



City of Clearlake

Draft Mitigation Monitoring Reporting Program (MMRP) Checklist

Project Name: Burns Valley Development Project

Location: 14885 Burns Valley Road, Clearlake, CA 95422; further described as Assessor parcel Number (APN) 010-026-40-000.

File Numbers:

- Environmental Analysis, CEQA IS 2022-05
- Conditional Use Permit, CUP 2022-16

Approval Date: Planning Commission April 25th, 2023. Neg. Dec.: Mitigated Negative Declaration

The mitigation measures outlined below were incorporated into the approval for this project in order to reduce potentially significant environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented and fulfills the City's monitoring pursuant to Section 15097 of the CEQA Guidelines.

Additional mitigation measures have been added in order to reconfirm the protocols for avoidance and capping of the sensitive sites. These mitigation measures do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect. Thus, pursuant to CEQA Guidelines section 15073.5, recirculation of the MND is not required.

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
AES-1	Aesthetics	All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all federal, state and local agency requirements, including all requirements in darksky.org. (Refer to the City's Design Standards).		

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AES-2	Aesthetics	A final lighting design plan shall be submitted for review and approval by the Community Development Department. Lighting levels shall not exceed lighting levels beyond those referenced in Attachment A, Lighting Analysis for this project. Lighting shall be installed in accordance with the final approved lighting plan.		
AES-3	Aesthetics	All nighttime ball field lighting shall be operated no later than 10 pm.		
AIR-1	Air Quality	Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.		
AIR-2	Air Quality	Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. The applicant shall obtain all necessary encroachment permits for any work within the right-of-way. All improvement shall adhere to all applicable federal, State and local agency requirements.		
AIR-3.	Air Quality	Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District..		
AIR 4.	Air Quality	During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site.		

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AIR 5.	Air Quality	Grading permits shall be secured for any applicable activity from the Community Development Department, Building Division. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded. All BMPs shall be routinely inspected and maintained for life of the project.		
AIR-6.	Air Quality	All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent infestation. An odor control plan shall be submitted for review and approval by the City in accordance with the Zoning Code. Odor control shall be maintained to an acceptable level at all times.		
AIR-7.	Air Quality	Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.		
AIR-8.	Air Quality	If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.		

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AIR-9.	Air Quality	All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/ NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations.		
AIR-10.	Air Quality	Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning of debris/construction material is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.		
AIR-11.	Air Quality	Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is		

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		utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilize water trucks, if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits		
BIO-1.	Biological Resources	The project should implement erosion control measures and BMPs to reduce the potential for sediment or pollutants at the Project site.		
BIO-2.	Biological Resources	A qualified biologist shall conduct a mandatory Worker Environmental Awareness Program for all contractors, work crews, and any onsite personnel to aid workers in recognizing special status species and sensitive biological resources that may occur on-site. The program shall include identification of the special status species and their habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and Mitigation Measures required to reduce impacts to biological resources within the work area.		
BIO-3.	Biological Resources	Conduct a pre-construction northwestern pond turtle survey in Project impact and staging areas within 48 hours prior to construction activities. Any northwestern pond turtle individuals discovered in the Project work area immediately prior to or during Project activities shall be allowed to move out of the work area of their own volition. If this is not feasible, they shall be captured by a qualified biologist and relocated out of harm's way to the nearest suitable habitat at least 100 feet from the Project work area where they were found.		
BIO-4.	Biological Resources	If construction is to occur during the nesting season (generally February 1 - August 31), conduct a pre-construction nesting bird survey of all suitable nesting habitat on the Project within 14 days of the commencement of construction. The survey		

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		shall be conducted within a 500-foot radius of Project work areas for raptors and within a 100-foot radius for other nesting birds. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. Pre-construction nesting surveys are not required for construction activity outside the nesting season		
BIO-5.	Biological Resources	Within 14 days prior to Project activities that may impact bat roosting habitat (e.g., removal of manmade structures or trees), a qualified biologist will survey for all suitable roosting habitat within the Project impact limits. If suitable roosting habitat is not identified, no further measures are necessary. If suitable roosting habitat is identified, a qualified biologist will conduct an evening bat emergence survey that may include acoustic monitoring to determine whether or not bats are present. If roosting bats are determined to be present within the Project site, consultation with CDFW prior to initiation of construction activities and/or preparation of a Bat Management Plan outlining avoidance and minimization measures specific to the roost(s) potentially affected may be required		
BIO-6	Biological Resources	To minimize potential impacts to the ephemeral drainage on the project site during construction activity, a qualified biologist shall map the extent of the riparian habitat on the project site. Avoidance buffers for riparian habitat shall be applied in compliance with City of Clearlake requirements. The riparian habitat and avoidance buffer shall be demarcated prior to construction and shall be maintained until the completion of construction. A qualified biologist/biological monitor shall be present if work must occur within the		

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		avoidance buffer to ensure riparian habitat is not impacted by the construction activity.		
BIO-7	Biological Resources	A native tree protection and removal permit, waiver, or similar approval shall be secured prior to impacting trees protected under the City ordinance. Avoidance buffers for protected trees shall be consistent with the City requirements, shall be clearly demarcated prior to construction, and should be maintained until the completion of construction. A qualified biologist/biological monitor should be present if work must occur within the avoidance buffer to ensure avoided protected trees are not impacted by the work		
CUL-1.	Cultural Resources	During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the owner shall utilize a qualified cultural resources consultant to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits.		
CUL-2.	Cultural Resources	The cultural resource consultant's investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be		

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		<p>infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project.</p>		
CUL-3.	Cultural Resources	<p>If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98.</p>		
CUL-4.	Cultural Resources	<p>The sensitive site section noted on the project site plan shall not be disturbed during construction and/or maintenance of the park. This sensitive site is identified as investigation resulted in the discovery of two</p>		

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		<p>intact, buried, archaeological sites, CCL-21-01 and CCL-21-02 (Figure 7, yellow polygons), both of the sites can be considered significant cultural resources. Both of the sites occupy relatively small areas and are buried at depths of 16–32 inches below grade. The project as currently designed, will not impact sites CCL-21-01 or CCL-21-02. If avoidance and/or preservation in place is not possible, the owner will consider re-design or other measures to avoid impacting resources consistent with CEQA. The owner will contract with tribal monitors for ground disturbance within 100 feet of sites CCL-21-01 and CCL-21-02. The owner and contract archeologist will consult with tribal representatives regarding ground disturbing work within these areas including the designation of a “reburial” location, if needed.</p>		
CUL-5	Cultural Resources	<p>On or prior to the first day of construction the owner shall organize cultural sensitivity training for contractors involved in ground disturbing activities.</p>		
CUL-6	Cultural Resources	<p>The southern two-thirds of site CCL-21-01 is contained within APN010-026-400-000 and the Burns Valley Development Project area. The area occupied by the site has been slated for a paved parking area serving planned playing fields nearby (Figure 2). This portion of the site is situated on the sloping bank of an extinct section of upper Miller Creek, an area marked by an overstory of mixed native oak and introduced conifer and hardwood trees. Because this part of the site is situated on a bank, the land surface is sloped and drops 10–15 feet in elevation. Current engineering plan calls for vegetation and tree removal as well as application of remote fill materials to bring it to a level grade, with installation of landscaping, drains, and underground utility lines in the area. Project revisions in design, location, and operations should be implemented in the area occupied by the footprint of site</p>		

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		<p>CCL-21-01, inclusive to a 15-foot (4.5-meter) buffer around the site perimeter. Limitations to disturbance in this area shall be as follows:</p> <ol style="list-style-type: none"> 1. <i>Fill Cap.</i> Because CCL-21-01 is a buried archaeological deposit contained in a dense clay loam likely to resist compaction impacts, avoidance can be achieved by placing fill on the site surface; 2. <i>Flush Cut Vegetation.</i> Existing vegetation including shrubs and trees should be flush-cut, i.e., cut flush with the ground at a point not to exceed 10-inches below grade; 3. <i>Landscaping Fabric and Fill.</i> Once the flush cut is complete and surface cleared of debris, landscaping fabric should be laid over the area of the site to create a boundary between intact soils and remote fill. With respect to the fill, drainage, safety, and operational concerns may prevent adding a lot of elevation; however, an additional minimum 6–12-inches (15–30 centimeters) of fill should be added to the site area to provide a construction and compaction buffer to protect the deposit. This would result in an overburden of 21–27 inches (53–71 centimeters) of capping material; 4. <i>Avoid Installation of Subsurface Features.</i> Avoid placement of pier supports, subsurface landscaping features, subsurface drains, and utility lines in the site area. 5. <i>Avoid New Overstory Plantings.</i> Avoid placement of new overstory trees in the site area 		
CUL-7	Cultural Resources	Site CCL-21-02 is contained within APN010-026-400-000 and the Burns Valley Development Project area. The area occupied by the site has been slated for open space. Project revisions in design, location, and operations should be		

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		<p>implemented in the area occupied by the footprint of site CCL-21-02, inclusive to a 15-foot (4.5-meter) buffer around the site perimeter. Limitations to disturbance in this area shall be as follows:</p> <ol style="list-style-type: none"> 1. <i>Fill Cap.</i> Because CCL-21-01 is a buried archaeological deposit contained in a dense clay loam likely to resist compaction impacts, avoidance can be achieved by placing fill on the site/buffer surface; 2. <i>Landscaping Fabric and Fill.</i> Prior to site prep and construction in the area, landscaping fabric should be laid over the area of the site to create a boundary between intact soils and remote fill. With respect to the fill, drainage, safety, and operational concerns may prevent adding a lot of elevation; however, an additional minimum 6–12-inches (15–30 centimeters) of fill should be added to the site area to provide a construction and compaction buffer to protect the deposit. This would result in an overburden of 21–27 inches (53–71 centimeters) of capping material; 3. <i>Avoid Installation of Subsurface Features.</i> Avoid placement of pier supports, subsurface landscaping features, subsurface drains, and utility lines in the site area. 4. <i>Avoid New Overstory Plantings.</i> Avoid placement of new overstory trees in the site area. 		

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GEO-1	Geology and Soils	<p>GEO-1: Prior to any ground disturbance and/or operation, the applicant shall submit <u>Erosion Control and Sediment Plans</u> to the Community Development Department for review and approval.</p> <ul style="list-style-type: none"> <i>The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system.</i> 		
GEO-2	Geology and Soils	Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the Community Development in accordance with the City of Clearlake Municipal code(s).		
GEO-3	Geology and Soils	The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repared when necessary		
NOI-1.	Noise	All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents.		
NOI-2.	Noise	Permanent potential noise sources such as, generators used for power shall be designed and located to minimize noise impacts to surrounding properties.		
NOI-3.	Noise	During construction noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM. This threshold can be increased by the Building Inspector or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours.		

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		Project is expected to result in less than significant impacts with regard to noise and vibration.		
NOI-4	Noise	Park operations, including baseball at the northeasterly ball park shall be shall be restricted to not later than 10 pm.		
TCR-1	Tribal Cultural Resource	Requirement to develop a tribal cultural resources preservation plan that delineates the boundary of CCL-21-01 and CCL-21-02, describes the appropriate combination of materials and culturally sterile fill in capping, provides landscaping specifications that favor culturally important plants, and restricts certain types of post-project activities in or on the cap.		
TCR-2	Tribal Cultural Resource	Requirement to designate a project reburial area in advance of ground disturbing activities in the event that materials are discovered during construction.		
TCR-3	Tribal Cultural Resource	Requirement for contractors to receive meaningful training on cultural sensitivity and tribal cultural resources from a tribal representative.		
TCR-4	Tribal Cultural Resource	Requirement for tribal monitoring during ground disturbing activities in sensitive areas of the project area.		
TCR-5	Tribal Cultural Resource	Procedures for compliance with existing state law in the event of the discovery of human remains during construction.		
TCR-6	Tribal Cultural Resource	A prohibition on the removal of cultural soils from the project area.		

Explanation of Headings

Type = Project (mitigation for this specific project), ongoing, and/or cumulative.

Monitoring Department = Department or agency responsible for monitoring a particular mitigation measure.

Shown on Plans = When a mitigation measure is shown on the construction plans, this column must be initialed and dated.

Verified Implementation = When mitigation measure has been implemented, this column must be initialed and dated.

Remarks = Area for describing status of ongoing mitigation measure, or other information.