and

WHEREAS, the project does not require additional environmental review per the California Environmental Quality Act, Article 5, Section 15061, Review for Exemption; and

WHEREAS, the Planning Commission of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on May 9, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Clearlake makes the following findings:

- 1) The conveyance of this property is consistent with the adopted goals, objectives, and policies of the General Plan.

PASSED AND ADOPTED on this 9th day of May 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission

IN WITNESS WHEREOF, the grantor has executed this deed on this 8 day of March

Section G, Item 10.

David P. Tadlock
Signature

DAVID PHILIP TADLOCK
Print name

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

George C. Tadlock
Signature

GEORGE CALVIN TADLOCK
Print name

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

Sandra Lee Magram
Signature

SANDRA LEE MAGRAM
Print name

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

GRANTOR
Capacity

Construe all terms with the appropriate gender and quantity required by the sense of this deed.

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California

COUNTY OF Alameda

On this 8 day of March, 2023, before me, Meenu Gupta, Notary Public personally appeared George C. Tadlock, David P. Tadlock and Sandra Lee Magram,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) _____ subscribed to the within instrument and acknowledged to me that _____ executed the same in _____ authorized capacity(ies), and that by _____ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Meenu Gupta
Signature

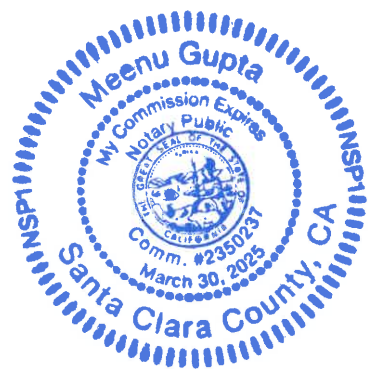
Meenu Gupta
Print name

Notary Public
Title

2350237
Notary certification number

My commission expires: March 30, 2025

Prepared by:



RECORDING REQUESTED BY:

MARK R. SHEPHERD, ESQ.

AND WHEN RECORDED RETURN TO:
MARK R. SHEPHERD, ESQ.
CRIST, BIORN, SHEPHERD & ROSKOPH
550 Hamilton Avenue, Suite 100
Palo Alto, California 94301



Section G, Item 10.

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Date: 4/20/2015 11:14A
Filed by: MAIL
Filed & Recorded in Official Records
of COUNTY OF LAKE
RICHARD A. FORD
COUNTY RECORDER
Fee: \$7.00



SPACE RESERVED FOR RECORDER'S USE

GRANT DEED

The undersigned Grantors declare under penalty of perjury that the following is true and correct: **There is no consideration for this transfer.** Transfer is made pursuant to §63.1 of the Revenue and Taxation Code and not pursuant to a sale. Documentary transfer tax is \$0, pursuant to Revenue and Taxation Code Section 11930.

David P. Tadlock

GRANTOR: DAVID P. TADLOCK, Trustee of THE GEORGE ALBERT TADLOCK AND BETTY JO TADLOCK TRUST, U/D/T dated July 8, 1980,

hereby GRANTS to: GEORGE C. TADLOCK, a married man as his sole and separate property, as to a 1/3 interest; SANDRA L. MAGRAM, a married woman as her sole and separate property, as to a 1/3 interest and DAVID P. TADLOCK, a married man as his sole and separate property, as to a 1/3 interest

the following described real property in the County of Lake, State of California: LOTS 22 and 23, in Block 14, as shown on that certain map entitled, "TRACT NO. 5 CLEARLAKE HIGHLANDS", filed in the office of the County Recorder of said Lake County on February 18, 1924 in Book 3 of Town Maps at pages 76 to 78, inclusive.

APN: 042-345-030-000 & 042-345-020-000
Commonly known as: 16137 & 16147 12th Ave
Clearlake Highlands, CA

Dated: April 9, 2015

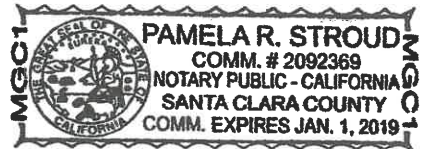
ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

THE GEORGE ALBERT TADLOCK AND BETTY JO TADLOCK TRUST

By: *David P. Tadlock, Trustee*
DAVID P. TADLOCK, Trustee

STATE OF CALIFORNIA)
 ss)
COUNTY OF SANTA CLARA)
On April 9, 2015, before me, Pamela R. Stroud, Notary Public, personally appeared DAVID P. TADLOCK, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

(Seal)

Witness my hand and official seal.
Pamela R. Stroud
Signature of Notary

MAIL TAX STATEMENTS TO:
Mr. David P. Tadlock
35550 Palomares Road
Castro Valley, CA 94552