

CITY OF LAKEPORT

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September 21, 2010

Ms. Laura Sainz
Administrative Office of the Courts
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833

Re: County of Lake Superior Court Project / City of Lakeport Comments Re: Draft Initial Study and Mitigated Negative Declaration

Dear Ms. Sainz,

City of Lakeport staff has reviewed the Draft Initial Study/Mitigated Negative Declaration for the new Superior Court project proposed at 675 Lakeport Boulevard. We think the court project will be a terrific addition to the Lakeport community, but have some concerns based on our review of the draft initial study.

The City has identified a number of environmental issues that may ultimately not be considered significant environmental impacts by the Administrative Office of the Courts (AOC); however, this does not minimize their potential impact on the Lakeport community. The City believes that these issues must be addressed in a formal manner during the planning and development of the project.

Environmental impacts are relative in nature. At approximately 51,000 square feet, the proposed building will be one of the largest public buildings in our community. This is a major project in our small city and it is our goal to ensure that its development will not create any substantial detrimental impacts to our residents and visitors.

The following comments are arranged in order starting near the beginning of the document. The comments address a variety of issues but the most substantive comments are related to Aesthetics, Hydrology and Water Quality, Transportation and Traffic, and Utilities and Service Systems.

General Comments

- The project description in Chapter 2 is inadequate. The description should be revised to include new details and information made available by the AOC on August 18, 2010, including the conceptual site plans.
- Pg 2-3: The Lakeport General Plan was adopted in April 2009 rather than August 2009.
- Pg 2-5: References to "Lakeport Visitor's Bureau" should be changed to Lake County Chamber of Commerce. The Chamber occupies the adjoining parcel.

There are many other references to the Visitor's Bureau throughout the document.

- Figure 2: Poor topographic map. More detailed topographic information is available from the City.
- Figure 3: Lake County Chamber of Commerce identified as Lakeport Visitor's Bureau.

Aesthetics

- Pg 3-2 Section 3.1.a): The study describes scenic vistas and the existing views from the project site. This section does not note that the City's General Plan (Figure 16) identifies a View Corridor at the site of the Chamber of Commerce directly east of the courthouse site. The proposed courthouse building has the potential to adversely impact the view corridor. The study indicates that the "AOC is attempting to site the courthouse in a way that reduces impacts on the view from the Visitors Center; views would only be partially obstructed, if at all." Related impacts are considered to be less-than-significant and no mitigation is recommended.

Comment: The AOC's analysis was done without a site plan and presumably without any architectural renderings or building elevations.

Impacts to the View Corridor resulting from the new building are considered potentially significant. The City of Lakeport suggests a mitigation measure which addresses this issue and requires the AOC to develop a building that minimizes the impact to the adjoining View Corridor.

- Pg 3-3 Section 3.1.c): This section addresses the potential degradation of the existing visual character or quality of the site and its surroundings. The presence of the nearby View Corridor (General Plan Figure 16) is noted and the report states that the "proposed project would be consistent with policies identified in the general plan." It is unclear how the project will be consistent if the View Corridor is adversely impacted by the new courthouse building. The level of impact has not been illustrated via architectural renderings/building elevations.

Comment: This is a potentially significant impact and the City suggests a mitigation measure as described above.

- Regarding potentially significant aesthetic impacts related to the degradation of the existing visual character of the site or its surroundings, the City also suggests a mitigation measure which requires the provision of adequately-sized refuse enclosures to store the trash and recyclables generated by the project. Mitigation measures are also suggested regarding propane tank enclosures (if above-ground tanks are used) and the use of building materials/finishes that will not create any potentially significant glare-related impacts.
- The City is aware of a recorded "cone of vision" easement extending through the project site which protects the adjoining view corridor area. We suggest that this issue be addressed and believe that a mitigation measure may be warranted.

Air Quality

- Pg 3-11 Section 3.3. b): References the use of "natural gas" in conjunction with this project.

Comment: Natural gas is not available in Lakeport. Unknown if "natural gas" actually refers to propane use.

- Pg 3-12 Section 3.3. b): Table 3.3-2 details the estimated operational emissions. The 24 Hour PM₁₀ estimate is 57.98 which exceeds the California Ambient Air Quality Standard (CAAQS) of 50 as noted in the table. Section 3.3 c) on Pg 3-13 states that "operational emissions would be below the California and national AAQS." A similar statement is on Pg 3-14.

Comment: Statements in Sections 3.3. b) and Section 3.3 c) regarding PM₁₀ emissions and CAAQS appear to be in conflict. It is unknown if the estimated PM₁₀ emissions in excess of the CAAQS is a potentially significant impact.

Biological Resources

- Figure 3 is unlabeled and does not include a legend. Staff assumes that it illustrates the locations of the site's special-status species. Pages 7 and 8 of the Biological Study note the presence of "roughly 20,000 to 25,000" Colusa layia plants on the project site.

Comment: Figure 3 in the Biological Resources section should be labeled and provided with a legend.

- The report was prepared without the benefit of a site plan. As such the full scope of the potential impacts to the site's biological resources is not yet known. However, the proposed mitigation measures on Pages 3-19 and 3-20 appear to be thorough. A detailed mitigation plan must be prepared and approved by the California Department of Fish and Game before the start of construction. Another mitigation measure requires vegetation removal between August and February in order to protect nesting birds.
- Pages 3-22 & 3-23 Section 3.4.c): This section addresses impacts to federally protected wetlands. "Eight non-wetland waters of the United States were mapped within two categories: seasonal waters and constructed ditches." It appears that the presence of these waters of the United States will require a jurisdictional determination by the Corps of Engineers. However, there is no related mitigation measure.

Comment: Impacts to the site's designated wetlands may be potentially significant. Is a mitigation measure necessary related to the requirement for a jurisdictional determination by the Corps of Engineers?

- Pg 3-23 Section 3.4.e): This section should reference mitigation measure BIO-1 and not BIO-2 as it is related to the loss of the special-status plant species.

Comment: Revise Section 3.4.e) to reference the correct mitigation measure.

Greenhouse Gas Emissions

- Pg 3-43 Section 3.7.a): Table 3.7-2 states that "Lakeport Boulevard contains improved sidewalks which promote pedestrian activity." This is not completely accurate as portions of Lakeport Boulevard do not have fully developed sidewalks, including the Lakeport Boulevard frontage of the subject property.

Comment: Section 3.4.e) should be revised to accurately describe the existing pedestrian improvements in the vicinity of the project. Chapter 12.04 of the Lakeport Municipal Code requires the installation of right-of-way improvements along the street frontage of the project site. The Code states that right-of-way improvements "shall include curbs, gutters, sidewalks, street paveouts, drive approaches, handicapped ramps, water lines and appurtenances, sewer lines and appurtenances, storm drainage facilities, property dedications of right-of-way, street lights, pavement markings, signs, and street trees."

The City recommends a mitigation measure which requires the project to comply with the City's right-of-way development standards in order to avoid a potentially significant impact. A similar recommendation has been provided in the Transportation and Traffic section of this letter.

- Table 3.7-2 also indicates that an existing bicycle route terminates at the project site and that the "bicycle route is proposed to be extended to the east." No details are provided and it is unclear who will be responsible for the bicycle route extension.

Comment: Please expand discussion regarding proposed extension (improvement) of the bicycle route. Is a mitigation measure necessary?

Hazards and Hazardous Materials

- No mitigation measures are recommended in the report.

Comment: The report includes references to the use of natural gas and it is therefore assumed that propane storage and use may be a component of this project. The use of propane can create significant hazards to the public related to upset and accident conditions and a mitigation measure may be warranted. City staff suggests some discussion and possibly a mitigation measure related to the potential use of above-ground propane tanks needed to serve the project. Underground storage tanks are recommended to reduce the aesthetic impact associated with large above-ground tanks.

Hydrology and Water Quality

- A hydrology study which quantifies the amount of additional storm water runoff resulting from the proposed project has not been prepared.
- The discussion in Sections 3.9.a) through 3.9.e) on Pages 3-56 to 3-59 demonstrates a poor understanding of storm water runoff from the site. Forbes Creek is mentioned on Pages 3-57 and 3-58. Although Forbes Creek is relatively close to the project site (0.15 miles north), its location will prevent it from accepting any of the storm water generated from the project. The storm water generated from the project site will drain to the east and northeast.

- Pg 3-58 Section 3.9.a): References the need for permit approval from the North Coast Regional Water Quality Control Board (RWQCB).

Comment: The City of Lakeport is in the jurisdiction of the Central Valley RWQCB. The report should be corrected.

- Pages 3-58 & 3-59 Section 3.9.c): Notes the use of storm water BMPs during construction to limit erosion and siltation. The project's design will include "vegetated swales or similar storm water management techniques to slow runoff flow and trap sediment."

Comment: No details have been provided and no mitigation is suggested. It is unknown if the site's physical characteristics will accommodate vegetated swales.

- Pg 3-59 Section 3.9.d): This section addresses the alteration of drainage patterns and the potential for project-related flooding. The report states that the "project would be designed to ensure adequate drainage facilities for storm capacities." As such, "there is a very low potential" for up- or downstream flooding as a result of the project.

Comment: There is no discussion regarding the method of dealing with the increased amount of storm water flows resulting from the new impervious surfaces. This is a potentially significant impact. No mitigation is suggested but is warranted based on the existing site conditions and the size and scope of the proposed project.

In the City's opinion there will be a net increase in the amount of storm water generated by the subject property subsequent to the construction of the new building, driveways, parking lot, etc. The preparation of a hydrology study is recommended so that adequate drainage facilities are designed.

- Pg 3-59 Section 3.9.e): This section deals with potential impacts to the storm water drainage system and states that the project will not "substantially increase the amount of runoff from the site" and that "storm water volumes would be expected to be similar to existing flows."

Comment: No factual documentation has been submitted to support these statements and City staff does not believe they are accurate. The addition of new impervious surfaces will substantially increase the rate and amount of storm water generated by the site. This is a potentially significant impact.

City staff is concerned because there are no existing municipal storm water drainage facilities in the Lakeport Boulevard right-of-way near the project site. Storm water from the site currently flows down Lakeport Boulevard in the street gutter and into the curb inlet at the nearest public storm drainage facility located at the NW corner of Lakeport Boulevard and South Main Street. This intersection currently experiences flooding impacts during significant rainfall events. Increased storm water flow from the subject property will significantly impact the drainage system.

Given the lack of any nearby municipal storm drainage facilities, it is vital that adequately-sized storm water detention facilities be constructed on the project site in conjunction with the proposed project.

Another option is the installation of storm water collection and conveyance facilities in the Lakeport Boulevard right-of-way that would tie into the existing improvements at the intersection of Lakeport Boulevard and South Main Street. An on-site storm water detention structure may still be required to ensure that there is no net increase in the rate and amount of off-site storm water drainage.

City staff believes that downstream flooding hazards will increase significantly unless adequate on-site storm water detention facilities or downstream improvements are provided. This is a significant issue which warrants further study. The City's Storm Drainage Master Plan does not identify any proposed facilities in the vicinity of the project.

City staff recommends additional discussion regarding this issue and also suggests a mitigation measure calling for the preparation of a hydrology analysis which quantifies the amount of increased storm water runoff resulting from this project. The City also recommends mitigation requiring the development of adequately-sized on-site storm water detention facilities or adequate downstream improvements that will ensure there is no net increase to the rate and amount of the site's existing storm water runoff. The suggested mitigation measures are intended to reduce these impacts to a less than significant level.

Transportation and Traffic

- The site of the proposed project has been planned and zoned for Commercial activities, but has never been seriously considered for development until now. The court project plans are developing quickly and the conceptual site plans (two options) were only made available for review on August 18, 2010. As such, the City has had a limited amount of time to consider the proposed project. The City believes that the project will generate significant traffic impacts and will likely spur additional development such as office and retail activities in the vicinity.
- The City is looking at this project along with other projects in the area including a proposed main fire station to the north on Larrecou Lane and the redevelopment of the nearby Vista Point Shopping Center. There will be a cumulative impact resulting from the development and redevelopment projects in the vicinity of the court project.

The Planning Commission is reviewing the City's General Plan and considering recommendations for amendments to the Transportation Element in the near future. Specifically, the "Recommended Roadway Improvements" map (Figure 6) of the current General Plan has been determined to need updating to achieve consistency with the 1992 General Plan Transportation Element which called for improvements to Larrecou Lane between Martin Street and Lakeport Boulevard. The Planning Commission will consider this amendment along with the designation of a proposed right-of-way to the south of Lakeport Boulevard (tentative name is Court Street) through the courthouse project site. The

collector street would extend south of the Larrecou Lane / Lakeport Boulevard intersection through the proposed project site and would then connect to Kimberly Lane, Grace Lane, Campbell Lane and Industrial Avenue.

The forthcoming review by the Planning Commission and consideration of an amendment of the Lakeport General Plan is being done as a result of the courthouse project design plan which became known to the City on August 18, 2010. The concept of enhancing the transportation network in the project area and addressing other infrastructure needs is set forth as recommended projects in the Lakeport Redevelopment Agency's 5-Year Implementation Plan (projects #3, #7, #9, and #12 on pages 13, 14, and 15 of the March 3, 2009 Five Year Implementation Plan).

Staff will recommend to the Planning Commission that the Transportation Element of the Lakeport General Plan be amended to designate a collector street through the new project site (60 foot right-of-way) in the same location as the proposed driveway access off of Lakeport Boulevard. City staff also recommends consideration of a roundabout at the Lakeport Boulevard / Larrecou Lane intersection. A conceptual roundabout plan is available for review.

The proposed project has the potential to create significant impacts related to Transportation and Traffic. The City recommends a mitigation measure requiring the dedication of land to the City for street right-of-way through the project site. The City also recommends the construction of the collector street to extend through the project site. Utilities in the collector street should also be constructed including sewer, water, storm water drainage, power, street lights, cable television and telephone.

The AOC's participation in the construction of a traffic roundabout is also recommended as traffic mitigation. Said construction would require the dedication of land for right-of-way purposes and the construction of related utilities.

- Improvements to the four impacted intersections are discussed on Pages 3-86 through 3-88, including signalization at the following intersections:
 - Highway 29 SB Ramps / Lakeport Boulevard
 - Highway 29 NB Ramps / Lakeport Boulevard
 - Bevins Street / Lakeport Boulevard
 - Main Street / Lakeport Boulevard

The signalization of the intersections is "recommended for the Cumulative Plus Project Conditions. Therefore fair share contributions for the intersection improvements would be required." A mitigation measure (TRANS-1) states that the AOC will be required to pay the City of Lakeport "the proposed project's fair share contribution towards improving" the intersections listed above. There is no indication as to how the "fair share contribution" will be determined.

- Section 3.16.d) Pages 3-88 & 3-89: This section describes the potential traffic-related hazards resulting from the project. This section describes the “sight distance deficiencies for northbound left turn vehicles at the Lakeport Boulevard / Bevins Street intersection.” The report mistakenly refers to the driveway serving the Chamber of Commerce and the Lake County Agriculture/Air Quality Departments as Bevins Street. The Bevins Street right-of-way does not extend south of Lakeport Boulevard. A recommended mitigation measure (TRANS-2) calls for the AOC to pay a fair share contribution to the City for “improving the sight distance at the Bevins Street / Lakeport Boulevard interchange.” No indication on how the “fair share contribution” will be determined.
- Section 3.16.e) Pg 3-89: This section also refers to the driveway serving the Chamber of Commerce, etc. as Bevins Street. This section describes the recommended driveway location (east side of site opposite the Larrecou Lane intersection) as well as the other driveway locations that were considered. A secondary driveway to be located behind the Chamber of Commerce office (“Visitor’s Bureau”) is also recommended and will be used for prisoner pick-up and drop-off.

Comment: References to the driveway serving the Chamber of Commerce, etc. as Bevins Street should be eliminated.

- The driveway design is briefly discussed and the report states that the “proposed project will conform to design requirements for the Superior Court of California and the City of Lakeport.” Impacts are considered less-than-significant and no mitigation is recommended.

Comment: The City’s Building Official reviewed the site’s topography and provided the following comments:

- At 8.33% slope, a 600 foot ramp is needed plus a six foot long landing every 30 feet of run (20 landings @ 6 foot each = 120 feet) or a total path length of 720’ LF. Approximately 724 lineal feet are available.
- The last 200 feet of run at the existing slope rises 30 feet. The existing slope exceeds 15%. The maximum allowable slope is 8.33%.
- Section 3.16.f) Pages 3-90 & 3-91: This section discusses project-related impacts to public transit, bicycle and pedestrian facilities. Much of the discussion addresses public transit and the development of two bus stops “immediately east and west of the Larrecou Lane/Lakeport Boulevard intersection” is a recommended mitigation measure (TRANS-3).

Comment: As previously noted, Chapter 12.04 of the Lakeport Municipal Code requires the installation of right-of-way improvements along the street frontage of the project site. The City recommends a mitigation measure which requires the project to comply with the City’s right-of-way development standards in order to avoid a potentially significant impact to the City’s circulation system.

- Bikeways are briefly addressed. The City’s Transportation Element is cited, including the designation of Lakeport Boulevard as a future bikeway location. No bikeway-related improvements are recommended. The Greenhouse Gas

Emissions section included a statement that the "bicycle route is proposed to be extended to the east." It is unclear if the bicycle route extension will be incorporated into the proposed improvements.

Comment: Please expand discussion regarding proposed extension (improvement) of the bicycle route. Provide a mitigation measure if necessary.

- A recommended mitigation measure (TRANS-4) requires the installation of high visibility crosswalks to provide safe pedestrian access to the proposed bus stops. This mitigation also states that "pedestrian access should be provided throughout the proposed project with links to the existing pedestrian pathways and sidewalks."

Comment: The study does not mention that there is no existing sidewalk along the site's Lakeport Boulevard frontage. This is a significant omission. The City recommends the addition of a mitigation measure calling for the development of right-of-way improvements along the site's Lakeport Boulevard frontage in accordance with the City's Municipal Code. The report should also address the need for off-site pedestrian improvements needed to serve the proposed courthouse project, particularly along the south side of Lakeport Boulevard to the west of the project site. The need for pedestrian improvements in conjunction with the proposed project is considered a potentially significant impact.

Utilities and Service Systems

- Sections 3.17.a) & b) Pages 3-92 & 3-93: These sections indicate that the proposed project will result in less-than-significant impacts to the City's water and sewer systems. The report states that the "amount of water used and wastewater generated daily would likely be the same as the existing amount of water used and wastewater generated" at the existing courthouse facilities that are slated to be replaced by the new project.

Comment: This reasoning is flawed due to the fact that the existing courthouse facilities will be occupied by other tenants in the future (see Pg 2-4: "The county intends to reassign the space to other county agencies."). Although the impacts to the City's water and sewer systems may not be potentially significant, the report must be revised to include estimates regarding the anticipated water usage and wastewater generation in conjunction with this project.

- Page 3-94 Section 3.17 d): The report states that the "*city currently has water rights for 750 acre-feet per year from the Scotts Valley Aquifer and another 2,000 acre-feet per year from both the Scotts Valley Aquifer and Clear Lake.*"

Comment: The city does not have water rights in Scotts Valley but does have an agreement with Yolo County Flood Control, who has the water rights to Clear Lake, to draw up to 2,000 acre-feet per year.

- Section 3.17.c) Pg 3-94: This section addresses the potential construction of new storm water drainage facilities or the expansion of existing facilities. The discussion addresses compliance with water quality issues including NPDES regulations.

Comment: There is no discussion regarding the need for on-site storm water detention facilities in order to prevent downstream impacts related the addition of new impervious surfaces and the resulting increase in storm water runoff. See the comments in the Hydrology and Water Quality section of this letter for more discussion and the City's recommendations regarding appropriate mitigation needed to avoid potentially significant impacts.

- Page 3-95 Section 3.17 e): The report states that the "WWTP is owned and operated by the CLMSD, with a design capacity is 2.5 million gallons per day (mgd)."

Comment: The original design capacity of the CLMSD treatment facility was 1.05 million gallons per day of dry weather flow and a maximum daily discharge not to exceed 3.8 million gallons. In 2007 the City of Lakeport received a Cease and Desist Order (CDO) from the California Regional Water Quality Control Board Central Valley Region which reduced capacity to 0.42 million gallons per day dry weather flow.

- Section 3.17.e) Pg 3-95: Sewer treatment capacity is discussed. The report states that according to the City of Lakeport Sewer System Management Plan (SSMP), the City's treatment plan has 888 RUEs currently available.

Comment: This number of available residential unit equivalents (RUEs) is not accurate. The City of Lakeport Sewer System Management Plan (SSMP) and Sewer Master Plan do not mention capacity to serve an additional 888 RUEs. Currently CLMSD has adequate capacity for approximately 100 RUEs under the CDO restrictions. The report should be corrected to provide the accurate number.

- Section 3.17.f) Pg 3-95 Indicates that the Bevins Street transfer station is still in operation.

Comment: The transfer station ceased operation at this location in 2010. The new transfer station is located on Soda Bay Road outside of the Lakeport city limits.

These comments were prepared by the following staff:

- Richard Knoll, Community Development and Redevelopment Director, 707-263-8841, rknoll@cityoflakeport.com
- Mark Brannigan, Utilities Director, 707-263-3578, mbrannigan@cityoflakeport.com
- Andrew Britton, Planning Services Manager, 707-263-5613 x28, abritton@cityoflakeport.com
- Scott Harter, City Engineer, 707-263-5614 x11, sharter@cityoflakeport.com
- Tom Carlton, Building Official, 707-263-3056 x14, tcarlton@cityoflakeport.com

The City of Lakeport appreciates the opportunity to comment on this project and we hope that our comments and suggestions are beneficial to the AOC. We look forward to further discussion regarding the project, the potential impacts to our community, and

the integration of appropriate mitigation measures. We also look forward to being a partner with the AOC in addressing and resolving the issues identified herein.

Please don't hesitate to contact our staff if you have any questions or concerns regarding our comments.

Sincerely,



Richard Knoll

Community Development, Redevelopment & Housing Director

cc: City Manager
City Council
Planning Commission