

CITY OF CLEARLAKE

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AGENDA

REGULAR MEETING OF THE CLEARLAKE PLANNING COMMISSION

CLEARLAKE CITY HALL COUNCIL CHAMBERS
14050 OLYMPIC DRIVE
CLEARLAKE, CA 95422

| | | |
|---------|-------------------|-----------|
| TUESDAY | September 3, 2019 | 6:00 P.M. |
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Written material introduced into the record: 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 City Clerk or Deputy City Clerk prior to the meeting date so that the material may be distributed to the Planning Commissioners prior to the meeting.

ROLL CALL

- _____ Chair Richard Bean
- _____ Vice Chair Kathryn Fitts
- _____ Commissioner Nathalie Antus
- _____ Commissioner Robert Coker
- _____ Commissioner Lisa Wilson

PLEDGE OF ALLEGIANCE

MEETING PROCEDURES

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a three-minute time limit. The Chairman has the discretion of limiting the total discussion time for an item. As a courtesy to others, please turn off cell phones and any other distracting devices.

ADOPTION OF THE AGENDA (This is the time for modifications to the Agenda)

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. Please complete a "Speaker Information Card" and present it to the City Clerk or Deputy City Clerk prior to the start of the meeting. **The Brown Act, with limited exceptions, does not allow the Commissioners or staff to discuss issues brought forth under Public Comment.** The Commissioners 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 minutes per person.

CONSENT CALENDAR: All items listed under the Consent Calendar 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 Planning Commission or audience 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 Calendar.

Consent Items

Recommended Action

- | | |
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| 1. Minutes of the June, 04 2019 City of Clearlake Planning Commission Regular Meeting | Receive and file |
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Notice to the Public

The Planning Commission, when considering the matter scheduled for hearing, will take the following actions:

1. Open the Public Hearing
2. Presentations by Staff
3. Presentation by Applicant or Appellant (if applicable)
4. Accept Public Testimony
5. Applicant or Appellant Rebuttal Period (if applicable)
6. Close the Public Hearing
7. Commissioner Comments and Questions
8. Commissioner Action

Once the hearing is closed, no further public comment will be taken.

If you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you, or someone else, raised orally at the public hearing or in written correspondence received by the city at or before the public hearing.

Public hearings listed for continuance will be continued as noted and posting of this agenda serves as notice of continuance. Any matter not noted for continuance will be posted separately.

PUBLIC HEARINGS:

- A. Consideration of a General Plan Amendment (GPA 01-19) for the Clearlake 2019-27 Housing Element**

Recommendation: Adopt PC Resolution 2019-09, which determines that the project is exempt from CEQA Environmental Review and Recommend the City Council adopt the City of Clearlake 2019-27 Housing Element.

NEW BUSINESS:

CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR/STAFF AND COMMISSIONER REPORTS

FUTURE AGENDA ITEMS

ADJOURNMENT

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext. 106, 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 City Hall located at 14050 Olympic Drive during normal business hours. Members of the public are invited to come and comment on any item under discussion.

Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection at the front counter at City Hall located at 14050 Olympic Drive during normal business hours.

POSTED: August 29, 2019

Julie L. Burrow, Deputy City Clerk

Minutes

Date: June 04, 2019

CALL TO ORDER CITY of CLEARLAKE PLANNING COMMISSION

Roll Call Present: Robert, Coker, Commission
Kathy Fitts, Vice-Chair
Richard Bean, Chair
Nathalie Antus, Commissioner
Lisa Wilson, Commissioner

Staff Alan Flora, Assistant City Manager
Gary Price, Contract Planner
Ryan Jones, City Attorney
Julie L. Burrow, Assistant Planner
Brent Albrecht, Assistant Planner
Melissa Swanson, City Clerk

ADOPTION OF THE AGENDA:

Mr. Flora advised the Commission that Item C will be continued to the June 18th meeting. As no members of the public were present, the Commission did not open and close the Public Hearing.

ACTION: A motion was moved by Commissioner Antus to continue Item C to the June 18, 2019 meeting. The motion was seconded by Vice-Chair Fitts. The motion carried unanimously with all Planning Commissioners voting yes.

ACTION: A motion was moved Commissioner Wilson to adopt the agenda as amended. The motion was seconded by Commissioner Antus. The motion carried unanimously with all Planning Commissioners voting yes.

Commissioner Antus pointed out a few minor errors in the April 2, 2019 and the February 02, 2019 minutes.

ACTION: A motion was moved commissioner Wilson to approve the consent agenda for the amended April 2, 2019 and the February 02, 2019 minutes. The motion was seconded by Commissioner Coker. The motion carried unanimously with all Planning Commissioners voting yes.

PUBLIC COMMENT

There was no public Comment.

PUBLIC HEARINGS

1. Public Hearing Item to Consider a Request for Determination of General Plan Consistency for Property Transfer to Accommodate a Transit Hub.

City Manager Alan Flora gave the staff report. Mr. Flora informed the Commission that the Lake Area Planning Council is interested in purchasing City owned land in order to build a transit hub. The piece of property is located near the County Behavioral Health Offices off of Dam Road extension. California Law requires that the City of Clearlake Planning Commission make a determination of general plan consistency, since there will be a transfer of land. Staff found this project to be exempt from CEQA and Consistent with General Plan.

Mr. Flora answered staff questions.

Vice-Chair Fitts was concerned about the volume of traffic that this transit hub would generate.

Mr. Flora informed the Commission that even though they are making a determination of General Plan Consistency, that they were not limited from making future decisions about the property. When a Use Permit is submitted to the City, the Planning Commission will have the opportunity to revisit this project in more detail.

There being no public comment, Chair Bean closed the Public Hearing.

ACTION: A motion was moved by Commissioner Wilson to find that the disposition of property described as APN 010-043-520-000 is consistent with the General Plan. The Motion was seconded by Commissioner Antus. The motion carried 4 to 1. Vice-Chair Fitts voted no, while all other Planning Commissioners voted yes.

2. Public Hearing Item to Consider Housing Element Update Workshop # 2.

Gary Price gave the staff report. The Housing Element is one of the required elements of the General Plan, which the State periodically requires cities to update. The Housing Element Update does not require the City to provide more housing. However, the City must prove they have sufficient land to accommodate the projected housing need. Mr. Price provided an overview of all programs that are essential to this cycle of the Housing Element. Mr. Price then provided the Planning Commission with the time frame for this project.

Mr. Price answered questions from the Planning Commission.

This agenda item did not any action from the Planning Commission.

There being no public comment, Chair Bean closed the Public Hearing.

NEW BUSINESS

Commissioner Wilson informed the Commission that she will be absent for the first meeting in October.

CITY MANAGER'S REPORT

Mr. Flora informed the Commission that the Austin Park project will be going to bid in June.

The City will be hosting a housing fair on Saturday June 29 from 11 a.m. to 1 p.m.

On Monday June 10th PG&E will be holding a meeting to help prepare business for the public power shutdowns.

The City of Clearlake will hold a special council meeting on Thursday June 6 to appoint a council member to fill the mayor's vacant seat. Then on Thursday June 13 there will be a budget hearing that will start at 4 p.m.

Mr. Flora provided the Commission with an update on how the PG&E outages will be handled. The City currently trying to adopt a plan on how to handle this situation.

ADJOURNMENT

ACTION: A motion was moved by Commissioner Wilson to adjourn the meeting. The motion was seconded by Commissioner Coker. The motion carried unanimously with all Commissioners voting yes.



**STAFF REPORT
CLEARLAKE PLANNING COMMISSION
For the Meeting of September 3 2019**

Agenda Item No. 1

To: City of Clearlake Planning Commission
From: Gary Price, Contract Planner
Application File: General Plan Amendment GPA 01-2019
Subject: 2019-27 Housing Element

I. Recommendation: Adopt Resolution PC 2019-09 which:

1. Determine that the project is exempt from environmental review in accordance with CEQA, and
2. Approves the Clearlake 2019-27 Housing Element and recommends adoption by the City Council.

II. Background: The Housing Element, one of seven State mandated elements that comprise the General Plan, is a policy document that provides an assessment of housing characteristics and needs in the community and establishes programs to improve housing to meet these needs. In accordance with California Government Code Sections 65580-65589, the Housing Element must be updated, periodically. Clearlake’s current, Housing Element was approved by the State Department of Housing and Community Development (“HCD”) for the period 2014-19 (for the 5th State Housing Cycle). The current housing cycle for Clearlake expires in August 2019. The City needs to update the Housing Element for the 6th State Housing Cycle for 2019-27.

The Planning Commission conducted two public workshops over the last several months with the intension of understanding the needs of updating the Housing Element and to provide the public an opportunity to offer input into the update process including:

1. April 3, 2019 Public Workshop reviewing the 2014-19 Housing Element and overview of new housing laws that should be considered in updating the document.
2. June 4, 2019 Public Workshop reviewing an initial draft of the 2019-27 Housing Element prior to submission to HCD.

HCD reviewed the document and issued a letter on August 13, 2019, indicating that the Draft complies with state law, stating that once the document is formally adopted by the City and re-submitted to HCD, it will be certified by the State and the City will be in fully compliance with

State Housing Element law. The final draft document has been included in the Commission's package as an attachment to the Planning Commission Resolution as Exhibit A. Once the City Council adopts the Housing Element, it will be resubmitted to HCD for final certification. To take advantage of having an eight-year housing element, the document will need to be adopted by the City by December 11, 2019.

III. Housing Element Revisions: The Draft document reviewed by the Planning Commission on June 4, 2019, underwent some changes as a result of requirements and discussions between HCD and the City during this review. Some of the more substantive changes made to the document are summarized as follows:

1. Revised methodology for Realistic Development Capacity for high density housing land use designations by General Plan to 80% of the maximum density and revised vacant land tables for accuracy and revised housing unit numbers throughout document.
2. Removed all reference to underutilized parcels as this is not necessary to demonstrate compliance with lower income housing capacity needs.
3. Added discussion regarding ministerial review
4. Added discussion of Group Housing standards.
5. Deleted Program H 1.2, Rezoning Program as not required by statute. However, City will still pursue this program as part of the future Rezoning Program.
6. Deleted Program H 4.5, Rezoning Program for the same as noted in No. 5 above.
7. Program H 3.8 added regarding amending the Zoning Code for supportive and transitional housing.
8. Added Program H 4.10, Affordable Housing Program, to add provisions to the Zoning Code for ministerial review of residential projects involving 20%- or lower-income housing.
9. Added Program H 4.11; a new program to provide replacement affordable housing in accordance with Government Code Section 65915 (c) (3).
10. Amended Appendix G (R-1 Zoned Properties) to change methodology regarding realistic development capacity between moderate and above moderate income housing production. The new methodology applies a minimum parcel size of 0.25 for lots that will develop at above moderate income housing. All others are considered moderate income, and each lot will be developed with a single dwelling unit. Future subdivision or evaluation of more housing units based on size and constraints have been removed
11. Amended Appendix H (Default Density Zoning Sites Overview) that omits reference to statues and provides a summary of residential development feasible of several R-3 Zoned properties in the City.

IV. Environmental Review: Update of the Housing Element, a policy document for the City, qualifies under the general rule of the California Environmental Quality Act Guidelines (CEQA). Section 15061(b)(3) which states that CEQA applies only to projects, "Where it can be seen with certainty there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." As such, no formal environmental review is required. The Commission concurred with this approach to the environmental determination during the previous public workshops.

V. Recommendation: The Commission should conduct the required noticed public hearing, consider any further comments from the public, and adopt the Planning Commission resolution. The Commission is welcome to offer comments on the document, but any substantive revisions to the document, such as amendments to programs that might conflict with State Housing Element law, could result in further re-evaluation by HCD and potentially result in delays to adoption. Delays to adoption of the document could impact the City's opportunity to obtain approval of an eight year Housing Element. Minor clarifying changes or revisions to the document that don't conflict with State Housing Element law are appropriate.

Attachments :

1. August 13, 2019, letter from HCD
2. Planning Commission Resolution PC 2019-09 (incorporating the 2019-27 Housing Element document)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



August 13, 2019

Alan Flora, City Manager
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422

Dear Alan Flora:

RE: Review of the City of Clearlake's 6th Cycle (2019-2027) Draft Housing Element

Thank you for submitting the City of Clearlake's draft housing element update received for review on June 14, 2019, along with revisions received on July 18 and 26, 2019 and August 6 and 7, 2019. Pursuant to Government Code section 65585, subdivision (b), the Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on July 11, 2019 with the city's consultant, Gary Price.

The draft housing element, incorporating the revisions submitted, meets the statutory requirements of state housing element law. The housing element will comply with state housing element law (Article 10.6 of the Government Code) when it is adopted, submitted to and approved by HCD, in accordance with Gov. Code section 65585.

To remain on an eight-year planning cycle, the city must adopt its housing element within 120 calendar days from the statutory due date of August 15, 2019 for Lake County City Area-Wide Planning Council localities. If adopted after this date, Gov. Code section 65588, subd. (e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit our website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the city must continue to engage the community, including organizations that represent lower-income and special-needs households, by making information regularly available while considering and incorporating comments where appropriate.

Alan Flora. City Manager
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For your information, some general plan element updates are triggered by housing element adoption. For example, a jurisdiction must address environmental justice in its general plan by the adoption of an environmental justice element, or by the integration of environmental justice goals, policies, and objectives into other general plan elements upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. (Gov. Code, § 65302, subd. (h).) HCD reminds Clearlake to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and the SB 2 Planning grant as well as ongoing SB 2 funding consider housing element compliance and/or annual reporting requirements pursuant to Gov. Code section 65400. With a compliant housing element, Clearlake meets housing element requirements for these funding sources.

HCD appreciates the hard work and dedication of Gary Price, the city's consultant, in preparation of the housing element and looks forward to receiving Clearlake's adopted housing element. If you have any questions or need additional technical assistance, please contact Cynthia Marsh of our staff, at (916) 263-7421.

Sincerely,



Zachary Olmstead
Deputy Director

ESOLUTION NO. PC 2019-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE RECOMMENDING TO THE CITY COUNCIL ADOPTION OF GENERAL PLAN AMENDMENT GPA 2019-01; CITY OF CLEARLAKE 2019-27 HOUSING ELEMENT.

WHEREAS, the Housing Element is one of seven state mandated elements required in the General Plan; and

WHEREAS, the 2019-27 Housing Element has been prepared, consisting of General Plan Amendment GPA 2019-01, contains goals, policies, programs, and quantified objectives to meet projected housing needs to comply with the California Government Code, as shown in Exhibit A, attached hereto and incorporated by reference; and

WHEREAS, a Preliminary Draft of the 2019-27 Housing Element was submitted for review by the California Department of Housing and Community Development (HCD) on June 10, 2019, and HCD issued a letter to the City on August 13, 2019, indicating that the draft complies with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to HCD pursuant to Government Code Section 65585 (g); and

WHEREAS, on April 2 and June 4, 2019, the City took public testimony during a public workshops with the Planning Commission, and collaborated with City staff in their review of the City of Clearlake Housing Element; and

WHEREAS, the Housing Element is consistent with the other elements of the 2040 General Plan; and

WHEREAS, General Plan Amendment GPA 2019-01 is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) of the CEQA Guidelines; and

WHEREAS, the Planning Commission has duly called, advertised the opportunity to submit input, and conducted on September 3, 2019, a Public Hearing required by law concerning General Plan Amendment GPA 2019-01; and

WHEREAS, the City of Clearlake Planning Commission has considered public and staff/consultant team input.

THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE HEREBY FINDS, ORDERS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1. General Plan Amendment GPA 2019-01 is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) of the CEQA Guidelines.

Section 2. The Planning Commission has reviewed the 2019-27 Housing Element and hereby finds and determines that it is internally consistent with other elements of the City of Clearlake 2040 General Plan.

Section 3. The Planning Commission hereby recommends the approval of General Plan Amendment GPA 2019-01 (the 2019-27 Housing Element) by the City Council.

Section 4. 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. In the event that prior to the adoption of the City Council desire to make any minor, technical, or clarifying changes to the Housing Element document, 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 5. The Planning Commission hereby authorizes and directs the City Manager to transmit a copy of this resolution to the City Council.

PASSED, APPROVED and ADOPTED this 3rd day of September 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Planning Commission Chair

ATTEST:

Alan Flora, City Manager

Exhibit A
City of Clearlake General Plan Amendment GPA 2019-01
2019-27 Housing Element

ADD HOUSING ELEMENT DOCUMENT HERE