



CITY OF LAKEPORT

COMMUNITY DEVELOPMENT DEPARTMENT

AMENDED NEGATIVE DECLARATION & INITIAL ENVIRONMENTAL STUDY

INITIAL STUDY AND ENVIRONMENTAL REVIEW

Project Title: Downtown Lakeport Improvement Plan Phase II

Permit Number: ER 06-01 (Amended)

Lead Agency Name and Address: City of Lakeport
Community Development Department
City Hall—225 Park Street
Lakeport CA 95453

Contact Persons and Phone Numbers: Kevin M. Ingram, Community Development Director
(707) 263-5615 x11 & Daniel Chance, Associate Planner
(707) 263-5613 x13

Project Location(s): South Main Street, from 1st Street to 4th Street, Lakeport
APN: Various

Project Sponsor's Name and Address: City of Lakeport
225 Park Street
Lakeport, CA 95453

General Plan Designation: Central Business District & Parkland

Zoning: CB Central Business

PROPOSED ACTION AND LOCATION: An application for an Amended Environmental Review for the adoption and implementation of the proposed Downtown Lakeport Improvement Plan Phase II. The original improvement plan covered about seven blocks from Forbes, Main, and Park Streets which run north and south and Armstrong, First, Second, Third, and Fourth Streets which run east and west. The original Mitigated Negative Declaration (ER06-01) addressed a larger area, and developed mitigation measures for the entire project area. The current proposed Downtown Lakeport Improvement Plan Phase II consists of improvements only along Main Street from First Street to Fourth Street. A map is included in the improvement plan which details the project boundaries. Although the mitigation measures from the original Mitigated Negative Declaration would address this smaller area of the downtown construction of

the revised phase II portion of the project is proposed to take place between the hours of 6:00 PM to 6:00 AM. The potential impacts of having the work taking place at night were never addressed as part of the original Mitigated Negative Declaration. In addition, in the ten years since the original adoption of the Mitigated Negative Declaration, the California Environmental Quality Act and State law have required other issues to be addressed as part of the environmental review process. Those issues have been analyzed and new mitigation measures recommended as part of this amended Mitigated Negative Declaration.

GENERAL PLAN DESIGNATION AND ZONING DISTRICT: The project area is designated by the City of Lakeport General Plan Land Use Map as primarily Central Business District, with one area designated for Parkland Uses. The area is zoned CB Central Business District. Chapter 17.12 of the City of Lakeport Zoning Ordinance contains the regulations for the Central Business District. The project area encompasses the historic commercial core of the City of Lakeport and contains a mix of commercial, office, institutional, governmental, residential, and open space land uses.

PROJECT DESCRIPTION: City staff and hired consultants for the Downtown Improvement Plan Phase II have been working with the Lakeport City Council, Planning Commission, City Departments, Lakeport Main Street Association, Lakeport Regional Chamber of Commerce, and many interested citizens, business owners, and property owners.

The Downtown Improvement Plan is an outgrowth of the existing downtown district urban design goals and policies as set forth in the Community Design Element of the Lakeport General Plan.

The City of Lakeport applied for and obtained Planning and Technical Assistance Grant financing from the California Housing and Community Development Department. Since that original project, many of the funding opportunities have been reduced, requiring a smaller project.

The Downtown Improvement Plan includes a map and description of proposed improvements. There is also a written text describing the Plan. The project area is illustrated on the next page:

2. Sidewalk and paving treatments: The sidewalks within the improvement area will be demolished, removed, and replaced, along with curbs, gutters, and handicapped ramps in order to provide a uniform appearance, a high standard of public safety, and the opportunity to implement a regular pattern of street trees and decorative paving accents. The new sidewalks will be concrete, with areas of colored and stamped to resemble brick at intervals consistent with the placement of street trees.
3. Parking: Parking configurations in the downtown improvement area will remain static with parallel spaces provided on both sides of most streets.
4. Landscaping, Street Trees, and Lighting: The Downtown Improvement Plan Phase II calls for the replacement of street trees along Main Street. The Zelkova tree, a column-type variety is preferred and will be a deciduous tree showing seasonal color. Root barriers will be used to mitigate damage to paving, and the trees will be planted in 4' square wells and protected with tree grates. The final placement of the street trees will require careful analysis in order to avoid conflicts with lighting, signage, and building entries. Vintage-style decorative street lights have been installed along Main Street in the project area. Flower baskets will continue to be provided on the lights and will be irrigated with an automatic system. Irrigation will also be provided to street trees.

Street furniture, lighting, benches, trash receptacles, newspaper and bike racks, and alleyway improvements will all be designed into the downtown improvements with a common theme and design approach.

5. The construction proposed with Downtown Improvement Plan Phase II would take place between the hours of 6:00 PM to 6:00 AM. The purpose for the work taking place at night is to reduce potential impacts on businesses along Main Street. The project would include performing all demolition and construction at night, while providing access to the businesses each morning. The work at night would require construction lighting.
6. Preliminary Cost Estimate and Time Frame: A preliminary budget for the specified work has been developed at a cost of slightly over \$2.2 million. The time line for Downtown Improvement Plan Phase II is anticipated to take place from March 29, 2016 with a completion date of August 15, 2016.

OTHER PUBLIC AGENCIES: (e.g., Permits, financing approval, or participation agreement.)
None

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"/> Green House Gas Emissions | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Agriculture & Forestry | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use / Planning | <input checked="" type="checkbox"/> Transportation / Traffic |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input checked="" type="checkbox"/> Geology / Soils | <input checked="" type="checkbox"/> Noise | <input 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."

Initial Study prepared by:

Daniel D. Chance, Associate Planner

February 3, 2016
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures,

which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

INITIAL STUDY AND ENVIRONMENTAL REVIEW

The adoption of the proposed Downtown Improvement Plan 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.

The following Initial Study / Environmental Review identifies potentially significant impacts associated with the project and suggest mitigation measures which are expected to reduce the impacts to a less than significant level.

I. AESTHETICS:

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				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
historic buildings within a state scenic highway?				
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): The adoption and future implementation of the Downtown Improvement Plan Phase II will not have a substantial adverse effect on an established scenic vista. Map III-1 of the City of Lakeport General Plan’s Conservation, Open Space and Parks Element details environmentally sensitive areas, including view corridors. No view corridors are located within the project area boundaries. The nearest view corridor is located along the Clear Lake shoreline in the vicinity of Library Park. There is **no impact**.

Response I b): The project will not substantially damage scenic resources within a state scenic highway. Highway 29 is located approximately one mile west of the project area but is not considered a scenic highway according to the State of California Department of Transportation website (<http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm>). The website indicates Highway 29 is eligible for consideration as a State Scenic Highway but is not officially designated as such. There is **no impact**.

Response I c): The proposal will not substantially degrade the existing visual character or quality of the site and its surroundings. The proposed Plan provides for enhancements to public sidewalks and other paved areas, additional landscaping, lighting, street furniture and other related public improvements, all of which are intended to enhance the existing visual character and quality within the downtown area. There is **no impact**.

Response I d): With respect to the potential creation of substantial light and glare that would adversely affect day or nighttime views in the area, the Downtown Improvement Plan Phase II calls for maintaining the Sternberg vintage-style decorative street lights along Main Street.

During construction at night, the work will require lights to illuminate those areas under construction. These lights operating at night may have a potential for excessive light and glare impacting neighboring residential homes. Staff is recommending a mitigation measure consistent with City regulations calling for a requirement that the construction lighting be down lit, illuminating only the construction area, and have no off-site glare. The height of buildings within the downtown area will also assist in reducing construction lighting from impacting surrounding residential neighborhoods. This potential impact is **less than significant with mitigation incorporation**.

See conclusion of report for recommended mitigation measure.

II. AGRICULTURAL RESOURCES:

Would the project:

	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) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural 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 Division (<http://www.consrv.ca.gov/DLRP/index.htm>), and found that area affected by the proposed Downtown Improvement Plan 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): No properties within the project area are subject to a Williamson Act contract according to GIS map data maintained by the County of Lake. There is **no impact**.

Response II c): There are no components of the project that could result in the conversion of officially-designated farmland to a non-agricultural use. There is **no impact**.

III. AIR QUALITY:

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				X

air quality plan?				
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). Written comments were not submitted but Lake County Air Quality Management District personnel verbally indicated that their agency did not have any notable concerns or comments regarding the original Downtown Improvement Plan. There was no indication that the amended proposed project will conflict with or obstruct the implementation of the County's air quality program. There is **no impact**.

Response III b): Some construction activities related to the proposed downtown improvements will result in temporary localized increases in particulate air pollution related to excavation, hauling, trenching, demolition, and other construction activities. Construction activities also result in pollutant emissions from the operation of gasoline and diesel powered equipment. This potential impact is **less than significant with mitigation incorporation**. See conclusion of report for recommended mitigation measures related to minimizing the generation of fugitive dust and other related problems during construction periods to a less than significant level.

As described above, the Lake County Air Quality Management District was contacted and offered no objections or notable comments regarding the proposal.

Response III c): The adoption and implementation of the Downtown Improvement Plan Phase II will not directly result in a cumulatively considerable net increase of any criteria non-attainment pollutant. The Lake County region is currently under attainment levels for all criteria pollutants. There is **no impact**.

Response III d, e): Adoption of the Plan and the subsequent development of the proposed improvements are not expected to expose sensitive receptors to substantial pollutant concentrations or result in the creation of objectionable odors. Map III-1 of the City of Lakeport General Plan's Conservation, Open Space and Parks Element identifies sensitive air quality receptors and none are shown within the boundaries of the project area. Although not specifically listed as sensitive receptors, there are several

residences and other public facilities including public offices and open space areas located within the project area. Potential impacts related to this air quality issue are considered **less than significant with mitigation incorporation**.

See conclusion of report for recommended mitigation measures.

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				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Plan, or other approved local, regional, or state habitat conservation plan?				

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 eco-region 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. 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.

Habitat Types

This eco-region is composed of a variety of plant communities that support a diversity of wildlife species. Each plant community is dependent on special ecological factors within that particular plant community. Micro-habitats occur within each plant community and are generally the result of a unique physical and/or biological factor. Most of the rare, threatened and endangered plants in Lake County occur in micro-habitats such as vernal pools and/or serpentine soils.

An urban habitat is present in the vicinity of the area affected by the Downtown Improvement Plan. Urban habitat areas consist of structures, roads, and parking areas. The plant diversity in this type of habitat is generally low and is composed of primarily of ornamental landscaping plants as well as plants commonly found along disturbed field margins. Wildlife in the area is very limited as food sources are scarce. Wildlife that is commonly found in these areas is similar to those found in agricultural and disturbed areas although they are less abundant and are generally passing through rather than occupying the area.

SPECIAL STATUS SPECIES

A search of the California Natural Diversity Database (CNDDDB) revealed that the Boggs Lake hedge-hyssop is located in the vicinity of the City of Lakeport. However, this plant is not located in the vicinity of the project area due to the area’s urban habitat characteristics.

Plants

Plants that are documented in the CNDDDB in the regional vicinity of Lakeport include: bristly sedge (*Carex comosa*), Norris's beard-moss (*Didymodon norrisii*), and glandular

western flax (*Hesperolinon adenophyllum*). None of these plant species are presumed to be located within the project area due to the surrounding urban habitat.

Animals

Animals that are documented in the CNNDDB as located in the regional vicinity of Lakeport include: tricolored blackbird (*Agelaius tricolor*), northwestern pond turtle (*Clemmys marmorata marmorata*), double-crested cormorant (*Phalacrocorax auritus*), and foothill yellow-legged frog (*Rana boylei*). None of these animal species are presumed to be located within the project area due to the surrounding urban habitat.

Nesting raptors/active raptor nests

Nesting raptors (predatory birds) and active raptor nests (i.e., nests in which raptors are breeding or raising young) are protected by the California Fish and Game Code Section 3503.5 and the federal Migratory Bird Treaty Act. Nest trees are typically located in open woodland habitats, including riparian woodland and oak woodland. Some large trees are located in the project area which may be capable of supporting raptor nests; however no large trees are slated for removal as part of the Downtown Improvement Plan project.

Plant Communities

Coastal and Valley Freshwater Marsh is a plant community that is listed in the California Natural Diversity Data Base as a rare plant community. This community generally occurs in coastal valleys near the mouth of rivers and creeks or around the shoreline or margin of a lake or pond. An area with this type of plant community requires year-round water and the dominant plants are composed of tall emergent vegetation. Coastal and Valley Freshwater Marsh is located in the regional vicinity of Lakeport but not within the downtown area affected by the Downtown Improvement Plan.

Response IV a), b) : Adoption of the Downtown Improvement Plan Phase II and development of the proposed improvements will not directly result in any significant impacts on candidate, sensitive, or special status species recognized by either local, State, or Federal agencies. Similarly, the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by local, State or Federal authorities. As described above, the project area is within the urban habitat as it is primarily surrounded by developed parcels and related infrastructure including streets and sidewalks. There is **no impact** associated with either of these issues.

Response IV c): There are no federally-protected wetlands, as defined by Section 404 of the Clean Water Act, within the boundaries of the project area. As such, there will be **no impact** on these resources related to the adoption and implementation of the Plan.

Response IV d): Approval of the Plan and the subsequent development of the proposed improvements 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 site's urban habitat, its lack of any significant vegetation or habitat areas, and its proximity to high-traffic local streets hinders any notable wildlife movement through the project area.

Native wildlife nursery sites are known to be present in the vicinity of Library Park and the landscaped areas adjacent to City Hall. These nursery sites are used on a seasonal basis by ducks and must not be disturbed while wildlife is present. The work proposed with Downtown Improvement Plan Phase II would not impact those nursery sites. Staff has developed a mitigation measure addressing this issue. As such, **no impact** is anticipated.

Response IV e), f): Approval of the proposed Plan and the subsequent development and construction activities will not directly result in any conflicts with local policies or ordinances protecting biological resources. There are no native trees within the project area which are proposed to be removed and thus the proposal will not conflict with the City's native tree preservation guidelines. Furthermore, there are no applicable Habitat Conservation Plans, Natural Community Conservation Plans, or any other local, regional, or state conservation plans affecting the project area. As such, **no impact** is anticipated.

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 historical resource as defined in '15064.5?				X
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.

Notice of the proposal was submitted to the California Historical Resources Information System (CHRIS) at Sonoma State University who indicated that the "proposed project area contains numerous listed historic structures" and recommends that "a qualified architectural historian familiar with Lake County history assess the status of the resource(s) and provide specific project recommendations." It is important to emphasize that the improvements associated with the Downtown Improvement Plan are limited to areas within the public right-of-way. No modifications to any private improvements, including historic structures, are proposed. As such, the adoption and implementation of the Downtown Improvement Plan will not result in any substantial adverse changes to any historical resources located within the project area.

No improvements listed on the California Register of Historical Resources or the City's local register of historical resources will be affected by adoption and implementation of the Downtown Improvement Plan. Although **no impact** is anticipated, staff has developed a mitigation measure calling for the City and/or its contractors to ensure that no damage is done to any of the historic buildings in the project area in conjunction with the proposed construction activities.

Response V b), c), d): The response from the CHRIS at Sonoma State University indicated that the "proposed project area has the possibility of containing unrecorded archaeological sites. A study is recommended prior to commencement of project activities." The agency also recommended that the City contact the local Native American tribes regarding traditional, cultural and religious values.

City staff, after reviewing the scope of the project and the boundaries of the project area, determined a majority of the work proposed would include removal and replacing existing street and sidewalks, and would not include any significant excavation. However, there would be some excavation associated with digging up existing utility lines and replacing utilities along Main Street. Staff has met with tribal representatives from the Big Valley Rancheria and Scotts Valley Band of Pomo Tribes discussing the proposed project. The City of Lakeport will develop an agreement with the tribes that includes a tribal monitor on site during excavation of areas for new utility connections that will involve the disturbance of areas not previously excavated as part of past development activities. The agreement would include procedures if historical resources or archeological resources are identified during any excavation. There does

not appear to be much opportunity for any human remains to be impacted, given the fact that the proposed improvements will be located in areas that have been previously excavated and disturbed in conjunction with the construction of the existing streets, sidewalks, etc. However, the mitigation measures has added requirements in case human remains are found onsite. It should be noted that during previous construction activities related to the installation of the downtown decorative streetlights, some historic resources were uncovered such as horse shoes, old coins and other miscellaneous antiquities. Given that the CHRIS agency has suggested an archeological study and the fact that historic resources have been previously unearthed in the downtown area, staff has recommended a mitigation measure if any notable cultural or archeological resources are encountered during the excavation or construction phases of the project. This potential impact is considered **less than significant with mitigation incorporation**.

See conclusion of report for recommended mitigation measures.

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 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.			X	
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		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
substantial risks to life or property?				
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): The 2001 Fault-Rupture Hazard Zones maps 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.

“Active” faults, defined as those for which there is evidence of activity during the last 11,000 years, or Holocene time, in the 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 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.

Numerous minor faults exist within the county, designated potentially active, which could cause ground rupture, failure and shaking.

The project area is in close proximity to the potentially active fault rupture zone along the Clear Lake shoreline. However, potential seismic-related impacts associated with the construction of various street and sidewalk improvements and other related improvements are considered to be **less than significant**.

Response VI a.ii-iv): Despite the fact that no damaging earthquakes have occurred on faults within Lake County during the past 200 years, the California Geological Survey has classified the area as “Seismic Zone 4,” indicating that it is a highly active earthquake area with potential for significant events. Seismic Zones are classified on a scale from one to four; Seismic Zone 4 indicates that the area has a one in ten chance that an earthquake with an active peak acceleration level of 0.04 g (4/10 the acceleration of gravity) will occur within the next 50 years. Direct effects of seismic activity include the shifting and rupturing of ground along a fault and ground shaking. Ground shaking can cause indirect effects including landslides, subsidence and differential settlement, and liquefaction.

The project area has a slightly varied topography that is generally characterized by moderate slopes descending from west to east. Generally speaking, the Main Street corridor is relatively flat while the east/west side streets (First, Second, Third and Fourth Streets) slope downward toward the east.

Regarding seismic issues and potential for strong seismic ground shaking, seismic-related ground failure including liquefaction, and/or landslides, the project area is obviously located in a seismically active region. Liquefaction and landslide potential are not significant concerns due to the scope of the project and the fact that no large structures are proposed to be constructed as part of the Downtown Improvement Plan.

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

Response VI b): Based on a review of the proposed Downtown Improvement Plan Phase II and the physical characteristics of the project area, there is no indication that the development of the proposed improvements will result in substantial soil erosion or the loss of topsoil. Very little, if any, existing topsoil will be affected by the project as the improvements are generally intended to replace existing streets, sidewalks and other related features.

It is important to note that 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 National Pollutant Discharge Elimination System (NPDES) and the Lake County Clean Water Program Storm Water Management Plan. Projects involving sites larger than one acre are required to comply with the Phase II NPDES requirements. Staff has recommended a mitigation measure calling for the submittal of an erosion control plan in conjunction with the construction plans.

Potential impacts related to substantial soil erosion or the loss of topsoil are considered to be ***less than significant with mitigation incorporation***.

Response VI c), d): According to the survey conducted by the Soil Conservation Service, Wappo loam (2 to 8 percent slopes) is present throughout the project area. This is a very deep, moderately well drained soil usually found on terraces. Permeability of this Wappo soil is very slow, surface runoff is medium, and the hazard of erosion is moderate. The main limitations in terms of development are the slow permeability, high shrink-swell potential in the subsoil, and low load bearing capacity. The survey states the shrink-swell potential and low load bearing capacity of the soil should be considered when designing and constructing foundations, concrete structures and paved areas.

The soil survey identifies the area's native soils. However, the original topography and the original soil composition throughout the project area have been modified by past grading and construction activities. It is difficult to analyze the potential geologic impacts associated with the construction of the proposed improvements. However, it is important that the construction plans take into account the potential geologic-related impacts related to erosion, unstable soil conditions, lateral spreading, subsidence and expansive soils. Staff has developed a mitigation measure calling for the preparation of construction plans which adequately address these issues. These potential geologic issues are considered ***less than significant with mitigation incorporation***.

Response VI e): Adequacy of the soils within the project area to support septic tanks or other alternative waste water disposal systems is not applicable as the City's sewer system serves the improvements within the project area. There is ***no impact***.

See conclusion of report for recommended mitigation measures.

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-b): Development of the proposed project does not have the potential to significantly increase greenhouse gas associated with either the construction of the proposed project or the replacement of sidewalk and roadway in the historic downtown area. The project would not add to cumulative impacts associated with greenhouse gas. The size and scope of the project would not conflict applicable plans, policies, or regulations adopted to reduce emissions of greenhouse gases. There is ***no significant impact***.

VIII. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
d) 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
e) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within				X

one-quarter mile of an existing or proposed school?				
f) 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
g) 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
h) 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
i) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
j) 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): Adoption and implementation of the Downtown Improvement Plan will not result in activities which would involve the transportation, use, and storage of hazardous materials. No hazardous materials will be necessary in conjunction with the proposed construction activities. As such, there will be **no impact**.

Response VIII b): Construction of the improvements associated with the Downtown Improvement Plan will not 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. As noted above, no hazardous materials are expected to be used in conjunction with the construction activities. There is **no impact**.

Response VIII c): The nearest school is a private elementary school located at the Lakeport Christian Center on South Forbes Street which is approximately 800 feet (less than one-quarter of a mile) southwest of the south boundary of the project area. However, as discussed in Responses VII a.) and b.), no hazardous materials are expected to be used in conjunction with the construction of the proposed improvements. There is **no impact**.

Response VIII d): There are no sites in the City of Lakeport which are listed on the Comprehensive Environmental Response, Compensation, Liability Information System, the National Priority List, or the Department of Toxic Substances Control Cortese List. There is **no impact**.

Response VIII e), f): The project area 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 area 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): The Downtown Improvement Plan Phase II and subsequent construction of the proposed improvements will not directly interfere with an adopted emergency response plan or emergency response system. No comments were received from the Lakeport County Fire District or the City Police Department indicating any concerns regarding the ability to respond to an emergency in the project area. There is **no impact**.

Response VIII h): The proposed improvements associated with the Downtown Improvement Plan Phase II do not have the potential to expose people or structures to a significant risk of loss, injury, or death involving wildland fires including where wildlands are adjacent to urbanized areas. The project area is within the downtown core of the City and there are no wildlands in close proximity. Fire hydrants are present in numerous locations throughout the project area. **No impact** is anticipated.

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				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
substantial erosion or siltation on- or off-site?				
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 flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater 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 federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
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

Response IX a): As discussed in the Geology/Soils section of this report, the construction activities related to the Downtown Improvement Plan Phase II are subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) and the Lake County Clean Water Program Storm Water Management Plan. In addition to the mitigation measure calling for the submittal of an erosion control plan, staff has suggested mitigation measure requiring compliance with the Lake County Clean Water Program Storm Water Management Plan and the NPDES Phase II requirements of the California Water Resources Control Board. Potential impacts related to violations of water quality standards or waste discharge requirements are considered to be **less than significant with mitigation incorporation**.

Response IX b) – f): There are no components of the Downtown Improvement Plan Phase II that will substantially deplete groundwater supplies or interfere substantially with

groundwater recharge. The street and sidewalk enhancements and other related project components will not result in any changes/modifications to the City's water system beyond the minor irrigation facilities that will be provided to the hanging landscape planters that will be attached to the new decorative lights.

Similarly, the adoption and implementation of the Downtown Improvement Plan Phase II will not result in significant changes in absorption rates, drainage patterns, and/or the rate and amount of surface water runoff generated in the project area. The majority of the proposed construction activities will affect areas that are currently developed with impervious surfaces. Given that the project generally affects existing developed areas, the proposed streetscape improvements will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Existing storm drainage along the Main Street public right-of-way would remain the same with connectivity to the existing storm drain systems at First, Second, Third and Fourth Street with the construction of the proposed street improvements. The new improvements do not create any increase in drainage problems. Given the scope of the project and the types of proposed improvements, potential modifications to existing storm drainage facilities or the construction of new facilities in conjunction with the proposed project are not expected to detrimentally affect the capacity of the existing stormwater drainage system or provide substantial additional sources of polluted runoff.

Staff reviewed the City's Storm Drainage Master Plan which identifies no storm drain facilities are proposed within the boundaries of the project area.

There is **no impact** associated with these issues.

Response IX g) - j): City map data indicates the project area is not within a 100-year flood hazard area. The project is limited to new and enhanced sidewalk and streetscape improvements, no new flood-related hazards or impacts are anticipated in conjunction with this project. New housing will not be constructed within the flood hazard area nor will any structures be constructed which could impede or redirect flood flows. Furthermore, approval of the project will not expose people or structures to a significant risk of loss, injury or death involving flooding or by inundation by seiche, tsunami or mudflow. **No impact** is anticipated.

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				X

coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Response X a) - c): The majority of the project area is designated Central Business District according to the City of Lakeport General Plan Land Use Map. The block occupied by the Lake County Museum (“Courthouse Square”) is designated Parkland. The entire project area is zoned CB Central Business District according to the City Zoning Map.

As previously described, the project area encompasses the historic commercial core of the City and contains a mix of commercial, office, institutional, governmental, and park uses.

It is important to note that the Community Design Element of the City’s General Plan includes a section regarding the City’s downtown district and references the Downtown Master Plan that was originally adopted by the City in 1989. The stated goals of this section of the Community Design Element include:

- ❖ Increase property values through construction of new commercial and multifamily residential development and renovation of existing structures;
- ❖ Provide facilities and amenities for the Downtown District that encourage pedestrian movement and special events;
- ❖ Preserve and enhance historic buildings and sites;
- ❖ Retain Lakeport’s small town character while accommodating growth; and
- ❖ Improve retail sales volume of downtown businesses

The Community Design Element contains numerous urban design policies which address the following issues:

- ❖ Maintaining downtown’s unique character
- ❖ Improving Pedestrian Circulation
- ❖ Landscaping, hardscaping and lighting
- ❖ Parking

Many of the proposed improvements set forth in the Downtown Improvement Plan Phase II are consistent with the goals and policies set forth in the Community Design Element, including wider sidewalks, street trees, decorative lighting, street furniture, and special paving patterns. The proposed improvements are intended to enhance pedestrian movements in the downtown area and will all be designed with a common theme and design approach.

There is no indication that the implementation of the Downtown Improvement Plan Phase II will physically divide an established community or conflict with applicable land use plans, policies, or regulations of agencies with jurisdiction over the project area. There are no applicable habitat conservation plans or natural community conservation

plans in place at the present time which affect any properties within the project area. There is **no impact** associated with Land Use and Planning issues.

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): Currently there are no mining or mineral extraction operations within the Lakeport City limits or the Sphere of Influence. Page III-10 of the General Plan’s Conservation, Open Space and Parks 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): There are no mineral recovery sites located in the City of Lakeport; **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		X		

the project vicinity above levels existing without the project?				
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 people residing or working in the project area to excessive noise levels?				X
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): Adoption of the Downtown Improvement Plan Phase II and the subsequent development of the proposed improvements will not permanently increase the existing noise levels within the project area which are relatively high given the volume of automobile traffic on Main and Forbes Streets and area's commercial development. The hours of operation for the streetscape improvements between the hours of 6:00 PM and 6:00 AM has a potential for exposure of persons to 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 AM to 10:00 PM. The allowable noise level from 10:00 PM to 7:00 AM decreases to 55 dBA during the evening and early morning hours. The project would be required to use noisier tools and equipment, such as jackhammers and mounted impact hammers (Hoe rams) between the hours of 6:00 PM to 10:00PM. The noise associated with the majority of the power equipment and tools sound emission ranges between 70 to 95 dBA at 50-feet which exceeds the city noise standards. The noise generation at night in the downtown area would have little impact on the downtown commercial area, since a majority of the businesses are closed. However, the noise generated at night may have an impact on the residential uses in close proximity to the downtown. Staff measured the distance from the downtown improvements and the residential homes which range from 200 to 500 feet. At a distance of 200 to 500 feet the sound levels are reduced by 10 to 20 dBA, respectively.

The downtown area along Main Street is lined with two-story structures. Testing performed by staff determined the noise levels were reduced by 15 to 25 dBA with the screening associated with the two story buildings along Main Street. The only opening along Main Street is located at the park in front of the three-story county building, which also creates screening for neighborhoods further west. The improvements would take place over a four month period, with the higher ambient noise level operations taking place in the first three months. With the distance of the residences from Main Street, as well as the noise dampening by the two story buildings along Main Street, the noise impacts would be consistent with Section 17.28.010 of the Municipal Code as noise or other sound emissions. The project requires a representative take noise measurements

throughout the night, to evaluate noise generated by the project and make appropriate modifications to reduce those noise impacts. In addition, the residents in the area would be provided the contact number for the representative for the project, if noise impacts are excessive. The proposed project Potential impacts related to exceeding noise standards are considered to be **less than significant with mitigation incorporation**.

Response XII b): As stated above, construction activities associated with the Downtown Improvement Plan Phase II would have the potential to expose persons to, or cause generation of a substantial temporary or periodic increase in ambient noise levels in the project vicinity. The four months the construction takes place could have a potential of exceeding the city's noise standards.

Response XII c): The improvements associated with this project would not create permanent increase in ambient noise levels or excessive long-term ground-borne vibration or ground-borne noise levels. There is **no impact** associated with these potential issues.

Response XII d): The temporary construction activities associated with the Downtown Improvement Plan Phase II (four month period, with the higher ambient noise level operations taking place in the first three months) 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. In particular, the demolition of existing concrete curbing and sidewalk has the potential to create high noise levels. The intent of the work taking place at night is to reduce the noise impacts on the downtown businesses, when a majority of those businesses are closed. All construction activities will be subject to the noise guidelines set forth in Chapter 17.28 of the Lakeport Municipal Code, that would require those higher noise levels associated with construction activities take place between the hours of 6:00 PM and 10:00 PM, while quieter work activities take place after 10:00 PM to 6:00 AM. 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**.

See conclusion of report for recommended mitigation measure.

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				X

example, through extension of roads or other infrastructure)?				
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): The proposed Downtown Improvement Plan Phase II project is limited to the enhancement and improvement of existing streetscapes in the downtown area. Adoption and implementation of the plan 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. As such, there is **no impact** related to population or housing issues.

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 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 adoption and implementation of the Downtown Improvement Plan Phase II is not expected to result in any significant alteration of existing governmental services related to fire protection, police protection, schools, parks or other governmental services. Some of the proposed improvements such as the decorative street lights and related hanging landscaping baskets may require minor additions to the City’s maintenance responsibilities.

Based on a review of the proposed plan and comments received from other public agencies and departments, the project will not result in substantial adverse physical impacts associated with the provision of the 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.

No impact to Public Services, specifically Fire Protection, Police Protection, and Schools is expected. **Less than significant impacts** are anticipated regarding 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 XV a), b): Adoption of the Downtown Improvement Plan Phase II and the subsequent construction of the proposed streetscape improvements 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.

There will be **no impact** related to these issues.

XVI. TRANSPORTATION/TRAFFIC:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a				X

substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				
b) Exceed, either individually or cumulatively, a level of service standard 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) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Response XVI a), b): The proposed improvements set forth in the Downtown Improvement Plan Phase II are limited to the replacement and enhancement of existing streetscape improvements such as sidewalks, street paving, street lights and street furniture. As such, there is no indication that the improvements will result in a net increase in traffic in the project area. Many of the improvements are intended to enhance pedestrian facilities and as such there may be a reduction in the number of vehicles using the streets in the project area. Because no traffic increase is anticipated, the existing levels of service for the affected streets within the project area will not be impacted.

No impact has been identified related to the increase in vehicle traffic.

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 area. **No impact** is anticipated.

Response XVI d): There are no design features of the Downtown Improvement Plan Phase II which have the potential to increase traffic related hazards nor are there any proposed land uses which are considered incompatible and thus capable of increasing traffic related hazards. There will be **no impact** related to these issues.

Response XVI e): The demolition and reconstruction of existing sidewalks and streets in the downtown area has the potential to temporarily impact emergency access to the adjoining storefronts. However, with the construction taking place at night, while a majority of the businesses are closed, reducing the potential demand for emergency

access. During the four months of construction, Forbes Street would represent the primary access for all north and south traffic flows and emergency access. However, with all the construction taking place at night, those roads would remain open during the day. The impacts would be minimal, but during construction (plans) will need to address maintaining traffic and pedestrian safety as some of the major concerns.

A mitigation measure calling for the preparation of a pedestrian safety plan has been developed. This mitigation measure also calls for the provision of temporary business identification signage to alert the public that businesses/offices will remain open during the construction periods.

This potential temporary impact is considered to be **less than significant with mitigation incorporation**. There will be no long-term emergency access problems related to the proposed streetscape improvements.

Response XVI f): Adoption and implementation of the Downtown Improvement Plan Phase II will not result in the need for any new parking facilities or significantly impact existing public parking facilities within the project area. As such, there is **no impact** related to parking issues.

Response XVI g): Staff has reviewed the Circulation Element of the City's General Plan and there are no components of the project which conflict with adopted policies, plans or programs supporting alternative transportation. There is **no impact**.

See conclusion of report for recommended mitigation measures.

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,				X

or are new or expanded entitlements needed?				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
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) - b): Construction of the proposed streetscape improvements will not impact the City's wastewater treatment facilities or water production facilities. There will be no need to expand existing water or sewer facilities or construct new facilities. There is **no impact** related to these issues.

Response XVII c): As discussed in the Hydrology section of this report, the existing storm drainage facilities would remain and provide connectivity to the public right-of-way (curb inlets, drainage lines, etc.) with the proposed streetscape improvements. Any proposed changes are expected to be minor. As such, the related construction activities will not cause any significant environmental effects. This issue is deemed to be a **less than significant impact**.

Response XVII d) - e): As described above in Section XVI a)-b), the construction of the proposed improvements will not impact the City's sewer or water systems. The project includes replacing the sewer and water service lines along Main Street. All new connections to the City's water system will be in accordance with required State regulations. The City's water supply will not be affected nor will its sewer treatment capacity. There is **no impact** related to these issues.

Response XVII f) - g): Approval and implementation of the Downtown Improvement Plan Phase II will not result in an increase in solid waste disposal needs. There is no indication that the proposed improvements will result in a notable increase in the generation of solid waste in the project area. **No impact** is anticipated.

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-		X		

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?				
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?				X
c) 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
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Response XVIII a): Based on the findings set forth in this Initial Study, some components of the Downtown Improvement Plan Phase II 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 air quality, cultural resources, geology/soils, hydrology and water quality, noise, and transportation/traffic. Staff has developed/recommended mitigation measures that will reduce the impacts to a less than significant level. The potential environmental impacts identified in the Initial Study are **less-than-significant with mitigation incorporation**.

Response XVIII b) - d): The Initial Study has determined that the adoption and implementation of the Downtown Improvement Plan Phase II does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals; does not feature impacts that are individually limited but cumulatively considerable; and will not result in any environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. There is **no impact** related to these issues.

CONCLUSION AND RECOMMENDATION: As outlined in the Initial Study, the adoption of the Downtown Improvement Plan and the subsequent construction 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 implemented by the City and/or its contractors. The status of all required

mitigation measures 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. The night lighting required during construction of Downtown Improvement Plan Phase II shall only illuminate the construction areas in the downtown area. All construction lighting shall be shielded and down lit so as to eliminate glare-related impacts to adjacent properties or the public right-of-way. **(Aesthetics)**
2. All construction activities shall include adequate dust suppression including frequent watering, the use of palliatives or other methods during grading, earth work, and demolition and building periods. Excavation and construction activities which generate fugitive dust shall be avoided during windy periods and all surfaces subject to grading and/or heavy traffic and equipment usage, including public and private streets and alleys, 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. **(Air Quality)**
3. All parking areas, driveways, and other areas subject to vehicular traffic shall be paved and maintained to limit dust. **(Air Quality)**
4. The City of Lakeport 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 and the generation of odors, smoke, fumes, dust or particulate matter. The City shall take the appropriate steps to effectively reduce or eliminate these types of problems if legitimate complaints are received. **(Air Quality)**
5. The City of Lakeport and/or its contractors shall, upon the discovery of any cultural or archeological resources within the project area, cease all construction activity and immediately notify the Lakeport Community Development Department. The City, at that time, may hire a qualified archeologist to evaluate the finds and prepare a mitigation plan. 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)**
6. Require that applicant/owner/develop enter into a Cultural Resource Protection Agreement with the Big Valley Rancheria Band of Pomo Indians Tribal Historic Preservation Office to provide Cultural Resource Monitoring for any new utility excavation **(Cultural Resources)**
7. As part of the Cultural Resource Protection Agreement with the Big Valley Rancheria Band of Pomo Indians Tribal Historic Preservation Office, during any new utility excavation or other substantial subsurface disturbance activities any individuals conducting the work should be given a cultural awareness training

session and advised to watch for cultural resource materials. If any evidence of prehistoric cultural resources be observed (shells, beads, bone tool remnants or an assortment of bones, soil changes including subsurface ash lens or soil darker in color than surrounding soil, lithic materials such as flakes, tools or grinding rocks, etc.), or historic cultural resources (adobe foundations or walls, structures and remains with square nails, refuse deposits or bottle dumps, often associated with wells or old privies), all work must immediately cease, and a qualified archaeologist must be consulted to assess the significance of the cultural materials. **(Cultural Resources)**

8. The City of Lakeport and/or its contractors shall ensure that no damage is done to any of the historic buildings in the project area in conjunction with the proposed construction activities. **(Cultural Resources)**
9. The City of Lakeport shall prepare an erosion control plan which shall 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 erosion control plan shall ensure that soil erosion and other related water quality impacts are minimized. The erosion plan shall be prepared prior to the initiation of any construction activities. **(Geology and Soils)**
10. The City of Lakeport shall ensure that all construction plans related to the Downtown Improvement Plan shall take into account the potential geologic-related impacts related to erosion, unstable soil conditions, lateral spreading, subsidence and expansive soils. **(Geology and Soils)**
11. The City of Lakeport shall document compliance with the Lake County Clean Water Program Storm Water Management Plan and California Water Resources Control Board (NPDES Phase II requirements), including the submittal of a copy of the Central Valley Regional Water Quality Control Board Notice of Intent (NOI), Stormwater Management Plan (SWMP), and Stormwater Pollution Prevention Plan (SWPPP). All erosion control measures and subsequent construction activities shall be completed in accordance with the project's Storm Water Pollution Prevention Plan. **(Hydrology and Water Quality)**
12. All construction work shall comply with the noise standards set forth in Section 17.28.010 A. of the Lakeport Zoning Ordinance. Activities such as demolition, jackhammering, etc. shall be limited to the greatest extent possible to the hours of 6:00 PM to 10:00 PM. There shall be no Sunday construction activity unless approved by the City of Lakeport. Sunday construction may be approved if it is determined that such work is necessary to avoid disruptions in business activities. **(Noise)**
13. The City of Lakeport/Representative shall take noise measurements throughout the evening and night to determine the sound emissions (dBA) from the construction in the immediate area (200 to 400 feet from construction). If sounds levels exceed the allowable noise thresholds, the representative shall modify or develop a work program that reduces noise levels to meet the city standards. The representative shall maintain a record of time, location and dBA for measurements. The

representative shall provide a contact phone number to all commercial owners and neighboring residences in the immediate area. **(Noise)**

14. The City of Lakeport shall prepare a pedestrian safety plan which addresses the provision of adequate pedestrian facilities during the demolition and construction periods. The safety plan shall address staging of construction activities to minimize impacts to pedestrians, businesses and offices in the project area. The safety plan shall also address the provision of temporary business identification signage to be used to alert the public that businesses/offices will remain open during the construction periods. **(Transportation/traffic)**
15. The City of Lakeport shall ensure that the construction plans for the new public sidewalks and related improvements adequately address compliance with all applicable provisions of the Americans with Disabilities Act, including the standards for building entrances if possible. **(Transportation/traffic)**

I have read this Amended Initial Environmental Study (ER 06-01) and agree that the mitigation measures identified herein will be incorporated into the project.

Margaret Silveira
City of Lakeport
City Manager

Signature

Date