



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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Item 2
9:30 AM
October 24, 2019

STAFF REPORT

TO: Planning Commission

FROM: Michalyn DelValle, Community Development Director
Prepared by: Byron Turner, Principal Planner

DATE: October 10, 2019

SUBJECT: Valley Oaks Grocery Outlet; UP 19-09, and addendum to EIR
Supervisor District 1

ATTACHMENTS:

1. ~~Vicinity Map~~ **BOS EXHIBIT A1**
2. ~~Site Plan~~ **BOS EXHIBIT A1**
3. ~~Building Elevations~~
4. ~~Agency Comments~~ **BOS EXHIBIT A7**
5. ~~Use Permit Conditions~~ **BOS EXHIBIT A8**
6. ~~CEQA Addendum and MMRP~~ **BOS EXHIBIT A6**
7. EIR Available Upon Request

I. SUMMARY

The developer, Valley Oaks Land Development is proposing to construct an approximately 18,000 square foot retail store for Grocery Outlet, on a parcel that currently totals approximately 47 acres. A new access road will be constructed on a neighboring property which is approximately 17 acres in size. The site is currently zoned Planned Development Commercial (PDC), and was previously analyzed by Specific Plan of Development UP 07-05, which included 120,000 Sq. Ft. of retail commercial. Condition of Approval 13 of UP 07-05 states:

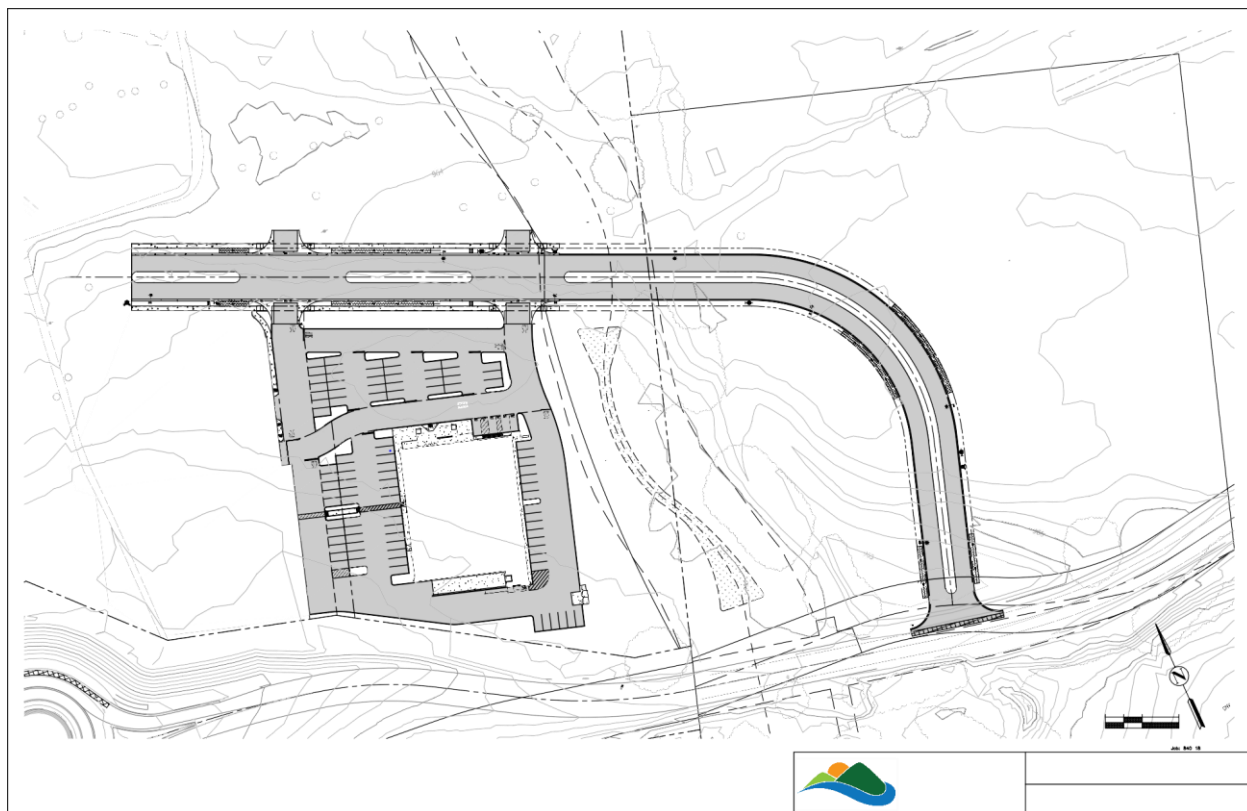
“To recognize fluctuating economic and other conditions, the applicant shall submit an application for a use permit for single phase or parcel or multiple phases or parcel plans for orderly development of the Valley Oaks Project. These plans shall be called a “**Specific Subplan of Development**”. The permit fee shall be set forth in a fee schedule adopted by the Board of Supervisors. Each Specific Subplan of Development must include a detailed Specific Subplan of Development for the phase or parcel(s) being developed and (ii) items reasonably required by these conditions or any modifications hereto. The first Specific Subplan of Development for any parcel or phase or multiple phases or parcels shall require a major use permit. Subsequent plans shall require a minor or major use permit as provided in County Code.”

This Use Permit UP 19-09 is the 1st Specific Subplan of Development for the Valley Oaks project.

BOS EXHIBIT A4

The project site is located at the intersection of Highway 29 and Hartmann Road, with a new access proposed off of Hartmann Road named Oak Meadow Drive. While the original plan and approved project connected to the new roundabout, the applicant does not have access at this time. As proposed the project consists of ninety-two paved parking spaces, with an additional 4 ADA parking spaces and would provide circulation for delivery trucks to occur facing Highway 29. A trash enclosure, lighting, and a detention basin is proposed as part of the project. Landscaping is required throughout the unpaved areas, and along Highway 29 and Hartmann Road.

The site is designed to accommodate future additional commercial development, although this Major Use Permit is for the Grocery Outlet and new access road only.



A Major Use Permit is required for this project pursuant the Conditions of Approval of the Specific Plan of Development. The Review authority may only approve or conditionally approve a major use permit if all of the findings listed in Article 51 of the Lake County Zoning Ordinance are made. The applicant is requesting several deviations in the previously approved Conditions of Approval.

See the attached site plan and architectural renderings, and sign plan for more detailed information regarding the proposed project.

II. PROJECT DESCRIPTION

Grocery Outlet is a “bargain” grocery store primarily selling food items but also includes health and beauty products, hardware, clothing, toys, and other items.

Applicant/Owner: Valley Oaks Land Development, #2 Arabian Lane, Hidden Valley, CA 95046

Location: Highway 29 and Hartmann Road, Hidden Valley, Middletown
18196 and 18426 South State Highway, Middletown
18765 Hartmann Rd., Middletown

A.P.N.: 014-260-51, 14-260-24, 14-260-36

Parcel Size: 014-260-51 approximately 47 acres (grocery outlet site)
014-260-24 approximately 17 acres (access road)
014-260-36 approximately 103 acres (not being developed at this time, although EIR includes parcel

General Plan: Community Commercial

Zoning: “PDC,C2” Planned Development Commercial, Community Commercial
“O-FF-SC-FW-WW” Open Space, Floodway Fringe, Scenic Corridor, Floodway, Water Way

III. PROJECT SETTING

Existing Uses and Improvements:
The site is currently vacant.



Surrounding Zoning and Land Use:

Topography: The parcel is flat

Flood Designation: Flood Zone AO

Soils: According to the soil survey of Lake County, prepared by the U.S.D.A, The parcel contains soil type, 147 (Kelsey Fine Sandy Loam) and 233 (Still Loam).

Water Supply: Hidden Valley Lake Community Services District

Sewage Disposal: Hidden Valley Lake Community Services District

Fire Protection: South Lake County Fire Protection District

IV. DISCUSSION

The applicant is requesting the follow deviations from the approved conditions:

Condition #18 – To the maximum extent feasible, methods other than burning shall be used to minimize air quality impacts.

Proposed: Burning of on-site originated material only is permitted.

Analysis: Lake County Air Quality did not comment on the project. The applicant has stated that this is the most environmentally friendly way to eliminate bio-mass as it reduces the need to transport material to a land fill.

Condition #23-#25 – These are general landscaping conditions that do not apply to the specific project site.

Condition #26 – Within Valley Oaks Village II, there shall be a fifty (50) foot wide landscape/open space easement along the property line adjacent to Hartmann Road from Valley Oaks Boulevard to Parcel G.

Proposed: The applicant is requesting the setback be reduced to 7 to 10 feet, due to loss of land provided to Caltrans for the roundabout.

Analysis: A 50-foot setback could be provided if the development was configured differently, although this would impact the applicant's ability to further develop the commercial portion of the property. A pharmacy, gas station, and fast food restaurant have all been considered as potential future developments. If the Commission wishes to change the condition, Staff would recommend significant landscaping be provided in the reduced setback.

Condition #33-#36 – Conditions relating to signs, including the prohibition of billboards and signs visible from Highway 29.

Proposed: The applicant is requesting that all signage be subject to Lake County Zoning Ordinance Section 25.

Analysis: Staff does not support changing the Conditions of Approval with regard to billboards or signage on property deemed Open Space. The requirement that "commercial freestanding or commercial wall signs that are visible from Highway 29 are prohibited" may make it difficult for the applicant to find tenants in the Commercial property, if signage is not visible from Highway 29.

See attachment 3 for visual representations of proposed signage.

In addition to the Conditions of Approval that the applicant is requesting, Staff proposes the addition of additional conditions:

51. Pursuant to the Traffic Analysis prepared by W-Trans, a left-turn lane is required for any further development beyond what is authorized with this permit.

52. As this project exceeds 5000 sq. ft in new impervious surface it is a Regulated Project as defined by State Water Boards MS4 permit. Section E-10 states that Projects that disturb one acre or more of soil or disturb less than one acre but are part of a larger common plan or development or sale are subject to the Construction General Permit (CGP) in addition to the construction site storm water runoff ordinance. Regulated projects require a Post Construction Storm Water Management Program that include but are not limited to the following:

E12.b Site Design Measures, E12.d Source Control Measures, E12.e Low Impact Development (LID) Design Standards, E12.f Hydromodification Measures

The above are listed in the Phase II Small MS4 General Permit 2013-001-DWQ

Manuals available to assist the preparer are BASMAA Post Construction Manual, Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties and the Lake County Clean Water Program, Low Impact Development Standards Manual, both available from the Lake County Community Development Department as downloads.

53. Engineered drainage plans shall be submitted for review and approval by the Water Resources Division, Public Works Department.

The Review Authority may only approve or conditionally approve a major use permit if all of the following findings are made:

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

This project would provide increased opportunities for local residents to shop locally and help to reduce vehicle use and greenhouse gas emissions, which is consistent with long range planning efforts to promote the provision of goods and services within community areas. Several local jobs would also be created.

V. ENVIRONMENTAL ANALYSIS

An EIR was prepared for this project and certified by the Planning Commission. Pursuant to CEQA guidelines Section 15162, staff has reviewed the proposed project and concluded that recirculation of the EIR is not required, and a subsequent EIR is not necessary.

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

While the access road connecting Hartmann to the commercial development was not a part of the original project, this is not considered a substantial change to the project. Mitigation Measures are in place to mitigate impacts regarding dust during construction, biological resources (the site has been surveyed) and cultural impacts (a tribal monitoring agreement is in

place). Additionally, the site is previously disturbed by farming practices, fire, and storage on construction equipment during construction of the roundabout.

None of the changes to the project triggers significant environmental impacts that were not examined by the previous EIR.

Additionally, an Environmental Analysis was provided by Northwest Biosurvey, dated May 28, 2019, which analyzed the project site and the access parcel concluded that the existing habitat, which had been impacted by fire and construction activities from CALTRANS work on the roundabout.

The proposed project does extend beyond the boundaries of what was previously considered. The proposed project adds an access road on a 17-acre parcel, which will disturb approximately 2.6 acres of land. The property has been surveyed for biological and cultural resources and no significant impacts have been identified. While the access road connecting Hartmann to the commercial development was not a part of the original project, this is not considered a substantial change to the project. Mitigation Measures are in place to mitigate impacts regarding dust during construction, biological resources (the site has been surveyed) and cultural impacts (a tribal monitoring agreement is in place). Additionally, the site is previously disturbed by farming practices, fire, and storage on construction equipment during construction of the roundabout.

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

An addendum has been prepared to identifying reasons why the previous EIR is adequate for the proposed project.

VII . RECOMMENDATION

Staff recommends the Planning Commission approve the project with the modifications suggested by staff, with the following findings:

A. Certify the Addendum to the EIR for the Valley Oaks project with the following findings:

1. Potential environmental impacts related to Aesthetics have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
2. Potential environmental impacts related to Air Quality have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
3. Potential environmental impacts related to Biological Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
4. Potential environmental impacts related to Cultural & Tribal Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
5. Potential environmental impacts related to Geology & Soils have mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
6. Potential environmental impacts related to Hazards and Hazardous Materials have mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
7. Potential environmental impacts related to Hydrology & Water Quality have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
8. Potential environmental impacts related to Noise have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
9. Potential environmental impacts related to Utilities and Service Systems have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
10. This project is consistent with land uses in the vicinity.
11. This project is consistent with the Lake County General Plan, Middletown Area Plan and Zoning Ordinance.
12. As mitigated, this project will not result in any significant adverse environmental impacts.

B. Approve UP 19-09, as modified, with the following findings:

1. This project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the area of the 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 are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Middletown Area Plan and Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property.
7. This project is compatible with surrounding land uses.
8. This project will not result in any significant environmental impacts with the recommended mitigations incorporated. A mitigated negative declaration has been adopted.

Sample Motions:

Addendum to EIR

I move that the Planning Commission certify that the Addendum to the Environmental Impact Report prepared by the Planning Division for the Valley Oaks project Phase 1 has been completed in compliance with CEQA and Section 15164 of the State CEQA Guidelines.

Use Permit Approval

I move that the Planning Commission find that the Use Permit (UP 19-09) applied for by Kimco Inc. on property located at Highway 29 and Hartmann Road, Hidden Valley, Middletown 18196 and 18426 South State Highway, Middletown, and 18765 Hartmann Rd., APN 014-260-51, 14-260-24, 14-260-36, does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the EIR and Addendum which was adopted for this project and the Use Permit be granted subject to the conditions and with the findings listed in the staff report dated October 10, 2019.

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.

Reviewed by:_____