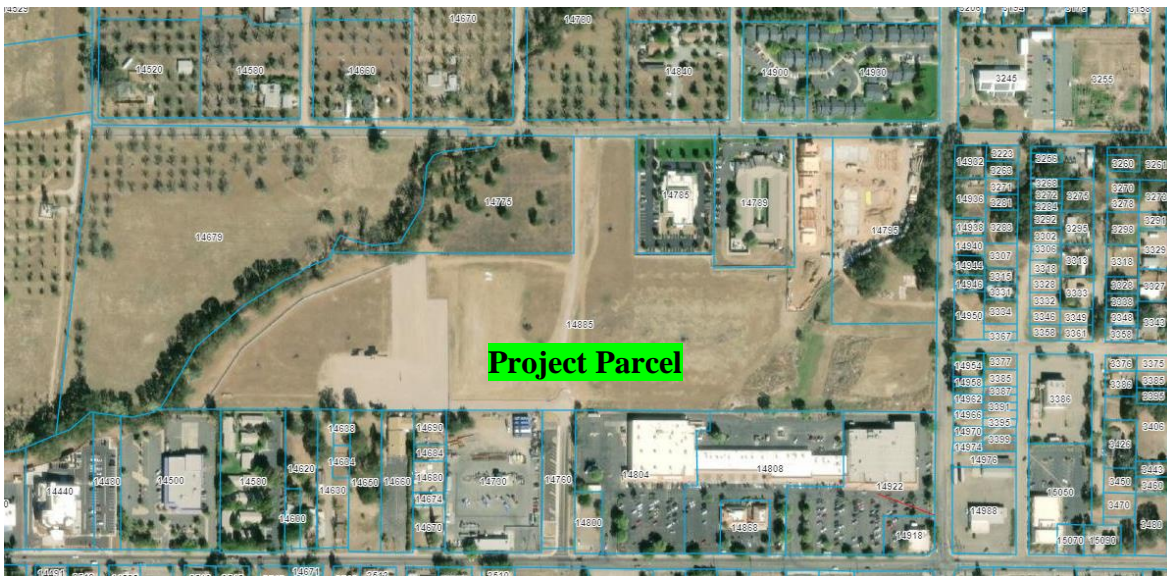




STAFF REPORT	
<b>SUBJECT:</b> Burns Valley Development Complex <ul style="list-style-type: none"> <li>• Environmental Analysis (CEQA-IS 2022-05)</li> <li>• Conditional Use Permit (CUP 2022-16)</li> </ul>	<b>MEETING DATE:</b> April 25th, 2023
<b>SUBMITTED BY:</b> Mark Roberts, Senior Planner	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> <b>Action Item</b>	

**WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:**

The Planning Commission is being asked to consider 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 Sports Complex 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 Burns Valley Sports Complex Project includes but is not limited:

- One full size baseball field
- One little league baseball field
- One tee-ball field
- One softball field
- A multi-sport field (i.e. soccer)

- Fitness equipment area
- Picnic areas
- Central community gathering area
- Indoor recreation center
- ADA accessible playground
- Walking paths/trails
- Native plant demonstration area

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. There would be approximately 334 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.

Access to the project would be from Olympic Drive and Burns Valley Road.

**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.*
  - *Policy 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.

**Note:** Additional mitigation measures have been added 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, of CEQA Guidelines, recirculation of the MND is not required.

The Mitigated Negative Declaration based on Initial Study, IS 2022-05, were noticed and circulated in accordance with CEQA, 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 19<sup>th</sup>, 2022, through August 19<sup>th</sup>, 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 Fire Protection District dated July 20<sup>th</sup>, 2022.*
  - *Lake County Environmental Health Department dated July 22<sup>nd</sup>, 2022.*
  - *California Department of Transportation dated August 2<sup>nd</sup>, 2022.*
    - *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.*
  - *Lake County Special Districts dated August 9<sup>th</sup>, 2022.*
  - *Central Valley Regional Water Quality Control Board dated August 19<sup>th</sup>, 2022.*
  - *Koi Nation of Northern California dated September 2<sup>nd</sup>, 2022.*
- ❖ *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 19<sup>th</sup>, 2022, through August 19<sup>th</sup>, 2022.*

### **PLANNING COMMISSION SUMMARY:**

This project was initially reviewed by the Planning Commission on September 27, 2022. November 16, 2022. At this meeting the Planning Commission directed staff to perform additional tribal consultation with the Koi Nation related to their concerns over the project. Staff as well as the Mayor and Chair of the Planning Commission met with tribal representatives on two occasions, October 12, 2022 and October 20, 2022. The City and tribe agreed to a new Planning Commission hearing date of November 16, 2022. However agreement on mitigation measures was not reached and that hearing was cancelled. After much back and forth on March 21, 2023 the City notified the tribe of the conclusion of consultation without agreement. However, as part of the consultation process, the

City revised the Tribal and Cultural Resource Mitigation Measures. The revised Mitigation Measures are as follows:

- *TCR-1: 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: Requirement to designate a project reburial area in advance of ground disturbing activities in the event that materials are discovered during construction.*
- *TCR-3: Requirement for contractors to receive meaningful training on cultural sensitivity and tribal cultural resources from a tribal representative.*
- *TCR-4: Requirement for tribal monitoring during ground disturbing activities in sensitive areas of the project area.*
- *TCR-5: Procedures for compliance with existing state law in the event of the discovery of human remains during construction.*
- *TCR-6: A prohibition on the removal of cultural soils from the project area.*

On December 2nd, 2022, the City sent the revised Mitigation Measures/Conditions of Approval for tribal representatives for review and received comments from Tribal Representatives on February 15<sup>th</sup>, 2023.

The extended consultation process resulted in significant modifications to the mitigation measures, and the design of the project, was carried out in good faith with reasonable effort. As indicated in the letter dated March 21, 2023, to tribal representatives, the City formally concluded tribal consultation under CEQA and AB 52 per Section 21080.3.2(b)(2) of the Government Code.

#### **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, April 15<sup>th</sup>, 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 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 2023-01, 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 2023-01 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

#### **ATTACHMENTS:**

- 1) PC Resolution PC 2023-01 with Conditions of Approval
- 2) Proposed Concept Master Plan
- 3) CEQA Initial Study, IS 2022-05
- 4) CEQA Attachments "A through G"
- 5) CEQA Attachment Geotechnical Report
- 6) Agency Comments
- 7) Public Comment

8) Mitigation Monitoring Reporting Program (MMRP)