



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

Item #7
9:30 AM
August 11, 2022

STAFF REPORT

TO: Planning Commission

FROM: Mary Darby, Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: August 11, 2022

RE: **Konocti Christian Academy; Major Use Permit (UP 21-52) and Initial Study (IS 21-54);** for development of a private K-9 grade school; located at 5805 Live Oak Drive, Kelseyville (APN: 008-061-72)

Supervisor District 5

ATTACHMENTS:

1. Vicinity Map
2. Site Plan dated August 1, 2022
3. Agency Comments
4. Initial Study IS 21-54 and Addendum to IS
5. Conditions of Approval
6. Traffic Study, W-Trans, dated June 8, 2022
7. Public and Attorney Comments
8. On-Site Drainage Letter, from Bill Vanderwall, P.E., dated January 6, 2022

I. EXECUTIVE SUMMARY

The applicant requests approval of a Major Use Permit for a new Pre-kindergarten through 9th grade private school for Konocti Christian Academy. The Project consists of seven (7) portable (24' x 40') classrooms and one (1) 24' x 40' office building; one 12' x 40' restroom building; 3,124 sq. ft. playground; 4,700 sq. ft. basketball court; 9,000 sq. ft. grass area; one (1) 10' x 6' wall-mounted sign; 14,570 sq. ft. gravel parking lot containing 33 parking spaces with two (2) ADA parking spaces; 19 cedar trees planted along rear property line; 14 crepe myrtle trees planted along Live Oak Drive and the southern end of the property; two (2) bioswales for on-site stormwater drainage retention; one (1) 2,600 sq. ft. shade structure and eating area; 10' x 8' trash enclosure, and 12,157 sq. ft. grass field. The property will be enclosed by a six-foot (6') tall chain-

link fence. The applicant estimates that there will be up to 150 pick-ups and drop-offs daily during school days.

Construction activities will include the following:

- Estimated to take place over a 7 month period;
- Minimal site disturbance is needed. The site is flat, and some pad preparation will be required for: eight new 24' x 40' portable classroom buildings; a 12' x 20' restroom building; the installation of the grass and a basketball court; the gravel parking lot on-site; and, the public improvements to the shoulder of Live Oak Drive adjacent to the school.
- Construction hours to be between 7:00 am and 5:00 pm Monday through Saturday.
- Trenching will be required for underground electrical installation. Approximately 1000 lineal feet of trenching will occur displacing between 30 and 40 cu. yds. of earth. Up to 50 cubic yards of earth can be moved with no grading permit required.
- Five workers are anticipated for school construction.
- Construction equipment is expected to include a small excavator, a track loader, pickup trucks used by employees; an estimated 24 trips by larger trucks delivering the portable classrooms and construction materials.
- Equipment staging to take place on site within the 14,570 sq. ft. on-site gravel parking area.
- No trees will be removed by this project.
- No water courses are impacted by this project.
- All disturbed areas to be enclosed by straw wattles.
- Dust control will be from palliatives applied to pads using public water.
- Power to be provided by PG&E.

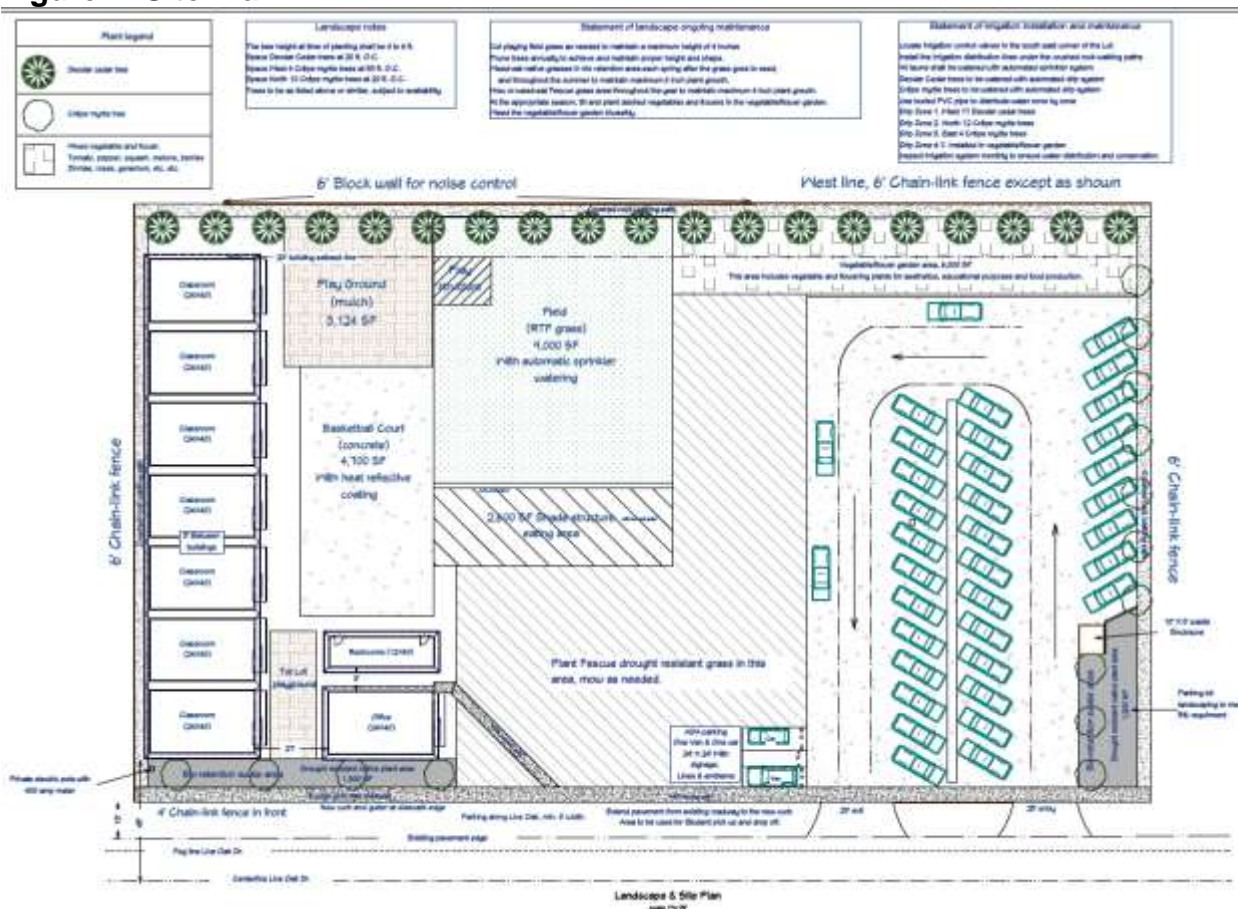
Operations are as follows once the school is open for students:

- The school will be occupied by students and staff between the hours of 7:45 am to 5:30 pm Monday through Friday.
- A maximum of 150 students is anticipated.
- 15 staff members are anticipated.
- "Will Serve" letters from public water and sewer provider have been received.
- Up to 150 pick-ups and drop-offs to occur daily, however these times will be staggered based on the different grades.
- Exterior lighting to consist of security lighting only.
- No food preparation will occur on site. All lunches will be brought by students.
- On-site security to be provided by the Principal and Vice Principal.
- On-site security cameras to be installed for vandalism prevention and student security.
- The school practices fire drills in case of a fire. Emergency access to occur from Live Oak Drive if needed.

An evaluation for compliance with the California Environmental Quality Act (CEQA) was undertaken for this project. It was determined that any impacts caused by the project can be mitigated. This CEQA evaluation is later in this report.

Staff recommends **Approval with Conditions** of UP 21-52 and **Adoption** of IS 21-54 for the Konocti Christian Academy.

Figure 1. Site Plan



Source: Revised Site Plan submitted by Applicant July 28, 2022

II. PROJECT DESCRIPTION

<u>Applicant:</u>	Jonathan Bridges on behalf of Konocti Christian Academy
<u>Owner:</u>	Doug Bridges
<u>Location:</u>	5805 Live Oak Drive, Kelseyville
<u>A.P.N.:</u>	008-061-72
<u>Parcel Size:</u>	±2.20 acres
<u>General Plan:</u>	Medium Density Residential
<u>Zoning:</u>	“R3” High Density Residential
<u>Flood Zone:</u>	X
<u>High Fire Area:</u>	Within the local responsibility area (LRA) of the Kelseyville Fire Protection District. Not mapped by CalFire.

III. PROJECT SETTING

Existing Uses and Improvements: The parcel is ± 2.20 acres in size and is presently vacant. The site is served with public water and sewer, and there is capacity to serve the school with both utilities at this location. The site is also served by PG&E power with adequate grid 'space' available for a new connection to power, and with power lines available on Live Oak Drive.

The site is accessed by Live Oak Drive, a paved County-maintained local road at this location. There is capacity to serve the school site, however the road has no shoulders or sidewalks adjacent to the school property.

Surrounding Zoning and Uses (Attachment 1 and Figure 3 Vicinity Zoning Map, next page)

- North, West and South: "R3" Multi-family Residential Zoning District; improved with dwellings.
- South: "PDC" Planned Development Commercial; Improved with contractor's office.

Topography/Slope: Flat

Soils: Type 125, Cole Variant clay loam, calcareous substratum

Water Supply: Public Water

Sewage Disposal: Public Sewer

Fire Protection: Kelseyville Fire Protection District

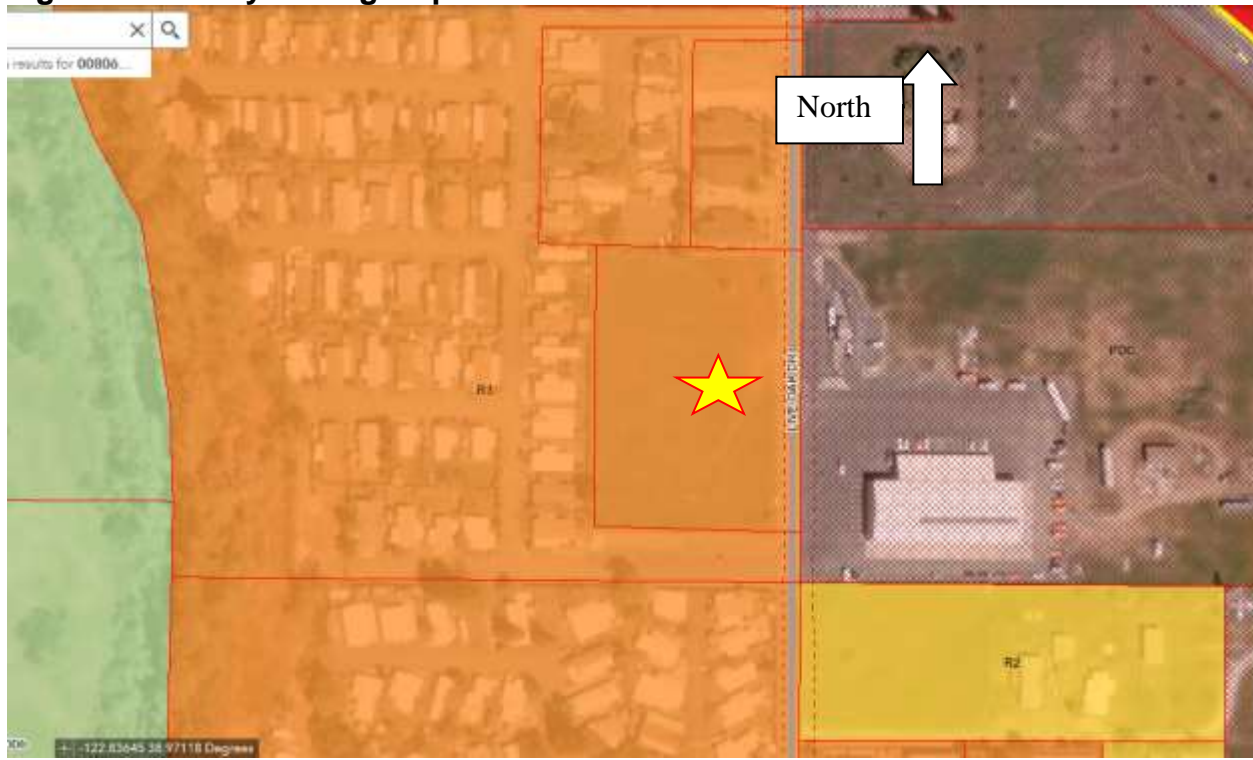
Vegetation: Grasses; several oak trees at the northern and southern ends of the property.

Figure 2. Aerial Photo of Site and Surrounding Area



Source: Google Earth Pro

Figure 3. Vicinity Zoning Map



Source: Lake County GIS Parcel Viewer

IV. PROJECT ANALYSIS

General Plan Conformance – Chapter 3, Land Use

The General Plan designation for the subject site is Medium Density Residential. Chapter 3 of the General Plan, “Land Use”, describes this designation as follows:

General Plan – Chapter 3, Land Use - Medium Density Residential

This land use category is designed to provide areas for residential developments such as duplexes, triplexes, and mobile home parks. This designation is appropriate only where the level of development is compatible with the overall character of the surrounding neighborhood and where adequate public facilities, such as potable water and waste systems, roadways, and other public services are available. This designation is only located inside of Community Growth Boundaries.

Response: Schools are a permitted use in the R3 High Density Residential Zoning District subject to approval of a major use permit according to Article 27, Table B. The applicant has applied for a major use permit for development of the site as a private school.

General Plan, Chapter 3, Land Use - Economic Development. *This category evaluates potential jobs created by projects, and the potential economic benefits to the community that result from job creation.*

- Goal LU-6: “To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents”.
- Policy LU 6.1: “The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services and commerce and by expanding its efforts to encourage industrial and non-industrial corporate developments, and the developments of geothermal resources”.

Response: *The project will employ up to 15 teachers, aides and support staff. This project does not represent commerce in the traditional sense, however the employment of up to 15 persons that will live and spend money locally will aid the Lake County economy by providing employment to up to 15 (potentially) local persons, who will purchase local commodities such as gas and food. The Project meets the service needs of the area residents; with projections of students’ locations primarily from Lakeport (55%); Kelseyville (35%), and other areas (10%). Source: Vanderwall Letter dated January 6, 2022.*

General Plan – Chapter 5, Public Services

- **Policy PFS- 1.2 Locational Criteria for Public Facilities**

The County shall locate public facilities designed for direct public use (libraries, schools, etc.) along major thoroughfares.

Response: *The site for this project is adjacent to Live Oak Drive, a paved, County-maintained road. Live Oak Drive connects with Highway 29, a paved, two-lane State Highway with shoulders that vary from two to six feet in width. There are no known capacity issues associated with Highway 29 or with Live Oak Drive.*

Public Works expressed some concerns about parking related to pick-ups and drop-offs. The Community Development Department requested a traffic analysis that was provided by the applicant. The analysis did not make specific recommendations for improvements to Live Oak, however the Public Works Department indicated that improvements to Live Oak adjacent to the school site were needed, and is requiring an eight-foot (8’) paved span next to the school, and an elevated 5’ wide sidewalk with curbs and gutters, as well as a relocated bio-swale that would be taken out with the widened on-street parking that will be required. This is included as #13 in the draft Conditions of Approval and are shown on the site plan received by the County on August 1, 2022.

- **Policy PFS-9.3 Location of School Sites**

School sites, to the extent possible, should not be located within mapped serpentine areas, or near airports, industrial complexes, agricultural operations, or high-capacity electrical transmission lines to minimize exposure to potentially hazardous conditions.

Response: *The school site is in a residential area that is not on mapped serpentine soil or near airports, industrial complexes, agricultural operations or high-capacity electrical transmission lines. The site is surrounded on three sides by dwelling units, and there is a building contractor's office across Live Oak from the school site.*

- **Policy PFS-9.6 Water and Sewer Services for Schools Sites**
Public water and sewer services to school sites are desirable. If these services are not available, the feasibility of on-site systems must be established.

Response: *The school site is served by available public water, sewer and power. The site also abuts a narrow, paved County road, Live Oak Drive. All utilities are available to serve this site.*

Kelseyville Area Plan Conformance Analysis

The subject site is within the Kelseyville Area Plan's boundary. The Plan contains policies that apply to schools and to economic development as follows:

Policy

- **5.1b-1:** A high priority should be given to providing service and employment opportunities locally in the Kelseyville Planning Area in order to boost economic development and reduce travel distances.

Response: *This applicant would have up to 15 employees working on the site once the school construction is completed. The students will primarily come from Lakeport and Kelseyville according to the material submitted by the applicant.*

Zoning Ordinance Conformance

Article 12 – R3 High Density Residential District

- **Purpose:** To establish areas for high density residential development while allowing for a wide range of living accommodations from duplex units to townhouses to apartment buildings.

Response: *Table B in Article 27 lists uses that are allowed in the "R3" Multi-family Residential zoning district, including private schools.*

- **Applicability:** This district shall be primarily intended for areas of the county served by public water and sewer.

Response: *The site is served by public water, sewer, electricity, and roads.*

- **Performance standards:** All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

Response: *Conformance with the performance standards set forth in Article 41 are evaluated later in this report.*

Article 41, Performance Standards

41.4 Air Quality

Response: *This category has been addressed in the IS/MND for this project.*

41.5 Electromagnetic interference: Devices which generate electromagnetic interference shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Public utilities shall comply with all applicable state and federal regulations.

Response: *This project is for a K through 9th Grade school. No aspect of this project will generate electro-magnetic interference.*

41.6 Erosion control: The following erosion control standards shall apply to all development projects in commercial or industrial zoning districts:

Response: *The project is not located in a commercial or industrial zoning district.*

41.7 Fire and explosion hazards: All uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment.

Response: *The school will likely contain cleaning solvents for use to clean the classrooms, restrooms and offices. The project will provide a 'janitor closet' where these supplies can be kept in a locked facility. No explosive materials, such as gasoline or other combustible chemicals will be kept on site. Further, California Building and Fire Codes require fire extinguishers and other fire suppression means to be installed and inspected annually for all schools.*

41.8 Glare and heat

(a) All exterior lighting accessory to any use shall be hooded, shielded or opaque. No unobstructed beam of light shall be directed beyond any exterior lot line. Buildings and structures under construction are exempt from this provision.

(b) No use shall generate heat so that increased ambient air temperature or radiant heat is measurable at any exterior lot line.

Response: *All outdoor lighting is required to meet darksky.org outdoor lighting recommendations in Lake County – this is a standard condition of approval for all use permits. No use proposed will generate heat so that increased ambient air temperature or radiant heat will result.*

41.9 Landscaping standards

(a) General: All undeveloped land areas shall be maintained in permanent vegetative cover, or alternatively be landscaped with a combination of materials to control runoff. All yards shall be landscaped such that there shall be no accumulation of silt, mud, or standing water causing unsightly or hazardous conditions, either within the yard or on adjacent properties, public roads, or sidewalks.

Response: *The Site / Landscape Plan submitted on August 1, 2022 shows the undeveloped areas within the school yard as being either planted areas (play areas with lawn); play equipment, basketball courts, or natural vegetation. The site is flat and proposes a 9,000 sq. ft. grassy area (field), an approximate 20,000 sq. ft. “plant fescue” area; a 3,124 sq. ft. mulch playground area; planted strips on the east, south and west portions of the property boundary, all of which is permeable and can absorb stormwater runoff. The applicant is relocating a bioswale that had been poorly engineered and had been located adjacent to Live Oak Drive, and is installing a second bioswale. The new bioswales are on-site near Live Oak Drive.*

The non-permeable areas on site consists primarily of the roofs of the portable classrooms; the office; the restroom building; the basketball court, accessible parking spaces, and sidewalks. The total non-permeable surface area is under 15,000 sq. ft. excluding the parking lot, which will be graveled and will have some permeability. The 2.20 acre site consists of 95,000 sq. ft. The total non-permeable area represents about 16% of the total site area.

(b) Standards of uses permitted in the “R3” Multi-family Residential District: The following recommended landscaping standards shall be required unless an alternative landscaping plan is approved or waived by the Review Authority which meets the intent of this Article.

1. Minimum required landscaping per parcel: All development shall include an area or areas of the parcel for landscaping to serve as a visual screen and/or provide an increased aesthetic environment; except where street frontages are occupied by existing development.

Response: *The intent of this section is to require screening between potentially incompatible uses, as well as on-site landscaping to improve the aesthetic environment. The applicant’s revised site and landscape plan, received on August 1, 2022, shows 19 cyprus trees planted along the back side of the property between the schoolyard and the neighboring residences to the east; crepe myrtle trees planted along Live Oak Drive and along the south side of the property; a six-foot (6’) tall chain link fence that is required to have screening slats, and internal ground cover and fescue lawn areas.*

The parking lot of the school needs to maintain visibility for children safety. The Planning Commission has the authority to apply (a) above if it believes that children’s safety outweighs the visual screening criterion found in (b). The side and rear yards of

the school need to be screened from view from neighboring properties, which is included as a condition of approval.

2. The front of the lot shall be landscaped with a minimum of a ten (10) foot wide planted area but not so as to obstruct traffic or reduce sight distance at any driveway or intersection, unless because of the location or design of existing development, or appropriate site planning would make adherence to this standard result in development inconsistent with the purposes of Subsection (b) 1 above, in which case, an alternative landscape plan may be approved by the Review Authority. The landscaping may be interrupted by building entrances or exits and driveways.

Response: *The August 1, 2022 landscape plan submitted by the applicant complies by showing a 10' wide planted area along Live Oak Drive at the front of the school property.*

3. When abutting any residential district side yard:

- i. The side of the lot shall be landscaped with a minimum of a five (5) foot wide planted area but not so as to obstruct traffic or reduce sight distance at any driveway or intersection; or
- ii. A six (6) foot high wooden fence or masonry wall shall be constructed at the side lot line(s), but shall not exceed four (4) feet in height within any required front yard.

Response: *This subsection requires screening in between schools and adjacent residential uses. The applicant has provided a 6' tall chain link fence along the perimeter of the school property that is required to have screening slats as a condition of approval, as well as a 10' wide landscaped strip containing Cyprus trees along the east side of the property, and crepe myrtle trees with a screening fence along the south side of the property. The buildings are located near the northern property line and create screening between the school yard and the northern neighboring dwellings. The screening and landscaping are added as a condition of approval for this project.*

4. When abutting any residential district rear yard:

- i. The rear of the lot shall be landscaped with a minimum of a five (5) foot wide planted area when abutting any residential use or district; or
- ii. A six (6) foot high wooden fence or masonry wall shall be constructed at the rear lot line.

Response: *This subsection requires screening between schools and adjacent residential uses. The revised site and landscape plan submitted August 1, 2022 shows these required screened areas and landscape strip.*

5. Where a parking lot contains ten (10) or more spaces and is visible from a street, not less than five (5) percent of the parking lot, excluding the area of the

landscaped strip required by Subsection (b) 2 shall be landscaped. Such landscaping shall be distributed through the parking lot and shall not be concentrated in any one area. Landscaping shall be computed on the basis of the total amount of parking and driveways provided (except spaces provided for enclosed vehicle storage areas).

Response: *The proposed parking lot contains 33 parking spaces and two (2) ADA parking spaces. The parking lot is visible from and is accessed from Live Oak Drive. The landscape plan required by this section shall show no less than 5 percent of the parking lot containing irrigated landscaping. The revised site and landscape plan submitted August 1, 2022 complies.*

6. For landscaping required for parking lots in Subsection (b) 5 above, protective measures including but not limited to concrete curbing, railroad ties, or decorative rock shall border all landscaped area.

Response: *The applicant submitted the revised site and landscape plan, however no separation between vehicles and planted areas were shown, and shall be shown on a revised plan prior to any building permits being issued.*

7. Existing or indigenous plant materials that meet the requirements of this section may be counted as contributing to the total landscaping required when located within the proposed use area.

Response: *The non-landscaped portion of this 2.20 acre lot is about ½ acre (about 20,000 sq. ft.) of total area. The remainder of this lot will be landscaped with grass, gravel parking lot, and play areas containing mulch. This area exceeds the required landscaped area for sites that require the application of Article 41 landscape requirements.*

8. Minimum plant size: Unless otherwise specifically indicated elsewhere all plant materials shall meet the following minimum standards as indicated in Table 9.1.

Response: *The applicant has provided a landscape plan that shows tree sizes at time of planting. These trees shall comply with the minimum standards found in Table 9.1 of Article 41.*

9. Irrigation required: All landscaping shall be provided with a drip irrigation system or in-ground sprinkler system. If all plant materials are indigenous or drought resistant, a temporary or portable irrigation system may be provided.

Response: *The applicant has provided a landscape plan on August 1, 2022 that shows types of irrigation to be used for irrigating all new plant materials.*

10. Plan required: A landscape plan, either as an overlay of the proposed site plan or a separate drawing, shall be submitted to the Planning Department for review and approval by the Development Review Committee. The following information shall be included in the plan:

- i. The location of all landscaped areas with the proposed shrubs, trees, and other plant materials clearly labeled with information on size, type, and spacing.
- ii. The location of existing trees and shrubs, including any riparian vegetation, large oak trees, etc., and indicating those existing trees, shrubs, or other indigenous species that are to be included as part of the landscape plan.
- iii. A description and layout of the proposed irrigation system.
- iv. Any additional information or materials required by the Planning Director or Development Review Committee.

Response: *The applicant has provided a landscape plan dated August 1, 2022; the plan shows the four items listed above. The new trees shown in the landscape areas consist of Cyprus and crepe myrtle trees and new grass / fescue. The applicant has provided an irrigation plan on the revised landscape plan including a description of the proposed irrigation line layouts.*

11. Final inspection: No use shall commence nor occupancy permit be issued (building finalized) until:

- i. The landscape plan has been implemented and approved as required herein; or
- ii. The applicant has entered into an agreement and posted bonding as required in Subsection (b)12 below for that portion or portion(s) of the landscaping plan determined incomplete.

Response: *All landscaping will be installed during the course of site development. A condition of approval will be added that requires a final inspection, including for the landscaping improvements, to occur prior to occupancy.*

41.10 Liquid, solid and hazardous wastes. This category was evaluated in the Initial Study for this project.

41.11 Noise. This section was evaluated in the Initial Study provided for this project.

41.12 Open and outdoor storage, sales and display. No outdoor storage, sales or display is proposed or needed for this school.

41.13 Radioactivity: No radioactive elements are proposed or needed to operate this school.

41.14 Vibrations: Minor vibrations may occur during construction; this was evaluated in the Initial Study for this project as it relates to construction. Construction hours are limited to daytime hours Monday through Saturday; this is a standard requirement within Conditions of Approval for all Use Permits in Lake County.

Remaining Article 41 Categories: None apply to this application.

Article 46, Parking Standards

46.5, Required Number of Spaces

(d) Public Service Uses

2. Elementary and Junior High School: One space per employee plus one (1) space for each eight (8) children.

Response: *The revised site plan received shows 33 parking spaces and two (2) ADA parking spaces, excluding the on-street parking that would be required by the County for pick-up and drop-off refuge areas along Live Oak. The applicant has stated that the school would employ up to 15 staff members, and would have up to 150 children. Based on these projected numbers of staff and children, the site should contain 33 parking spaces plus two (2) ADA-compliant spaces.*

Article 51.4, Major Use Permit – Findings for Approval

The following findings must be made for the approval of a major use permit.

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

Response: *The subject site is adjacent to high-density residential development to the north, west and south. There is a construction office and drive-through coffee kiosk located immediately east of the school site across Live Oak Drive that will have some daily traffic from workers and patrons, however the location of the school's on-site pick up and drop off area is separated from off-site vehicular conflict, and the County is requiring improvements to Live Oak Drive that include an elevated 5' wide sidewalk, 8' of paved parking, and gutters with a relocated bioswale for stormwater retention. Schools can generate some daytime noise from children playing in the school yards, but do not generate significant odors, dust, off-hour noise, or other impacts that might be undesirable and incompatible with residential neighborhoods.*

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

Response: *The subject site is adjacent to high-density residential development to the north, west and south. Schools located in high density residential areas will reduce the walking distance of students who live in the vicinity and who attend the school. The 2.20 acre site is large enough to accommodate the proposed seven portable buildings, the office, the restroom building, the play areas, and 33 on-site parking spaces with pick-up*

and drop-off area located in the parking lot that is being proposed. On-street parking and the sidewalk along Live Oak Drive were previously discussed.

3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.

Response: *The site is served by Live Oak Drive, a 22' wide paved County road at this location, which connects to Highway 29, a paved two-lane state highway. California Highway Patrol, the Lake County Sheriff's Department, CALFIRE, the Kelseyville Fire District, and the Lake County Department of Public Works Road Department were notified of this project.*

Public Works Staff expressed concerns about the layout of the pick-up and drop off area, and because of the lack of shoulders or parking area along Live Oak Drive. Associate Engineer John Everett stated the following in an email dated February 10, 2022:

"I talked with Bill Vanderwall just now (Traffic Engineer to Traffic Engineer). I explained our concerns and believe that he understood them. To summarize our discussion, I believe his analysis will show that the off-street parking will be insufficient for pick-up and drop-off traffic volumes for this campus. As a result, the developer will need to find a means to provide enough on-street parking to meet this demand. This doesn't have to be paved on street parking, just a gravel shoulder wide enough to clear the travel lane along the entire Live Oak Road frontage. This won't prevent the chaos that I anticipate within the parking lot, as those that find available parking (on-site) will repeated be blocked in by those double parked behind them, waiting for the student. To provide this on-street parking, the roadside ditch needs to be removed. A bio-swale to replace the existing roadside ditch sounds like a viable idea..."

On June 8, 2022, the applicant submitted a Traffic Study, prepared by W-Trans LLC. This study only recommended a pedestrian path along Live Oak Drive. Public Works however has indicated that on-street parking is needed and that a bioswale needs to be installed to replace the existing bioswale along Live Oak that was incorrectly engineered. A condition of approval has been added requiring a five-foot (5') wide elevated sidewalk with gutters, and on-street parking space improvements along Live Oak Drive prior to final occupancy for the school. The improvements required shall meet Public Works design requirements for on-street parking. Engineered drawings will be required by Public Works, since the improvements will need to occur on a public road. An encroachment permit from Public Works is also required due to work that will occur on public land, along with an Engineering Inspection Agreement.

4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

Response: *This project can be served with public water and sewer, which are available next to the site, and there are no capacity issues with either water or sewer in this location. Power can be provided by 'on-grid' power, which is also available adjacent to*

the site on Live Oak Drive. Police and Fire Protection services are also available to serve the site through Lake County Sheriff's Department and the Kelseyville Fire District. Agency comments are attached as Attachment 3.

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

Response: *Private schools are permitted in the R3 residential zoning district with a major use permit subject to compliance with all applicable plans and ordinances.*

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

Response: *The site does not have any documented violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.*

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use projects. Further evidence supporting the Environmental Analysis of the proposed private school project and specific details of the mitigation measures can be found in the Initial Study IS 21-54 (Attachment 4); in the Addendums #1 and #2 to the Initial Study (Attachment 4b), and in the "Conditions of Approval" (Attachment 5). Any potential environmental impacts have been reduced to less than significant with the incorporated Mitigation Measures and Conditions of Approval, as discussed below.

Aesthetics. *The project has some potential to impact Aesthetics (views from neighboring properties and public roads). These impacts can be reduced to 'less than significant levels' with the inclusion of the following mitigation measures:*

- **AES-1:** Prior to final occupancy, the applicant shall install privacy slats in the 6' tall fencing on the south and west sides in between the nearest dwellings and the school campus.
- **AES-2:** Prior to final occupancy, the applicant shall plant native deciduous trees along the western portion of the school between the classrooms / play areas and the western neighboring residences. Trees shall be maintained in a healthy state; shall be irrigated, and shall be spaced no more than 20' apart. Trees to be of a native species that can tolerate drought conditions and are suitable to the climate.
- **AES-3:** All outdoor lighting shall be downcast and the light source shall not be directly visible from neighboring properties or public roads.

Air Quality. *The project has some potential to impact air quality. The following mitigation measure is intended to reduce air quality impacts to 'less than significant':*

- **AQ-1:** All Mobile diesel equipment used for construction and/or maintenance must be compliance with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air toxic Control Measures for CI engines as well as Lake County Noise Emission Standards.
- **AQ-2:** Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be management by use of water or other acceptable dust palliatives to maintain two inches of visibly-moist soil during construction.
- **AQ-3:** The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt or an equivalent all weather surfacing to reduce fugitive dust generation.
- **AQ-4:** All areas subject to low use (driveways, over flow parking, etc.) shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

Cultural / Tribal Resources. *The project has some potential to impact cultural / tribal resources. The following mitigation measure is intended to reduce cultural / tribal impacts to 'less than significant':*

- **CUL-1:** Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the local overseeing Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the local overseeing Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.
- **CUL-2:** All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

Hydrology and Water Quality. *This project has some potential to create stormwater-related impacts. The following mitigation measure will reduce these impacts to less than significant levels.*

- **HYD-1:** Prior to construction or building permit issuance, the applicant shall have an engineered Stormwater and Erosion Control Plan prepared. The plan shall be submitted to, and reviewed by the Public Works Director, the County Water Resource civil engineer, and the Community Development Department for adequacy.

Noise. *This project has some potential to create noise-related impacts. The following mitigation measures will reduce these impacts to less than significant levels.*

- **NOI-1:** All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00 am and 7:00 pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.
- **NOI -2:** Maximum non-construction related sound levels shall not exceed levels of 55 dBA between the hours of 7:00 a.m. to 7:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

Transportation. *This project has some potential to impact the transportation system in this area. Further evaluation of this project led to a Traffic Study being required by Public Works. The Traffic Study, prepared by W-Trans and dated June 8, 2022, recommended a pedestrian pathway along Live Oak Drive. Public Works however determined that on-street parking and the installation of a new bioswale were necessary, and were added as mitigation measures and subsequent conditions of approval for this action. Public Works is requiring 8' wide paved parking along Live Oak Drive; an elevated 5' wide sidewalk, a relocated bioswale, and gutters along the required sidewalk.*

- **TRANS-1:** Prior to final occupancy, the applicant shall construct a 5' wide sidewalk, curb and gutter along the entire frontage, which will result in an 8' wide paved shoulder from the existing edge of pavement to the face of curb. Plans for the improvements to the public right-of-way shall be prepared by a licensed engineer. The back of sidewalk should be placed along the property boundary. The existing bioswale located along Live Oak Drive shall be relocated for drainage and runoff control. Engineered drawings for the bioswale may also be required at the discretion of the Public Works Director.
- **TRANS-2:** Prior to any work occurring in the public right of way, an Encroachment Permit is required. The Public Works Director shall review any needed work in the right-of-way prior to issuance of this Encroachment Permit, and an Engineering Inspection Agreement shall be required.

Mandatory Findings of Significance. *The project has the potential to have impacts in the above-referenced categories, however all of these categories can be mitigated to 'less than significant' with certain mitigation measures added.*

VI. RECOMMENDATION

Staff recommends that the Planning Commission:

- A. Adopt mitigated negative declaration (IS 21-54) and the Addendum to the Initial Study for Use Permit (UP 21-52) with the following findings:**
 - 1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels through mitigation measures AES-1, AES-2 and AES-3.

2. Potential environmental impacts related to air quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1, AQ-2, AQ-3 and AQ-4.
3. Potential environmental impacts related to cultural / tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.
4. Potential environmental impacts related to hydrology can be mitigated to less than significant levels through the inclusion of mitigation measure HYD-1.
5. Potential environmental impacts related to Noise can be mitigated to less than significant impacts with mitigation measures NOI-1 and NOI-2.
6. Transportation-related improvements are needed and are added as mitigation measures TRANS-1 and TRANS-2 to enable safe on-street parking and the relocation of the bioswale along Live Oak Drive, which was not properly engineered, and which reduce potential transportation-related impacts to 'less than significant' levels.
7. As mitigated through specific mitigation measures and subsequent conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Use Permit UP 21-52 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities can be mitigated to be reasonably adequate to safely accommodate the proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

7. Any changes to the project will require either an amended Use Permit and/or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

VII. SAMPLE MOTIONS

Mitigated Negative Declaration (IS 21-54)

I move that the Planning Commission find that the **Initial Study (IS 21-54)** applied for by **Konocti Christian Academy** on property located at **5805 Live Oak Drive , Kelseyville,** and further described as **APN: 008-061-72** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **August 11, 2022.**

Major Use Permit (UP 21-52)

I move that the Planning Commission find that the **Use Permit (UP 21-52)** applied for by **Konocti Christian Academy** on property located at **5805 Live Oak Drive , Kelseyville,** and further described as **APN: 008-061-72** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **August 11, 2022.**

***NOTE:** The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*

Approved by: _____
Mary Darby, Director