



PLANNING COMMISSION MEETING

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

Tuesday, September 24, 2024

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 will not be allowed to provide verbal comment during the meeting if attending via Zoom. The public can submit comments in writing for Commission consideration by commenting via the Q&A function in the Zoom platform or by sending comments to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the Commission adequate time to review your comments, you must submit your written emailed 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.*

Pursuant to Senate Bill 1100 and the City Council Norms and Procedures, any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the Commission, staff or general public, or while attending the Planning Commission meeting and refuses to come to order at the direction of the Presiding Officer, shall be removed from the Council Chambers or the Zoom by the sergeant-at-arms or the City Clerk and may be barred from further attendance before the Commission during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Presiding Officer. The Presiding Officer may direct the sergeant-at-arms to remove such offenders from the room.

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:

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Passcode: 901170

Or One tap mobile:

+16694449171,,84782432087# US

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Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 719 359 4580 or +1 720 707 2699 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860

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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. PUBLIC HEARING

1. Continuation of Public Hearing: Zoning Ordinance Text Amendments, ZOA 2024-02 and corresponding environmental filing, Categorical Exemption, CE 2024-06.
Recommended Action: Adopt Resolution 2024-03

F. CITY MANAGER AND COMMISSIONER REPORTS

G. FUTURE AGENDA ITEMS

H. ADJOURNMENT

POSTED: September 20, 2024

BY:



Melissa Swanson, City Clerk



City of Clearlake Planning Commission

STAFF REPORT	
SUBJECT: Continuation Zoning Ordinance Text Amendment, ZOA 2024-02 Categorical Exemption, CE 2024-06	
DATE: September 23 rd , 2024	TIME: 6:00 PM
SUBMITTED BY: Mark Roberts – Senior Planner	
REPORT PURPOSE: <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Discussion <input type="checkbox"/> Information Only	
APPLICANT: City of Clearlake	

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

The Planning Commission is being asked to consider proposed Zoning Ordinance Text Amendments, ZOA 2024-02 and corresponding environmental filing, Categorical Exemption, CE 2024-06 and to make the appropriate recommendations to the City Council for adoption.

PROJECT SUMMARY:

Project Background: The City’s Municipal Zoning Code Regulations are responsible for providing standards, requirements and guidelines for orderly development in the City. On occasion, refinements to the Zoning Code Regulations are required to clarify these regulations to help expediate review timelines, implement new statutes, and refine regulations to improve administration.

On September 10th, 2024, the Planning Commission was presented proposed amendments to the City’s Municipal Zoning Code Regulations. The proposed changes were recommended for approval to the City Council, except for Section 18-20-140 (Curb, Gutter, Sidewalk), which was continued to September 24th 2024, for further discussion.

ENVIRONMENTAL REVIEW (CEQA):

Staff has made the determination pursuant to the California Environmental Quality Act (CEQA) Sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment], 15060(c)(3) [the activity is not a project as defined in Section 15378] , and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, the proposed text amendment serves to establish general standards and regulations. Individual projects that are subject to the Ordinance would still require individual review for conformance with CEQA. **Therefore, the proposed amendments are exempt from CEQA.**

LEGAL NOTICE & PUBLIC COMMENT

This is a continuation of the Planning Commission Meeting from September 10th, 2024, at 6:00PM. Since this is a continuation, the republication of a legal notice in the Lake County Record Bee in accordance with the City Municipal Code, including posting a copy of the notice in the City’s Bulletin Board is not required.

MOTION/OPTIONS:

- 1. Move to Adopt Resolution PC 2024-03, A Resolution of the Planning Commission of the City of Clearlake Recommending the City Council Adopt Zoning Ordinance Text Amendment, ZOA 2024-02 and corresponding environmental fling Categorical Exemption, CE 2024-06.
- 2. Move to Deny PC Resolution PC 2024-03.
- 3. Move to continue the item and provide alternate direction to staff.

ATTACHMENTS:

- 1) Proposed Requirements for Section 18-20-140 (Curb, Gutter, Sidewalk)
- 2) Planning Commission Resolution PC 2024-03
- 3) Draft City Council Ordinance 271-2024

Section 18-20-140 – Curb, Gutter, Sidewalks Installation

A. Purpose and Intent: To establish a pedestrian's safe corridor in compliance with Federal, State and local regulations, including enhancing the appearance of the community throughout the City.

B. Projects that fall under the applicable thresholds:

1. The installation of Curb, Gutter, Sidewalks shall be a mandatory condition of approval for all Discretionary Land Use Permits/Entitlements (such as Administrative Use Permits, Conditional Use Permits, Parcel Maps, Subdivision Maps, Rezones, General Plan Amendments, Planned Development Projects, etc.) unless waived by the City Manager or review authority. Said installation shall occur on all street frontages prior to operation and/or occupancy.
2. If improvements to the subject property are greater than \$10,000, the installation of curb, gutter and sidewalk shall be required on all street frontages, unless waived by the City Manager or review authority. The applicant may be required to submit a Verification Cost Analysis Letter from a California Licensed Engineer, verifying the total project valuation.

C. Submittal Requirements:

1. All Curb, Gutter and Sidewalk Plans must be prepared and stamped by a California Licensed Civil Engineer and prepared in accordance with all applicable Federal, State, and local agency requirements, including the City of Clearlake Municipal Code and City of Clearlake Design/Construction Standards.
2. Prior to installation, the applicant shall apply for, and secure all applicable Federal, State, and local agency permits, including paying the necessary fees per the adopted fee schedule.

RESOLUTION NO. PC 2024-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE RECOMMENDING TO THE CITY COUNCIL ADOPTION OF ZONING ORDINANCE TEXT AMENDMENT ZOA 2024-02 TO REPEAL CHAPTER 18, ZONING OF THE CLEARLAKE MUNICIPAL CODE AND REPLACE WITH AMENDED CHAPTER 18, ZONING OF THE CLEARLAKE MUNICIPAL CODE.

WHEREAS, the City of Clearlake has initiated a Zoning Ordinance Text Amendment, ZOA 2024-02 to update the Zoning Code; and

WHEREAS, the Planning Commission has determined that this project is not subject to environmental review in accordance with Sections 15060(c)(3), 15378, and 15061 (b)(3) of the California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations; and;

WHEREAS, the Planning Commission has duly called, advertised published in the Lake County Record Bee on August 31st, 2024, the public had the opportunity to submit input, and on September 10th, 2024, Public Hearing required by law concerning the proposed amendments to the Zoning Ordinance; and

WHEREAS, on September 10th, 2024, the City of Clearlake Planning Commission held a public hearing, has considered the proposed and has considered public input and recommended to the City Council adoption of Zoning Ordinance Text Amendment Application ZOA 2024-02, excluding Section 18-20.140 (Curb, Gutter, Sidewalk).

WHEREAS, on September 10th, 2024, the City of Clearlake Planning Commission continued the public hearing to September 23rd, 2024 to discuss Section 18-20.140 (Curb, Gutter, Sidewalk).

WHEREAS, on September 23rd, 2024, the City of Clearlake Planning Commission held a public hearing, has considered the proposed and has considered public input and recommended to the City Council adoption of Zoning Ordinance Text Amendment Application ZOA 2024-02

NOW, THEREFORE, BE IT RESOLVED CITY OF CLEARLAKE PLANNING COMMISSION, THAT THE PLANNING COMMISSION RECOMMENDS, BASED ON THE FINDING WITHIN THIS RESOLUTION (BELOW), THAT THE CITY COUNCIL OF THE CITY OF CLEARLAKE ADOPT THE FOLLOWING AS SHOWN IN EXHIBIT A:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE REPEALING AND REPLACING CHAPTER 18 OF THE CLEARLAKE MUNICIPAL CODE

FINDINGS OF FACT

1. The proposed amendments to the City of Clearlake Municipal Code, Chapter 18 (Zoning) provide for the “public necessity and convenience and general welfare;” and
2. The proposed amendments would not be detrimental to the public’s health, safety and welfare; and

- 3. The proposed amendments are exempt under California Environmental Quality Act (CEQA) Sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment], 15060(c)(3) [the activity is not a project as defined in Section 15378] , and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, the proposed text amendment serves to establish general standards and regulations. Individual projects that are subject to the Ordinance would still require individual review for conformance with CEQA; and
- 4. The Project was duly noticed for public hearing before City of Clearlake Planning Commission, and there were no comments or opposition to the project; and
- 5. The project is consistent with the goals and policies of the General Plan; and
- 6. The Planning Commission hereby recommends to the City Council adoption of Clearlake Zoning Ordinance Text Amendment ZOA 2024-02.

THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE HEREBY ORDERS AS FOLLOWS:

Section 1. The Planning Commission hereby authorizes and directs the officers, employees, staff, consultants and attorneys for the Planning Commission to take any and all actions that may be necessary to effectuate the purposes of this resolution or which are appropriate or desirable in the circumstances. If prior to the adoption of the City Council desires to make any minor, technical, or clarifying changes to the Clearlake Zoning Ordinance Text Amendment ZOA 2024-02, the Planning Commission hereby finds and determines that any such minor, technical, or clarifying changes need not be referred to it for further report and recommendation.

Section 2. The Planning Commission hereby authorizes and directs staff to transmit a copy of this resolution to the City Council.

PASSED, APPROVED and ADOPTED this September 10, 2024 and September 24th, 2024, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Planning Commission Chair

ATTEST:

City/Deputy Clerk

CITY OF CLEARLAKE

ORDINANCE NO. 271-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE TO REPEAL CHAPTER 18 OF THE CLEARLAKE MUNICIPAL CODE – CITY OF CLEARLAKE ZONING CODE AND REENACT CHAPTER 18 OF THE CLEARLAKE MUNICIPAL CODE – CITY OF CLEARLAKE ZONING CODE, REPLACING THE OFFICIAL CITY CODES AND REGULATIONS

WHEREAS, the City of Clearlake has initiated Zoning Ordinance Application ZOA 2024-02 to update the Zoning Code and incorporate applicable State housing law provisions and other enhancements and clarifications into the Clearlake Zoning Ordinance; and

WHEREAS, the City of Clearlake City Council has considered the recommendations of the Zoning Code Update: and

WHEREAS, the Planning Commission held a duly noticed Public Hearings on September 10th, 2024 and September 24th, 2024 to considered and recommended adoption of the Zoning Ordinance ZOA 2024-02, to the City Council; and

WHEREAS, the City Council finds that the amendments of this Ordinance are consistent with the City of Clearlake’s General Plan; and

WHEREAS, the amendments to the City of Clearlake Municipal Code set forth herein provide for the “public necessity and convenience and general welfare” and would not be detrimental to the public’s health, safety, and welfare; and

WHEREAS, the City Council has determined that Zoning Ordinance ZOA 2024-02 is exempt from environmental review in accordance with Sections 15060(c)(2), 15060(c)(3), and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, and

WHEREAS, the City of Clearlake City Council has considered public comment at duly noticed public hearings on _____ 2024.

THE CITY COUNCIL OF THE CITY OF CLEARLAKE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Clearlake City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activity is not a project as defined in Section 15378) , and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential for resulting in physical change to the environment, directly or indirectly, and directs staff to file a Notice of Exemption accordingly.

Section 2. Chapter 18 of the Clearlake Municipal Code, the City of Clearlake Zoning Code, is hereby repealed in its entirety and reenacted as set forth in the attached Exhibit A, that is incorporated herein by this reference.

Section 3. The City Council declares that, should any provision, section, subsection, sentence, paragraph, clause, phrase, or word of this Ordinance, or the Code section hereby adopted, be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, subsections, sentences, paragraphs, clauses, phrases or words of this Ordinance and Code section hereby adopted shall remain in full force and effect.

Section 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause a summary of the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

Introduced at a Regular Meeting of the City Council of the City of Clearlake on _____ 2024 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor

Passed and Adopted at a Regular Meeting of the City Council of the City of Clearlake on _____ 2024 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

MAYOR

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED this ____ day of _____, 2024.

ATTEST:

CITY/DEPUTY CLERK

Exhibit A

Zoning Code Amendments for Zoning Ordinance Amendment ZOA 2024-02