CEQA INITIAL STUDY - MITIGATED NEGATIVE DECLARATION

DATE: JANUARY 14, 2022

CASE NUMBER: CDP_2017-0033
OWNER/APPLICANT: BLACK DIAMOND HOLDING LLC
AGENT: SCHLOSSER NEWBERGER ARCHITECTS
PROJECT REQUEST: Coastal Development Standard Permit to construct a single-family residence with ancillary uses and restore Dune Mat Habitat within the remainder of the lot.
CONTACT: JULIANA CHERRY 707-964-5379
LOCATION: In the Coastal Zone, north of the City of Fort Bragg and west of State Route 1, located at 25600 Ward Ave (CR 425B), Fort Bragg; APN 069-141-44.

Environmental Checklist.

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist. This includes explanations of "no" responses.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology /Soils
☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials	☐	Hydrology / Water Quality
☐	Land Use / Planning	☐	Mineral Resources	☐	Noise
☐	Population / Housing	☐	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Tribal Cultural Resources	☐	Utilities / Service Systems
☐	Mandatory Findings of Significance				

An explanation for all checklist responses is included, and all answers take into account 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. The explanation of each issue identifies (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. In the checklist the following definitions are used:

"**Potentially Significant Impact**" means there is substantial evidence that an effect may be significant.

"**Potentially Significant Unless Mitigation Incorporated**" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"**Less Than Significant Impact"** means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"**No Impact"** means that the effect does not apply to the Project, or clearly will not impact nor be impacted by the Project.

INITIAL STUDY/ENVIRONMENTAL REVIEW: This section assesses the potential environmental impacts which may result from the project. Questions in the Initial Study Checklist are stated and answers are provided based on analysis undertaken.

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

Mendocino's coast includes beaches, dunes, high bluffs, sea stacks, jutting headlands, wetlands, heavily wooded gulches, grassy upland terraces, pygmy forests, serene river estuaries and rocky streams. Several 19th century villages, each with a distinct character, complement the natural landscape. The beauty and accessibility of the Mendocino coast have made it a heavily used tourist and recreational area. The Mendocino coast attracts people to sightsee. Scenic resources are the basis of the coast's tourist and retirement economies as well as a source of continuing pleasure for residents.

In addition to incorporating the California Coastal Act requirements, the Mendocino County General Plan, Coastal Element, provides specific policies and recommendations for improving and/or maintaining Mendocino County's unique scenic resources and visual character. The Coastal Element protects views to and along the ocean and scenic coastal areas by ensuring new development is subordinate to the character of the setting by designating 'highly scenic areas'. The highly scenic areas have standards for minimizing visual impacts of development through careful building placement, height limits and maintaining natural landforms.

The 1± acre property is located approximately 4 miles north of the City of Fort Bragg and west of State Route 1 at . The subject property is located adjacent to MacKerricher State Park and is located within a designated Highly Scenic Area[1]. The parcel is currently developed with 3,631 square feet of gravel driveway, two test wells, an 864 square foot shed, and an existing entry gate. Neighboring properties to the west, south, and east are currently developed with single-family residences and accessory structures, similar to what is proposed under the project.

The following botanical and biological survey reports and recommendations have been prepared and distributed to agencies, including California Department of Fish & Wildlife and US Fish & Wildlife Service, for their review and comment:

1. Biological Scoping Survey, Botanical Survey and Wetland Delineation Report for 25600 Ward Avenue. Spade Natural Resources Consulting. July 5, 2016.

2. Analysis of Environmentally Sensitive Habitat Areas. Rincon Consultants. March 2, 2018.

3. Habitat Mitigation and Monitoring Plan for 25600 Ward Avenue. Rincon Consultants. April 2021.

4. California Endangered Species Act Section 2081 Incidental Take Permit Application 25600 Ward Avenue. Rincon Consultants. April 2021.

Several Environmentally Sensitive Habitat Areas (ESHAs) have been identified on the project site, including sand dune ESHA (covering the majority of the site), a wetland ESHA in the southern portion of the site (on both sides of the existing driveway), four rare plant ESHAs, and one rare plant community ESHA. Vegetation at the project site consists of dense patches of invasive plants including eucalyptus trees, European beach grass, pampas grass, and Scotch broom in the southerly portion of the site, with shore pines, four species of rare plants [including Howell's spineflower (*Chorizanthe howellii*), short-leaved evax

[1] Mendocino County Department of Planning & Building Services. 1991. *Highly Scenic & Tree Removal Areas* [map].

(*Hesperevax sparsiflora var. brevifolia*), Mendocino dodder (*Cuscuta pacifica var. papillata*), and Menzies' wallflower (*Erysimum menziesii*)], and one rare plant community [Dune mat (*Abronia latifoilia-Ambrosia chamissonis*)] identified on the site further to the north. However, these identified special-status plant species are located greater than 100 feet from the proposed development area. Wetland ESHA areas were identified on both sides of the existing driveway. No trees or vegetation would be removed from areas other than the proposed building sites and improvement areas.

The maximum building height allowed in the Rural Residential District (RR5(1)) is 18 feet above natural grade for Highly Scenic Areas west of State Route 1, such as the project site, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. As currently proposed, the proposed two story development would be a maximum of 28 feet above natural grade, which would exceed the maximum building height requirement by 10 feet. The proposed development was compared to 46 surrounding residentially development properties, each of which is developed with a three bedroom, two bathroom residence, similar to what is proposed under the project. Though the proposed single-family residence would be similar in size (total square feet) to the development on the surrounding 46 properties, the proposed residence and attached garage would have a much smaller building footprint than the surrounding properties (approximately 973 to 1,625 square feet less), as the proposed residence would be two stories in height, compared to only one story of the surrounding properties. Additionally, many of the surrounding properties have additional outbuildings located on the parcels, ranging from approximately 362 to 801 square feet. Though the project would exceed the maximum building height for projects located within the RR District, the proposed project has been designed as two stories in order to reduce the building footprint and reduce the project's potential impact on and encroachment into the ESHA areas identified on the project site.

a), b, c) and d) No Impact

The project site is not located in an area of Mendocino County that is identified on a map as a Highly Scenic Area or noted as a scenic resource. As proposed, the project satisfies County goals to reduce sources of glare and establish a buffer between Special Treatment Areas and development. See MCC Chapter 20.516.

The proposed project would have no impact on scenic resources within a state scenic highway. Under CEQA, visual resources that uniquely contribute to the public benefit are considered to be scenic resources. State Route 1 is neither officially designated nor identified by the California Department of Transportation (Caltrans) as being eligible for designation as a State Scenic Highway.[2] No impact would occur.

Conclusion: The proposed project would have a less than significant impact on aesthetics. **(Less Than Significant Impact)**

II. AGRICULTURE AND FORESTRY RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

[2] California Department of Transportation (Caltrans). *California Scenic Highway Mapping System.* Mendocino County. Accessed October 3, 2017. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

II. AGRICULTURE AND FORESTRY RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

The proposed project is within the Coastal Zone of Mendocino County. The Coastal Element of the Mendocino County General Plan describes development in the Coastal Zone and generally marked by a higher intensity of development than other lands within Mendocino County. The Coastal Element contains specific development standards for coastal properties and also relies on certain countywide policies. Conversion of agricultural uses for other land uses is discouraged unless agricultural productivity is no longer feasible, prime agricultural land would be preserved, or development is concentrated.

The 1± acre property is classified and zoned as Rural Residential (RR5(1)) under the Coastal Element of the Mendocino County General Plan and the Mendocino County Coastal Zoning Code (MCC), respectively.

a), b), c), d), and e) No Impact
As noted above, the site is currently designated and zoned as Rural Residential (RR5(1)) and is not designated for agricultural use or forest land. The subject property does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and it is Farmland Classification is "R" or rural residential land.[3] Additionally, the subject property is not located within or adjacent to lands within a Williamson Act contract. No trees would be removed. Therefore, no agriculture and forestry resources impact would occur as a result of constructing the proposed project.

Conclusion: The proposed project would have no impact on agriculture and forestry resources. **(No Impact)**

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of any applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

The project is located within a part of the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The subject parcel is located within the Mendocino County Air Quality Management District (MCAQMD). Any new emission point source is subject to an air quality permit, consistent with the District's air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new construction, including houses, to use energy efficient, low-emission EPA-certified wood stoves and similar combustion devices to help reduce area source emissions. The generation of dust during grading activities, another type of area-source emission, is limited by the County's standard grading and erosion control requirements. These policies limit ground disturbance and require immediate

[3] Mendocino County Department of Planning & Building Services. 1991. *Important Farmland* [map].

revegetation after the disturbance. Consequently, these existing County requirements help to ensure PM_{10} generated by the project would not be significant and that the project would not conflict with nor obstruct attainment of the air quality plan PM_{10} reduction goals.

The proposed project involves the construction of a single-family residence with an attached garage, in addition to ancillary improvements like a well or septic. The proposed project does not include any activities that would impact air quality resources long term, however, there may be short-term impacts associated with the equipment used during construction. The proposed project does not include installation of a wood burning stove.

a), b), and c) Less Than Significant Impact
The proposed project would not conflict with or obstruct implementation of any air quality plan. The construction phase of the project would produce the following anticipated emissions:

- Combustion emission associated with operation of off-road equipment
- Combustion emissions associated with operation of on-road motor vehicles
- Fugitive dust from earth-moving activities
- Off-gassing from asphalt paving and architectural coatings

Anticipated emissions during operation of the project include:

- Combustion emissions associated with operation of on-road motor vehicles
- Emissions from “area sources”, including architectural coating off-gassing.

The MCAQMD is in attainment for all State standards with the exception of particulate matter less than 10 microns in size (PM_{10}). The most common source of PM_{10} is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. The installation of a wood stove is not proposed under the project; however, a liquid propane fireplace is proposed.[4] There is no proposed use that would be anticipated to result in a significant increase of any criteria pollutant. A *Particulate Matter Attainment Plan* was finalized in 2005 that provides mitigation measures for construction and grading activities and unpaved roads. Additionally, the project and its emission sources are subject to MCAQMD rules and regulations contained in the most recent version of the *Rules and Regulations of the MCAQMD*. Compliance with these regulations would ensure the project would not result in a substantial increase of PM_{10} within the vicinity of the site.

During the construction phase of the project, the proposed project has the potential to increase PM_{10} in the immediate vicinity of the site due to site grading and preparation, in addition to truck traffic to the site. Local impacts to the area during construction would be mitigated using standard dust control measures. After construction is completed, any bare soil created by the construction phase of the project would be revegetated as soon as feasible. A less than significant impact would occur.

d) Less Than Significant Impact
Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. Of these possible sensitive receptors, residential units are the closest to the project site, with the closest being approximately 120 north and 200 feet east of the proposed driveway improvements and building location, respectively. The highest period of pollutant emissions in the form of PM_{10} would occur during project construction from construction equipment and would be a temporary impact. Exhaust from construction equipment and motor vehicles would not have a significant impact on neighbors due to standard emission control measures. Additionally, impacts associated with fugitive dust would be mitigated using standard dust control measures. A less than significant impact would occur.

e) Less Than Significant Impact
The site is located in an established residential area and is located adjacent to MacKerricher State Park. The proposed project would create insignificant objectionable odors during its normal operation or during construction and is not in a location that would affect substantial numbers of people. Therefore, a less than significant impact would occur.

[4] Mendocino County Department of Planning & Building Services. 1991. *Floor Plan* [map].

Conclusion: The proposed project would have a less than significant impact on air quality. **(Less Than Significant Impact)**

IV. BIOLOGICAL RESOURCES: **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**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?	☐	☒	☐	☐
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?	☐	☒	☐	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Coastal areas in Mendocino County are subject to the California Coastal Act and the Mendocino County Coastal Zoning Code (MCC), which includes regulations regarding Environmentally Sensitive Habitat Areas (ESHAs). The purpose of MCC Chapter 20.496 *Environmentally Sensitive Habitats and Other Resource Areas* is to ensure that environmentally sensitive habitat and other designated resource areas, which constitute significant public resources, are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations.[5] Environmentally Sensitive Habitat Areas include anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.[6]

Several Environmentally Sensitive Habitat Areas (ESHAs) have been identified on the project site, including:

- *Dune Mat ESHA*. The property consists mostly of Dune Mat and much of this habitat will be restored as part of the project. The habitat includes Howell's spineflower. The majority of the building footprint, including the driveway, well, septic, and water storage tank, will be located in areas of restorable Dune Mat habitat.

- *Dune Rush ESHA.* The building footprint is proposed 50 feet or more from the surveyed extent of Dune Rush habitat.

- *Shore Pine ESHA*. The proposed building footprint is more than 100 feet from the nearest Shore Pine vegetation.

[5] Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).
[6] Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).

- *Wax Myrtle and Willow Riparian ESHA*. Development is proposed more than 100 feet from the surveyed edge of the riparian vegetation.

The applicant proposes to cluster the development on the westerly portion of the lot and proposes to restore habitat within the remaining area of the property. Staff recommends memorializing the extent of on-site ESHA (See February 24, 2022 Staff Report and recommended Condition 10.i). Staff recommends a 100-foot buffer from all on-site ESHA and the applicant proposes to protect the habitat in perpetuity (See Staff Report recommended Condition 12).

a), b), and e) Less Than Significant with Mitigation Incorporated
Since ESHAs have been identified on the project site, the project would be required to implement a 100 foot buffer from each identified ESHA pursuant to MCC Section 20.496.020(A)(1), unless it can be demonstrated that 100 feet is not necessary to protect the resources of the particular habitat area from possible significant disruption caused by the proposed development. Additionally, MCC Section 20.496.020(A)(4) delineates the criteria for allowing development within ESHA buffers.

The July 2016 botanical survey and April 2021 *Habitat Mitigation & Monitoring Plan* recommend locating development within the first 90 feet of the lot, as measured from the westerly property boundary adjoining Ward Avenue. MCC Section 20.496.020(A)(4) lists standards for permitted development within the buffer area, including that structures will be allowed within the buffer area only if there is no other feasible site available on the property. As the entire site includes sensitive habitat area, the surveying biologists recommend locating development in the least impacting area and recommend restoration of the remaining three-quarter acre of land. On this constrained site there is no other feasible area available on the parcel for a residential structure.

The applicant proposes mitigation measures to compensate for development within the ESHA, including measures that will also serve to prevent future impacts to protected habitat. To support the protective values of ESHA buffers, staff recommends Condition 13 (See Staff Report). In the absence of this recommended condition, MCC Section 20.532.020 could potentially allow specified development to be exempt from *General Coastal Development Permit Regulations* and could potentially exempt development within the buffer area without first obtaining an amended, or new, coastal development permit.

The proposed project location cannot satisfy MCC Section 20.496.020(A)(1) buffer width criteria, but the project would be limited to the least damaging alternative location. Mitigation measures and a proposed habitat restoration plan would reduce the effect of development on identified ESHA. Pursuant with MCC Section 20.496.020(A)(4)(e), mitigation measures would be required to replace the protective values that are lost as a result of development (See Staff Report and recommended Conditions 20, 21, and 22).

The applicant proposed the following measures to reduce the effect of development on sensitive resources:

Avoidance Measure 1: Prior to construction or groundwater testing, the following avoidance measures shall be completed:

a. Erosion Control – Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles will need to be covered or otherwise stabilized to prevent dust impacts.

b. Birds - The bird breeding season typically extends from February to August. Ideally, the clearing of vegetation and the initiation of construction can be done in the non-breeding season between September and January. If these activities must occur during the breeding season, a qualified biologist shall perform a preconstruction breeding bird survey within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to

protect the nest site from potential disturbances.

c. Bats – As with birds, bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if work or vegetation removal is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. However, if it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys should be conducted. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50 foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost. In summary, no impacts would be expected and therefore no preconstruction surveys would be required for the species above if vegetation removal (including standing dead trees) is scheduled for the months of September or October. The months of November through August would require a bird and/or bat survey dependent on the time of year.

d. Northern Red-Legged Frog – Project contractors will be trained by a qualified biologist in the identification of the northern red-legged frog (Rana aurora). A survey for Northern red-legged frog should occur within two weeks prior to construction. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect the presence of frogs. If a special status frog is detected, construction crews will contact California Department of Fish and Wildlife or a qualified biologist to relocate northern red-legged frogs prior to re-initiating work. If a rain event occurs during the construction period, all ground disturbing construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming ground disturbing construction activities, trained construction crew member(s) will examine the site for the presence of frogs. If no special status frogs are found, construction activities may resume.

e. Sonoma Tree Vole – If beach pine trees are to be removed to accommodate the development, a Sonoma tree vole survey shall occur within two weeks of tree removal activities. Protocols per the California Department of Fish and Wildlife shall be followed should Sonoma tree vole nests be identified in trees to be removed.

f. Low Impact Development – Creation of new impervious surfaces should be minimized to the lowest extent necessary. A low-impact development design should be incorporated into the development to address runoff from new impervious surfaces, assuring runoff from the site is adequately infiltrated within the boundaries of the property, and runoff patterns for wetland and sensitive plant areas are maintained or improved.

Mitigation Measure 1: Prior to construction or groundwater testing, the property owner shall provide for the measures described in the *Habitat Mitigation and Monitoring Plan* report prepared by Rincon Consultants and dated April 2021, including the following:

a. **Implementation Plan.** This section explains how the *Habitat Mitigation and Monitoring Plan* will be implemented; beginning with the required pre-construction activities, site preparation, botanical monitoring, and weed management during the construction phase of the Project and annually for five years thereafter. The primary method of mitigating the loss of Howell's spineflower will be conserving the existing population and promoting the expansion of the population through on-site restoration efforts involving the removal of iceplant and non-native grasses.

The techniques described below can be adjusted in consultation with the designated restoration ecologist, and in consultation with California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Note that an Incidental Take Permit shall be obtained from CDFW prior to all activities that require impacts to the species.

On-site Mitigation shall include *Preservation, Restoration,* and *Howell's spineflower monitoring,* as follows:

(1) Preservation. The largest existing population of Howell's spineflower on the property occurs in the dune mat habitat outside of the project footprint. This area will be maintained free of iceplant and non-native grasses to the extent practicable if these species are identified in the existing rare plant habitat during monitoring. Previous studies have shown that this species needs some kind of disturbance periodically in order to maintain the vegetation gaps or sparsely vegetated nature of the habitat it occupies. The restoration area and remaining undeveloped portion of the property will be managed according to the terms outlined in the *Habitat Mitigation and Monitoring Plan* and protected from future development in perpetuity by a deed restriction agreement.

Prior to occupancy, the property owner shall install low profile split-rail wood or similar type fencing along the north side of the driveway and on the east side of (behind) the house to deter entry into the restoration and preservation area.

(2) Restoration. The portions of the property outside of the project footprint where iceplant is established are threatening the species habitat and the local population by covering over and blanketing the open dune mat where this diminutive annual grows and carries out its dunes lifecycle. Hand pulling of all iceplant from this area shall be implemented and care will be taken to remove all roots of the iceplant from the site so the plants do not regrow. Hand pulling of the iceplant in these areas will likely result in the expansion of the Howell's spineflower population into areas currently occupied by iceplant and non-native annual grasses, such as ripgut brome, brome fescue, purple velvet grass and rattlesnake grass. Previous studies have shown that Howell's spineflower responds predictably and favorably to iceplant removal (USFWS 2011). The effort to completely remove iceplant from the property shall also involve hand pulling of non-native annual grasses to the extent practicable, so that these species do not invade into the newly opened and disturbed habitats. All green waste generated during site restoration will be removed and disposed of at an off-site location.

Prior to ground disturbing activities associated with installation of the ground water well and above-ground water tank within dune mat habitat, the top six to eight-inches of topsoil will be salvaged and set aside for later use during restoration activities within restorable dune mat habitat. Care will be taken to ensure salvaged topsoil is transported by hand (e.g., wheelbarrow), temporarily stored within the construction staging area, covered and clearly labeled until it is ready for use during site restoration. Salvaged topsoil will be used sparingly in areas where iceplant and non-native grasses have been removed so as not to unnecessarily compact the existing topsoil or create unfavorable conditions for natural recruitment of Howell's spineflower.

(3) Howell's spineflower Monitoring. Following construction of the home on the site and implementation of restoration efforts outside of the project footprint, the conservation area and Howell's spineflower shall be monitored annually by a qualified botanist or restoration ecologist. In the first year following construction the botanist or ecologist will establish 20 one-yard-square randomly placed permanent plots within the Howell's spineflower habitat within conservation area and record the number of Howell's spineflower in each plot. The botanist or ecologist will take a photo of each plot annually. Annual monitoring will occur for five years after construction.

b. **Invasive Weed Management and Habitat Enhancement** shall include *Construction Phase Control and Prevention and Ongoing Control and Prevention Measures,* as follows:

(1) Construction Phase Control and Prevention. To minimize risk of introducing new invasive species to the property during construction, all equipment must be inspected and free of mud, seeds, and other vegetation debris prior to deployment at the property. Prior to accessing the property for work in the project footprint, all equipment will be inspected and cleaned if necessary. The limits of the proposed disturbance footprint will be marked in the field by stakes and silt fencing or orange snow fencing to prevent construction activities from accidentally spilling over into the conservation area.

(2) Ongoing Control and Prevention Measures. Seasonally timed weeding shall be done mechanically, by hand, during the five-year monitoring period. Weed control of any new iceplant and non-native grasses (e.g., ripgut brome, brome fescue, purple velvet grass, rattlesnake grass) shall occur annually for five-years.

All personnel performing weed management activities must first be trained by the designated ecologist on the presence of special status plants in the weed management area and all work within proximity to spineflower areas shall be overseen by a biologist. Photos of rare plants clearly identified as species to be protected and left intact, will be provided to workers tasked with removing weeds. Hand removal of weeds shall be the only method of removal to be used. All green waste generated during weed management shall be collected and disposed of at an off-site location.

c. **Success Criteria.** Success criteria are required to objectively assess the overall accomplishments and status of the mitigation efforts. The fundamental purpose of the five-year monitoring program is to measure whether or not the success criteria have been met. The success criteria presented below were selected based on a review of the property conditions and mitigation measures, a detailed examination of existing data, and consideration of optimal mitigation results.

Survival of existing population on site. Approximately 0.31 acre of existing habitat shall be conserved, including 0.19 acre of dune mat habitat and 0.12 acre of dune rush habitat. Approximately 0.19 acre of habitat shall be restored, including restorable dune mat at a ratio of 5:1 for direct impacts to dune mat habitat and at a ratio of 0.1:1 for impacts to restorable dune mat habitat.

Control of iceplant and non-native grasses. Upon completion of the restoration implementation phase, iceplant and non-native grasses shall have been removed from the restoration area.

d. **Monitoring Program.** *Howell's Spineflower Mitigation:* The designated mitigation planting areas shall be monitored for five consecutive years following conservation and restoration efforts at the mitigation site or until the County and CDFW verify that this *Habitat Mitigation and Monitoring Plan* has been completed. Following completion of initial restoration activities and designation of on-site conservation areas, a qualified biologist will oversee the implementation of the required monitoring program. The objective of the monitoring program is to evaluate the progress and overall success of the *Habitat Mitigation and Monitoring Plan* in achieving the following goals: 5 to 1 habitat restoration for impacts to suitable dune mat habitat, 0.1 to 1 habitat restoration for impacts to restorable dune mat habitat, mitigation areas continue to support existing population of Howell's spineflower, and complete removal of iceplant and non-native annual grasses within unaffected areas of dune mat and restorable dune mat habitat.

(1) Required Data Collection. Annual monitoring for iceplant and non-native annual grasses shall be conducted in April of each year. The restoration area shall be inspected and any iceplant or non-native annual grasses shall be mapped for removal. Representative photos shall be collected during the April visit to track progress. The collected data can also be used to determine the success of subsequent *Habitat Mitigation and Monitoring Plan* amendments as required by the adaptive management component of this *Plan*.

(2) Monitoring Frequency and Reporting. Monitoring for iceplant and non-native annual grasses shall occur annually in April, and any subsequent removal of these plants will occur by the end of April. Monitoring will assess whether the success criteria are being achieved and whether corrective measures need to be employed. Monitoring for the presence of Howell's spineflower within the 20 1-yard square randomly placed permanent plots will occur annually in May.

Annual reports shall be prepared following each year's monitoring effort to document the progress of the restoration program. Reports will be prepared for the property owner and shall be filed with the Mendocino County Planning and Building Services and California Department of Fish Wildlife

by June 30th of each year.

e. **Monitoring Program.** *Invasive Weed Management and Habitat Enhancement.* While visiting the site during the annual April monitoring visit, personnel shall examine the property for the presence of iceplant and non-native annual grasses. Any new occurrences of these invasive species shall be controlled mechanically by the end of April through hand pulling if it is identified during the monitoring.

Control of invasive plant species shall be conducted by qualified individuals experienced in habitat restoration techniques as necessary to control and manage their spread and encourage the enhancement of existing Howell's spineflower habitat. A report documenting progress will be provided to the County annually, with a copy provided to CDFW. This progress report can be included within the mitigation monitoring report discussed in Monitoring Frequency and Reporting, j(2) above.

f. **Adaptive Management.** After the initial establishment of the conserved and restored habitat areas, an adaptive management approach will begin. It will include remedial measures to address problems observed within Howell's spineflower mitigation areas as needed (e.g., removal of weeds, etc.). The purpose of adaptive management is to provide a strategy to address unforeseen changes in site conditions. This strategy will guide decisions for revising the mitigation plan and implementing measures to address both foreseeable and unforeseen circumstances that adversely affect compensatory mitigation success. Specific adaptive management strategies will address both foreseen and unforeseen circumstances relating to success of the program. The measures must be designed to ensure the mitigation requirements and objectives are still being achieved. Adaptive measures may include alternative invasive species control methods, and revised monitoring requirements.

Monitoring visits by a qualified biologist as outlined in the Monitoring Program, above, will begin the adaptive management cycle. The information gathered during these monitoring visits will be used to evaluate the progress of the mitigation areas. This evaluation will determine if unforeseen challenges are threatening the success of the mitigation plantings and identify specific problems.

g. **Completion of Mitigation.** Once the final success criteria are met, presumably after five years if no remedial measures are needed, the property owner shall submit a request in writing to the County to have a final site inspection with the goal of completing the mitigation program. California Department of Fish and Wildlife (CDFW) shall also be notified of completion. Once the County and CDFW have agreed that all success criteria defined in this *Habitat Mitigation and Monitoring Plan* have been met, no additional mitigation will be required.

h. **Long-Term Maintenance.** Ongoing weed management is anticipated to be necessary to control invasive species. To maintain the conserved and restored Howell's spineflower habitat, it is recommended that long-term maintenance includes invasive weed management efforts. Long term maintenance is the responsibility of the property owner.

Mitigation Measure 2: The property owner shall provide for the following Mitigation Measures (as described in the *Incidental Take Permit Application* report Section 9 prepared by Rincon Consultants and dated April 2021):

Mitigation Measure 2A: At a ratio of 5:1 for direct impacts to dune mat habitat and at a ratio of 0.1:1 for impacts to restorable dune mat habitat, 0.19 acre of dune mat habitat shall be preserved and 0.13 acre shall be restored as dune mat. To reduce the potential of introduction of non-native species and to increase the overall chance of restoration success, a total of 0.21 acre of dune mat habitat shall be restored, this includes the remaining 0.09 acre of on-site restorable dune mat habitat.

Mitigation Measure 2B: To minimize risk of introducing new invasive species to the property during construction, all equipment must be inspected and free of mud, seeds, and other vegetation debris prior

to deployment at the property. Prior to accessing the property for work in the project footprint, all equipment will be inspected and cleaned if necessary.

Mitigation Measure 2C: Prior to the start of construction-related activities, protective fencing will be installed around sensitive habitat clearly defining the limits of work within the property.

Mitigation Measure 2D: The restoration area and remaining undeveloped portion of the property shall be managed according to the terms outlined in the *Habitat Mitigation and Monitoring Plan* and protected from future development in perpetuity by a Covenant and Environmental Restriction on Property or other appropriate deed restriction agreement.

With mitigation incorporated, a less than significant impact would occur.

c) and d) Less Than Significant Impact
The building site is located more than 100-feet from wetlands. Similarly avoidance measures were proposed to protect any native resident or migratory fish or wildlife species. The proposed project should have a less than significant impact on wetlands and migratory fish or wildlife species.

f) No Impact
There are no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applicable to the site. No impact would occur.

Conclusion: With the proposed mitigation incorporated, the proposed project would have a less than significant impact on biological resources. **(Less Than Significant Impact with Mitigation Incorporated)**

V. CULTURAL RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Coastal archaeological sites and areas are subject to archaeological surveys have been mapped by the California Archaeological Sites Survey, and the data is kept in the Cultural Resources Facility, Sonoma State University. These records, the most complete available, show seventy-nine (79) sites, distributed mainly along creek and river mouths and near present settlements, particularly between Cleone and Mendocino.[7] The maps also delineate twenty-six (26) archaeological survey areas ranging from 0.1-to-1,400-acres, only some of which include archaeological sites. To protect sites, the maps are confidential; however, landowners are entitled to know whether the sites are located on their property.

The proposed project was referred to California Historical Resource Information Center (CHRIS); and on November 19, 2019, CHRIS Staff responded with a recommendation that a qualified archaeologist conduct further archival and field study of the unsurveyed portions of the project area to identify cultural resources. The applicant hired Alex DeGeorgey, who surveyed and prepared a report that was accepted by Mendocino County Archaeological Commission on December 8, 2021. The Commission recommends including a discovery clause as a condition of project approval (See recommended Condition 8). As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12.

[7] Mendocino County Coastal Element, §3.5 (2011).

a), b), c), and d) Less Than Significant Impact
As noted above, an archaeological survey of the project site was prepared by Alex DeGeorgey, which concluded that no archaeological or other types of historical resources were observed on the subject parcel. The project was referred to the Archaeological Commission for review and comment. During the Archaeological Commission hearing held on December 8, 2021, the submitted Archaeological Survey was reviewed by the Archaeological Commission and accepted.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; to date, no response has been received from the Cloverdale Rancheria.

A condition advises the applicants of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities (See Staff Report recommended Condition 8).

> **Recommended Condition 8:** If any archaeological sites or artifacts are discovered during site excavation or construction activities, the Applicant shall cease and desist from all further excavation and disturbances within 100-feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the inclusion of the recommended conditions of approval, the project is found consistent with Mendocino County policies for protection of historic, archaeological, and paleontological resources. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on cultural resources**. (Less Than Significant Impact)**

VI. GEOLOGY AND SOILS. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**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.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
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?	☐	☐	☐	☒

The Mendocino County General Plan Chapter 3 Development Element discusses the area's seismic hazards. Mendocino County is located just south of the Cascadia Subduction Zone and will likely be subjected to a strong earthquake in the foreseeable future. A number of faults are located throughout the county, including the San Andreas Fault in the southwest corner of the county, the Maacama Fault in the inland valley from Sonoma County to Laytonville, the Round Valley Fault in the northeastern part of the county, and the Etsel Ridge Fault in the eastern portion of the County.[8] Any structure built in Mendocino County will likely be subjected to seismic activity during its expected lifespan. The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.[9] The San Andreas Fault is located approximately 5 miles west of the project site and is the nearest active fault.

The soils on the project site are predominately classified as Duneland (#138), with a small portion of the site in the southern panhandle portion of the site designated as Sirdrak loamy sand, 0 to 15 percent slopes (#204).[10,11] The Duneland soil consists of mounds and hills of loose sand blown from nearby beaches. Most areas are active and shifting, while other areas have been partially stabilized by sagebrush and grasses. Duneland exhibits no soil profile development and has very rapid permeability and a low available water capacity.[12]

The Sirdrak sandy loam soil, located in the southern-most portion of the site, is very deep, is somewhat excessively drained, and is located on stabilized sand dunes. Permeability is rapid in the Sirdrak soil and has a moderate available water capacity.[13]

a), b), c), d), and e) No Impact
The site is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.[14] A geologic field reconnaissance of the site and geotechnical analyses was performed for the property by Jim Glomb of Geotechnical and Environmental Consulting, dated October 10, 2017, to satisfy the permit requirements of the Mendocino County Building Department for the proposed project. Analyses included soil and geologic conditions, groundwater, faulting and seismicity, liquefaction potential and other seismic hazards, expansion potential, and recommendations. Groundwater was encountered at a depth of 10 feet. The conclusion is that the risk for liquefaction at the site is moderate.

The project site is not located on an expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994) and would therefore not create substantial risks to life or property.

Under the proposed project, a septic system, including primary and replacement fields, would be installed, which could adequately be supported by the site's soils (See Site Evaluation Report prepared by Carl Rittiman and Associates). Additionally, per the referral response received from the Department of Environmental Health (DEH) dated November 16, 2021, a septic has been approved and is on file with DEH. No impact would occur.

Conclusion: The proposed project would have no impact on geology and soils. **(No Impact)**

[8] Mendocino County General Plan, §3-17 (2009).
[9] State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.
[10] Mendocino County Planning and Building Services. 1991. *Local Soils* [map].
[11] United States Department of Agriculture, Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed October 5, 2017. Available at: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf.
[12] United States Department of Agriculture, Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed October 5, 2017. Available at: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf.
[13] United States Department of Agriculture, Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed October 5, 2017. Available at: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf.
[14] Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].

VII. GREENHOUSE GAS EMISSIONS. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

The framework for regulating greenhouse gas (GHG) emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state's climate change policy and set GHG reduction targets (Health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing GHG emissions. Because Mendocino County is primarily rural, the amount of GHG generated by human activities, primarily the burning of fossil fuels for vehicles, heating, and other uses, is small compared to other, more urban counties.[15] The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

a) and b) Less Than Significant Impact
Construction activities associated with the construction of a single-family residence and garage, and ancillary development, such as a driveway and utility improvements, are not anticipated to generate significant greenhouse gas emissions or conflict with an applicable plan, policy or regulation. Residential uses commonly have accessory construction, like driveways, and residential land use types are principally permitted at this location. These activities are limited in scope and duration and would not contribute significantly to greenhouse gas emissions. Given the relatively small size of the project scale, the proposed project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional, or state level. There are no adopted local plans for reducing the emission of greenhouse gases. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on greenhouse gas emissions. **(Less Than Significant Impact)**

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

[15] Mendocino County General Plan §4-16 (2009).

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or has characteristics defined as hazardous by a federal, state, or local agency. Chemical and physical properties such as toxicity, ignitability, corrosiveness, and reactivity cause a substance to be considered hazardous. These properties are defined in the California Code of Regulations (CCR), Title 22, §66261.20-66261.24. A "hazardous waste" includes any hazardous material that is discarded, abandoned, or will be recycled. Therefore, the criteria that render a material hazardous also cause a waste to be classified as hazardous (California Health and Safety Code, §25117).

The proposed project would establish a residential use involving the routine transport, use, and disposal of hazardous materials in small or limited quantities. These include construction materials, household cleaning supplies, and other materials including, but not limited to, fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. The project site does not include any known hazardous waste sites, as mapped by the State Water Resources Quality Control Board (SWRQCB)[16] or the California Department of Toxic Substances Control (DTSC),[17] nor are there any listed sites within the vicinity of the project site.

a), b), c), d), e), f), and g) No Impact
The proposed project is located in an established rural residential area that is near emergency service providers. The project would not be located on a site which is on a list of hazardous material sites. The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials nor will it 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. Improper storage of potentially hazardous materials such as construction materials, household cleaning supplies, and fuel may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean to the west. This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility, such as the Caspar Transfer Station, located approximately 11 miles south of the site. Cleaning supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities.

Construction activities associated with the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project is not 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 not create a significant hazard to the public or the environment. The project is not located with an airport land use plan, within two (2) miles of a public airport or public use airport or within the vicinity of a private airstrip. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

[16] State Water Resources Quality Control Board. *GeoTracker.* Accessed October 5, 2017. Available at: https://geotracker.waterboards.ca.gov/.
[17] State of California. Department of Toxic Substances Control. *EnviroStor.* Accessed October 5, 2017. Available at: https://www.envirostor.dtsc.ca.gov/public/.

h) Less Than Significant Impact
The California Department of Forestry and Fire Protection (CalFire) is the State agency in charge of enforcing the State's regulations regarding timber harvesting and fire protection. The project site is located within the State Responsibility Area (SRA) and is within the service boundaries of the Fort Bragg Rural Fire Protection District (FBRFPD).[18] Additionally, the parcel is located in an area characterized by a moderate fire hazard severity rating[19] and is located immediately adjacent to MacKerricher State Park. The Applicants submitted a State Fire Safe Regulations Application Form to CalFire, in which conditional approval was granted, and conditioned the project to ensure adequate standards related to address, driveway, defensible space, and maintaining defensible space. The Applicants would be required to have a clearly posted address, adequate driveway width for emergency response vehicles, and maintain defensible space for fire protection purposes. As such, a less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on hazards and hazardous materials. **(Less Than Significant Impact)**

IX. HYDROLOGY AND WATER QUALITY. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
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)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
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?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

According to the Mendocino County General Plan, the most critical surface water quality problem in Mendocino County is sedimentation. Major sources of sediment include erosion from barren or poorly vegetated soils, erosion from the toes of slides along stream channels, and sediments from roads.

[18] Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].
[19] Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

Manmade sources of sedimentation are a byproduct of current and historical land uses, including logging, agriculture, mining, processing of alluvial aggregate material, road construction and erosion from unpaved roads, and other development-related projects within the county. Per MCC Chapter 20.492, the project contractor would be required to employ Best Management Practices (BMPs) to minimize erosion and avoid runoff into sensitive habitat areas. Straw bales, coir rolls, and/or silt fencing structures would be installed along the edge of the construction area prior to construction and would be maintained throughout the construction period to contain runoff from the construction area. Staff finds incorporation of the BMPs would be sufficient to prevent water runoff.

The site is located within a mapped "dunes" groundwater area.[20] The site would be served by a proposed well and septic system. Under the proposed project, several utility improvements would occur on the site, drilling a production well; installing a septic system, propane tank, rainwater catchment system, and water storage tank. Additionally, trenching would be required to extend utilities to the proposed development.

The County's storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT); however, storm drainage infrastructure is limited within the vicinity of the project site. The project is subject to Mendocino County Ordinance No. 4313 *Storm Water Runoff Pollution Prevention Procedure* (Mendocino County Code Chapter 16.30 et seq.), which requires that, "…any person performing construction and grading work anywhere in the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants from construction materials, tools, and equipment from entering the storm drainage system."[21] This ordinance was developed and adopted by Mendocino County to comply with requirements of the County's Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the State Water Resources Control Board (SWRCB).

The location of the proposed development is designated as an "Area of Minimal Flood Hazard" (Zone Z) and is not within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map.[22]

a) No Impact
The proposed project would not violate any water quality standards or waste discharge requirements. All necessary permits for the one on-site well and a septic system would be obtained from DEH. The wells and septic system would be installed and operated in compliance with all standards and requirements. No impact would occur.

b), c) and d) Less Than Significant Impact
The proposed project would not 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. Additionally, while the amount of impervious area on the site would increase, implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area and would not result in substantial flooding on- or off-site. A less than significant impact would occur.

As previously discussed, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, coir rolls, and/or silt fencing structures, to ensure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. Additionally, the project would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project. As required by MCC Chapter 20.492, the proposed project would not result substantially alter the existing drainage pattern of the site or area and would not result in substantial soil erosion or siltation on- or off-site, and a less than significant impact would occur.

e), f), g), h), i), and j) No Impact
The project would not create or contribute runoff water that would exceed the capacity of the existing or planned stormwater drainage systems, since storm drainage infrastructure is limited within the vicinity of

[20] Mendocino County Department of Planning & Building Services. 1991. *Groundwater Resources* [map].
[21] Mendocino County Department of Planning & Building Services. Mendocino County General Plan. Chapter 3.16. 2009.
[22] Federal Emergency Management Agency. Flood Insurance Rate Map, Panels 06045C0820G and 06045C101G, effective June 18, 2017. Accessed October 5, 2017. Available at: https://msc.fema.gov/portal/search.

the project site. Additionally, the project would not provide substantial additional sources of polluted runoff or substantially degrade water quality. The location of the proposed development is designated as an "Area of Minimal Flood Hazard" (Zone Z) and is not 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.[23] The proposed development would not be located within a 100-year flood hazard area which would impede or redirect flood flows or expose people or structures to a significant risk of loss, injury or death involving flood, including flooding as a result of the failure of a levee or dam. The proposed project is not in an area where seiches, tsunamis, or mudflows are likely to occur. No impact would occur.

Conclusion: The proposed project would have a less than significant impact on hydrology and water quality. **(Less Than Significant Impact)**

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

The proposed project, as conditioned, is consistent with the policies of the Local Coastal Program of the General Plan and the MCC Chapter 20.380 and Sections 20.532.095 and 20.532.100. The subject parcel is classified and zoned as Rural Residential (RR5(1)) by the Coastal Element of the Mendocino County General Plan and the Mendocino County Coastal Zoning Code. The parcel is substandard in size, as it is less than 5 acres.

The project includes the development of a single-family residence, which is consistent with the intent of the Rural Residential Classification and District and consistent with surrounding development.

a) Less Than Significant Impact
The project would not divide an established community as the proposed project is within an established residential area and would generally be consistent with surrounding development. The proposed single-family residence would be similar in size (total square feet) to the average residence on the surrounding properties (approximately 2,487-square-feet proposed to 2,756-square-feet on average). The proposed project has been designed as two stories in order to reduce the building footprint and reduce the project's potential impact on and encroachment into the ESHA areas identified on the project site. A less than significant impact would occur.

b) and c) No Impact
The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, since the proposed use (single-family residential) is a principally permitted within the RR Classification and District. No impact would occur.

Conclusion: The proposed project would have a less than significant impact on land use and planning. **(Less Than Significant Impact)**

[23]Federal Emergency Management Agency. Flood Insurance Rate Map, Panels 06045C0820G and 06045C101G, effective June 18, 2017. Accessed October 5, 2017. Available at: https://msc.fema.gov/portal/search.

XI. MINERAL RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

A variety of minerals resources are known to exist in Mendocino County. The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits.[24] The Mendocino County General Plan sets forth policies to encourage mineral resource development while protecting Mendocino County's visual character and natural environments.

a) and b) No Impact
There are no known mineral resources on the site that would be of value to the region or the residents of the state. The property does not include a mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The proposed project does not include mining. No impact would occur.

Conclusion: The proposed project would have no impact on mineral resources. **(No Impact)**

XII. NOISE. **Would the project result in:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**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?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment. Mendocino County relies principally on standards in its Noise Element, its Zoning Ordinance, and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise-related impacts of development.

Generally speaking, land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools,

[24] Mendocino County General Plan, §4-8, *Mineral Resources* (2009).

and certain kinds of outdoor recreation are also usually considered noise-sensitive. While an existing single-family residence is located on the parcel immediately south of the site, the uses that are being proposed under the project, including a single-family residence, are similar to the uses that already exist in the area.

Predicted noise levels from on-site project operations would be less than 55 dBA for residential uses in the area, and would not measurably contribute to existing or future noise levels. Therefore, the operational noise from the project would result in a less than significant impact upon the nearest noise-sensitive receptors.

a) and d) Less Than Significant Impact
Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and demolition. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. With the exception of short-term construction-related noise, the proposed development would not create a new source of noise that would impact the community.

Given the small size of the project, it is anticipated that the effects of construction noise levels and vibration would be less than significant through the implementation of standard permit conditions. Standard permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 am and 7:00 pm weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise sensitive land use areas.

With the inclusion of the standard permit conditions, the project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. A less than significant impact would occur.

b), c), e) and f) No Impact
The proposed project, which involves the construction of a single-family residence and associated infrastructure, would not result in the exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels. The project is not located with an airport land use plan, within two (2) miles of public airport or public airport. The project site is located approximately 1.8 miles northeast of the Fort Bragg Airport, a private use airport, and is outside of the airport's 55 dB CNEL noise contour. The project would not be exposed to excessive noise levels from aircraft. Additionally, the ambient level of noise in the vicinity would not increase as a result of the proposed project. No impact would occur.

Conclusion: The proposed project would have a less than significant impact on noise. **(Less Than Significant Impact)**

XIII. POPULATION AND HOUSING. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

The two nearest communities to the project site include the City of Fort Bragg and the community of Cleone. In 2010, the population of the City of Fort Bragg was approximately 7,273 residents, which included approximately 2,863 households. In 2000, the population of the City of Fort Bragg was approximately 7,026 residents, with approximately 2,840 total households. Within the City of Fort Bragg, the average number of

persons per household in 2010 was 2.45, which remained similar to the previous census, which determined that average number of persons per household in 2000 was approximately 2.35 persons. [25]

In the community of Cleone, the population was approximately 618 residences, comprising approximately 285 total households, in 2010, with an average number of persons per household of approximately 2.17 persons. No information is available for the community of Cleone for the year 2000.[26]

a), b), and c) Less Than Significant Impact
Since the proposed project involves the construction of a single-family residence and associated infrastructure, the project would not result in the displacement of people or housing. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on population and housing. **(Less Than Significant Impact)**

XIV. PUBLIC SERVICES.	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**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:	☐	☐	☒	☐
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

The development of a single-family residence would not create additional significant service demands or result in adverse physical impacts associated with the delivery of fire, police, parks or other public services. Fire protection to the site is provided by CalFire and the Fort Bragg Rural Fire Protection District. The nearest fire station to the site is located approximately 3.6 miles southwest of the site, at 802 North Main Street in Fort Bragg.

Police protection services for the site are provided by the Mendocino County Sheriff Department. Officers patrolling the project area are dispatched from the Mendocino County Sheriff's Department Office – Fort Bragg Substation, located approximately 4.8 miles southwest of the project site at 700 South Franklin Street in Fort Bragg.

a) Less Than Significant Impact
The demand for fire and police services is not anticipated to significantly change with the implementation of the proposed project, due to the small scale of the project. The proposed project would have minimal impact on local schools, and would not substantially increase the use of local parks. The proposed project would not substantially increase the use or otherwise affect other public facilities (e.g., libraries) in the project area. As such, a less than significant impact would occur.

[25] United States Census Bureau. American Fact Finder. *Community Facts*. Accessed October 6, 2017. Available at: http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.
[26] United States Census Bureau. American Fact Finder. *Community Facts*. Accessed October 6, 2017. Available at: http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.

Conclusion: The proposed project would have a less than significant impact on public services. **(Less Than Significant Impact)**

XV. RECREATION.	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Mendocino County is a predominantly rural County, rich in lands and waters that provide a variety of recreational opportunities. The County's recreational system encompasses many levels of park and recreational facilities. Federal lands include recreation resources that are used by visitors and county residents. The Mendocino National Forest, which occupies approximately 81,000 acres in Mendocino County, offers an array of recreational opportunities including fishing, camping, picnicking, boating, hiking, horseback riding, wildlife viewing, hang-gliding, off-road vehicle riding, winter snow play, hunting, wilderness experiences, and mountain biking.[27] The State Parks are the best known, most heavily used recreation sites along the coast in addition to boating access points and campgrounds. The Coastal Element of the Mendocino County General Plan encourages managing and maintaining both active and passive recreation to allow access to trails and the coastline for both residents and visitors.

a) and b) No Impact
The project site is located west of State Route 1 and is not designated as a potential public access trail location on the Local Coastal Plan maps. Though the site is located adjacent to MacKerricher State Park, there is no existing or proposed shoreline access within the vicinity of the site as shown on LCP Land Use Map 12 *Cleone*[28], and there is no element of the proposed project that would impede public access to the shore. There is no evidence of prescriptive access on the site, nor would the development generate enough recreation demand to require the construction of additional facilities. No impact would occur.

Conclusion: The proposed project would have no impact on recreation. **(No Impact)**

XVI. TRANSPORTATION/TRAFFIC. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒

[27] Mendocino County General Plan, §3-10, *Parks and Recreation* (2009).
[28] Mendocino County Department of Planning & Building Services. 1991. *LCP Land Use Map 12: Cleone* [map].

XVI. TRANSPORTATION/TRAFFIC. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
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?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., Sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

The proposed residential driveway and road approach would have access from Ward Avenue, a County road. Pedestrian access to the site is from same and Ward Avenue Coastal Access Trail. There are no sidewalks that are adjacent to the site at this time. New development shall be approved consistent transportation system provisions, as specified by MCC Section 20.516.015(C). On June 11, 2018 and in response to a request for comments, Mendocino County Department of Transportation suggested two conditions as the project will include a road approach and work within the County rights-of-way (See Staff Report and recommended Conditions 28 and 29). As conditioned, the proposed driveway approach to Ward Avenue and residential development would be consistent with MCC Section 20.516.015(C).

a), b), c), d), e), and f) No Impact
The proposed project, which involves the construction of a single-family residence and associated infrastructure, would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system or conflict with an applicable congestion management program. The project would not result in a change in air traffic patterns. Additionally, the project would not increase hazards due to a design feature or result in inadequate emergency access. Furthermore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No impact would occur.

Conclusion: The proposed project would have no impact on transportation and traffic. **(No Impact)**

XVII. TRIBAL CULTURAL RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☐	☒	☐
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?	☐	☐	☐	☒
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Per Chapter 3 (Development Element) of the Mendocino County General Plan, the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County concentrated mainly along the coast and along major rivers and streams. Mountainous areas and the County's redwood groves were occupied seasonally by some tribes. Ten Native American tribes had territory in what is now Mendocino County. The entire southern third of Mendocino County was the home of groups of Central Pomo. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake. The Coast Yuki claimed a portion of the coast from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.[29]

As European-American settlement occurred in the county, most of these tribes were restricted to reservations and rancherias. During the 19th century, other tribes from the interior of California were forced to settle on the Round Valley Reservation in the northeastern county. Today, there are ten reservations and rancherias in Mendocino County, most of which are inhabited by tribes native to the area.[30]

As discussed under Section V (Cultural Resources), above, an archaeological survey of the project site was prepared and concluded that no archaeological or other types of historical resources were observed on the subject parcel. During the Archaeological Commission hearing held on December 9, 2021, the submitted Archaeological Survey was reviewed by the Archaeological Commission and accepted.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; to date, no response has been received.

a.i) No Impact
As noted previously, the proposed project was referred to California Historical Resource Information Center (CHRIS); and on November 19, 2019, CHRIS Staff responded with a recommendation that a qualified archaeologist conduct further archival and field study of the unsurveyed portions of the project area to identify cultural resources. The applicant hired Alex DeGeorgey, who surveyed and prepared a report that was accepted by Mendocino County Archaeological Commission on December 8, 2021. The Commission recommends including a discovery clause as a condition of project approval (See recommended Condition 8). As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12. No impact would occur.

a.ii) Less Than Significant Impact
As discussed under Section V (Cultural Resources), above, an archaeological survey of the project site was prepared and concluded that no archaeological or other types of historical resources were observed on the subject parcel. Additionally, the project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; to date, no response has been received. Although no archaeological or other types of historical resources were observed on the subject parcel, the site is known to be located within the aboriginal boundaries of the Sherwood Valley Band of Pomo Indians. Standard Condition advises the Applicants of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or tribal cultural materials are unearthed during site preparation or construction activities. As such, a less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on tribal cultural resources. **(Less Than Significant Impact)**

[29] Mendocino County General Plan, §3-7 (Cultural Resources). August 2009.
[30] Mendocino County General Plan, §3-7 (Cultural Resources). August 2009.

XVIII. UTILITIES AND SERVICE SYSTEMS. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, 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?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Mendocino County offers the typical utilities and services systems offered by more populated regions. However, the site is not located within the service boundaries of a community services district and the site would be served by an on-site well and septic system. Electricity at the site would be provided by a local utility company. Propane gas would be supplied to the site by a local fuel company.

Septic System
The proposed project would be served by an on-site septic system to be installed under the project. As noted in the referral response received from the Department of Environmental Health (DEH), dated November 16, 2021, a septic design has been approved and is on file with DEH.

Water Service
Based on the requirements of MCC Chapter 20.516, applications for development often include the results of a Proof of Water Test. MCC Sec. 20.516.015(B)(1) states, among other things, that "... Demonstration of the proof of water supply shall be made in accordance with the policies found in the Mendocino Coastal Groundwater Study dated June 1982 ..." Additionally, page 23 of the 1982 Coastal Groundwater Study describes the character and location of dune soils:

> *"Beach and Dune Deposits. ... Sand dunes cover an area of about 920 hectares (ha) (2,270 acres) to an estimated average depth of 15 m (50 ft). However, due to their land use restrictions, they will be excluded from ground water reservoir capacity and recharge estimates."*

The 2017 geotechnical investigation describes groundwater conditions (Glomb). Coastal Element Policy 3.1-15 and MCC Sec. 20.496.040(A)(1) allows within dune habitats one single-family dwelling on a residentially zoned lot. Therefore, staff supports a finding that the proposed project will satisfy the intent of the aforementioned policy, regulations, and 1982 Coastal Groundwater Study guidelines.

The applicants propose an on-site well and water storage tank to be located adjacent to the residence, as shown on the December 15, 2020 submitted site plan. Condition 19 is recommended to establish the phasing of development and that initially a proof of water test shall be completed (and accepted by the Coastal Permit Administrator). For clarification, the basis for vesting this coastal development permit would not rely upon groundwater testing; rather recommended Condition 1 provides for permit effective date, expiration date, and vesting. As proposed, the project would be consistent with MCC Sections

20.516.015(A) and (B) and the 1982 Coastal Groundwater Study policies.

On June 22, 2021, the Board of Supervisors passed and adopted Ordinance No. 4493 stating discretionary entitlements shall not be approved without (A) considering the anticipated water use of the proposed development and (B) imposing conditions of approval related to limiting or phasing any expansion of water use, as deemed appropriate by the reviewing authority. To better understand the site's potential hydrology and geology, staff reviewed both the 2017 geotechnical investigation report findings and the 1982 Mendocino County Coastal Ground Water Study. The Coastal Ground Water Study recommends water conservation measures (pages 15-16). The proposed project includes some of these measures. In response to Ordinance 4493 and as the 1982 ground water study includes additional measures to limit expansion of water use, staff recommends including the study's water conservation measures as conditions, where appropriate (See recommended Conditions 24 - 27). As proposed, the project would incorporate proven water conservation technology in the construction of the project (e.g. low-flush toilets, control inserts on showers, single-control faucets, and similar). The configuration of the surrounding parcels arguably encourages cluster development, which can reduce the amount of impervious paving and aid in ground water recharge (1982, page 16). As proposed, the project would preserve natural drainage areas, which the ground water study found aids in ground water recharge. With the inclusion of these additional conditions, staff recommends the project satisfies Ordinance No 4493 objectives to (A) and (B).

Storm Drainage System
The County's storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT); however, storm drainage infrastructure is very limited within the vicinity of the project site. The project is subject to Mendocino County Ordinance No. 4313 *Storm Water Runoff Pollution Prevention Procedure* (Mendocino County Code Chapter 16.30 et seq.), which requires that, "…any person performing construction and grading work anywhere in the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants from construction materials, tools, and equipment from entering the storm drainage system."[31] This ordinance was developed and adopted by Mendocino County to comply with requirements of the County's Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the State Water Resources Control Board (SWRCB).

Landfills/Solid Waste
Currently, there are no remaining operating landfills in Mendocino County. Solid waste generated in the County is exported for disposal to the Potrero Hills Landfill in Solano County. Mendocino County's solid waste disposal system has shifted to a system of eight small volume transfer stations and two large volume transfer stations that receive waste for export. The Caspar Transfer Station is located approximately 11 miles south of the project site and would provide for the disposal of solid waste resulting from the residential use. Mendocino County has adopted a Hazardous Waste Management Plan to guide future decisions by the County and the incorporated cities about hazardous waste management. Policies in the Mendocino County General Plan emphasize source reduction and recycling of hazardous wastes and express a preference for onsite hazardous waste treatment over offsite treatment.

a), b), c), e), f), and g) No Impact
Single-family residences do require daily water use, however, the anticipated water use for a residential dwelling is much less than a commercial or industrial use, therefore, not exceeding the wastewater treatment requirements of the applicable Regional Water Quality Control Board. The proposed project would not require the development of new water or wastewater treatment facilities nor storm water drainage facilities or expansion of existing facilities. The project would be served by an on-site well and septic system. The project site is served by a landfill with sufficient permitted capacity to accommodate the project's anticipated solid waste disposal needs and the project would comply with federal, state and local statutes and regulations related to solid waste. No impact would occur.

d) Less Than Significant Impact

[31] Mendocino County Department of Planning & Building Services. Mendocino County General Plan. Chapter 3.16. 2009.

The parcel is located within a mapped "dunes" groundwater resources area[32] and would be served by and on-site well and septic system. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on utilities and service systems. (**Less Than Significant Impact)**

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

a) Less Than Significant with Mitigation Incorporated
As proposed, the project includes construction of a residence, restoration of Dune Mat habitat, and protection of sensitive habitat areas in perpetuity. With the incorporation of the proposed mitigation measures the project would have a less than significant impact on biological and botanical resources.

b), and c) Less Than Significant
The project's potential to degrade the quality of the environment, as described in the first Mandatory Finding of Significance, would be less than significant provided it incorporates the mitigation measures and conditions of approval identified in this Initial Study.

None of the of the project's mitigated impacts are cumulatively considerable because the project's potential impacts are limited to the project site, and the approval and establishment of the project would not alter the existing setting nor amend an existing regulation that would create a circumstance where the incremental effect of a probable future project would generate a potentially significant environmental impact.

The project would not generate any potential direct or indirect environmental effect that would have a substantial adverse impact on human beings including, but not limited to, exposure to geologic hazards, air quality, water quality, traffic hazards, noise and fire hazards.

A less than significant impact would occur.

[32] Mendocino County Department of Planning & Building Services. 1991. *Groundwater Resources* [map].

DETERMINATION:

On the basis of this initial evaluation:

☐ 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. An 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, nothing further is required.

January 14, 2022
DATE

_____
JULIANA CHERRY
PLANNER III