



CITY OF LAKEPORT
COMMUNITY DEVELOPMENT DEPARTMENT
MITIGATED NEGATIVE DECLARATION &
INITIAL ENVIRONMENTAL STUDY

ITEM:

DATE: May 18, 2010

FILE NO: AR 10-01 / ARC 10-01 / ER 10-01

APPLICANT & LAND OWNER: Savings Bank Building Corporation
Bruce Little, CFO
200 North School Street
Ukiah, CA 95482

ARCHITECT: Facility Design Group
Howard S. Corelitz, Architect
913 Morello Hills Dr.
Martinez, CA 94553

CIVIL ENGINEER: Rau and Associates Inc.
George Rau
100 North Pine Street
Ukiah, CA 95482

STAFF CONTACT: Andrew Britton

PROPOSED ACTION AND LOCATION: Applications for Architectural and Design Review, Archeological Review and Environmental Review of a proposed 3,036 SF office building. The subject property is located at 290 South Main Street and is further described as APN 025-331-14.

The project includes the construction of a new one-story office building and related site improvements including on-site parking and landscaping areas. The proposed building will be occupied by a local bank.

This report addresses the Environmental Review and Archeological Review applications and the potential environmental impacts associated with the development and subsequent use of the subject property. The Architectural and Design Review application will be reviewed in a subsequent report.

GENERAL PLAN DESIGNATION AND ZONING DISTRICT: The subject property is

designated Central Business according to the City of Lakeport General Plan Land Use Map and is within the CB Central Business District according to the City Zoning Map.

General Plan designations in the vicinity of the subject property include Central Business to the north, west and southwest; Major Retail to the south; and Resort Residential to the east. Surrounding zoning designations are mostly consistent with the General Plan and include CB Central Business to the north and west; C-2 Major Retail to the south and southwest, and R-5 Resort Residential to the east.

Chapter 17.12 of the Lakeport Municipal Code outlines the zoning regulations in the CB District and Section 17.12.030 lists a variety of permitted land uses including financial institutions and professional offices.

Section 17.12.080 of the CB District regulations sets forth performance standards related to the construction or remodel of buildings and indicates that new buildings in the CB District are subject to architectural and design review and that the improvements "shall be designed to interrelate with the existing architectural and building styles in the downtown area so as to enhance the small town character and identity of downtown Lakeport. The use of appropriate architectural styles, materials, colors, and improvements shall be consistent with the historic nature of downtown."

Chapter 17.27 of the Municipal Code outlines the architectural and design review procedures and standards.

SITE DESCRIPTION: The subject property has 39,640 square feet of area (.91 acre) and has 212' of frontage along South Main Street according to the application materials. The parcel also has approximately 210' of frontage along the north side of the Martin Street alley that extends to the east from South Main Street.

The parcel is essentially rectangular with the exception of the northeast portion. The south portion of the site has approximately 210' of depth and the remaining portion is 150' deep. The south property line along the alley includes a 3.87' offset located 150' east of the southwest property corner.

The site is undeveloped except for a vacant office structure located in the southwest corner. The building is proposed to be demolished to allow for the proposed project. Curb, gutter and sidewalk extend along the South Main frontage with a vehicle curb cut is located in the middle portion. A curb cut for pedestrians is located near the south corner in line with the crosswalk that extends across South Main Street. Another handicapped ramp is at the corner of South Main and the Martin Street alley. No right-of-way improvements are present along the alley.

The majority of the site is relatively flat and covered with bare soil and a mix of weeds and grass. Forbes Creek extends along a portion of the north side of the site before the creek shifts northeast and continues through the adjoining property before it discharges into Clear Lake.

PROJECT DESCRIPTION: The project proponent has submitted a variety of application materials in support of the proposal, including a "design development package" that includes written narratives describing various components of the project.

According to the Architectural Description narrative, the project includes the construction of a single story bank building that will include 3,036 square feet of floor area. The application materials indicate that a reinforced concrete foundation system consisting of perimeter spread footings, interior column footing pads, and a twelve inch thick structural mat slab floor will be provided.

The building is proposed to be located in the central portion of the site. Concrete walkways and planter areas are proposed on the south and west sides of the building and a drive-up ATM and pneumatic teller window are proposed on the north side of the building. A portion of the ATM/pneumatic teller lanes will be covered. The driveway serving the drive-up lanes extends along the east side of the structure as shown on the site plan.

The main entry into the bank building is at the southeast corner underneath a large overhang that will extend from the structure and be supported by a decorative glass-clad column. An ATM and customer depository will be located to the west of the entry door according to the application materials.

The Building Design narrative prepared by the project architect indicates that most of the wall surfaces visible from the west (South Main Street) and the south will be clad with a natural flagstone veneer that incorporates "subtle earthen gold and tan hues." Other exterior wall areas will be provided with a stucco exterior which will be painted a "compatible earth tone color." Ground floor windows will feature unique sloped faces that will feature green glass similar to the glass-clad column supporting the overhang near the entry. The angular sloped windows are intended to "mirror" the building's "sloped fascias and overhang undersides" according to the design narrative.

The building has been designed with a gently sloping roof that will be built up to incorporate low horizontal clerestory windows above the interior building lobby in the middle portion of the building. The Structural narrative prepared by the architect indicates that the "although the exterior elevations portray a strong sense of horizontality, the roof slopes are proposed to exceed 3% to resist rain water ponding."

The clerestory windows will feature green translucent glass which will complement the sloping glass windows and glass-clad support column proposed on the ground level. Stucco-clad parapet walls will extend above the roof surface on the rear (east) side and will serve as an architectural screen for the roof-mounted mechanical equipment according to the narrative. The exterior elevations indicate that the maximum height of the building will be 16' 4" above the ground surface.

Site improvements include the development of paved parking and driveway areas, landscaping, storm drainage facilities, parking lot lighting, trash and propane enclosures, and fencing. Customer parking is proposed on the south and east sides of the building and along the perimeter of the site on the east, west and south sides.

INITIAL STUDY AND ENVIRONMENTAL REVIEW

The construction of the proposed bank building and related site improvements is subject to the provisions of the California Environmental Quality Act. It is also subject to Chapter 8 of the City of Lakeport Municipal Code and Resolution No. 1160, both of

which deal with environmental review procedures.

Notice of the proposal has been provided to City departments and affected agencies and the submitted comments are addressed in the Initial Study/environmental review. The following report identifies potentially significant impacts associated with the project and suggests mitigation measures which will reduce the impacts to a less than significant level.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant with Mitigation Incorporation" as indicated by the checklist on the following pages.

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazard & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input checked="" type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation / Traffic | <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Determination

On the basis of the initial evaluation that follows:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. A TIERED ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards,

and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental document is required. FINDINGS consistent with this determination will be prepared."

Andrew Britton, Planning Services Manager
Signature

May 18, 2010
Date

I. AESTHETICS: The proposed bank building and related site improvements must be reviewed and approved by the City Planning Commission under the City's Architectural and Design Review criteria. Potential aesthetic impacts beyond the scope of the CEQA checklist will be addressed in the Architectural and Design Review section of the staff report which will be prepared subsequent to the Initial Study/environmental review.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		

Response I a): Construction of the proposed building will not have a substantial adverse effect on established scenic vistas. Figure 16 of the City of Lakeport General Plan (Conservation, Open Space, Parks and Recreation Element) details environmentally sensitive areas, including view corridors. No view corridors exist in the vicinity of the project. The nearest view corridor extends east from Library Park in the vicinity of Second Street approximately 1,000 feet northeast of the project site. There is **no impact**.

Response I b): The project will not substantially damage scenic resources within a state scenic highway. No highways are in close proximity to the subject property. There is **no impact**.

Response / c): The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings. The existing site is semi-improved with one small permanent structure which is slated to be demolished. The applicant has offered to donate the building to anyone willing to relocate it and has advertised its availability. The City has approved an application for a CEQA Categorical Exemption (File OA 10-03) to demolish the building based on the determination that it has no historical significance. A demolition permit will be issued by the City Building Department if the building is not relocated in the near future. There is **no impact**.

Response / d): With respect to the potential creation of substantial light and glare that would adversely affect day or nighttime views in the area, the applicant has submitted a variety of details including lighting specifications and a photometric plan which illustrates the amount of light that will be directed to the subject property.

The Electrical Systems narrative prepared by the project architect indicates that the site lighting will utilize single pole-mounted metal halide lights and that the poles will be 25' tall or less. The submitted light specifications identify the manufacturer and indicate that the Scilux or Scilux-M models will be used.

The photometric plan (Sheet E3.0.1) identifies ten light standards:

- Three 25' tall standards on the south side of the parking lot;
- Two 20' tall standards on the west side of the site to the south of the Main Street driveway entrance; and
- Five 10' tall standards on the south and east sides of the building and drive-through driveway areas.

The City's Redevelopment Director reviewed the submitted materials and questioned the need for nine parking lot lights (note: ten are shown on plan). The electric narrative states that the proposed lighting has been designed to provide "secure illumination" which is required for financial institutions. The parking lot and 24-hour banking facilities are required to have a higher standard of illumination than a typical office building.

Notes on the photometric plan indicate that the pole-mounted lights will be provided with "full cutoff optics." The submitted narrative indicates that the new lighting will be "projected onto the site area only and not onto neighboring properties or public rights of ways." The photometric plan illustrates the amount of lighting throughout the site (measured in footcandles) and indicates that the lighting is very low along the perimeter of the site. The plan also shows that the residential areas to the east of the site (Willow Point Mobile Home Park) will not be subject to any lighting from the bank project except for a small area near the southwest corner where the plan indicates 0.1 footcandles of light will be visible. No dwellings are located in the areas where the low level of light is noted.

The Electrical Systems narrative also describes the exterior building lighting including the lighting in the vicinity of the drive-through banking area on the south side of the building. Soffit mounted recessed down lights will be used in many areas along with some compact fluorescent wall mounted lights on the south sides. Please refer to the

narrative for additional details regarding the proposed parking lot and exterior building lighting.

The submitted materials indicate that the exterior lighting will be shielded and downlit to prevent impacts to the adjacent parcels or any of the surrounding streets. This potential impact is **less than significant with mitigation incorporation**. See conclusion of report for the recommended mitigation measure which calls for the installation of adequately-shielded parking lot and building-mounted lighting. Staff has also added a mitigation measure recommending that the height of the light standards be reduced to a maximum of 18' if it is determined that the height reduction will not detrimentally affect the site's security and illumination requirements. This recommendation is consistent with Policy CD 7.7 of the General Plan Community Design Element which addresses the height of light fixtures and suggests that "light standard heights should be related to the lighting need of the use: street lights up to 30 feet high, parking areas up to 18' high; walkways and malls up to 15 feet high; planting areas up to 3 feet high."¹

The Mechanical Systems narrative prepared by the architect indicates that the "building heating, cooling and ventilation requirements shall be accommodated by screened combination roof top units, with electric cooling and propane gas fired heating." The Building Design narrative indicates stucco-clad parapet walls will extend above the roof surface on the rear (east) side and will "provide the means to screen all roof top HVAC equipment."

Although the submitted plans appear to provide adequate mechanical equipment screening, staff has recommended a standard mitigation measure addressing this issue.

The site plan (Sheet DD-1) identifies two adjoining 7' tall stucco-clad enclosures in the southeast corner of the site. These enclosures will screen the 500-gallon above-ground propane tank and the trash/recycling bins according to the Site Improvements narrative submitted by the architect. Sheet DD-1 also includes elevations of the proposed enclosures.

II. AGRICULTURE AND FOREST RESOURCES:

In determining whether impact to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impact to forest resources, including timberland are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

¹ Lakeport General Plan, Community Design Element, Pg. V-17

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

Response II a): Staff reviewed the State of California Important Farmland Map for Lake County and visited the web site for the State of California Department of Conservation, Division of Land Resource Protection (<ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2006/lak06.pdf>), and found that the subject property is not considered to be prime farmland, unique farmland or farmland of statewide importance. The project site is located in an urban/built-up area according to the Important Farmland Map. The proposal will not result in the conversion of prime farmland to non-agricultural use. There is **no impact**.

Response II b): The site is not zoned for agricultural uses and City and County records indicate that it is not subject to a Williamson Act contract. There is **no impact**.

Response II c), d): The site is not zoned for forest uses or timberland and the project will not result in the loss or conversion of existing forest land. **No impact** is anticipated.

Response II e): There are no aspects of the project that would result in the conversion of farmland to a non-agricultural use or the conversion of forest land to non-forest use. There is **no impact**.

III. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?		X		

Response III a): Notice of the proposal was provided to the Lake County Air Quality Management District (LCAQMD) and there was no indication that the proposed project will conflict with or obstruct the implementation of the County's air quality program. There is **no impact**.

Response III b): The construction of the proposed office building and the related site improvements may result in temporary localized increases in particulate air pollution related to earthmoving, hauling, trenching, demolition, and other construction activities. Construction activities also result in pollutant emissions from the operation of gasoline and diesel powered equipment.

The LCAQMD has reviewed the proposal and submitted the following comments:

- ❖ Normal precautions should be taken during site preparation and construction to prevent dust, such as watering and use of palliatives, no burning of vegetative wastes, and managed heavy equipment idling. The parcel is not located in a mapped serpentine area. Applicant should ensure adequate dust controls during construction. If not adequately controlled or complaints arise, a dust management plan may be required. Roads and parking lots should be paved, as is outlined in the proposal.
- ❖ Should existing building demolition or relocation activities be necessary, the existing structure may be subject to the Federal National Emission Standards for Hazardous Air Pollutants for Asbestos. The LCAQMD has local authority to administer this Federal rule and should be contacted in advance of any work in this regard. **(Note: Written approval from LCAQMD is required to be submitted before the City will issue a demolition permit for the existing structure.)**
- ❖ With reasonable precautions as stated above, a mitigated negative declaration can be supported for air quality issues associated with the project.

These potential impacts are **less than significant with mitigation incorporation**. See conclusion of report for recommended mitigation measures related to minimizing the generation of dust during construction periods and other potential air quality issues.

The LCAQMD submitted comments related to greenhouse gas emissions which will be addressed in the Greenhouse Gas Emissions section of this report.

Response III c): The development of the proposed project will not directly result in a cumulatively considerable net increase of any criteria pollutant not currently in attainment. The Lake County region is currently under attainment levels for all criteria pollutants. There is **no impact**.

Response III d, e): Approval of the project and the subsequent office/bank uses are not expected to expose sensitive receptors to substantial pollutant concentrations or result in the creation of objectionable odors. Sensitive receptors in the City of Lakeport include residences, schools, parks, medical offices and convalescent homes. The nearby residential area to the east of the site may be considered a sensitive receptor.

The proposed project will result in an increase in traffic volumes and related vehicle emissions in the area. However, the potential increase in emissions associated with the project is not expected to detrimentally affect the existing air quality in the area. South Main Street is currently a heavily-traveled arterial street. The LCAQMD noted a potential increase in emissions related to the drive through facility and suggested a mitigation measure for signage to discourage idling at the drive up teller and ATM machines. See the Greenhouse Gas Emissions section for more information.

The future office activities will be subject to the zoning guidelines for the CB District and the Performance Standards for all uses which are outlined in Chapter 17.28 of the Municipal Code. Air quality impacts associated with the future business activities are **less than significant with mitigation incorporation**. See conclusion of report for the recommended mitigation measure.

IV. BIOLOGICAL RESOURCES:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

REGULATORY SETTING

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) defines an endangered species as any species or subspecies that is in danger of extinction throughout all or a significant portion of its range. A threatened species is defined as any species or subspecies that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Once a species is listed it is fully protected from a “take” unless a take permit is issued by the U.S. Fish and Wildlife Service (USFWS). A take is defined as the killing, capturing, or harassing of a species. Proposed endangered or threatened species are those species for which a proposed regulation, but not final rule, has been published in the Federal Register.

Migratory Bird Treaty Act

To kill, possess, or trade a migratory bird, bird part, nest, or egg is a violation of the Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., § 703, Supp. I, 1989), unless it is in accordance with the regulations that have been set forth by the Secretary of the Interior.

Clean Water Act – Section 404

Section 404 of the Clean Water Act (CWA) regulates all discharges of dredged or fill material into waters of the United States. The United States Army Corps of Engineers is the agency responsible for administering the permit process for activities that affect waters of the United States. Executive Order 11990 is a federal implementation policy, which is intended to result in no net loss of wetlands.

Natural drainage channels and wetlands are considered “Waters of the United States” (hereafter referred to as “jurisdictional waters”). The extent of jurisdiction within drainage channels is defined by “ordinary high water marks” on opposing channel banks. Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated. The resulting anaerobic conditions select for plant species known as hydrophytes, which show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils saturated intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 Corps of Engineers Wetlands Delineation Manual (USACE 1987).

Clean Water Act – Section 401

Section 401 of the Clean Water Act (CWA) requires an applicant who is seeking a 404 permit to first obtain a water quality certification from the Regional Water Quality Control Board. To obtain the water quality certification the Regional Water Quality Control Board must indicate that the proposed fill would be consistent with the standards set forth by the state.

Fish and Game Code §2050-2097 - California Endangered Species Act

The California Endangered Species Act (CESA) protects certain plant and animal species when they are of special ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of the State. CESA established that it is the State’s policy to conserve, protect, restore, and enhance endangered species and their habitats.

The CESA expanded upon the original Native Plant Protection Act and enhanced legal protection for plants. To be consistent with Federal regulations, CESA created the categories of "threatened" and "endangered" species. It converted all "rare" animals into the Act as threatened species, but did not do so for rare plants. Thus, there are three listing categories for plants in California: rare, threatened, and endangered. Under State law, plant and animal species may be formally designated by official listing by the California Fish and Game Commission.

Fish and Game Code §1900-1913 - California Native Plant Protection Act

In 1977, the State Legislature passed the Native Plant Protection Act (NPPA) in recognition of rare and endangered plants of the state. The NPPA gave the California Fish and Game Commission the power to designate native plants as endangered or rare, and to require permits for collecting, transporting, or selling such plants.

Public Resources Code § 21083.4 - Oak Woodlands Conservation

In 2004, the California legislature enacted SB 1334, which added oak woodland conservation regulations to the Public Resources Code. This law requires a County to determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a County determines that there may be a significant effect to oak woodlands, the County must require oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands. Such mitigation alternatives includes: conservation through the use of conservation easements; planting and maintaining and appropriate number of replacement of trees; contribution of funds to the Oak Woodlands Conservation Fund for the purpose of purchasing oak woodlands conservation easements; and/or other mitigation measures developed by the County.

Public Resources Code § 21000 - California Environmental Quality Act

The California Environmental Quality Act (CEQA) identifies that a species that is not listed on the federal or state endangered species list may be considered rare or endangered if the species meets certain criteria. Under CEQA, public agencies must determine if a project would adversely affect a species that is not protected by FESA or CESA. Species that are not listed under FESA or CESA, but are otherwise eligible for listing (i.e. candidate, or proposed) may be protected by the local government until the opportunity to list the species arises for the responsible agency (i.e. USFWS or CDFG).

Fish and Game Code § 3503, 3503.5, 3800 - Predatory Birds

Under the California Fish and Game Code, all predatory birds in California, generally called "raptors," are protected. The law indicates that it is unlawful to take, possess, or destroy the nest or eggs of any such bird unless it is in accordance with the code. Any activity that would cause a nest to be abandoned or cause a reduction or loss in a reproductive effort is considered a take. This generally includes construction activities.

Fish and Game Code § 1601-1603 – Streambed Alteration

Under the California Fish and Game Code, the Department of Fish and Game (CDFG) has jurisdiction over any proposed activities that would divert or obstruct the natural

flow or change the bed, channel, or bank of any lake or stream. Private landowners or project developers must obtain a "Streambed Alteration Agreement" from the CDFG prior to any alteration of a lake bed, stream channel, or their banks. Through this agreement, the CDFG may impose conditions to limit and fully mitigate impacts on fish and wildlife resources.

Environmental Setting

The City of Lakeport is located within the ecoregion known as the Northern California Interior Coast Ranges. Northern California Interior Coast Ranges vegetation is predominately characterized by the Blue Oak series, Chamise series, Purple needle grass series, and Foothill pine series (General Plan EIR, 2008). The vegetation within these plant communities vary greatly and are generally influenced by several ecological factors, including the amount of water available, soil depth and chemistry, slope and aspect (angle of the terrain with regard to direct sunlight), and climate.

The following habitat types are found within the City of Lakeport: shoreline, riparian, oak woodlands, chaparral, agricultural lands, and urban areas. There are several special-status plant and animal species known to occur in the vicinity of the City, however, the City is not located within an identified migratory corridor.

There are numerous policies and measures included in the Conservation Element of the 2009 General Plan that serve to protect and preserve important natural and biological resources (pages VII-9 through VII-10 of the 2009 Lakeport General Plan). The above-referenced policies include requirements such as requiring setbacks from the Clear Lake shoreline and other surface water resources and limiting the amount of ground disturbance during construction activities.

Please refer to General Plan Draft EIR, pages 3-39 through 3-48, for additional details regarding the setting for biological resources, including detailed descriptions of potential special-status plant, fish, and wildlife species, habitat types, sensitive communities, and wildlife corridors affecting the Lakeport area.

Response IV a): The applicant has submitted a biological assessment which addresses the wetland and special status plant species on the subject property. The report was prepared in 2009 (revised December 14, 2009) by Geri Hulse-Stephens, Consulting Botanist. The report focused on the potential biological impacts associated with the proposed bioswale and outfall related to the proposed on-site storm drainage system.

An addendum to the assessment was prepared in January 2010 and addresses the potential presence of wetland habitat in the southeast corner of the parcel. According to the addendum, the field survey done in late 2009 noted the potential presence of wetland soils/hydrology in the southeast corner. The area was subsequently investigated and determined not to have the characteristics that constitute a wetland as defined by the U.S. Army Corps of Engineers.

The biological assessment and the addendum are incorporated into this report by reference.

The submitted assessment includes a thorough description of the existing site conditions including topography, hydrology, soils and vegetation. The report notes the presence

of Forbes Creek along the north side of the site and indicates that the creek is a blueline stream as shown on the USGS Lakeport topographic map. The creek flows from the west along the north property boundary and eventually discharges into Clear Lake. The report states that the portion of the creek which flows through the parcel "is a concrete-bottom channel with a cement retaining wall on the north side and a steep gradient soil bank on the south side." Wetland vegetation is present on the south bank and on the edges of the concrete-channel bottom according to the assessment.

The assessment notes that the site has been disturbed in the past and that "the majority of the area was observed to be bare ground." As much as 95% of the site was found to be un-vegetated according to the report.

The Results section of the submitted assessment addresses the potential presence of sensitive or special-status species and concludes that "there did not appear to be any existing conditions that have the potential to support those species." The report adds that "due to the scarcity of native soils and the dominance of non-native exotic annual plants on the project site, the likelihood of habitat for special status plants is greatly reduced."

Based on the findings of the submitted biological assessment, the proposed development of the site will not directly result in any substantial adverse effects on candidate, sensitive, or special status species. There is **no impact** associated with this issue.

Response IV b): Based on a review of the submitted plans and supplemental materials, including the biological assessment, approval of the proposed project and the subsequent development of the site may impact the riparian vegetation present on the south side of the Forbes Creek bank. The potential impacts are related to the development of an outfall for the bioswale that is designed to cleanse the stormwater runoff from the building, parking and driveway areas.

Figure 16 of the City of Lakeport General Plan's Open Space, Parks and Recreation Element details environmentally sensitive areas, including nearby Forbes Creek.

It is important to note that the submitted plans indicate the driveway serving the drive through banking facilities on the north side of the bank building will be located at least 30' from the top of the Forbes Creek bank. This conforms to Municipal Code Section 17.20.040 E. which prohibits construction and grading activities within 30' of creeks and other sensitive areas.

The biological assessment describes the riparian vegetation on the south side of the creek, including red willow and Oregon ash species. The report details the location of the proposed bioswale outfall and indicates that Himalayan blackberry plants were the only vegetation present in this area. Minor modifications to this creek bank area proposed in conjunction with the outfall structure and, according to the botanist's report, only the blackberry plants would be disturbed.

It does not appear that the proposed project will have a substantial adverse effect on the site's existing riparian habitat. However, staff has suggested a mitigation measure that requires the applicant to prevent any significant disturbance to the Forbes Creek

riparian corridor during the construction activities or the subsequent occupancy of the office.

The City Engineer reviewed the project and noted a comment on Page 9 of the biological assessment which includes a recommendation from the Corps of Engineers to photograph the creek bank to document the pre- and post-construction conditions. The Engineer suggests that "City staff personally photograph the site for the pre-construction phase." Staff will attempt to photograph this area before any construction activities begin.

The proposed modifications to the south bank of Forbes Creek in conjunction with the bioswale outfall will likely require a 1603 Streambed Alteration Agreement (SAA) from the California Department of Fish and Game. Notice of the proposed project was provided to the Department of Fish and Game, but a formal response has not been submitted as of this writing. Staff contacted Fish and Game staff who acknowledged receipt of the application package and the request for review.

Staff has recommended a mitigation measure related to potential need for a permit from Fish and Game. It should be noted that the applicant has submitted documentation confirming that they have initiated the permit process with Fish and Game and staff has spoken to the Fish and Game biologist who will be reviewing the 1603 permit application. The issuance of the 1603 permit is subject to additional CEQA review according to Fish and Game staff.

Potential impacts to the riparian habitat are considered **less than significant with mitigation incorporation**. See conclusion of report for the recommended mitigation measures.

Response IV c): This checklist question addresses potential impacts to federally protected wetlands, which are under the jurisdiction of the U.S. Army Corps of Engineers. The City received correspondence from the Corps dated April 23, 2010 which states that "the proposed work will not result in the discharge of dredged or fill material within waters of the United States." The letter adds that "a Department of the Army Permit is not required for this work."

Based on the determination from the Corps of Engineers, there will be **no impact** to wetland resources.

Response IV a) above notes that the addendum to the biological assessment indicates that the potential wetland area in the southwest corner of the site was determined not to contain wetlands.

The City Engineer submitted a comment that notes the potential need for a permit from the Army Corps of Engineers. As described above the Corps has determined that a permit is unnecessary.

Response IV d): Approval of the proposed project will not directly result in substantial adverse impacts to movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The subject property is in an urban/built-up area and features perimeter fencing on the east side which hinders any notable wildlife

movement through the property. Some wildlife, including fish, amphibians, small mammals and birds may be present in and along Forbes Creek, but the creek and its riparian corridor will remain unobstructed. As previously noted the major site improvements will be located at least 30' south of the top of the creek bank. There is **no impact**.

Response IV e): Approval of the proposal and the subsequent development of the bank office and related site improvements will not directly result in any conflicts with local policies or ordinances protecting biological resources. No native trees will be impacted as a result of the project and the site improvements will be provided with an adequate setback from Forbes Creek. There is **no impact**.

Response IV f): There are no applicable Habitat Conservation Plans, Natural Community Conservation Plans, or any other local, regional, or state conservation plans affecting the subject property. There is **no impact**.

The applicant has submitted a landscaping plan (Sheet L-1) which identifies numerous new planting areas around the perimeter of the site and in the setback area between the site improvements and Forbes Creek. The submitted plan indicates that a variety of trees and shrubs will be provided in the new landscaping areas. Proposed 15-gallon trees include Bradford pear, crepe myrtle, October glory and Swan Hill olive (fruitless). A mixture of one- and five-gallon shrubs and plantings is proposed throughout the landscaped areas and the plan also indicates that large rocks (2 feet to 4 feet) will be provided in various locations. Irrigation details were also provided (Sheet L-2). Please refer to the landscaping plan for more details including the full list of proposed materials and specific locations.

The City's Redevelopment Director reviewed the landscaping plan and submitted the following comments:

- Recommend native trees in the landscaping area adjacent to Forbes Creek.
- Recommend 5 trees (instead of 4) in the landscape area adjacent to the alley.

Staff has recommended two mitigation measures related to landscaping. One calls for the submittal of a final landscaping plan prior to the issuance of a building permit and requires the landscaping materials to be continuously maintained and watered over the life of the project and requires replacement if necessary. The other landscaping mitigation measure incorporates the suggestions from the Redevelopment Director. See conclusion of the report for the recommended measures.

V. CULTURAL RESOURCES:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
historical resource as defined in 15064.5?				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

Response V a): Section 15064.5 of the CEQA Guidelines discusses historical resources and indicates that the term “historical resources shall include the following:

- ❖ *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resource Code SS 5024.1, Title 14 CCR, Section 4850 et seq.).*
- ❖ *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
- ❖ *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852).*

This section of CEQA also includes additional criteria that can be used to determine if a building, site, area, etc. is a historical resource.

Staff sent a Request for Review to the California Historical Resources Information System (CHRIS) at Sonoma State University who indicated that the State Office of Historic Preservation “has determined that any building or structure 45 years or older may be of historical value.” The response from CHRIS recommended that “prior to the

commencement of project activities, a qualified architectural historian familiar with Lake County history conduct a formal CEQA evaluation.”

The applicant retained a qualified local archeologist who prepared a detailed report addressing the site's cultural and historic resources. The submitted cultural resource evaluation (Archaeological Research [John W. Parker, Ph.D., RPA], April 8, 2010) is incorporated herein by reference.

The archeologist's report indicates that the building was likely constructed in the early 1930's as part of the Prather Lumber Company which occupied the subject property from 1922 to 1938. The structure contains approximately 900 square feet of floor area according to the project architect.

The submitted report states that the building has been subject to “extensive interior and exterior renovations” and notes that only two of the building's original 12 double-hung windows remain. The report states that the “alterations have compromised” the building's “original historical character” and that “due to these alterations, it is this author's opinion that this structure is no longer historically significant.”

The structure is not listed on the California Register of Historical Resources, the California Historical Landmarks list, the National Register of Historic Places or the City's local register of historical resources. The fact that it is not listed suggests that the building has no historical or cultural significance.

The applicant has attempted to donate the building to anyone willing to relocate it to another site. However, if the relocation efforts are not successful, the applicant intends to demolish the building. The demolition may take place before approval of the Mitigated Negative Declaration for the new development project. As such, the City has approved an application for a CEQA Categorical Exemption (File OA 10-03) to demolish the building based on the determination that it has no historical significance. A demolition permit will be issued by the City Building Department if the building is not relocated in the near future. The applicant has agreed to a mitigation measure as part of the Categorical Exemption approval that requires the preparation of a digital photo archive of the interior and exterior of the building. The mitigation was suggested by the project archaeologist. There is **no impact** related to this issue.

Response V b), c), d): The response from CHRIS at Sonoma State University indicates that the “proposed project area has the possibility of containing unrecorded archaeological sites. A study is recommended prior to commencement of project activities.”

The Inventory also recommended that the applicant contact the local Native American tribe(s) regarding traditional, cultural and religious values.

As described in the preceding section, the applicant submitted a cultural resource evaluation prepared by a local archeologist. The report describes the project setting and includes a detailed discussion regarding Native American history in Lake County and the history of Lakeport, including details regarding the past use of the subject property.

Regarding the presence of prehistoric resources, the Study Results section of the report notes that several pieces of Konocti obsidian were found along the eastern parcel boundary. No other prehistoric cultural materials were found according to the report.

The report's conclusion states that "the few isolated pieces of obsidian do not constitute a 'significant' cultural resource as defined by the California Public Resources Code." The report adds that the presence of these items "may indicate that a significant archaeological resource exists buried beneath layers of recent fill." If buried resources are encountered during the development of the site, they "would need to be evaluated."

Some minor historic materials were also discovered during the site investigation. These materials consisted of some broken historic glass and concrete footings around the perimeter of the site. The report concludes that these "isolated pieces" are related to the historic use of the parcel but do not constitute a "significant" cultural resource. However, the presence of these materials "suggest the possibility that a significant historic feature may exist" under the fill materials. Materials such as buried trash deposits, filled-in privies, wells, footings, etc. "would be considered significant cultural resources" if they are determined to be related to the lumber company that occupied the site in the early 1900's. If present, these materials would be deemed "significant" due to the finding that the lumber company operated by W.W. Prather was "important to the historic and economic development of Lake County."

The report recommends that the "proposed project be approved as planned" subject to a mitigation measure requiring that a qualified archaeologist be retained to monitor the site during the grading and trenching activities for the presence of historic or prehistoric cultural resources. Grading, excavation and trenching work will be a required component of the project according to the submitted materials.

Staff has developed a mitigation measure consistent with this archaeologist's recommendation. Additional mitigation will be necessary if such resources are discovered on the site.

Potential impacts related to this issue will be **less than significant with mitigation incorporation.**

VI. GEOLOGY AND SOILS:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?		X		
iii) Seismic-related ground failure, including liquefaction?		X		
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X		
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Response VI a.i, ii, iii): The Fault-Rupture Hazard Zones map prepared by the California Geological Survey for the Alquist-Priolo Earthquake Fault Zoning Act identifies Alquist-Priolo zones in the northern and southern sections of Lake County, but none in the City of Lakeport. This map is incorporated into the City’s General Plan (Figure 17, Safety Element).

The General Plan describes the seismic hazards in the vicinity of Lakeport and indicates that the City is “located in a highly active earthquake area and the potential exists for a significant seismic event in the future.”²

“Active” earthquake faults are defined as those for which there is evidence of activity during the last 11,000 years, or Holocene time. Active faults in our area include the Mayacama, about seven miles southeast of Lakeport, and the Konocti Bay, nine miles to the east. The Healdsburg and San Andreas faults lie 24 and 35 miles to the southwest. Faults near Lakeport, categorized as “potentially active,” include the

² Lakeport General Plan, Safety Element, Pg. X-1

Collayomi, nine miles southwest; the Barlett Springs, approximately 20 miles east; and the Big Valley, running along the west shore of Clear Lake.

Immediately east of the City, between the City limits and Clear Lake, there is a potentially active rupture zone. Potentially active rupture zones are faults which have been active in the past 2,000 years. Little is known about this shoreline fault rupture zone; however, it represents a potential significant hazard and must be taken into consideration when development occurs in the vicinity.³

The subject property is in relatively close proximity to the potentially active fault rupture zone along the Clear Lake shoreline.

The applicant has submitted a preliminary geotechnical investigation prepared by a licensed geotechnical engineer. The submitted report describes the site's geologic conditions and includes an evaluation of the site's seismic hazards. The report also notes that liquefaction and seiche waves are potential hazards in the Lakeport area.

The report states that "there are no known active faults that cross the site based on the official fault maps and no major earthquakes have occurred along any Lake County faults within the last 200 years." However, the report states that the project site is located in a seismically active area which is susceptible to strong earthquake shaking. Two sources of damaging earthquakes in the Lakeport area are cited: the Bartlett Springs fault system and the Mayacama fault zone.

Seismic-related ground failure, such as liquefaction and co-seismic settlement, are possible at this site "under rare, very strong earthquake conditions"⁴ according to the report.

The geotechnical investigation provides a number of recommendations related to the construction of the proposed office building and related improvements. The report indicates that the recommended foundation system is "designed to resist adverse effects from the possibility of ground movements or differential settlement resulting from liquefaction or co-seismic settlement." The report also states that the foundation system has been "designed to meet the current building code earthquake design criteria."⁵

Potential impacts related to the potential rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure are considered to be **less than significant with mitigation incorporation**. See conclusion of report for the mitigation measure which calls for the project to be developed consistent with the recommendations set forth in the geotechnical investigation report.

Response VI a. iv): No potential adverse effects related to landslides are anticipated as a result of the project. This determination is based on the fact that the project site is relatively flat and because a 30' setback will be provided from Forbes Creek. There is **no impact**.

³ Ibid.

⁴ Geotechnical Investigation for 290 S. Main St., Rau and Associates, Pg. 6

⁵ Ibid., Pg. 7

Response VI b): The geotechnical report indicates that one of the primary geotechnical considerations is the presence of weak soils near the ground surface. Uncontrolled fill is susceptible to groundwater, expansive soil conditions and liquefaction. In order to construct an adequate foundation system, the report recommends the removal of “old fill and near surface clayey soils below existing grade and replacing with structural fill to provide uniform bearing soils for the proposed building foundation.”⁶ The report estimates that “removals to depths of 5 feet below existing grade”⁷ are necessary.

Despite the proposed grading and excavation activities, there is no indication that the development of the proposed project will result in substantial soil erosion or the loss of topsoil. Significant topographic changes are not proposed due to the site's relatively flat surface. The geotechnical report addresses drainage issues and recommends several methods intended to mitigate erosion impacts and reduce erosion potential. Furthermore, erosion control measures will be required during the construction and post-construction periods due to storm water mitigation requirements. The project is subject to the requirements of the City's erosion control regulations (Municipal Code Chapter 17.20), storm water management ordinance (Municipal Code Ch. 8.40) and the Lake County Clean Water Program Storm Water Management Plan. Best Management Practices (BMPs) will be required to limit soil erosion associated with the construction and post-construction activities. Staff has recommended a mitigation measure calling for the applicant to provide adequate construction and post-construction BMPs.

Issues related to site drainage and erosion control are further addressed in the Hydrology and Water Quality section of this initial study.

Potential impacts related to substantial soil erosion or the loss of topsoil are considered to be **less than significant with mitigation incorporation**. See conclusion of report for the recommended mitigation measure.

Response VI c): The geotechnical investigation addresses soil stability issues including a discussion regarding the potential for lateral spreading and lurching associated with the proposed improvements. The report indicates that lateral spreading and lurching “are considered low to moderate risks”⁸ given the site's flat topography, the 30' setback from Forbes Creek, and the site's distance (greater than 1,000 feet) from the Clear Lake shoreline.

The report provides recommendations related to a foundation system “designed to resist adverse effects from the possibility of ground movements or differential settlement resulting from liquefaction or co-seismic settlement.”⁹ The report describes the use of either heavily reinforced or post-tensioned slabs which will meet the current earthquake design criteria mandated by the California Building Code.

Provided the recommendations outlined in the geotechnical investigation are adhered to, there is no indication that the project will be located on unstable soils or that it has

⁶ Ibid., Pg. 6

⁷ Ibid.

⁸ Ibid., Pg. 7

⁹ Ibid.

the potential to create on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse. These potential impacts are considered **less than significant with mitigation incorporation**. See conclusion of report for the recommended mitigation measure.

Response VI d): The geotechnical report indicates that expansive soils were encountered near the surface during the site investigation and that these soils present a moderate risk to the improvements. In order to avoid the weak and expansive soils, the report suggests the removal of up to 5' of soil in the areas of the proposed improvements. The report also recommends additional geotechnical engineering review of the subgrade soils that will be exposed by the site grading "to identify and mitigate any unsupportive soils zones."¹⁰

The City Engineer reviewed the geotechnical investigation and submitted the following comment:

- ❖ The geotechnical report has several recommendations in section 7 which should be checked at the time of building permit application, of particular interest is the need to over excavate due to previously placed uncontrolled fill. For the site work the civil plans have incorporated the recommendations of the geotechnical report.

The presence of the expansive soils is one of the primary geotechnical concerns according to the report. However, the Conclusions and Discussion section of the report states that "the proposed development is feasible from a geotechnical standpoint."¹¹ It suggests that the grading and foundation plans incorporate the report's recommendations.

Numerous recommendations are set forth in the report and are intended to ensure stable building foundations and other improvements. The recommendations address site preparation and grading; foundations; slabs-on-grade; vehicle pavement sections; and drainage and erosion. The report also discusses the importance of having the geotechnical engineer review the final grading and foundation plans to ensure conformance with the report's recommendations. A geotechnical representative is also recommended to be present during the construction phase to monitor the subgrade preparation, observe and test structural fill placements, and to review foundation excavations. The importance of the construction monitoring phase is discussed.

Staff has recommended a mitigation measure which addresses compliance with the recommendations set forth in the geotechnical investigation and other related issues. The potential impacts associated with expansive soils are therefore considered **less than significant with mitigation incorporation**. See conclusion of report for the recommended mitigation measure.

Response VI e): Adequacy of the site's soils to support septic tanks or other alternative waste water disposal systems is not applicable as the City's sewer system currently

¹⁰ Ibid., Pg. 8

¹¹ Ibid., Pg. 5

serves the subject property. No septic tanks are proposed in conjunction with this project. There is **no impact**.

VII. GREENHOUSE GAS EMISSIONS:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Response VII a): LCAQMD has reviewed the proposed project and submitted comments related to greenhouse gas emissions. The District indicates that the project will result in an increase in the amount of vehicle traffic related to employees, customers, deliveries, and the drive-through banking facilities. The District indicated that the relatively small size of the project will limit the related impacts to a less than significant level provided some recommended mitigation measures are incorporated into the project:

- To mitigate greenhouse gases from these activities, the applicant should promote carpooling, local transit, or alternate means of transportation for employees. Walking traffic should be promoted for customers.
- The applicant should promote and post signs to discourage idling at drive-up teller and ATM.

Staff spoke to LCAQMD staff and was told that a specific time frame related to vehicle idling does not need to be posted on the signs. It was recommended that the signs provide a concise message suggesting that vehicle idling time should be limited while waiting for service. Staff has developed two mitigation measures which incorporate the suggestions from LCAQMD. These potential impacts are therefore considered **less than significant with mitigation incorporation**.

Response VII b): The LCAQMD indicated that if the mitigation measures described above are incorporated into the project, the District can support the approval of a mitigated negative declaration. There was no indication from the District that the proposed project will conflict with any plan, policy or regulation related to the reduction of greenhouse gas emissions. There is **no impact**.

VIII. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Response VIII a): Approval of the proposed office building and its future use as a bank business will not result in activities which would involve the transportation, use, and storage of hazardous materials. Future business activities which would result in usage of

hazardous material will be guided by the policies and programs contained in the City's Zoning Ordinance and General Plan. The Conservation and Safety Elements of the City's General Plan include programs which will have a beneficial impact on protecting public health from the hazards associated with transportation, storage, and disposal of hazardous wastes.

No impact related to the transportation, use, and storage of hazardous materials is expected.

Response VIII b): Development of the proposed building may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions related to the release of hazardous materials into the environment due to the proposed use of propane and an above-ground propane tank. The site plan (Sheet DD-1) indicates that a 500-gallon propane tank will be installed in the southeast corner of the site adjoining the trash enclosure. The plan indicates the propane enclosure will be 7' tall and will be comprised of concrete block (CMU) with stucco cladding. Plan Sheet DD-1 includes elevations of the trash enclosure which will be comprised of the same materials as the propane tank enclosure.

The proposed location appears to be in conformance with the California Fire Code in terms of setbacks and the provision of protective measures (the concrete/stucco enclosure). No comments regarding the propane tank were submitted by the Fire District or the Building Official. Staff has recommended a standard mitigation measure. This potential impact is considered **less than significant with mitigation incorporation**.

Response VIII c): A private elementary school is located on South Forbes Street between C and D Streets which is within ¼ mile of the project site (approximately 600' southwest). However, there is no indication that the future banking activities will emit hazardous emissions or handle hazardous materials. There is **no impact**.

Response VIII d): According to the Draft EIR prepared by Quad Knopf, Inc. in conjunction with the 2009 General Plan update, there are no sites in the City of Lakeport which are listed on the Comprehensive Environmental Response, Compensation, Liability Information System (CERCLIS); the National Priority List (NPL); or the Department of Toxic Substances Control Cortese List.¹² There is **no impact**.

Response VIII e), f): The project site is not located within an airport land use plan or within two miles of an airport or public use airport which would result in a safety hazard for people residing or working in the project area. The project is not in the vicinity of a private airstrip which would result in a safety hazard for people working or residing in the project area. There is **no impact**.

Response VIII g): Approval of the project and the subsequent construction of the office/bank building and related improvements will not directly interfere with an adopted emergency response plan or emergency response system. No comments were received from the Fire District indicating any concerns regarding the ability to respond to an emergency affecting the proposed building. There is **no impact**.

Response VIII h): The proposed project does not have the potential to expose people

¹² Pg. 5-2, Draft EIR, City of Lakeport General Plan Update

or structures to a significant risk of loss, injury, or death involving wildland fires as there are no wildlands adjacent to the subject property. A new on-site fire hydrant is proposed in the landscape area on the north side of the driveway approach. The Fire District submitted a comment indicating the hydrant location is approved. **No impact** is expected.

IX. HYDROLOGY AND WATER QUALITY:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flood on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	X

Response IX a) – f): Construction of the proposed improvements, including the proposed building, related parking and driveway areas, walkways and other impervious surfaces will result in the changes in absorption rates, drainage patterns, and/or the rate and amount of surface water runoff generated from the subject property. There will be a net increase in the amount of storm water runoff generated at this site.

The subject property is located within the 1,667 acre Forbes Creek drainage basin according to City records.

The impact of the new impervious surfaces will be mitigated via the payment of the City's standard storm drainage mitigation fee (\$0.10 per square foot of new impervious surfaces). Downstream storm drainage improvements or on-site detention/retention facilities will not be required in conjunction with this project due to the fact it proposes to deposit the site's storm water into Forbes Creek rather than the City's storm drain system.

The applicant has submitted site drainage plans and hydrology calculations prepared by Rau and Associates, Inc. The engineer submitted a written narrative which accompanied the plans and calculations and describes the proposed storm drainage improvements. The submitted information is incorporated into this report by reference.

The engineer's narrative indicates a 30' x 145' buffer zone has been provided on the north side of the site adjacent to Forbes Creek and that the area will be used for landscaping and two vegetated bioswales that are designed to treat the site's storm water runoff.

The Architectural Description narrative prepared by the project architect also describes the proposed storm drainage facilities and indicates that the runoff from the building, parking lot and other impervious areas will drain into on-site catch basins connected together by new subterranean on-site storm lines. The submitted plans (Sheet DD-C2) identify four catch basins on the east side of the parking lot and two

catch basins on the west side. The plan notes the presence of grade breaks which will help convey the surface water to the various catch basins. The catch basins will be connected via 8" storm drain lines that are sloped toward the north side of the site where the pipes will terminate at the aforementioned bioswales.

The narrative states that the storm drainage will be directed to Forbes Creek in order "to minimize the demand carried by city storm drain utilities in South Main Street and avoid expensive annual maintenance associated with the on-site catch basins." The architect's narrative explains that the storm drain lines will empty into an "ecologically advanced, nature friendly, planted bio swale filtering system." The submitted plans identify two bioswales in the landscaped area on the north side of the property which merge into a single bioswale that will terminate on the south bank of Forbes Creek.

The engineer's narrative states that the bioswale outfall will be "approximately 17' east of the end of an existing concrete wall that runs parallel with Forbes Creek along the top of bank." This narrative provides further details regarding the outfall and the related improvements, including the provision of erosion control measures.

The engineer's narrative indicates that the bioswales have been designed to "meet water quality objectives by treating runoff from rainfall intensity that occurs during the 85th percentile mean annual 24-hour storm event which has been calculated for this site to be 0.14 cfs." The narrative includes additional details regarding the design and indicates that the bioswales will exceed the minimum treatment requirements by "nearly four times." The submitted hydrology calculations support the design/configuration of the proposed storm drain facilities.

The engineer's narrative also describes the type of vegetation that will be planted in the bioswale and indicates that an erosion control blanket will be provided. A maintenance schedule has not been developed according to the narrative but it is suggested that the grasses in the swale be cut annually "to provide for maximum water quality treatment of storm water runoff."

The City Engineer reviewed the proposal including the hydrology calculations and submitted the following comments regarding the proposed storm drainage improvements:

- ❖ I have reviewed the submittal for the vegetated swale and it looks to be designed in accordance with the Santa Rosa SUSMP standards with one exception. This was the standard used to design the bio-swale for the Parkside SD project, and was the standard I referred the applicant to prior to project submittal. The exception I noted is that the proposed landscaping plan identifies irrigation for the landscaping surrounding the vegetated swale, however it does not provide irrigation for the swale itself. Design of the vegetated swale needs to also provide for irrigation of the swale during the dry period, typically April to October, as it will only function properly when the vegetation is growing and maintained. This was a requirement of the Parkside SD swale as well. The Santa Rosa SUSMP guidelines contain specific language for maintenance of the vegetated swale in order to ensure its proper long term operation. These guidelines are presented in Chapter 4,

page 18 of the guidelines and were incorporated in the applicant's submittal.

- ❖ Our City has also adopted an ordinance regarding Storm Water Management as well as a resolution requiring Best Management Practices. These regulations require compliance with the California Stormwater Quality Association (CASQA) BMP Handbooks for all projects involving one acre or more of land, and also require BMP's for any project which will or may result in pollutants entering storm water, the storm drain system, or waters of the State or of the United States discharge into. This project is situated on a 0.86 acre site and the applicant is proposing a BMP (Vegetated Swale) which should comply with the typical inspection and maintenance requirements outlined in the CASQA BMP Handbooks.
- ❖ I would suggest a project condition worded similar to:
 - ❖ Project applicant / owner shall maintain the Vegetated Swale in accordance with the recommendations in the CASQA BMP Handbook for Industrial and Commercial use identified by TC-30 (Treatment Control 30). Project applicant / owner shall maintain records on all maintenance activities performed on the Site BMP's and shall annually summarize said activities in an Annual Source and Treatment Control Operation and Maintenance Inspection Annual Report. This report and associated inspection logs shall be preserved for a period of five years and made available to City staff upon request. Applicant / owner shall be subject to all requirements of City Ordinance 853 (2006) and any subsequent revisions or modifications thereof.
- ❖ Attached for the applicant's use are a sample Inspection and Maintenance Checklist, and a sample Annual Report form.
- ❖ Supplemental comment from City Engineer indicated that the stormwater catch basins in the parking lot should incorporate a 1' sump at the bottom to assist in sediment removal. It was explained that the catch basin sumps will allow for the removal of built-up sediment before it enters the bioswales. Maintenance of the sumps will likely reduce the maintenance of the bioswales related to sediment removal (dredging) according to the Engineer.

Staff has recommended mitigation measures generally consistent with City Engineer's recommendations. The sample checklist and report forms have been provided to the project engineer. Another mitigation measure requires the project to comply with Municipal Code Chapter 8.40 which sets forth the City's stormwater management regulations and require the provision of adequate construction and post-construction Best Management Practices (BMPs) necessary to prevent the illicit discharge of pollutants into nearby Forbes Creek. A related mitigation measure requires the storm drainage facilities to be developed consistent with the approved plans and to be completed prior to the issuance of a final occupancy permit for the new bank office. Another mitigation measure recommends the provision of a 1' sump in the catch basins to allow the removal of sediment and related materials.

The Regional Water Quality Control Board reviewed the proposal and submitted a response via email indicating that the project should employ standard post-construction BMPs and be consistent with the City's municipal stormwater discharge permit. One of the mitigation measures described above requires compliance with the City's stormwater management regulations including the provision of adequate BMPs. The mitigation measure suggested by the City Engineer also addresses the future maintenance of the stormwater BMPs.

The City Public Works Superintendent reviewed the submitted plans and indicated that his comments/concerns were provided to the City Engineer.

Provided the recommended mitigation measures are imposed and implemented, construction of the project is not expected to violate any water quality standards or waste discharge requirements; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial erosion or siltation on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or otherwise substantially degrade water quality. These potential impacts are considered **less than significant with mitigation incorporation**. See conclusion of this report for the related mitigation measures.

The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The City's water supply is not dependent on any underground aquifers in the immediate vicinity and as such the proposed improvements are not expected to interfere substantially with groundwater recharge. There is no indication that the project will substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase runoff in a manner that will result on on-site or off-site flooding. **No impact** is anticipated regarding these issues.

Response IX g): Staff reviewed the City's GIS map data which indicates the subject property is located within a 100-year flood hazard area. The northern portion is within Zone AE and the southern portion is within the AO (2' depth) zone. The flood zones are related to nearby Forbes Creek. This checklist question is related to new housing in a flood zone. No housing is proposed and therefore there is **no impact**.

Response IX h- i): The proposed office building will be located within a 100-year flood hazard area as described above. It appears that the building will be located in the AE zone and the AO zone. The City Building Official reviewed the submitted materials and indicated that there are no apparent problems related to compliance with the City's floodplain management regulations (Municipal Code Chapter 15.16). The Building Official noted that the submitted plans "show the building floor will be greater than 2' above the highest adjacent grade" and is therefore in compliance with the FEMA regulations and the City's floodplain management ordinance.

Based on a review of the submitted plans and the received staff comments, there is no indication that the proposed structure will impede or redirect flood flows or expose people or structures to a significant risk of loss, injury or death involving flooding. Staff has recommended a standard mitigation measure requiring the project to be

constructed in accordance with the City's floodplain regulations. These potential impacts are considered **less than significant with mitigation incorporation**.

Response IX j): The Safety Element of the City's General Plan includes a discussion regarding potential seiche impacts in the City related to the formation of large waves on Clear Lake as a result of earthquakes, winds, or wave motions. Figure 18 of the General Plan identifies a seiche inundation zone along the Clear Lake shoreline which extends landward through the subject property. However, the Safety Element also notes that the "risks associated with seiche are considered to be relatively low when compared to the risks from earthquake and liquefaction"¹³ in our area. The geotechnical investigation noted that seiche waves are a potential hazard in Lakeport but there is no indication that they will detrimentally impact the subject property. The site's distance from the Clear Lake shoreline along with the presence of intervening structures and improvements reduces the potential seiche impacts to a **Less Than Significant** level.

There are no components of the project or any site characteristics that would indicate the project will expose people or structures to a significant risk of loss, injury or death involving inundation by a tsunami or mudflow. There is **no impact** associated with these issues.

X. LAND USE AND PLANNING:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		X		
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Response X a): Construction of the proposed bank office and related site improvements will not physically divide an established community. The subject property is partially developed and has been the site of various commercial and office activities in the past. The project will not impact the adjoining residential mobile home

¹³ Lakeport General Plan, Safety Element, Pg. X-3

park in terms of access or any other ingress or egress issues. **No impact** has been identified.

Response X b): This checklist question asks if the project will conflict with any applicable land use plan, policy, or regulation (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

As previously described Forbes Creek extends along the north side of the subject property. The City's General Plan and Municipal Code include a number of policies, programs and regulations which address increasing public access to important natural resources including Clear Lake, wetlands, streams and creeks. Allowing development to proceed which does not comply with the City's policies and regulations negatively impacts the City's built environment and its residents and is therefore considered to be a negative environmental impact.

Policy CD 1.2 of the General Plan Community Design Element is related to public access and states that "site design should maximize public access to and create opportunities for use of shoreline areas in locations contiguous to the lake, stream, or wetland where such access would not jeopardize habitats and other environmental attributes of the water body."¹⁴ Two related General Plan programs provide more specific details regarding public access:

Program CD 1.2-a: Development review of proposed projects shall identify opportunities for increasing public access to Clear Lake, wetlands, streams, and creeks in the Planning Area.

Program CD 1.2-b: Public access easements to Clear Lake, streams and wetlands (where appropriate) between properties, shall be required at ½ mile intervals where feasible.

The Community Design Element, Pg. V-13, includes the following policies related to lakefront access and public open space:

Policy CD 4.8: Lakefront Access. Improve and develop pedestrian paths and access between the downtown area and the lakefront.

Policy CD 4.9: Public Open Space. Continue to preserve and acquire additional public open space through dedications, the purchase of fee title or easements.

Policy CD 7.2: Public Open Space. Revise the development review process to ensure that a meaningful amount of useable public open space is incorporated into commercial, retail, mixed use and office development. Require a Public Open Space Plan for commercial developments in excess of 3/4 acre. (Usable public open space is space which is accessible to the public and can be utilized for walking, sitting, etc. versus space that exists only to provide visual relief.)

¹⁴ Lakeport General Plan, Community Design Element, Pg. V-10

Chapter 17.12 of the Lakeport Municipal Code (LMC) sets forth the regulations for development in the CB Central Business zoning district and Section 17.12.080 details performance standards, including requirements related to public access to scenic resources:

LMC Section 17.12.080 B.: The development of new buildings or remodel of existing structures shall take into account the goals and policies set forth in the Community Design Element of the General Plan and shall be consistent with the California Main Street Program. Provisions for creating a friendly and safe environment, which is inviting to pedestrians, may include special lighting, new landscaping, street furniture, sidewalk enhancement, provision of pedestrian paths, protection of scenic views, provision of access to the lakefront, and strengthening the relationship between downtown and Clear Lake, along with the provision of other public amenities, will be considered.

LMC Section 17.12.080 C.: In the development of new buildings or remodel of existing structures, pedestrian circulation shall be taken into account. The widening of sidewalks, provision of additional crosswalks, new street signage, and/or new sidewalk surfaces and treatments may be required. As new development proposals are made, pedestrian and bike paths on public and private property may also be required. The resurfacing and landscaping of existing secondary streets, alleys, and pedestrian paths in the downtown area may be required as a condition of approval.

LMC Section 17.12.080 D.: Where possible, the development of public open space areas such as courtyards, pocket parks, and pedestrian paths, separate from the streets through the interior of City blocks or within larger development projects, may be required for the purpose of connecting various parts of downtown and to create interesting interior spaces.

The City's Redevelopment Director reviewed the application package and submitted comments related to this issue:

- ❖ Should consider a pathway or trail along Forbes Creek (General Plan Policy CD 4.8)
- ❖ Apply applicable General Plan Policies to the project, including Policy CD 7.2

It is evident that based on the City's adopted policies and regulations there is a need to address the provision of some type of public access to the area along Forbes Creek. As previously described the proposed site improvements will be located approximately 30' south of the creek. A large variety of landscaping and the bioswales associated with the storm drain system will be located in this area. The layout of the proposed improvements provides an opportunity to lay the groundwork for the future development of a pedestrian path in the vicinity of Forbes Creek that could ultimately extend from Main Street to the Clear Lake shoreline. There is no indication that the development of a pedestrian path in the future will affect any of the proposed site improvements. This type of pedestrian path would be consistent with the goals/policies included in the City's General Plan and Municipal Code.

It is recognized that the actual development of a pedestrian path through the landscaping area and along the creek is not prudent at this time given that the path would terminate near the northeast property corner due to existing improvements on the adjoining property to the east. Staff is therefore recommending that the applicant agree to dedicate a 15 foot wide pedestrian access easement in proximity to Forbes Creek. The easement should feature a curvilinear design and be located so that the path will not detrimentally impact any of the existing riparian vegetation along the creek bank. Although a 15' wide easement is suggested, the width of the pedestrian path, if developed in the future, will likely be between 5' and 10' wide. The additional easement width will allow for pathway slopes, grading, maintenance, etc.

This issue is considered ***less than significant with mitigation incorporation***. See conclusion of this report for the recommended mitigation measure.

With respect to General Plan Policy CD 7.2 as it relates to the development of "useable public open space" in conjunction with new development projects, staff discussed this issue with the applicant's architect and it was stated that the applicant strongly opposed the addition of any benches or sitting areas in the landscaped area on the north side of the site due to security concerns associated with the proximity to the 24-hour banking facilities. The architect stated that the bank has provided this type of amenity in conjunction with other bank branches and that it was not successful, particularly at night after normal business hours. Staff sought the opinion of the City Police Chief who responded via email that he agrees with the bank's assessment that a sitting area in the vicinity of the 24-hour banking facilities is a security concern.

Regarding the provision of parking, Sheet DD-1 includes a parking summary indicating that a total of 41 parking stalls will be provided including two handicapped-accessible stalls and three compact parking stalls. The proposed building will have 3,036 square feet of floor area. Municipal Code Section 17.23.050 B. indicates that one parking space per 250 square feet of floor area is required for bank-related uses; the amount of required parking would therefore be 12.14 stalls. The provision of 41 parking stalls greatly exceeds the City's requirement. A large amount of landscaping is proposed in the parking lot, including the perimeter areas, in tree wells and near the proposed office building. Please refer to the landscaping plan, Sheet L-1, for more details.

Staff has recommended a mitigation measure calling for the provision of at least 35 parking stalls and compliance with the City's development standards regarding perimeter curbing, back-up distance, striping, landscaping, maintenance, etc. See the conclusion of the report for the recommendation.

Response X c): There is no applicable habitat conservation plan or natural community conservation plan in place at the present time which affects the subject property. There is ***no impact*** associated with this issue.

XI. MINERAL RESOURCES:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Response XI a): There are no mining or mineral extraction operations within the Lakeport City limits or the Sphere of Influence. Page VII-4 of the General Plan's Conservation Element notes that there are no active mineral extraction or mining operations in the City and also indicates that the Plan "prohibits any mining or mineral extraction activities within the City." There is **no impact**.

Response XI b): No mineral recovery sites are located in the City; **no impact** has been identified.

XII. NOISE:

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Response XII a): Development of the proposed project and the future office/banking activities will likely increase the area's existing noise levels due to an increase in vehicle traffic, customers and employees. The typical banking-related activities are not expected to generate a significant amount of additional noise. The area around the site is relatively noisy given its proximity to South Main Street and other businesses/activities which generate notable amounts of noise. Two nearby gas stations with 24-hour gas service and a restaurant/lounge with live entertainment are located within 200 feet of the subject property.

Although the proposed banking facility will provide a 24-hour drive-through ATM, late-night usage is expected to be minimal and will not create significant noise levels.

In staff's opinion the level of noise increase associated with the project will not result in the exposure of persons to or generation of noise levels in excess of standards established in the Lakeport General Plan or the applicable standards of other agencies. Excessive noise in commercially-zoned areas is defined in Section 17.28.010 of the Municipal Code as noise or other sound emissions which exceed 70 dBA for any 15-minute period in any one-hour period during the hours of 7:00 a.m. to 10:00 p.m. The allowable noise level decreases to 55 dBA during the evening and early morning hours. This is a **less than significant impact**.

Response XII b), c): Construction of the project and the subsequent office/banking activities would not appear to have the potential to expose persons to, or cause generation of, excessive ground-borne vibration or ground-borne noise levels. Similarly, there is no indication that the development of the project and its subsequent use will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. As previously noted the existing ambient noise levels are relatively high. There is **no impact** associated with these potential issues.

Response XII d): Temporary construction activities associated with the development of the proposed project have the potential to create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. All construction activities will be subject to the noise guidelines set forth in Chapter 17.28 of the Lakeport Municipal Code, including a prohibition of construction activities on Sundays. The noise regulations prohibit work starting before 7:00 a.m. or extending later than 10:00 p.m. This is an important consideration due to the residential activities in the mobile home park to the immediate east of the project site.

This potential impact is considered **less than significant with mitigation incorporation**.

Response XII e), f): The subject property is not located within an airport land use plan or in the vicinity of a private airstrip which would generate substantial noise impacts. There is **no impact**.

XIII. POPULATION AND HOUSING:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Response XIII a) - c): Based on the existing site conditions, the size and scope of the project and the nature of the future office/banking activities, the proposal will not induce substantial growth in the Lakeport area, either directly or indirectly; displace any existing housing; or displace any residents in a manner that would necessitate the construction of replacement housing. **No impact** has been identified.

XIV. PUBLIC SERVICES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
performance objectives for any of the public services:				
i) Fire protection?		X		
ii) Police protection?				X
iii) Schools?		X		
iv) Parks?				X
v) Other public facilities?				X

Response XIV a): The proposed project will result in the minor alteration of existing governmental services including fire protection, police protection, public facility maintenance, and other governmental services. Based on a thorough review of the proposal and comments received from other public agencies and departments, the project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives related to fire protection, police protection, schools, parks or other public facilities.

Fire protection: The Lakeport Fire Protection District submitted written comments related to the proposed installation on an on-site fire hydrant near the Main Street driveway approach:

- ❖ The hydrant location is accepted by the Fire District per prior conversation.
- ❖ Fire hydrant and lateral from the water main shall be 6 inches.

The Fire District imposes a fire mitigation fee which will be collected in conjunction with the issuance of a building permit. The fee as of May 2010 is \$1.00 per square foot for all covered areas and \$0.50 for new construction that will have a fire suppression sprinkler system.

Staff has recommended mitigation measures which address the installation of the fire hydrant and payment of the fire mitigation fee.

Police protection: The City of Lakeport Chief of Police reviewed the proposal and did not submit any comments/concerns regarding police protection.

Schools: The Lakeport Unified School District has adopted a school impact fee resolution in accordance with State law. As of May 2010, the District requires the developer of commercial structures to pay a fee of \$0.36 per square foot of new building area to the School District to mitigate the impacts to the schools. A mitigation measure addressing the payment of this fee has been recommended.

Parks & Other public facilities: There is no indication that the construction of the proposed project and the related office uses will substantially affect the City's park system or other public facilities.

Potential impacts to Public Services, specifically Fire Protection and Schools are considered to be **less than significant with mitigation incorporation**. **No impact** is anticipated regarding Police Protection, Parks, and other public facilities.

XV. RECREATION:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Response XIV a), b): The City of Lakeport maintains a system of parks, recreation facilities and open space for its citizens. The City has approximately 63.5 acres of parkland not including recreational facilities at the schools. Lakeport's park and recreational facilities include: parks, boat launch facilities, public swimming pool, and partially-developed parks.

In addition to City parks, recreational facilities in the Lakeport vicinity are provided at the Highland Springs Reservoir, Lake County Fairgrounds, the County Park and Clearlake State Park. Community use of school playing fields provides additional recreational facilities.

Construction of the proposed bank office and the related business activities will not result in a substantial increase in population or employment levels which could increase the use of existing neighborhood/regional parks such that substantial physical deterioration of the facilities would occur or be accelerated. The project does not include any recreational facilities nor will it require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

These potential impacts are considered to be **less than significant**.

XVI. TRANSPORTATION/TRAFFIC:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		X		
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?		X		

Response XVI a): This section asks if the proposed project will conflict with any plans, ordinances or policies related to the effective implementation of the City's circulation system, including streets and pedestrian facilities.

The proposed project will result in a net increase in traffic in the vicinity of the project site. This increase will primarily affect South Main Street and, to a lesser degree, the arterial streets which lead to South Main Street including Martin Street, Lakeport Boulevard, Eleventh Street and North High Street.

Staff consulted the Institute of Transportation Engineers Trip Generation Manual (7th Edition) to quantify the estimated traffic projections. The manual includes numerous studies which estimate the traffic generated by a "drive-in" bank branch. Some studies factor the square footage of the bank branch and others use the number employees or the number of drive through lanes.

The trip generation estimates set forth in the Manual for this type of use vary significantly. For example, one study indicates that an average of nearly 250 weekday trips is generated per 1,000 square feet of gross floor area. A 3,000 SF branch would therefore generate an average of nearly 750 weekday trips. This study found that the range of weekday trip rates varied from 68 to 817 per 1,000 square feet. The a.m. peak traffic takes place between 11:00 a.m. and 12:00 p.m. and the p.m. peak hour varies between 12:00 and 6:00 p.m.

Another study included in the Manual indicates that the trip generation per each drive-in lane averages over 400 weekday trips with a range between 207 and 802.75 trips.

Planning staff was concerned that these estimates do not seem to be consistent with the traffic generated from similar commercial businesses in our community and contacted the applicant early in the project planning process. The applicant's architect was also concerned about the projections set forth in the Manual. The applicant subsequently submitted traffic estimates and counts of other banking facilities in Lake and Mendocino Counties. This information is included in the narrative package submitted by the applicant.

The submitted information indicates that the existing drive-up ATM at the West America Bank on South Main Street averages approximately 100 customers per day and that the drive-up ATM is busier than West America's two walk-up ATMs. The Umpqua Bank on 11th Street includes two drive-up banking lanes and the submitted information indicates that they average approximately 90 transactions per day with a peak of 180 transactions on paydays and at the first of the month. The applicant has several bank branches in the Ukiah area, each of which has either three or four drive-in lanes. The submitted information indicates that each lane generates an average of 60-70 transactions per day.

Staff reviewed the submitted information with the City Engineer in April 2009 and it was determined that a focused traffic study was not needed in conjunction with this project. Based on the submitted data, Planning and Engineering staff estimates that the proposed project will generate approximately 100-120 trip ends on an average weekday. Traffic volume may increase to 150-175 weekday trips on certain days consistent with other financial institutions. Peak hour trips may be as high as 40-50 on certain days.

The fact that there are numerous existing commercial banks/credit unions in Lakeport (seven, including the bank branch inside Safeway) contributes to the lower traffic projections for this project.

The City Engineer verbally indicated that the projected traffic increase associated with the bank project will not be substantial in relation to the existing traffic load and capacity of the nearby streets and intersections. No concerns were expressed

regarding the location of the driveway approach on South Main Street or any impacts to the nearby intersections.

The plans submitted by the applicant (Sheets DD-C2 and DD-C3) call for the replacement of the existing curb, gutter and sidewalk along the site's Main Street frontage and the installation of curb and gutter along the site's south property line along the Martin Street right-of-way. The plans indicate that the sidewalk along Main Street will be approximately five feet wide, which is narrower than the existing sidewalk along the site's frontage. A two-way drive approach will be installed approximately 55' south of the northwest property corner and will be the only ingress/egress into the site. No access is proposed along the Martin Street frontage at this time. Two handicapped ramps are shown on the plans, including one at the south corner of South Main and Martin Streets and another approximately 30' north in line with the existing pedestrian crosswalk that extends across South Main.

Regarding the potential for conflict with plans, ordinances or policies related to the effective implementation of the City's circulation system, the most significant issues are related to the proposed sidewalk width and the need to design the proposed right-of-way improvements so that they are consistent with the City's Downtown Improvement Plan.

The City Engineer reviewed the proposed frontage improvements and submitted the following comments related to these issues:

- ❖ The frontage improvements as proposed provide a more narrow, though consistent width, sidewalk along the South Main Street frontage. The redevelopment agency is currently designing an improvement project which seeks to enhance the Main Street frontage from Martin Street north through Third Street. This proposed project (AR 10-01) lies within the limits of the RDA project and the proposed improvements should be consistent with the RDA proposed improvements. Coincidentally the civil engineer is the same for both projects so coordination should not be an issue.
- ❖ The City Engineer verbally indicated that the proposed five foot wide sidewalk is inconsistent with the current sidewalk width (approximately eight feet wide) as well as the width proposed in the Draft Phase II Downtown Improvement Plan. It will therefore be necessary for the applicant to dedicate land to the City so that the full sidewalk width is located in the City-owned and maintained right-of-way. The area of dedication is expected to be approximately four feet wide. The Engineer also noted that a 20 foot radius curve will be required at the corner of South Main and Martin Streets.
- ❖ Installation of improvements in the ROW will require an approval of engineered plans and an encroachment permit. The applicant should coordinate with the City Engineer's office for the submittal, review and approval of frontage improvement plans as well as the issuance of an encroachment permit. The extension of Martin Street on the south frontage of the project is proposed to receive only curb & gutter and a drainage inlet. The applicant / owner does not propose paving of this segment of ROW at this time. There was a previous concept which included an egress from the site parking lot. At that time, staff

was going to require full width improvements to this Martin Street Right of Way but the elimination of the use reduces the required improvements. Historically there has not been a City requirement to provide improvements on alley way frontage and this historical perspective was taken into account in determining a condition which does not require full improvements on the ROW which is, in practice, an alley.

The City's Redevelopment Director reviewed the plans and also submitted comments related to the proposed right-of-way improvements:

- ❖ The street improvements along South Main Street must be designed to be consistent with the Downtown Improvement Plan, including new sidewalk, street trees, grates, lighting, street furniture, etc.
- ❖ Applicant has been contacted by Agency staff regarding Redevelopment Agency participation in the project. There has been no request submitted to this point. **(The applicant subsequently submitted an application to the Redevelopment Agency requesting assistance with the project.)**
- ❖ The Agency supports new development within the project area. Agency participation requires an Owner Participation Agreement (OPA).

Staff has recommended mitigation measures which address the installation of the right-of-way improvements along the site's street frontages, including the need to dedicate land to provide for an adequate sidewalk width and the requirement to design the improvements to be consistent with the City's Downtown Improvement Plan. The right-of-way improvements along the Martin Street frontage are limited to curb and gutter as the bank will not be using the street/alley for ingress or egress.

Additional transportation-related mitigation measures are related to the provision of adequate on-site parking, including handicapped-accessible stalls and other related parking lot improvements. Minor changes to the parking and landscaping areas on the west side of the site are anticipated due to the reconfiguration/widening of the Main Street sidewalk; a revised site plan detailing the changes will be required.

The transportation-related impacts identified in this section are considered **less than significant with mitigation incorporation**. See conclusion of report for the recommended mitigation measures.

Response XVI b): This checklist question asks if the project will exceed, individually or cumulatively, a level of service standard established by the "county congestion management agency." Lake County has not established a congestion management agency according to the City Engineer. As such, this question is not applicable to this project. There is **no impact**.

As described in the preceding section, the proposed project will not generate traffic volumes that would detrimentally impact nearby streets or intersections.

Response XVI c): There are no components of the project that will result in a change in air traffic patterns including either the volume or the location of air traffic in the vicinity of the project. **No impact** is identified.

Response XVI d): As previously described staff has recommended mitigation measures related to the design of the proposed right-of-way improvements, including the need to widen the sidewalk and provide a 20 foot radius curve at the intersection of South Main and Martin Streets. Provided the recommended mitigation measures are implemented, there is no indication that the proposed project will substantially increase transportation-related hazards due to a design feature or incompatible uses. These potential impacts are **less than significant with mitigation incorporation.**

Response XVI e): Adequate emergency access will be provided into the site based on the responses from the Fire District and the Police Department. There is **no impact.**

Response XVI f): As described in Response XVI a.) above, the proposed right-of-way improvements along the site's South Main Street frontage are not consistent with the design set forth in the Downtown Improvement Plan and therefore conflict with an adopted policy/plan/program related to pedestrian facilities. The existing sidewalk along the site's frontage is approximately eight feet wide and the provision of a new, similarly-sized sidewalk in conjunction with this project will ensure that the performance and safety of the pedestrian facilities will not be decreased. These potential impacts are **less than significant with mitigation incorporation.**

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Response XVII a)- e): Construction of the proposed bank office and its subsequent use will not exceed the wastewater treatment requirements of the Central Valley Regional Water Quality Control Board. Sewer generated from the project will be treated by the CLMSD plant in south Lakeport. The site currently has a sewer connection which serves the existing office building and the sewer volumes related to the proposed building are not expected to be significantly higher according to the City's Community Development/Utilities Director. Separate men's and women's bathrooms are proposed. Community Development Department records indicate that the sewer treatment plant has capacity for over 100 residential unit equivalents at the present time. Adequate treatment capacity exists and the project will not require or result in the construction of new wastewater treatment facilities. A sewer expansion fee will not be required according to the Community Development/Utilities Director. As such, potential impacts related to sewer capacity are considered to be **less than significant with mitigation incorporation**.

Significant impacts to the City's water system are not expected given the estimated water usage amounts. The site has an existing water connection that serves the existing building. The existing connection will adequately serve the proposed office according to the application materials. The Community Development/Utilities Director verbally indicated that the project will not account for any additional water RUEs because the existing water service is not being enlarged. City records indicate that approximately 1,200 water RUEs are available at the present time. Potential impacts related to the City's water supply and distribution facilities are expected to be **less than significant**.

The Community Development/Utilities Director submitted the following comments related to the proposed utilities:

- ❖ Plans (Sheet DD-C3) show sewer service extending to alley (Martin St.) with the statement "point of connection to be determined." This alley does not have a sewer service (sewer line) available. Sewer service needs to be delivered to Main Street. Also, per City standard, a sewer cleanout is required to be installed at the property line and located in the sidewalk.
- ❖ The fire hydrant needs to be installed to City standard which requires it to be skirted behind the sidewalk with the service line valve located in the street. **(The Community Development/Utilities Director clarified that the fire hydrant must be located in proximity to the public sidewalk if it is to be maintained by the City. The fire hydrant, as proposed, will be located on private property and thus will not be maintained by the City. A service valve must be provided in the street regardless of the hydrant location.)**
- ❖ If the current water and sewer lines are to be abandoned, the City will need a detail provided on the construction plans.

Staff has recommended mitigation measures related to the provision of utilities to serve the proposed project. The mitigation measures call for the site's utilities to be installed in accordance with the City's requirements and address the comments submitted by the Community Development/Utilities Director. Please see the conclusion of the report for the related mitigation measures.

Potential impacts to the storm water system will be **less than significant** due to the fact that the site's storm water system has been designed to deposit the treated storm water into Forbes Creek on the north side of the site. Based on a review of the submitted plans and details, the construction of the proposed storm water facilities will not cause any significant environmental effects. Please see the hydrology section of this report for more discussion regarding storm water issues and the biological resources section for details regarding the need for a permit from the Department of Fish and Game for modifications to the creek bank associated with the storm water outfall structure.

Response XVII f), g): Approval of the proposed building will result in a slight increase in the generation of solid waste. The City contracts with Lakeport Disposal for its solid waste disposal and all residents and businesses are subject to mandatory garbage service. Most solid waste from Lakeport is transferred to the East Lake landfill, located on a 32 acre parcel just outside the City of Clearlake. The landfill has a total capacity of 6 million cubic yards and is expected to reach total capacity between 2020 and 2025.¹⁵ Therefore, the project will be served by a landfill with sufficient capacity and is expected to comply with all applicable solid waste regulations.

Plan sheet DD-1 identifies an 11' 4" x 10' 8" trash enclosure in the southeast corner of the site. The plan indicates the enclosure will be 7' tall and comprised of concrete block (CMU) with stucco cladding painted to complement the other improvements. A pair of painted steel doors will provide access according to the trash enclosure elevations on sheet DD-1. The Architectural Description narrative submitted by the architect states the enclosure will be "more than ample in size to accommodate the

¹⁵ Draft EIR, City of Lakeport General Plan Update, Pg. 3-158

Bank's waste containment and recyclables." The narrative also indicates that painted steel doors will provide access to the enclosure.

Staff has recommended a standard mitigation measure calling for the installation of a trash enclosure consistent with the submitted plans. The mitigation measure also requires the enclosure to be adequately maintained and addresses compliance with the City's waste disposal and collection regulations.

Impacts related to the storage, collection and disposal of solid waste are considered to be **less than significant with mitigation incorporation**.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Response XVIII a) - c): Based on the findings set forth in the Initial Study, the proposed development project does have the potential to adversely impact the environment unless mitigation measures are incorporated into the project approval. The potentially significant effects identified herein are related to aesthetics, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards and

hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation/traffic, and utilities and service systems. Staff has developed/recommended conditions that will mitigate the impacts to a less than significant level. The potential environmental impacts identified in the Initial Study are ***less than significant with mitigation incorporation.***

CONCLUSION AND RECOMMENDATION: As outlined in the Initial Study, the development of the proposed project and the subsequent banking and office activities have the potential to significantly impact the environment unless mitigation measures are incorporated into the project approval. The potentially significant effects will be mitigated to a less than significant level provided the recommended mitigation measures are agreed to by the applicant and implemented. The status of all required mitigation measures, and other conditions of approval stemming from the future architectural and design review of the project, will be monitored/evaluated by staff in the future in accordance with the provisions of Municipal Code Section 17.35.020.

Staff recommends adoption of a Negative Declaration subject to the mitigation measures set forth below:

1. All new exterior lighting serving the new building and related parking, driveway and drive-through areas shall be shielded, provided with property line cut-offs, and/or downlit so as to eliminate glare-related impacts to adjacent properties or the public right-of-way. Details regarding the proposed building-mounted and parking lot lighting shall be included in the building permit application package. **(Aesthetics)**
2. The parking lot light standards should not exceed a height of 18 feet if determined to be possible without detrimentally affecting the site's security and illumination requirements. In no case shall the height of the light standards exceed a height of 25 feet. **(Aesthetics)**
3. Parapet walls shall be tall enough to effectively screen the roof-mounted mechanical equipment from view from the north, south and west sides of the project. Ground-mounted mechanical equipment, if provided, shall also be provided with visual screens. Said screens shall be detailed on the building plans. **(Aesthetics)**
4. All construction activities shall include adequate dust suppression including frequent watering, the use of palliatives or other methods during grading, earth work, and building periods. Site grading and building activities shall be avoided during windy periods and all surfaces subject to grading and/or heavy traffic and equipment usage, including public and private streets, should be periodically sprinkled with water. Areas of bare soil shall be stabilized to prevent the generation of wind-blown dust. Materials transported to and from the site shall be covered or thoroughly watered in order to minimize fugitive dust and any materials deposited on adjacent roadways shall be removed in a timely manner. Should a dust nuisance exist during construction, a dust mitigation plan will be required by the Lake County Air Quality Management District. **(Air Quality)**
5. All parking areas, driveways, and other areas subject to vehicular traffic shall be paved with asphaltic concrete and maintained to limit dust. Paving shall occur

prior to occupancy to minimize dust emissions. Access should be limited to authorized vehicles prior to paving unless the traveled surfaces are well maintained with adequate cover and watered regularly to prevent visible dust. A gate or fence may be required to limit public access on the unfinished road should active project work be suspended and the unfinished project has the potential to generate fugitive dust or create nuisance conditions. **(Air Quality)**

6. Engine warm-up and idling activities associated with the construction activities shall be done in accordance with the applicable State law governing said activities. Consideration shall be given to nearby residences with respect to heavy equipment use and storage. **(Air Quality)**
7. All vegetation removed as a result of construction shall be recycled as firewood, or chipped and spread for groundcover and erosion control, or removed from the site. There shall be no burning of site vegetation, construction debris, or household materials. **(Air Quality)**
8. Demolition activities related to the existing building shall comply with the requirements of the Lake County Air Quality Management District's Regulation 467 (asbestos notification) which requires approval from LCAQMD before the demolition activities are initiated. Proof of compliance shall be provided to the City before the demolition activities begin. **(Air Quality)**
9. The applicant/owner/developer shall comply with the performance standards set forth in Section 17.28.010 of the City of Lakeport Municipal Code regarding the generation of noise; odors, smoke, fumes, dust or particulate matter; and the accumulation of solid waste. The applicant/owner shall take the appropriate steps to effectively reduce or eliminate these types of problems if the City receives legitimate complaints. **(Air Quality)**
10. The applicant/owner/developer shall obtain all necessary local, state and federal permits prior to initiating any grading or construction activities within the riparian and/or wetland habitat areas of the subject property. The required permits may include a 1603 Streambed Alteration Agreement (SAA) from the California Department of Fish and Game. The applicant/owner/developer shall provide proof of compliance with the various local, state and federal agencies' requirements to the City of Lakeport prior to the issuance of any development permits. **(Biological Resources)**
11. The applicant/owner/developer shall prevent any significant disturbance to the Forbes Creek riparian corridor during the construction activities or the subsequent occupancy of the office. **(Biological Resources)**
12. The applicant/owner/developer shall prepare and submit a detailed final landscaping plan, including irrigation plan, prior to the issuance of a building permit. Said landscaping plan shall specify the type, size, number, and location of all landscape planting materials. The planting of all landscaping materials shall be completed prior to the issuance of an occupancy permit and shall be continuously maintained and watered over the life of the project. The bioswale shall be adequately irrigated during the dry season or when necessary to maintain the vegetation. All plant materials that are not healthy or that die shall be

replaced with similar landscape materials in a timely manner. **(Biological Resources)**

13. The landscaping plan shall be revised so that at least five (5) of the nine (9) 15-gallon trees proposed in the landscaping area on the north side of the site are species native to Lake County. Examples include, but are not limited to, black oak, valley oak, red willow, yellow willow, box elder, and Fremont cottonwood. At least one (1) more 15-gallon tree shall be planted in the landscape strip along the south side of the site. **(Biological Resources)**
14. The applicant/owner/developer shall retain a registered archaeologist who shall monitor the grading, excavation and trenching activities associated with the development of the project. If any buried historic or prehistoric cultural deposits are encountered on the subject site, the applicant/owner/developer or on-site contractors shall cease all construction activity and immediately notify the Lakeport Community Development Department. Adequate mitigation in accordance with the California Environmental Quality Act shall be provided as recommended by the project archaeologist. If human remains are encountered, construction shall be halted, and the County Coroner shall be contacted. If the remains are determined to be Native American, the Coroner will contact the Native American Heritage Commission who will then identify the person or persons believed to be the most likely descendants from the deceased Native American. The most likely descendant then makes a recommendation regarding the treatment of the remains with appropriate dignity. **(Cultural Resources)**
15. The applicant/owner/developer shall submit a final grading plan prepared and stamped by an engineer prior to issuance of a construction permit. The final grading plan shall be prepared in accordance with the recommendations set forth in the Site Reconnaissance and Preliminary Geotechnical Investigation prepared by Rau & Associates, Inc. along with any supplemental recommendations resulting from Rau's (or other qualified geotechnical engineer's) review of the final grading plan or future on-site observations. All applicable recommendations set forth in the Geotechnical Investigation shall be incorporated into the final grading plan and the applicable construction plans as construction notes or in a similar manner. **(Geology and Soils)**
16. The applicant/owner/developer shall retain a geotechnical engineer to review the final grading and foundation plans and to be present during the construction phase to monitor the subgrade preparation, observe and test structural fill placements, and to review foundation excavations. **(Geology and Soils)**
17. The final grading plan shall include erosion control measures and provide specific details regarding methods that will be utilized to control erosion. Said plan shall comply with Chapter 17.20 of the City Zoning Ordinance and employ erosion control Best Management Practices as set forth in the California Storm Water Best Management Practices Handbook. The surface drainage plan shall ensure that storm water runoff is directed in such a manner to minimize gulying and other erosion and water quality impacts. All exposed slopes shall be revegetated in a timely manner. The erosion control details shall be submitted and approved prior to the issuance of construction permits. **(Geology and Soils)**

18. The applicant/owner/developer is encouraged to promote carpooling, local transit, or alternate means of transportation for employees. Walking traffic should be promoted for customers. **(Greenhouse Gas Emissions)**
19. The applicant shall post at least two signs in the vicinity of the drive-through facilities which shall discourage customers from idling vehicles for long periods while waiting for service. **(Greenhouse Gas Emissions)**
20. All LPG tanks shall be located in accordance with the California Fire Code in terms of setbacks and the provision of protective measures. The propane tank enclosure detailed in the submitted plans shall be provided prior to occupancy. **(Hazards and Hazardous Materials)**
21. The storm water drainage collection and conveyance facilities, including the vegetated bioswales and related improvements, shall be developed in accordance with the approved plans and shall be completed prior to the issuance of a final occupancy permit for the new bank office. **(Hydrology and Water Quality)**
22. The applicant/owner/developer shall maintain the vegetated bioswale in accordance with the recommendations in the CASQA BMP Handbook for Industrial and Commercial use identified by TC-30 (Treatment Control 30). The landscaping irrigation layout shall be modified to provide adequate irrigation to the bioswales during dry periods to ensure their continued functionality. The applicant/owner/developer shall maintain records on all maintenance activities performed on the site BMP's and shall annually summarize said activities in an Annual Source and Treatment Control Operation and Maintenance Inspection Annual Report. This report and associated inspection logs shall be preserved for a period of five years and made available to City staff upon request. **(Hydrology and Water Quality)**
23. The applicant/owner/developer shall be subject to all requirements of Lakeport Municipal Code Chapter 8.40 (Stormwater Management) and any subsequent revisions or modifications thereof. All erosion control measures and construction and post-construction stormwater Best Management Practices shall be completed in accordance with the approved plan. **(Hydrology and Water Quality)**
24. All storm water catch basins should be provided with a 1 foot sump for sediment removal and related maintenance. **(Hydrology and Water Quality)**
25. The applicant/owner/developer shall pay the standard City storm water mitigation fee based on the amount of new impervious surface area prior to the issuance of a development permit. **(Hydrology and Water Quality)**
26. The applicant/owner/developer shall construct all improvements in the flood zone in accordance with the City's Floodplain Management Ordinance (Lakeport Municipal Code Ch. 15.16), including the submittal of adequately detailed construction plans prior to the issuance of a building permit. **(Hydrology and Water Quality)**

27. The applicant/owner/developer shall dedicate land to the City of Lakeport for the establishment of a pedestrian access easement through the landscaped area on the north side of the subject property. The easement shall be at least 15 feet wide and shall be laid out in a curvilinear manner. The easement shall not be located in areas that will detrimentally impact the existing riparian vegetation along the creek. The applicant shall submit a deed or offer of dedication which incorporates the legal description, a title report and consent of lienholders for City Council approval prior to the issuance of a development permit. A revised site plan depicting the pedestrian easement dedication shall be submitted to the City and approved prior to the issuance of a development permit. **(Land Use and Planning)**
28. There shall be no Sunday construction activity. All construction work shall comply with the noise standards set forth in Section 17.28.010 A. of the Lakeport Zoning Ordinance. Consideration should be given to the nearby residents with respect to construction-related noise. **(Noise)**
29. The applicant/owner/developer shall install one on-site fire hydrant to serve the proposed bank office. The hydrant shall be located as approved by the Fire District and shall be detailed on the construction plans prior to the issuance of a development permit. The fire hydrant and the water lateral feeding the hydrant shall be at least 6" in size. **(Public Services)**
30. The applicant/owner/developer shall pay the fire mitigation fee to the Lakeport Fire Protection District prior to the issuance of a building permit. **(Public Services)**
31. The applicant/owner/developer shall pay the required school impact fees to the Lakeport Unified School District prior to the issuance of a building permit. **(Public Services)**
32. The applicant/owner/developer shall dedicate land to the City of Lakeport along the South Main Street frontage to allow a wider public sidewalk and at the corner of Martin Street to provide a 20 foot radius curve. The area of dedication along South Main Street shall be between the current right-of-way line and the ultimate back of sidewalk as determined by the final Phase II Downtown Improvement Plans. This area is anticipated to be approximately four feet in width. The applicant/owner/developer shall submit a deed or offer of dedication which incorporates the legal description, a title report and consent of lienholders for City Council approval prior to the issuance of a development permit. A revised site plan depicting the right-of-way dedication and other related modifications to the parking and landscape areas shall be submitted to the City and approved prior to the issuance of a development permit. The landscaping and irrigation plans shall be revised if necessary. **(Transportation/traffic)**
33. The right-of-way improvements along the site's South Main Street frontage shall be designed to be consistent with the proposed improvements set forth in the Phase II Downtown Improvement Plan including sidewalk width, street trees and related decorative features, street furniture, and decorative light placement. The revised plans shall be submitted to the City for review and approval by the City Engineer

and Redevelopment Director prior to the issue of an Encroachment Permit.
(Transportation/traffic)

34. The new driveway approach, handicapped ramps and other right-of-way improvements shall be constructed to City standard and shall comply with the requirements of the Americans with Disabilities Act. Curb, gutter and sidewalk shall be installed along the site's South Main Street frontage and concrete curb and gutter shall be installed along the Martin Street frontage. The right-of-way improvements shall be detailed on construction plans prepared by a registered civil engineer. Said plans shall be submitted to the City Engineer for review and approval prior to the issuance of an Encroachment Permit for work within the City right-of-way. All City insurance requirements shall be met for work that occurs in the right-of-way. The right-of-way improvements shall be completed prior to the issuance of a certificate of occupancy for the new building.
(Transportation/traffic)

35. The project shall provide at least 35 parking stalls, including 2 handicapped-accessible spaces. At least one of the handicapped-accessible spaces shall be van accessible. All on-site parking spaces shall comply with the City's standards in terms of width, depth, and unobstructed back-up area. The handicapped parking spaces shall be developed in accordance with the Americans with Disabilities Act in terms of size, demarcation, and signage. Accessible paths of travel from parking areas to buildings shall also be provided.
(Transportation/traffic)

36. The parking areas shall be designed and developed in accordance with Lakeport Municipal Code Chapter 17.23, including the provision of perimeter curbing in all appropriate locations; traffic directional arrows and signage; and landscaping prior to the issuance of a certificate of occupancy. All on-site parking lot striping, directional arrows, traffic control markings and signage shall be maintained in the future. **(Transportation/traffic)**

37. The applicant/owner/developer shall provide plans to the City showing location of all utilities that will serve the project prior to the issuance of a building permit, including electric and communication services, sewer and water utilities, and all other applicable utilities. Any existing service lines proposed to be abandoned shall be identified. All utilities serving the new building shall be installed underground. **(Utilities and Service Systems)**

38. The sewer lateral serving the new building shall be extended to the existing sewer main in South Main Street. A service line valve for the fire hydrant shall be installed in the public right-of-way and shall be detailed on the construction plans. **(Utilities and Service Systems)**

39. The applicant/owner/developer shall provide a 7' tall trash enclosure in conjunction with the project. The enclosure shall be constructed as described in the submitted plans including the provision of steel/metal gates painted to complement the new improvements. Details regarding the trash enclosure shall be submitted to the City of Lakeport for review and approval in conjunction with the construction plans. The enclosure shall be maintained in good condition for

the life of the project and shall be repaired promptly if necessary. All trash and recycling containers shall be provided with working covers/lids. All trash collection/storage activities shall be in compliance with Chapter 8.16 of the City of Lakeport Municipal Code, including the regulations pertaining to the outdoor display/storage of the trash/recycling totes. **(Utilities and Service Systems)**

I have read this Initial Environmental Study (ER 10-01) and agree that the mitigation measures identified herein will be incorporated into the project at 290 South Main Street.

Print Name
(applicant/owner/developer)

Signature

Date