



**CITY OF LAKEPORT
PLANNING COMMISSION
July 12, 2017**

MINUTES

CALL MEETING TO ORDER AND ROLL CALL: Chairman Taylor called the meeting to order at 5:00 p.m. with Commissioners Russell, Green, Wicks, and Froio present. Also present were Community Development Director, Kevin Ingram, Associate Planner, Dan Chance and Administrative Specialist, Linda Sobieraj.

ACCEPTANCE OF AGENDA: A motion was made by Commissioner Green, to accept the agenda as posted; seconded by Commissioner Froio and carried by voice vote (5-0) to accept the agenda.

COMMUNICATIONS: No citizen input.

CONSENT AGENDA: Commissioner Green requested an amendment to the minutes adding a sentence to read, "He said there were no plans to open a retail store at the Parallel Drive office." A consensus was called for the addition to the minutes by Chair Taylor and carried by voice vote (5-0).

A motion was made by Commissioner Green, to accept the minutes as amended; seconded by Commissioner Froio and carried by voice vote (5-0). (Minutes from the Regular Planning Commission meeting of June 14, 2017).

REGULAR AGENDA:

Lake Parts / NAPA Auto Parts – AR 17-06 & CE 17-11

Associate Planner, Daniel Chance briefed the Commission of a minor Architectural and Design Review application for the construction of an 8-foot solid fence in front of an existing cargo container at 1015 S. Main Street, APN: 025-541-38). Review is required to satisfy a previously approved Architectural and Design Review, AR 16-05 at this location.

Commissioner Wicks asked to clarify the project description, which read: "The Council indicated that they believed the proposed screening was adequate to shield the view of the existing cargo container from South Main Street". Wicks asked what the official description, in staff's opinion of "adequate"? Community Development Director Ingram stated the same drawings that were provided to the Planning Commission were provided to City Council for review and they felt the cargo container would be adequately screened from South Main Street with the proposed fencing as shown.

Commissioner Russell advised she would like to see the screening provided go down the length of the container and surround it, as it can be seen from Lakeport Boulevard, South Forbes Street as well as South Main Street.

Public hearing opened at 5:16 p.m. Applicant, Deanne Padel, spoke in favor of the project advising she did not know what else to provide the Commission. Ms. Padel stated she

complied with what the City Council requested and would just appeal again if the project was not approved.

Lakeport Resident Ron Rose, spoke in favor of the project.

Melissa Fulton CEO of the Lakeport Chamber of Commerce spoke in favor of the project and stated the proposed screening is adequate and takes care of the original complaint.

Public hearing closed at 5:24 p.m.

Categorical exemption Approval

Green moved that the Planning Commission find that AR 17-06 as applied for by Lakeport NAPA Auto Parts is categorically exempt pursuant to Section 15301(e) of the CEQA Guidelines. Seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green and Chair Taylor (5-0)

NOES: None

ABSENT: None

Architectural and Design Review Approval

Commissioner Green moved that the Planning Commission find that the Architectural and Design Review, AR 17-06, applied for by Lakeport NAPA Auto Parts on property located at 1015 South Main Street does meet the requirements of Section 17.27.080 of the Lakeport Zoning Ordinance; consistent with the objectives and policies of the Lakeport General Plan; and subject to the project conditions of approval (Attachment B), and with the findings listed in the July 12, 2017 staff report. Seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green and Chair Taylor (5-0)

NOES: None

ABSENT: None

Stonefire Pizza Co. / NorCal Dining Group – AR 17-04, ZP 17-04 & CE 17-09

Associate Planner Chance briefed the Commission regarding the Architectural Design and Review that allows a 647 square foot wood trellis over an outdoor dining area and a Zoning Permit to allow outdoor food service. The project is located along the western side of the rear building within the Bruno's Shopping Center at 383 Lakeport Boulevard. A building permit for interior remodel at this location has been approved. This includes the review and approval of signage at this location.

Public hearing opened at 5:36 p.m. Building owner and applicant, Bill Brunetti spoke in favor of the project.

Commissioner Green stated he had concerns with the parking spaces in front of the building as current circulation patterns make it awkward to turn into existing angled parking spaces. Mr. Brunetti advised he would be willing to cut back the landscape island to accommodate if that is what is asked.

Public hearing closed at 5:42 p.m.

Categorical exemption Approval

Commissioner Green moved that the Planning Commission find that AR 17-04 and ZP 17-04 as applied for by Stonefire Pizza is categorically exempt pursuant to Section 15301(e) of the CEQA Guidelines. Seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green and Chair Taylor (5-0)

NOES: None

ABSENT: None

Zoning Permit Approval

Commissioner Green moved that the Planning Commission find that the Zoning Permit applied for by Stonefire Pizza, on property located at 383 Lakeport Boulevard does meet the requirements of Section 17.22.010 of the Lakeport Zoning Ordinance; consistent with the objectives and policies of the Lakeport General Plan; and subject to the project conditions of approval (Attachment B), and with the findings listed in the July 12, 2017 staff report. (as amended) Seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green and Chair Taylor (5-0)

NOES: None

ABSENT: None

Architectural and Design Review Approval

Commissioner Green moved that the Planning Commission find that the Architectural and Design Review applied for by Stonefire Pizza, on property located at 383 Lakeport Boulevard does meet the requirements of Section 17.27.080 of the Lakeport Zoning Ordinance; consistent with the objectives and policies of the Lakeport General Plan; and subject to the project conditions of approval (Attachment B), and with the findings listed in the July 12, 2017 staff report. Seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green and Chair Taylor (5-0)

NOES: None

ABSENT: None

Dollar General / Cross Development - AR 17-02 & CE 17-04

Associate Planner Chance briefed the Planning Commission on an Architectural and Design Review for the construction and development of a 9,100 square foot commercial retail building on a vacant lot located at 1405 South Main Street, APN: 005-033-32.

Community Development Director Ingram stated he wanted to highlight the differences between the Dollar General projects proposed in the unincorporated areas of the county, emphasizing that in Lakeport general retail stores are allowed in the C-2 Zoning district whereas the county zoning ordinance requires a more discretionary review process for general retail structures larger than 5,000 square feet. Additionally, Ingram advised the City has the ability to utilize the infill development Categorical Exemption provided under CEQA which is not available to unincorporated areas of the County.

Public hearing opened at 6:09 p.m. Applicant Joe Dell spoke in favor of the project. Mr. Dell asked to clarify the Project Conditions of Approval.

Mr. Dell asked for clarification on conditions #23 & 24 on applicability of Sewer and Water expansion fees. Chance advised they would be applicable.

Regarding condition 34 which states "The final building plans shall include a façade addition similar to the front and side façade, along the first 25-feet of south elevation." Mr. Dell stated the landscaping in that location is significant and will block predominately anything that is going to be done to the particular build; corner. Mr. Dell asked if they could avoid doing that as a cost effectiveness with the landscaping that will hide it. Ingram stated staff came to the same conclusion, if the commission felt comfortable they could strike it out of the condition entirely.

Regarding #40 Mr. Dell clarified the business license would be maintained by Dollar General not Cross Development. He asked if that condition could be reworded to state Dollar General shall maintain a City of Lakeport business license.

Commissioner Green asked the applicant if they would be open to amending condition #29 adding a second landscape island within the parking lot. Mr. Dell advised they don't mind doing so if the City is ok with adding a replacement parking space in a new location.

Commissioner Russell stated she would like to see more trees added to the landscape plan. Ingram stated that Project Condition Agreement #27 which states "The final landscape plan shall extend the landscaping along frontage of South Main Street extending to the northerly property." Ingram advised this condition only addresses the north end of the property but the Commission could amend to add other areas. Mr. Dell advised he is not opposed to adding more trees as suggested, however would like to come to an agreement of how many trees.

Lakeport resident and business owner, Nancy Ruzicka, Lake County resident Ed Robey, and Lakeport resident Christine Hutt spoke against the project citing concerns related to additional traffic, specifically to the South Main/Lakeport Boulevard intersection. Additional comments were made pertaining to the location of nearly a half dozen or more of these stores around the entire county and how that was having a negative impact upon existing local businesses.

Public hearing closed at 6:57 p.m.

Commissioner Froio advised he was generally against the project for several reasons, potential traffic issues, taking away business from other businesses, and proposed location of the business. Froio advised he was interested in hearing additional information on how these issues might be resolved.

Commissioner Wicks advised he respectfully disagreed with staff's assumption that the project does not require an Initial Study. Wicks stated per the Lakeport Municipal Code this project requires the submittal of a grading plan. Wicks advised a grading plan would speak to the storm drain and the run-off concerns but these plans were not provided. Wicks stated there is a huge volume of information speaking to geotechnical, traffic, historical information, and there was a lot of conditions for mitigation that he believed should trigger the completion of an Initial Study.

Chair Taylor stated he didn't quite understand Commissioner Wicks position on the CEQA exemption and whether that meant he was not in favor of the project. Wicks stated no, what he was indicating was that the General Plan and Architectural and Design are separate discussions from CEQA. Furthermore, Wicks mentioned he needed to see the study of potential economic impacts to existing local businesses as a result of this.

Wicks inquired as to why staff did not request the submittal of a grading plan as required by the Lakeport Municipal Code. Community Development Director Ingram stated staff discussed that matter specifically with the City Engineer, asking what his concerns were. Ingram advised the City Engineer stated there would only be minor impacts that were not going to affect the design layout, with plenty of room on a flat site to accommodate storm water control features. Ingram stated that grading was going to be minimal and he felt comfortable in providing conditions to bring those into compliance. Associate Planner Chance further added that grading plans would be required at the time of submittal of a building permit application.

Wicks stated in his interpretation of CEQA this project leans more on the side of an Initial Study than an exemption.

Green stated that even if there was an Initial Study it would not yield new information and the Commission would be left reviewing the same condition. Green further stated that he did not believe any substantial evidence had been brought up that made use of the infill CEQA exemption inappropriate.

Chair Taylor stated it's a big project and not enough time had been provided to review all the information provided. Taylor advised he would recommend to postpone the project to a later meeting so they could get more time to review provided information and get any questions answered.

Green stated procedurally he understand what was being asked, but at the end of the day an Initial Study is prepared he did not think anything would change. Green stated instead of the current CEQA exemption they would have a Mitigated Negative Declaration based on the project findings that they have in front of them.

Wicks stated that one thing that would change would be the agency review comments from the different organizations that couldn't comment on the project because there were

no grading or storm water information provided on the site plans or complete plans to review.

Public hearing re-opened at 7:24 p.m. Applicant Joe Dell spoke for the project.

Mr. Dell stated at the end of the day the decision tonight was for an Architectural and Design review. Mr. Dell advised he understood they don't feel it's CEQA exempt, however the City's General Plan and Ordinance stated it is. Wicks stated it is not a personal decision but it is strictly the letter of CEQA and it states if the Planning Commission is the lead agency responsible for determining the appropriate level of CEQA review.

Mr. Dell stated if there is a denial under CEQA then there has to be a specific finding for the denial, it can't be that you don't agree with it. Mr. Dell stated he doesn't know if there was much more information to be found. Wicks stated that the Lakeport Municipal Code states for a project of this size they should have a grading plan. Associate Planner Chance advised the location is a flat lot and staff wouldn't require a grading plan when there is no topography that would require significant amounts of grading. Ingram advised staff sat down with the project Engineer with Public Works and looked at those issues and what would be necessary and that is what triggered the conditions that are specific to storm water, grading, and drainage.

Wicks asked why the Commission was provided a traffic study if the project is considered exempt from CEQA. Ingram stated if you look at the findings of the reports provided there was no impact. Ingram stated just the presence of studies doesn't mean it rises to the level of needing an Initial Study. Ingram advised that the Commission was completely in their right to think not enough information has been provided, however staff needed help on additional information the Commission felt necessary in order to feel comfortable with the CEQA exemption or the requiring of an Initial Study.

Commissioner Green asked staff if the applicant had to do an Initial Study, how much extra time would it add to the project? Ingram advised they would have to send it back for review to different agencies which would be a minimum 30 days, an additional 30 days for staff to prepare the final Initial Study, and then you would have to legally notice it, so it would be a minimum of 3 months.

Mr. Dell stated if the Commission continued for further discussion then he would love to bring his CEQA attorney back with him and speak to this. Mr. Dell stated he would also like City Council to weigh in because the City Ordinances are pretty straight forward for what they are going through and believes it's a stretch to say an Initial Study is required.

Ingram asked Commissioner Wicks whether the issue was the missing information that reduces his level of confidence in making a decision as to the applicability of a Categorical Exemption or was he just saying regardless of if the applicant submitted a grading plan or additional storm water issues that he believed the project requires an Initial Study in his opinion? Wicks stated that in his opinion this project requires an Initial Study not simply because of the storm water but because there was an economic impact to other general retailers and upon the community as a whole.

Mr. Dell stated he was not a CEQA attorney however he had done this enough in Lake County that when CEQA is brought up economics are not taken into account as part of an Initial Study. Chance advised the General Plan had an EIR prepared for it and subsequent the consistency with the Zoning and General Plan addressed all the issues at that time.

Ingram further stated an analysis of economic impacts is not done as part of an Initial Study, but rather as part of an EIR when warranted.

Commissioner Froio stated he was going with what he felt. He got his packet Thursday night and he went through the packet but had more work to do. Mr. Dell stated he respected that and hoped the Commission would help them understand what work there was to do. Froio advised they needed a little more time to figure that out.

Ingram stated he agreed with the applicant in needing more information from the Commission on what they would like to see to address their concerns. Ingram stated he would look into making sure the City's legal counsel is available if the matter is to be continued and it sounded like the applicant was interested in bringing their counsel in as well. Ingram believed that was a preferable alternative to making a decision of yes or no on the CEQA determination, it's fairer to the applicant and the Commission as well.

Commissioner Green stated he would disagree, when the public hearing is closed he would call the question on the CEQA determination. Green advised he did not think it was a lack of reading time that is the issue he thought they had a fundamental policy issue. Green stated if they called the question and voted "yes" great, if voted down the applicant could move with an appeal to the City Council and have this same discussion with the attorneys at the ultimate policy board that was going to make that final decision.

Nancy Ruzicka reiterated her aesthetic concerns regarding the inappropriateness of permitting a metal building in town. Public hearing closed at 7:47 p.m.

Commissioner Green stated he did not believe there was any substantial evidence that would warrant not approving a Categorical exemption for the project.

Categorical Exemption Approval

Commissioner Green moved that the Planning Commission find that AR 17-02 as applied for by Cross Development, LLC, is categorically exempt pursuant to Section 15332 of the CEQA Guidelines. Seconded by Commissioner Wicks.

The vote was called and was as follows:

AYES: Commissioners Russell and Green (2-3)

NOES: Commissioner Froio, Wicks, Chair Taylor

ABSENT: None

Mr. Dell asked if the denial of the CEQA was appealable to the City Council. Mr. Ingram stated the decision was appealable.

Mr. Dell stated for him to make an informed decision, because there is a time limit to appeal, he would need specific requirements from the Commission on why it was denied and what information they want so he could make a decision to continue and answer those questions or he could appeal to the City Council.

Ingram stated there was information provided within the proceedings record stating the Commission's reasoning for requiring an Initial Study. Staff would provide those formal findings to the applicant as soon as possible.

CORRESPONDENCE:

Commissioner Russell asked for an update on the Lake County Cars project. Ingram stated he did not have a change in his report. Ingram advised with only one Building Official and the extra projects, we have not had a chance to follow up on this project.

Russell stated the trunk size of the trees for the Downtown Improvement project vary and was wondering why that is. Ingram stated that the purchase was based on the actual size of the root ball and he didn't believe there was any requirement on the actual trunk size.

Chair Taylor asked about a new canopy over the back door at Drinx's Bar and Grill. Ingram advised a Zoning Permit that was approved, however he did not believe that was part of it.

COMMENTS FROM STAFF AND COMMISSIONERS:

Associate Planner Chance stated regarding the Lakeport Lakefront Revitalization Plan the City has a list of emails that were compiled during the public hearings and the Staff will be emailing information for the public hearing on August 9, 2017.

DISCUSS AND SET THE NEXT MEETING DATE:

It was agreed by consensus that the next meeting be held on Wednesday, August 9, 2017 meeting adjourned closed 8:04 p.m.

Respectfully submitted,

KEVIN M. INGRAM
Community Development Director

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