

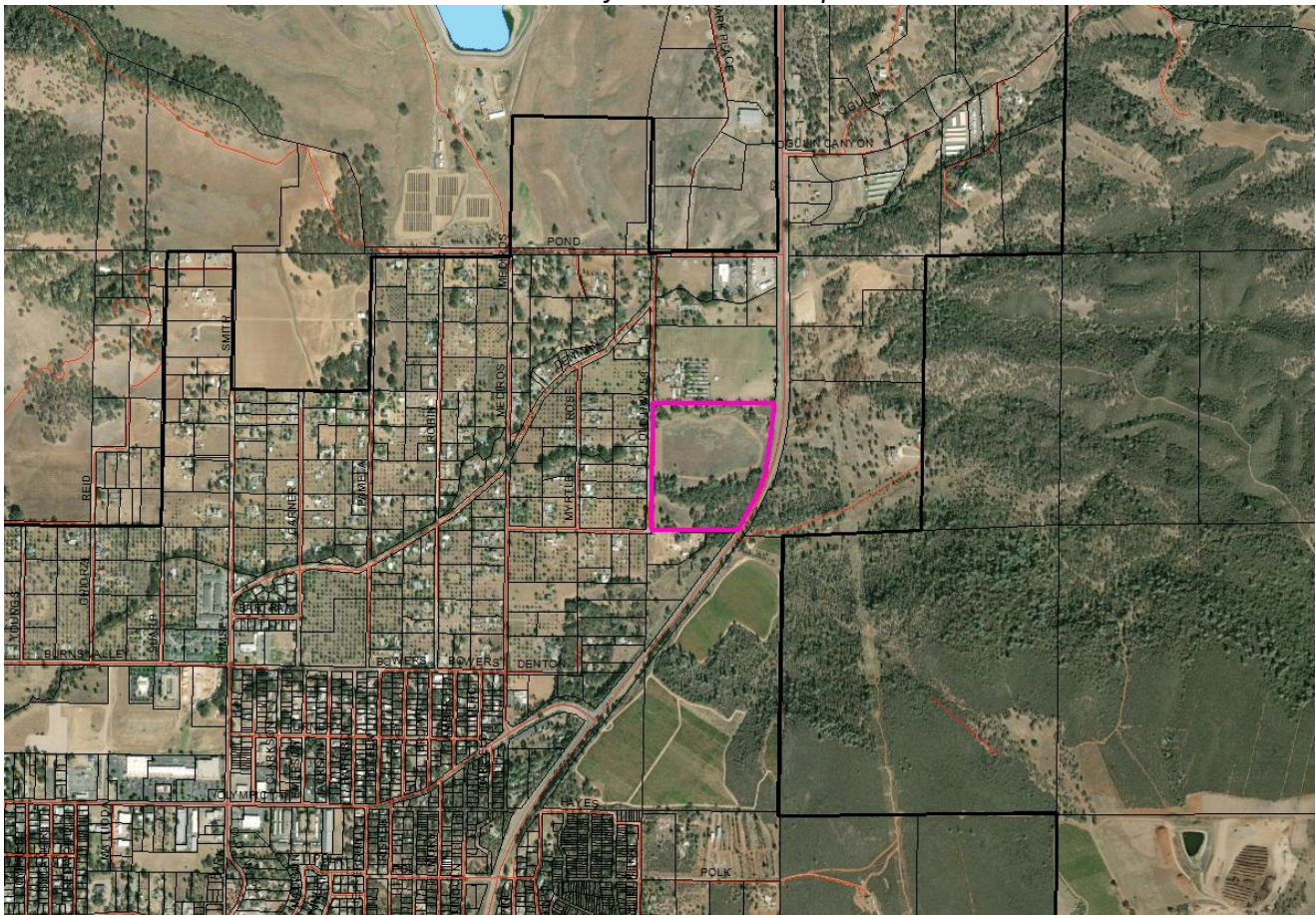


STAFF REPORT	
SUBJECT: Subdivision Development, SD 2022-01 Environnemental Analysais, CEQA IS 2022-08	MEETING DATE: 12/18/2023 5:00PM
SUBMITTED BY: Mark Roberts – Senior Planner	
REPORT PURPOSE: <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Discussion <input type="checkbox"/> Information Only	
LOCATION: 2890 Old Highway 53	APPLICANT: Danco Communities
APN: 010-048-08-000	PROPERTY OWNER: City of Clearlake
ZONING: Rural Residential (RR)	GENERAL PLAN: Low Density Residential (LDR)

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

The Planning Commission is being asked to consider Subdivision Development, SD 2022-01, and corresponding environmental analysis, CEQA IS 2022-08 to allow the subdividing of a 30-acre parcel into twenty-two (22) residential lots located at 2890 Old Highway 53, further described as Assessor Parcel Number 010-048-08.

Aerial Project Location Map



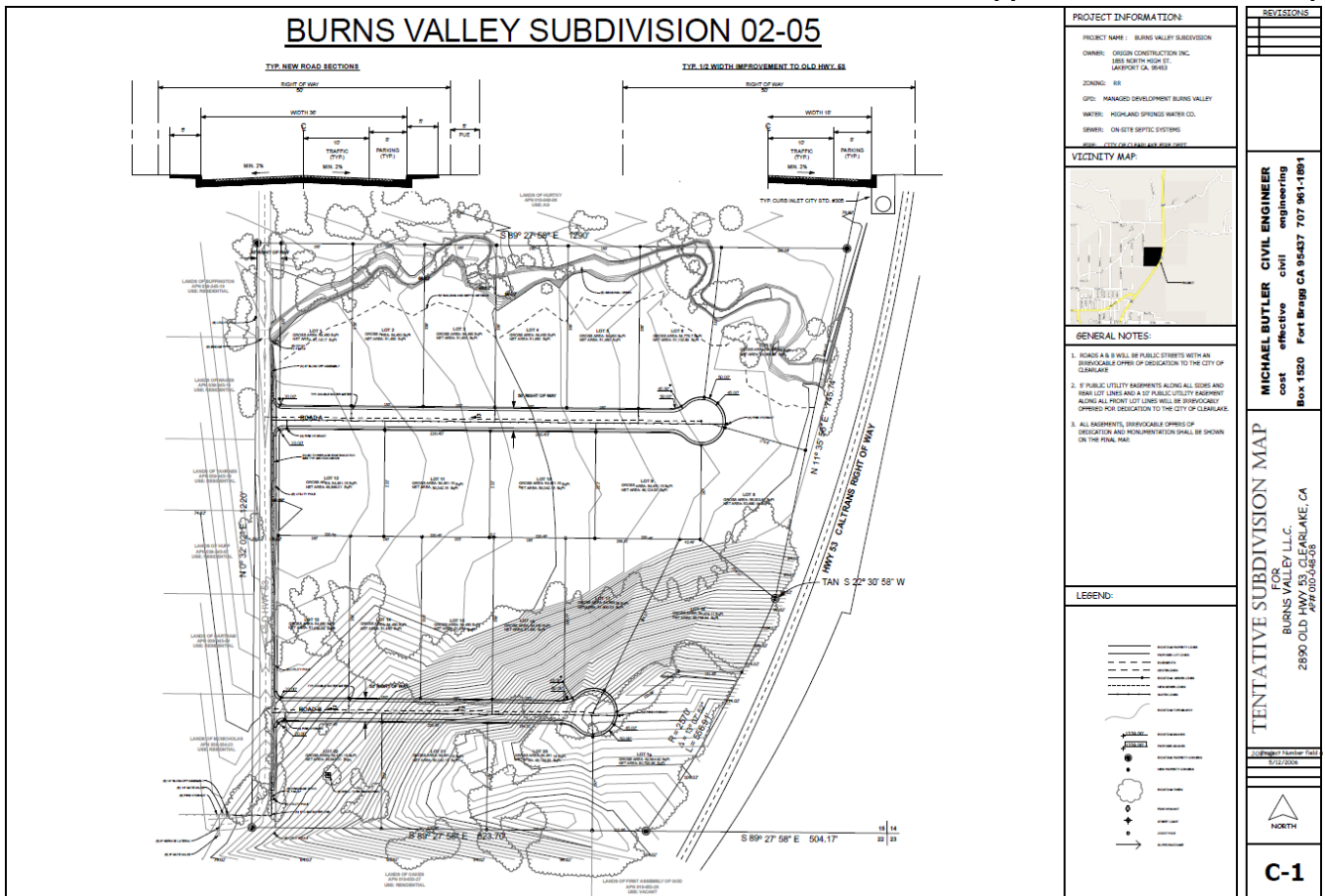
PROJECT SUMMARY AND SITE HISTORY:

Project Summary: The Subdivision Project, proposed by Danco Communities, is a market-rate residential development that has been designed to be compatible with the rural character of its surrounding neighborhood. The project consists of subdividing a 30-acre parcel into twenty-two (22). The parcels will range in size from 1.25 to 2.75 acres. The subdivision map (*Refer to Attachment B for details*) shows concept locations with related improvements on each new lot (i.e. anticipated building areas and septic locations). Access to the proposed lots will be located off Old Highway 53 via two proposed roadways, indicated as Road A and B (*formal road names are to be determined*). The northern proposed roadway will be greater than 800 feet in length and the southern proposed roadway will be greater than 600 feet in length. The width of each roadway will be a minimum of 50 feet and have a turnaround/cul-da-sac. Each lot will have its own utilities, including but not limited to:

- Power through Pacific Gas and Electric (PG&E).
- Highlands Water Company will provide water.
- Each lot will have its own Onsite Waste Management System (septic).

Previous Approved Subdivision: In 2006, a Subdivision (SUB 02-05) and corresponding environmental analysis (CEQA Initial Study IS 03-05) was approved to allow the subdividing of the 30-acre parcel into 22 lots (*see map below*). Each lot was approximately 1.25 acres to 2.20 acres in size. Access to the previously approved project would be from Old Highway 53 via two roads ending in a cul-de-sac (*roads would have been developed in accordance with city standards/regulations at the time*). The proposed Danco Subdivision is essentially identical to the previously approved project in relation to lots size, access, utility connections, etc. However, the applicant has made minor modifications to the current proposal to adhere to today's codes/standards.

2006 Approved Subdivision Map



Environmental Setting: The parcel is relatively flat along Old Highway 53/State Route 53 with a slight slope in the southern portion of the parcel. In the center of the project site there are a variety of native grasses and signs of disturbance including a circular dirt road around the parcel. There are a variety of trees and shrubs, including pines and oak woodlands throughout the parcel, along with an intermittent drainage area in the northern portion of the site.

AGENCY REVIEW:

Initial Agency Review: A Request for Review (RFR) was distributed via email on December 19th, 2022, to various Federal, State, and local agencies. Agencies were asked to review and submit written comments no later than January 13th, 2023. *Please refer to Attachment D for initial agency comments.*

AB 52 Summary: On December 19th, 2022, the city sent an AB 52 Notification to Koi Nation of Northern California, and on December 20th, 2022, to Robert Geary as a representative of Habematolel. Each tribe was allocated 30 days to respond to request consultation, in accordance with Section 21080.3.1(d) of the Public Resources Code. On January 9, 2023, the city received a comment letter from Habematolel Pomo on behalf of Koi Nation of Northern California, requesting Tribal Consultation. Although the request for consultation was received within the 30-day timeframe, the parties agreed to postpone consultation under Section 21080.3.1(e) of the California Public Resources Code until the complete Archaeological Report was received.

City representatives met with project applicants and tribal representatives of Koi Nation of Northern California and Habematolel Pomo of Upper Lake on April 6th, 2023, and on July 11th, 2023, and subsequently exchanged ideas, comments, and information. Through this consultation, the city better understands that:

1. *The Koi Nation is culturally affiliated with, and has a cultural interest in, the proposed project area;*
2. *Archaeological data and tribal cultural resources need not necessarily align, as they represent two different, although related, areas of expertise and must be addressed separately in the CEQA document;*
3. *Avoidance and preservation in place of sensitive areas must be incorporated into the project design where feasible;*
4. *Decisions about tribal cultural resources prior to, during, and following project construction must take into consideration information provided by tribal experts; and;*
5. *Developing a robust plan for addressing unanticipated discoveries during construction is critically important.*

Dr. Greg White of Sub-Terra Heritage Resource Investigations helped address tribal representative's concerns discussed during Tribal Consultation Meetings and in their letters dated January 9th, 2023, June 27th, 2023, and July 13th, 2023. An amended Archaeological Assessment (dated April 1, 2023 & amended on July 18th, 2023) was released addressing their concerns. The discussions during AB 52, including the Archaeological Assessments and documentation shared are confidential and restricted from public distribution under state law; however, the findings of the study were assessed by the city as part of this environmental review.

On October 16th, 2023, City representatives sent a letter to Koi Nation of Northern California and Robert Geary of Habematolel Pomo of Upper Lake concluding formal Tribal Consultation without agreement and acknowledging that the coordination with the Tribe does not end with project approval; rather, the implementation of the mitigation measures and conditions of approval will involve tribal representatives through project development.

SUBDIVISION, GENERAL PLAN CONSISTENCY, ZONING REGULATIONS AND DESIGN STANDARDS COMPLIANCE:

Subdivision Regulations: The Tentative Map Application has been filed with complete information as referred to in Chapter 16 (Land Division) of the City of Clearlake Municipal Codes/Standards.

General Plan Consistency: The project site is designated as “LDR” Low Density Residential land uses in the General Plan. This designation is intended to provide for lower density residential development of between 0 and 4 dwellings per acre. Although many aspects of the General Plan encourage compact development in areas that are close to urban services, such as in the downtown and City Hall sections of town, for areas that are more suburban or rural in nature, such as this northeast area of town, this project can be found to be consistent with several policies of the General Plan.

General Plan Housing Element: The Housing Element is one of the seven state-mandated elements of the General Plan that embodies the City’s plan to address housing. This Housing Element was adopted on October 10, 2019, in accordance with state law, and is until 2027.

Strategy: To provide an adequate supply of safe, attractive and affordable housing for all persons and needs.

Goal: To provide a continuing supply of housing to meet the needs of existing and future Clearlake residents in all income categories.

- **Objective HO1:** Designate sufficient land at appropriate densities with development standards to accommodate housing for all income groups.
 - **Policy H1:** Designate sufficient land at appropriate densities with development standards to accommodate housing for all income groups.

Objective H06: Enhance Clearlake’s neighborhoods by addressing safety, structural housing conditions, infrastructure and appearance needed for housing, including streets, drainage, flood control, and sewer and water system improvements.

- **Policy HP6:** Improve the quality of the existing housing stock within the City.
 - **Program H 6.7 (Moderate- and Above-Income Housing):** The City will encourage the production of market-rate rental and ownership housing for moderate- and above moderate-income households through its land development policies.

General Plan Land Use Element:

Goal LU 1: Grow a sustainable community.

- **Objective:** LU 1.1: Maintain an appropriate mix of uses.
 - **Policy LU 1.1.7:** An assortment of housing types should be provided to meet community and regional housing needs and to fulfill objectives of choice and affordability.

- Policy LU 1.1.8: Appropriate locations for low- and high-density residential development shall be provided based on accessibility, site suitability, utility availability, and environmental factors.

Goal LU 2: Accommodation of future residential growth with a rural character.

- Objective LU 2.1: Preserve and enhance existing neighborhoods.
 - Policy LU 2.1.1: The City shall promote infill of existing neighborhoods that is compatible with existing density characteristics.

Goal LU 3: Compatible land uses.

- Objective LU 3.1: Concentrate growth in focus areas.
 - Policy 3.1.2: Development should be designed to be compatible with its surroundings.

Zoning Code Compliance: The project site is zoned “RR”, Rural Residential which intended to provide housing opportunities for lower density residential development, such as single-family homes on larger sized parcels 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. Residential development is permitted on each lot by right (building permit process), including accessory dwelling units and accessory structures. Other related development standards in this zone (i.e. building height, building setbacks, and parking) are reviewed for compliance by staff when each lot is developed during the building permit process. All development is expected to meet the city’s minimum development standards, the CA Building Codes and adhere to the adopted Mitigation Measures/ Conditions of Approval.

Environmental Review: In accordance with the California Environmental Quality Act (CEQA), and the City’s Environmental Guidelines, an Environmental Assessment/Initial Study has been prepared for the project with the conclusion that a Mitigated Negative Declaration (MND) with the incorporated Mitigation Measures/Conditions of Approval have reduced any potential environmental impacts to less than significant levels (*Refer Attachments E & F for details*).

- On November 1st, 2023, the environmental analysis/initial study and supporting documentation was uploaded to the CA State Clearinghouse and circulated via email to various Federal, State and local agencies, including community groups for review. The document was uploaded to the City’s Website and made available upon request. Additionally, a Notice of Intent (NOI) was mailed (via USPS) to the surrounding parcels owners within 300 feet of the subject property informing them of the City’s decision to adopt a Mitigated Negative Declaration for the proposed project (*All mailing addresses are drawn from the electronic database supplied by the Lake County Assessor/Recorders Office Database*).
- The Notice of Intent (NOI) allows those notified and/or interested parties to review and comment on the project. The commenting period for the environmental document was November 4th, 2023, through December 6th, 2023. The city received comments from the agencies below (*Refer to Attachments G for details*):
 - *Lake County Assessor Office*
 - *Lake County Special Districts*
 - *CA Central Valley Regional Quality Control Board*
 - *Koi Nation of Northern California*
 - *Sierra Club Lake Group*
 - *Public Comment (David Goolsbee)*

PUBLIC HEARING LEGAL NOTICE

The public hearing was noticed at least ten (10) days in advance in an electronic publication with the Lake County Record Bee on December 7th, 2023; and mailed (via USPS) to all surrounding property owners within 300 feet of the subject parcel(s) as required pursuant to the Clearlake Municipal Code (*All mailing addresses are drawn from the electronic database supplied by the Lake County Assessor/Recorders Office Database*).

OPTIONS:

1. Move to Adopt Resolution PC 2023-07, A Resolution of the Planning Commission of the City of Clearlake Approving Subdivision Development, SD 2022-01 and corresponding Environmental Analysis, Mitigated Negative Declaration based on Initial Study 2022-08 for subdividing a 30-acre parcel into twenty-two (22) lots located at 2890 Old Highway 53 Clearlake, CA 95422, further described as Assessor Parcel Number 010-048-08.

2. Move to Deny Resolution PC 2023-07 and direct Staff to Prepare the Appropriate Findings.

3. Move to continue the items and provide alternate direction to staff.



Attachments:

- A. Subdivision Map Application and Supplemental Form
- B. Proposed Tentative Subdivision Map
- C. PC Resolution 2023-07 with Conditions of Approval
- D. Request for Review – Initial Agency Comments
- E. Final CEQA, IS MND 2022-08
- F. CEQA Attachments A through G
- G. Notice of Intent Agency & Public Comments
- H. Burns Valley Residents Concerns