

STAFF REPORT	
SUBJECT: Burns Valley Development <ul style="list-style-type: none">Environmental Analysis (CEQA-IS 2022-05)Conditional Use Permit (CUP 2022-16)	MEETING DATE: 9/27/2022
SUBMITTED BY: Mark Roberts, Senior Planner	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The Planning Commission is being asked to consider a Mitigated Negative Declaration based on Environmental Analysis, IS 2022-05 (in accordance with CEQA) and Conditional Use Permit, CUP 2022-16 to allow the Burns Valley Development located at 14885 Burns Valley Road; Clearlake, CA 95422 further described as Assessor Parcel Number 010-026-40-000.

BACKGROUND/DISCUSSION:

The project parcel is approximately 25.46 acres in size and located in the Burns Valley Area, north of Olympic Drive and South of Burns Valley Drive, behind the Safeway Shopping Center. The development includes but is not limited to:

- *Public Park (Sports Complex)*
- *Recreation Center*
- *Public works yard with public works building facility*
- *Police department storage facilities*
- *Vehicle and equipment storage areas*
- *Public access and parking facilities*

The public park would include one full size baseball field, two little league baseball fields, two Tee-Ball Fields, and a full-size soccer field. The project would involve the development of a 15,000 to 20,000 square foot recreation center building to be used for public events/activities. This building would contain sports features, such as basketball and volleyball courts. Being located next to the baseball area, a concession building/stand would be constructed next to and/or as part of this larger building. These combined facilities would be located on the east side of the project site.

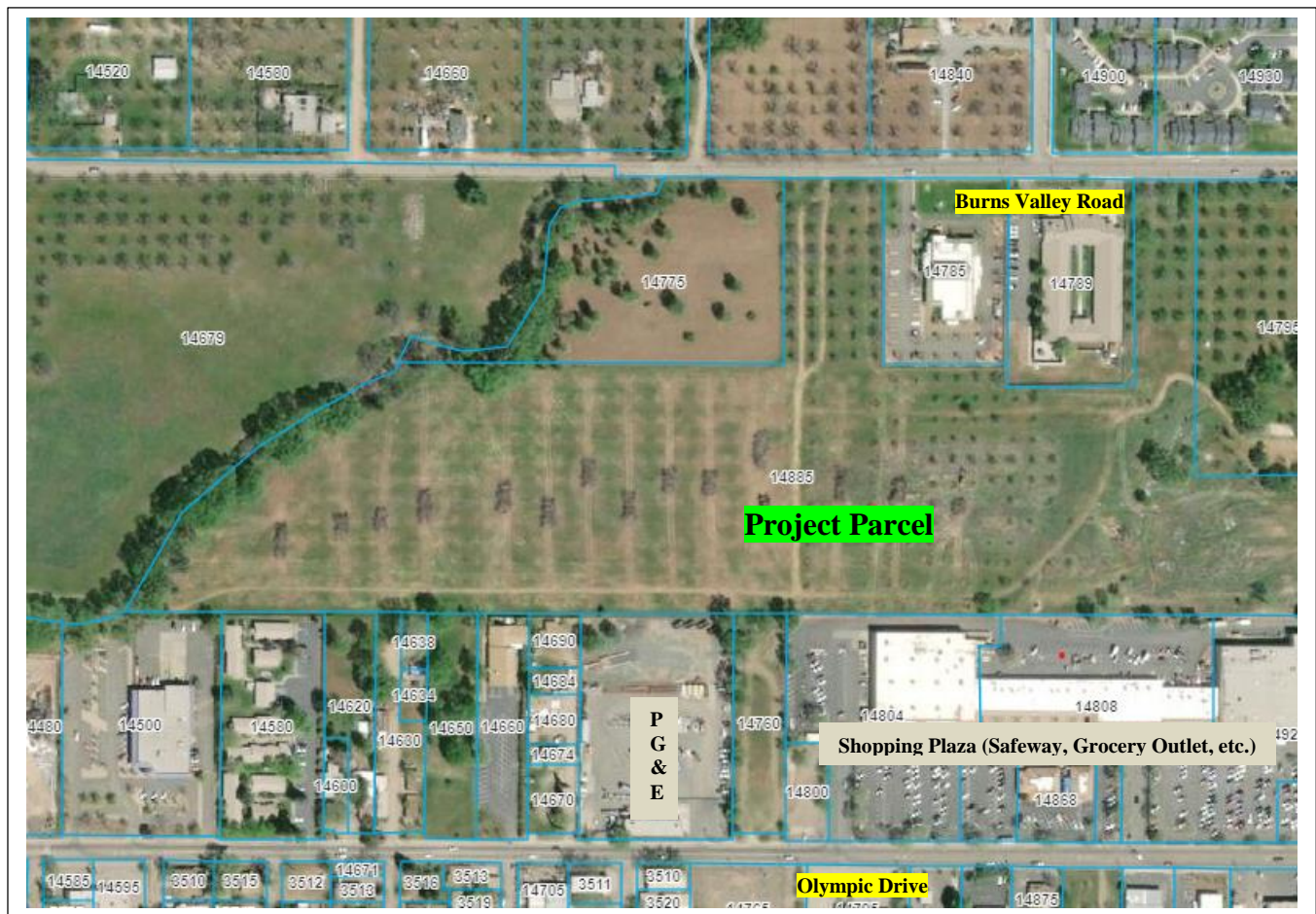
On the west side of the parcel, there will be an approximate 12,000 square foot public works building, including a Police Department investigation facility. This building would include a vehicle wash station, and sections for equipment repair. The public works yard would be used to store and maintain city vehicles, including public works and police department cars, trucks, and heavy equipment.

Access to the project would be from several driveways/streets from Olympic Drive and Burns Valley Road. There would be approximately 365 parking spaces throughout the development. Additional improvements would include sidewalks, fencing, lighting features, sport field protective netting and restroom facilities. All play fields will include lighting to allow for night operations.

Environmental Setting:

The project area is relatively flat with gently rolling terrain situated at an elevational range of approximately 1,350 to 1,365 feet above mean sea level (MSL) in the Inner North Coast Ranges District of the California Floristic Province (Baldwin et al. 2012).

The parcel is an irregularly shaped 25.46-acre parcel generally composed of open landscape, existing tree orchard and grasses. A drainage channel transects the eastern portion of the parcel in the southwest direction. The property is surrounded by vacant parcels to the north and northeast; there is a multifamily residential development located to the south and southeast; there is retail (Rite Aid) to the southwest, and professional offices (Bank of the West) and [Shopping Plaza – Grocery Outlet, Safeway Plaza, Coffee Shop, Pet Store, etc.] to the West.

**GENERAL PLAN CONSISTENCY, AND ZONING AND DESIGN STANDARDS COMPLIANCE:**

General Plan Consistency: The General Plan identifies the project site for Medium Density Residential

GOAL LU 1: Grow a Sustainable Community:

- Objective LU 1.1: Maintain an appropriate mix of land uses.
 - *Policy LU 1.1.1: The City should grow contiguously to manage the efficiency of public services and municipal infrastructure provision, to maintain a compact and well-defined community form, and to oblige its fiscal responsibility.*
 - *Policy LU 1.1.3: Future development and redevelopment should be planned and implemented with appreciation for the physical environment and natural features of the community and with recognition of potential physical constraints to ensure appropriate siting of various types of development.*

- *LU 1.1.4: Walkability and good connectivity should be promoted through continuity of the street and pedestrian system, together with a compact community form.*
- *Policy LU 1.1.10: Schools, parks, golf courses and community facilities should be located close to or within residential neighborhoods for accessibility and to provide a focal point for effective and cohesive neighborhood design.*

Zoning Ordinance Consistency/Regulations:

The proposed operation would involve Public Assemblies, Outdoor Recreation, and a Impound Yard, which requires a Conditional Use Permit Pursuant to Section 18.18.030 of the City Municipal Code. Upon review of the submitted application, including the environmental analysis, staff has determined the proposed development to be in conformance with all applicable regulations with the incorporated Mitigation Measures and Conditions of Approval.

To grant a discretionary permit, the Director, Planning Commission, or City Council, the review authority, must find that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity.

The Director, Planning Commission or Council may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations. Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record (Section 18-28.040, Findings).

ENVIRONMENTAL REVIEW (CEQA):

Mitigated Negative Declaration based on Initial Study, IS 2022-05.

Pursuant to California Environmental Quality Act (CEQA) Guidelines, staff prepared an Initial Study to assess the potential adverse environmental effects of the proposed Project. The study concludes that any potentially significant adverse environmental impacts from the project would be reduced to a level of non-significance with the incorporated Mitigation Measures and Conditions of Approval.

Please Note: 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

The Mitigated Negative Declaration based on Initial Study, IS 2022-05, were properly noticed and circulated in accordance with CEQA of 1970, and in compliance with Section 15070-15075 of the CEQA State Guidelines, by:

- ❖ *Circulation of the Notice of Intent (NOI) for the environmental analysis/proposed Mitigated Negative Declaration (CEQA Initial Study, IS 2022-05) was published in the Lake County Record Bee and sent to the State Clearinghouse; Various Federal, State, and local agencies/organizations for the minimum of a 30-day commenting period from July 19th, 2022, through August 19th, 2022. The document was also uploaded onto the City's Website and made available upon request. The following agencies commented on the project during the appropriate review period.*
 - *Lake County Environmental Health Department*
 - *Lake County Fire Protection District*
 - *Koi Nation of Northern California*
 - *Lake County Special Districts*
 - *California Department of Transportation*
 - *Requested a copy of the Traffic Analysis on August 2, 2022, and on August 4, 2022, a copy was emailed to Caltrans for their review. No further comments were received from Caltrans.*

- ❖ *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 use and that there is a 30-day commenting period on the environmental document from July 19th, 2022, through August 19th, 2022. **The city did not receive any comments from the general public.***

All comments and/or concerns received, have been incorporated as Mitigation Measures and/or Conditions of Approval.

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 **Saturday, September 17th, 2022**; and mailed (via USPS) to all surrounding property owners (including those who have requested to be notified in writing) within 300 feet of the subject parcel(s) as required pursuant to the Clearlake Municipal Code.

- *All mailing address are drawn from the electronic database supplied by the Lake County Assessor/Recorders Office Database. The City did not receive any written public concerns regarding the project and/or legal notice.*

MOTION/OPTIONS:

1. Move to Adopt Resolution PC 2022-17, A Resolution of the Planning Commission of the City of Clearlake Adopting a Mitigated Negative Declaration based on Environmental Analysis, IS 2022-05 and approving Conditional Use Permit Application, CUP 2022-16 to authorize the development of the Burns Valley Development Project located at 14885 Burns Valley Road, Clearlake, CA 95422, further described as Assessor Parcel Number 010-026-40-000.
2. Move to Deny Resolution PC 2022-17, and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENTS:

- 1) PC Resolution 2022-17 with Conditions of Approval
- 2) Proposed Site and Architectural Plans
- 3) CEQA Initial Study, IS 2022-5
- 4) Agency Comments
- 5) Copy of Legal Notice and Notice of Intent
- 6) Mitigation Monitoring Reporting Program (MMRP)
- 7) Traffic Analysis dated June 2022
- 8) Biological Assessment dated March 2022

FISCAL IMPACT:

☐ None ☐ \$ Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other: