



PUBLIC DRAFT
**INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION**
SCH: XXXXXX

FOR
JAMES & DENISE DE ALBA
STANDARD COASTAL DEVELOPMENT PERMIT
33389 PACIFIC WAY, FORT BRAGG; APN: 017-320-51
File No. CDP_2023-0009

LEAD AGENCY:
County of Mendocino
Department of Planning & Building Services
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February 8, 2024

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INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.), this Draft Initial Study (IS) has been prepared as documentation for a Mitigated Negative Declaration (MND) for the proposed remodel of a single-family residence, garage with office, and CALFIRE turnout at 1311 Cameron Road, Elk; APN: 126-070-14 (Project). This Draft IS/MND includes a description of the Project; the location of the Project site; an evaluation of the potential environmental impacts of Project implementation; and written statement that an Environment Impact Report (EIR) is not required because the project will not have a significant adverse impact on the environment.

Pursuant to Section 15367 of the State CEQA Guidelines, the County of Mendocino is the Lead Agency for the Project. As the Lead Agency, The County of Mendocino has the principal responsibility for carrying out the project and has the authority to approve the Project and its accompanying environmental documentation. In addition to addressing the potential environmental impacts that would result from the Project, this Draft IS/MND serves as the primary environmental document for future activities associated with the Project, including discretionary approvals requested or required for Project implementation.

Questions in the Initial Study Checklist are provided with their respective answers based on analysis undertaken. An explanation for all checklist responses is included, and all answers take account of the whole action involved, including off site as well as on-site; cumulative as well as project level; indirect as well as direct; and construction as well as operational impacts. 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.

PROJECT INFORMATION

FILE NUMBER: CDP_2023-0009

OWNER/APPLICANT: JAMES & DENISE DE ALBA
3785 GLEN HAVEN ROAD
SOQUEL, CA 95437

AGENT: WYNN COASTAL PLANNING & BIOLOGY
703 N. MAIN STREET
FORT BRAGG, CA 95437

PROJECT LOCATION: In the Coastal Zone 2± miles north of Caspar, on a private road 600± feet south of its intersection with Pacific Way (CR 436A), located at 33389 Pacific Way, Fort Bragg; APN: 017-320-51.

TOTAL ACREAGE: 3± Acres

GENERAL PLAN: Rural Residential, 5 acre minimum [Rural Residential, 2 acre minimum] (RR:5 [RR:2])

ZONING: Rural Residential, 5 acre minimum [Rural Residential, 2 acre minimum] (RR-5 [RR-2])

PROJECT DESCRIPTION: Pursuant to CEQA Guidelines Section 15125, the Project Description is required to identify the existing baseline physical conditions. For this project, the baseline conditions include all existing development and the current parcel configuration. The project involves application for a Standard Coastal Development Permit to construct a single-family residence with an attached garage, decks, roof-mounted solar panels, and septic system; destroy one existing well and connect a second existing well to residence through trenching; perform additional trenching to connect to grid power; extend the existing driveway and parking area; and convert the existing cabin to an Accessory Dwelling Unit (ADU). No physical changes would be made to the existing cabin. (Refer to Exhibit 2). Henceforth known as the “Project.”

The project site is on a blufftop parcel overlooking the Pacific Ocean. The property contains two (2) existing wells, two (2) sheds, and an existing cabin. The western edge of the property contains a roadway and public utility easement. A driveway runs through this easement, turning west and following the southern property boundary to the cabin. The subdivision which created the parcel established a building envelope and 100-foot buffer from the bluff edge. The buffer was subsequently reduced to 50-feet. Following Permit No. 1-92-212, an offer to dedicate a public access easement was recorded along the southern boundary of the parcel (B 2066, P 620 O.R.). The offer was accepted by the American Land Conservancy and subsequently assigned to the Mendocino Land Trust in Document No. 2003-25963 and 2004-19243 O.R. This transfer was acknowledged by the Coastal Commission in Document No. 2004-19885 O.R. The property is surrounded by other residential development. A mix of forests, grasslands, and wetlands are present on the parcel and surrounding lands.

TABLE 1: ADJACENT LAND USE AND ZONING

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR:5[RR:2])	Rural Residential (RR:5[RR:2])	4± Acres	Vacant
EAST	Rural Residential (RR:5[RR:2])	Rural Residential (RR:5[RR:2])	1.5± Acres	Residential
SOUTH	Rural Residential (RR:5:PD [RR:2:PD])	Rural Residential (RR:5:PD [RR:2:PD])	14.3± Acres	Residential
WEST	N/A (Pacific Ocean)	N/A (Pacific Ocean)	N/A (Pacific Ocean)	N/A (Pacific Ocean)

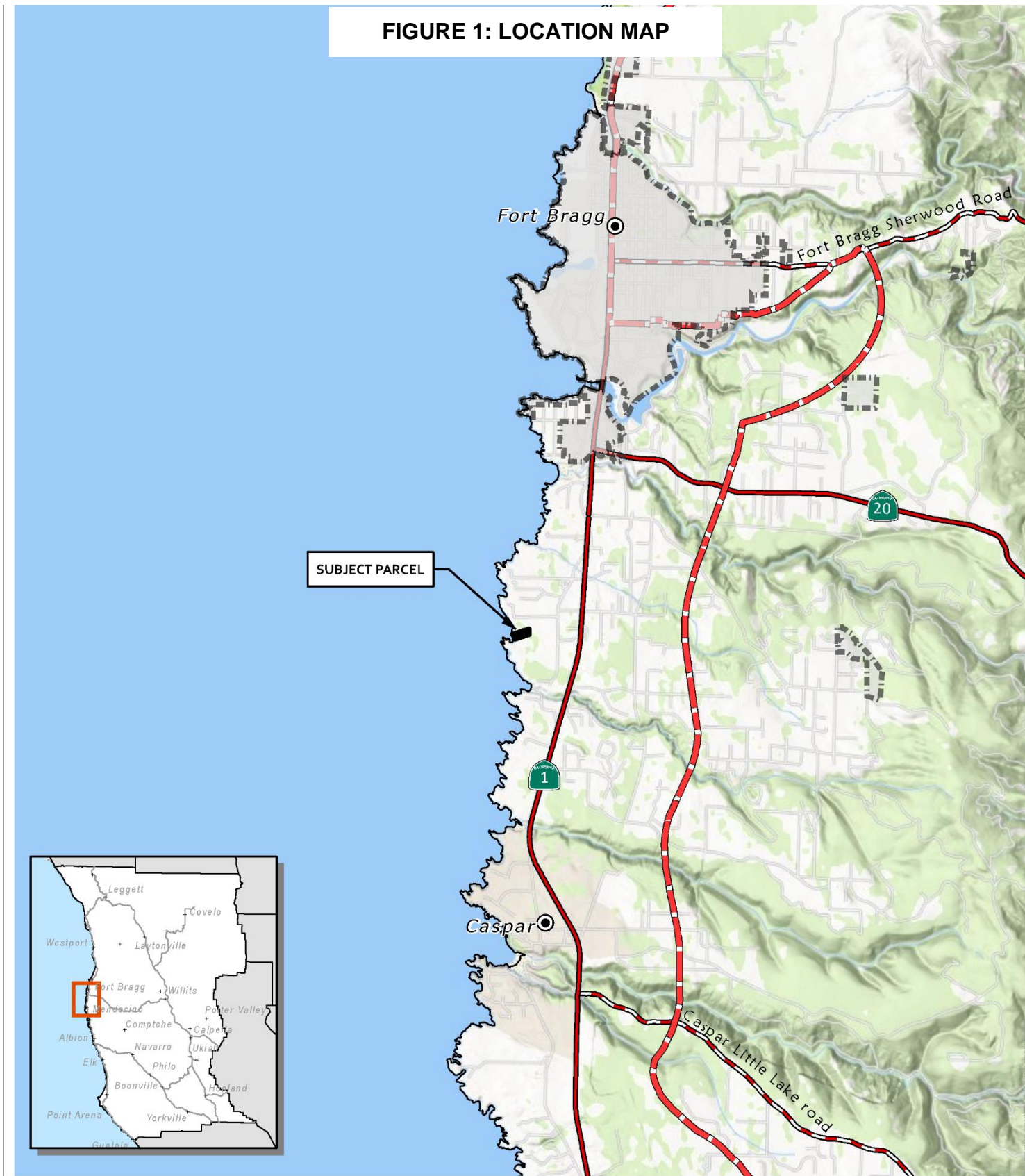
Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements): California Department of Forestry and Fire Protection (CAL FIRE).

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Pursuant to the consultation requirements of Assembly Bill (AB) 52, on December 1, 2023, the County of Mendocino (County) provided formal notification to the California Native American tribes that requested notification of all new potential Negative Declarations within the County. The following tribes were notified: Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Band of Pomo Indians. No responses were received.

PROJECT PLOT PLAN: See Page 6 of this document.

FIGURE 1: LOCATION MAP

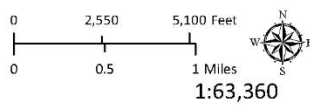


SUBJECT PARCEL



CASE: CDP 2023-0009
OWNER: DE ALBA, Jim & Denise
APN: 017-320-51
APLCT: Jim & Denise De Alba
AGENT: Tara Jackson, Wynn Coastal Planning
ADDRESS: 33389 Pacific Way, Fort Bragg

- Major Towns & Places
- City Limits
- Coastal Zone Boundary
- Highways
- Major Roads



LOCATION

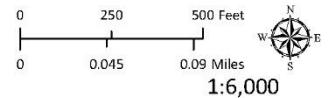
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

FIGURE 2: AERIAL IMAGERY



CASE: CDP 2023-0009
OWNER: DE ALBA, Jim & Denise
APN: 017-320-51
APLCT: Jim & Denise De Alba
AGENT: Tara Jackson, Wynn Coastal Planning
ADDRESS: 33389 Pacific Way, Fort Bragg

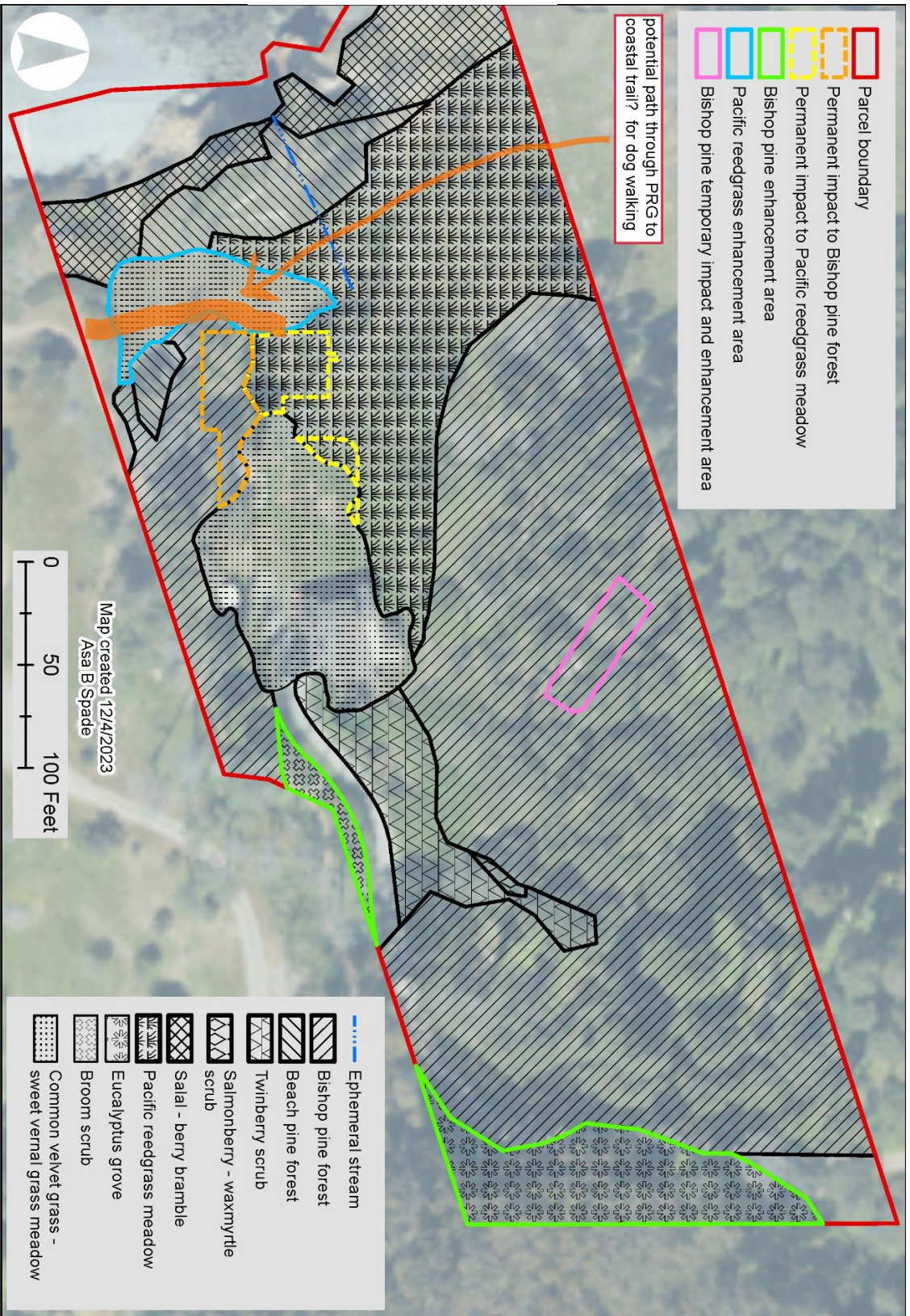
— Public Roads
- - - Private Roads



AERIAL IMAGERY

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

FIGURE 3: PLOT PLAN



CLIENT: De Alba
 APN: 017-320-51-00
 ADDRESS: 33389 Pacific Way
 Fort Bragg, CA

Permanent Impact & Enhancement Areas

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

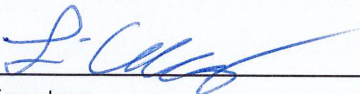
This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

Based on 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.



Signature

LIAM CROWLEY

Printed Name

2/27/24

Date

PLANNER II

Title

ENVIRONMENTAL CHECKLIST

5.1 AESTHETICS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION: A “scenic vista” is defined as a *singular vantage point that offers high quality, harmonious, or visually interesting views of a valued landscape for the benefit of the public*. Scenic vistas are typically found along major highways or other public roads but may also occur in other areas accessible to the public.

“Scenic resources” include objects, features, or patterns within the landscape which are visually interesting or pleasing. Scenic resources can include trees, rock outcroppings, historic buildings, or other features. California Streets and Highways Code (SHC) Sections 260-284 establish the State Scenic Highway program for *“the protection and enhancement of California’s natural scenic beauty.”*¹ The Department of Transportation (CALTRANS) oversees this program, including a list of officially designated Scenic Highways and those deemed “eligible” for incorporation into the program. No highways in Mendocino County have been officially incorporated into the State Scenic Highway system. As such, there are no adopted Corridor Protection Programs in the county. However, the entirety of State Route 1 (SR-1) in Mendocino County, the portion of U.S. Route 101 (US-101) between Ukiah and Willits, all of State Route 20 (SR-20), and all of State Route 128 (SR-128) is listed as “eligible.”² No National Scenic Byways are located in Mendocino County as designated by the U.S. Secretary of Transportation.³

Additionally, the County has two roadway segments designated as “heritage corridors” by California Public Resources Code Section 5077.5. The North Coast Heritage Corridor includes the entire segment of SR 1 in the county, as well as the segment of U.S. Highway 101 from the junction with SR 1 in Leggett, north to the Humboldt County line. The Tahoe-Pacific Heritage Corridor extends from Lake Tahoe to the Mendocino County coast. It includes the entire segment of SR 20 within the county and the segment of US 101 from the SR 20 junction north of Calpella to the SR 20 highway exit south of Willits. Mendocino County’s General Plan Resource Management Goal RM-14’s (Visual Character) objective is the *“protection of the visual quality of the county’s natural and rural landscapes, scenic resources, and areas of significant natural beauty.”*

The main source of daytime glare in the unincorporated portions of the Mendocino County is from sunlight reflecting from structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime

¹ Streets and Highways Code, CA SHC § 260 (1969).

² Streets and Highways Code, CA SCH §263.2 to 263.8 (2019).

³ U.S. Department of Transportation. Federal Highway Administration. *National Scenic Byways & All-American Roads*. Retrieved from <https://fhwaapps.fhwa.dot.gov/bywaysp/States/Show/CA>.

sky are being diminished by “light pollution.” Two elements of light pollution may affect county residents: sky glow (a result of light fixtures that emit a portion of their light directly upward in the sky), and light trespass (poorly shielded or poorly aimed fixtures which cast light into unwanted areas, such as neighboring properties and homes). Different lighting standards are set by classifying areas by lighting zones (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards in order to protect these areas from new sources of light pollution and light trespass. Mendocino County’s General Plan Resource Management Goal RM-15’s (Dark Sky) objective is the “*protection of the qualities of the county’s nighttime sky and reduced energy use.*”

According to the 2020 U.S. Census, there are three “Urban Areas” in Mendocino County: Ukiah, Willits, and Fort Bragg. Some of these Urban Areas extend into the unincorporated portions of the County. The Census provides shapefiles for use in visualizing these Urban Areas. The following County regulations govern scenic quality:

- Mendocino County Code (MCC) Chapter 20.504 – Visual Resource and Special Treatment Areas
 - Mendocino County Coastal Element Chapter 3.5 – Visual Resources, Special Communities and Archaeological Resources
 - Ukiah Valley Area Plan Chapter 4 – Community Design
 - Mendocino County General Plan Chapter 6 – Community Specific Policies
 - Mendocino County General Plan Policy DE-85: “*Viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings.*”
- a) **Less Than Significant Impact:** The Mendocino County Local Coastal Program (including the Coastal Element and Coastal Zoning Code) designated certain areas of the Coastal Zone as Highly Scenic Areas. These Highly Scenic Areas are subject to the development criteria outlined in MCC Section 20.504.015(C). The project site is not within a designated Highly Scenic Area. However, the general vicinity offers views of the ocean and coastline which could meet the criteria to be classified a scenic vista. In particular, the Belinda Point Trail lies immediately south of the project site. This publicly accessible trail managed by the Mendocino Land Trust runs along the southern boundary of the subject parcel. The highest quality views of the coast exist at the terminus of this trail along the bluff edge, where views are not obscured by trees, vegetation, or development. The Project could impair some public views of the coast due to construction of the single-family residence. To those that prefer an uninterrupted view of the coast, the Project would add another manmade structure along the bluffs. However, the Project is not expected to result in significant impacts because the scale of development is similar to existing blufftop residences, and the building envelope is located at least 50 feet east of the bluff edge.
- b) **No Impact:** The site is not in the vicinity of a scenic highway. State Route 1 is only listed as “eligible” under the State Scenic Highway Program.
- c) **Less Than Significant Impact:** The site is in a non-urbanized area. The site can be seen while travelling along the Belinda Point Trail. Existing structures, vegetation, and topography block views of the site from Pacific Way (CR 436A) and State Route 1. The Project is compatible with surrounding development. The most significant views are those looking west of the project site toward the Pacific Ocean. Therefore, the Project is not expected to degrade the quality of public views.
- d) **Less Than Significant Impact:** The proposed development is subject to the requirements of the Mendocino County Coastal Zoning Code. Section 20.504.035 establishes exterior lighting regulations. These regulations are included as standard conditions of approval within a Coastal Development Permit. The proposed residence would be required to install downward facing and shielded exterior lighting in accordance with Section 20.504.035. The existing regulations ensure that the proposed development would no produce substantial light or glare. According

to the submitted plans, the roof material would be asphalt with solar panels and hardie-panel siding. These are not considered highly-reflective materials.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Aesthetics.

5.2 AGRICULTURE AND FORESTRY RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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 (FMMP) of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) which produces maps and statistical data used for analyzing impacts on California’s agricultural resources. The FMMP mapping survey covers roughly 98% of privately owned land in the state. Each map is updated at approximately two-year intervals. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called “Prime Farmland.” Other critical designations include “Unique Farmland” and “Farmland of Statewide Importance.” The most recent map covering Mendocino County was published in 2018.

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for an agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

The Timberland Production Zone (T-P) was established in 1976 in the California Government Code as a designation for lands for which the Assessor’s records as of 1976 demonstrated that the “highest and best use” would be timber production and accessory uses. Public improvements and urban services are prohibited on T-P lands except where necessary and compatible with ongoing timber production. The original purpose of T-P Zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands.

Several zoning districts established by the Mendocino County Zoning Ordinance allow for agricultural uses. The Zoning Ordinance also establishes use types which are allowable by-right and conditionally in each zoning district. A zoning conflict may occur if a use is proposed which is not allowable in the corresponding

zoning district. Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts, which were most recently amended in 2018. Among the policies and procedures are regulations concerning compatible and incompatible uses on lands under a Williamson Act contract.

Public Resources Code Section 12220(g) defines “forest land” as *“land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.”*

Public Resources Code Section 4526 defines “timberland” as *“land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.”* In this definition, “board” refers to the California Board of Forestry and Fire Protection.

Government Code Section 51104(g) defines “Timberland production zone” or “TPZ” as *“an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).”*

- a) **No Impact:** The project site is classified by FMMP mapping as “Grazing Land.” The project would not convert any off-site land to a different use.
- b) **Less Than Significant Impact:** The project site is not within lands under a Williamson Act contract. The subject parcel is within the Rural Residential (RR) zoning district as regulated by Mendocino County Coastal Zoning Code Chapter 20.376. Permitted agricultural use types in the RR district include “Light Agriculture”, “Row and Field Crops”, and “Tree Crops.” “Family Residential: Single-family” use is also permitted in the RR district. According to the application materials, the property contains several vegetative communities. New structures and associated development would be located within either the Bishop Pine Forest or Pacific Reedgrass Meadow. The extent to which this vegetation provides agricultural value is unknown to staff. However, the ratio of proposed development to total lot size may indicate the scale of impact on agricultural viability. According to the application materials, the total lot coverage after development (including the driveway, parking, and paths) would equal approximately 9.3%. This indicates that a significant portion of the lot would remain available for agricultural use.
- c) **Less Than Significant Impact:** The proposed project does not involve rezoning. Several native trees are located on the property, including bishop pine (*Pinus muricata*), which is considered a Coastal Forest District Group A commercial tree species for the purpose of defining “timberland.” However, the Project would not conflict with these designations because the Rural Residential zoning district does not allow Forest Production and Processing as a permitted use. The site is not within a land use classification or zoning district that has been designated as an area for the management of forest and timber resources.
- d) **No Impact:** Certain conversions of less than three (3) acres of forest land to non-forest use may be considered less than significant. The California Department of Forestry and Fire Protection offers an exemption for certain Timber Operations of less than 3 acres from Conversion Permits and timber harvesting plans. Therefore, a Project that would qualify for such an exemption is not likely to result in significant impacts. The Project is likely to result in the loss of some forest land due to tree removal necessary for the development of the home site. However, these impacts are not expected to be significant because less than three (3) acres of tree removal would occur and the Project would be expected to qualify for an exemption under 14 CCR §1104.1.
- e) **No Impact:** No other changes to the existing environment are expected to occur beyond on-site construction and operation activities. These activities would not result in significant conversion of farmland to non-agricultural use or forest land to non-forest use as noted in the responses above.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Agricultural and Forestry Resources.

5.3 AIR QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION: Mendocino County is located within the North Coast Air Basin. Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Act, as well as local air quality regulations. Air Districts in California develop regulations based on the measures identified in the Clean Air Act and its Clean Air plan as well as state regulations. In Mendocino County, these are known as the district “Rules and Regulations.” These regulations establish the procedure for new point source emissions to obtain an air quality permit, air quality standards for new construction, and others. In 2005, MCAQMD adopted a Particulate Matter Attainment Plan which quantified past and present Particulate Matter levels and recommended control measures to reduce emissions. These control measures were incorporated into the District Rules and Regulations.

MCAQMD Rule 1-400 states: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or that endanger the comfort, repose, health or safety of any such persons or the public or that cause or have a natural tendency to cause injury or damage to business or property.”

Rule 1-430 requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and

- 7) The operator shall keep a daily log of activities to control fugitive dust. In December, 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

According to the US Environmental Protection Agency (EPA) Nonattainment Areas for Criteria Pollutants (Green Book), Mendocino County is in attainment for all National Ambient Air Quality Standards (NAAQS).⁴ In addition, Mendocino County is currently in attainment for all California Ambient Air Quality Standards (CAAQS). The County achieved attainment in 2021.⁵ The Hydrogen Sulfide and Visibility Reducing Particles designations remain unclassified in Mendocino County.

For the purposes of CEQA, MCAQMD previously recommended that agencies use adopted Bay Area Air Quality Management District (BAAQMD) thresholds for projects in Mendocino County. However, MCAQMD has issued clarifications to resolve conflicts between District rules and BAAQMD thresholds. This includes the Indirect Source Rule, Stationary Source Emissions Levels, CO Standards, Greenhouse Gas rules, Risk Exposure, and Odor rule. More information can be found on the MCAQMD website.⁶

Mendocino County General Plan Policy RM-37, RM-38, and RM-49 relate to Air Quality.⁷

Per California Health and Safety Code (HSC) Section 42705.5, “sensitive receptors” include hospitals, schools, day care centers, and other locations that the district or state board may determine. According to the California Air Resources Board (CARB), sensitive receptors include “*children, elderly, asthmatics, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. The locations where these sensitive receptors congregate are considered sensitive receptor locations. Sensitive receptor locations may include hospitals, schools, and day care centers.*”

Mendocino County also contains areas where naturally occurring asbestos (NOA) is known to occur. When asbestos fibers are disturbed, such as by grading and construction activities, the fibers can be released into the air. These fibers can cause serious health threats if inhaled. Ultramafic rocks are an indicator of possible asbestos minerals, including a rock known as serpentine. Serpentine and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Planning & Building Services uses a map derived from the California Bureau of Mines and Geology and the US Department of Agriculture’s Natural Resource Conservation Service (NRCS) to identify areas likely to have asbestoscontaining geologic features. MCAQMD has adopted policies for areas containing NOA. For

⁴ U.S. Environmental Protection Agency (2023). *Nonattainment Areas for Criteria Pollutants (Green Book)*. Retrieved from <https://www.epa.gov/green-book>.

⁵ California Air Resources Board (2022). *2021 Amendments to Area Designations for State Ambient Air Quality Standards*. Retrieved from <https://ww2.arb.ca.gov/rulemaking>.

⁶ Mendocino County Air Quality Management District (2013). *District Interim CEQA Criteria and GHG Pollutant Thresholds*. Retrieved from <https://www.co.mendocino.ca.us/aqmd/>.

⁷ County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

projects in areas identified as potentially containing NOA, the District requires an evaluation and report by a State registered geologist to determine that any observed NOA is below levels of regulatory concern in the areas being disturbed. If it is determined that NOA is present at levels above regulatory concern, or the applicant chooses not to have the testing and evaluation conducted, MCAQMD requires that certain measures be implemented in accordance with Title 17 California Code of Regulations Section 93105.⁸

- a) **No Impact:** The project is expected to comply with existing regulatory requirements of MCAQMD. This includes MCAQMD Rule 1-430, which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land. As proposed, the project does not conflict with MCAQMD Rules and Regulations because it would be bound by the existing regulatory structure, including consultation with MCAQMD and any required permits. No project features are proposed which would conflict with District Rules and Regulations, such as wood-burning stoves.
- b) **No Impact:** Mendocino County is currently in attainment for all criteria pollutants at both the State and Federal level.
- c) **Less Than Significant Impact:** Some pollutant emissions may occur due to construction and operation of the single-family residence. The nearest school is located approximately 1.4 miles away (Three Rivers Charter School). The nearest hospital is located approximately 3 miles away in Fort Bragg (Adventist Health). Other nearby sensitive receptors include the Mendocino Caregivers in-home care facility (2 miles away) and Moura Senior Housing (2.7 miles away). In addition to the significant distance between the project site and sensitive receptor locations, and considering that the development of a single-family residence on the lot would likely be exempt from MCAQMD permit requirements for indirect source pollution, it is reasonable to conclude that construction and operation of the project would not expose sensitive receptors to substantial pollutant concentrations.
- d) **Less Than Significant Impact:** Construction and operation of a single-family residence is unlikely to produce any strong odors. Diesel exhaust associated with construction equipment may produce odors, but these emissions would be temporary. Though residential development is not expected to result in significant odors, MCAQMD can determine that a source of odors be considered a public nuisance due to received complaints. MCAQMD then has the authority to require the source to implement mitigation measures to correct the nuisance conditions. This regulatory structure ensures that unanticipated odor sources that may arise from the project are handled appropriately. The project site is not in an area of known serpentine or ultramafic rock.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Air Quality.

5.4 BIOLOGICAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁸ Mendocino County Air Quality Management District (2013). *Policies for Areas Containing Naturally Occurring Asbestos (NOA)*. Retrieved from <https://www.co.mendocino.ca.us/aqmd>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: In accordance with CEQA Guidelines Section 15380, a species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

- Sections 670.2 or 670.5, Title 14, California Code of Regulations
- Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered

The following may also be considered a special status species:

- Species that are recognized as candidates for future listing by agencies with resource management responsibilities, such as US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries, also known as NMFS), and California Department of Fish and Wildlife (CDFW)
- Species defined by CDFW as California Species of Special Concern
- Species classified as “Fully Protected” by CDFW
- Plant species, subspecies, and varieties defined as rare or threatened by the California Native Plant Protection Act (California Fish and Game Code Section 1900, et seq.)
- Plant species listed by the California Native Plant Society (meeting the criteria in CEQA Guidelines Section 15380) according to the California Rare Plant Ranks (CRPR)
- Mountain lions protected under the California Wildlife Protection Act of 1990 (Proposition 117) and designated as a specially protected mammal in California.

The Mendocino County General Plan identifies four (4) “sensitive habitats”, including Serpentine Soils and Rock Outcrops, Pygmy Forest, Wetlands and Waters of the United States, and Old-Growth Forest. Table 4-A of the General Plan contains a list of locally identified “special-status species” found in Mendocino County. In addition, General Plan Section 4-10 identifies Coho salmon, Chinook salmon, and steelhead trout as species for which habitat is found in large portions of Mendocino County. These species are of federal, state, and local concern.

The California Natural Diversity Database (CNDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, agencies, and conservation

organizations. The data helps drive conservation decisions, aid in the environmental review of projects and land use changes and provide baseline data helpful in recovering endangered species and for research projects. Currently, CNDDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Endangered. Planning & Building Services uses CNDDDB mapping to assist in identifying project-specific locations where special-status species have been found.

The US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation tool (IPaC) provides site-specific information on federally listed species. In addition, the USFWS National Wetlands Inventory houses information on the status, extent, characteristics, and function of wetlands.

Section 404 of the federal Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States. Section 404 requires a permit before dredged or fill material may be discharged unless the activity is exempt. Section 404 defines wetlands as *“those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog, and similar areas.”*

At the state level, the Porter-Cologne Act governs water quality through nine Regional Water Boards and the State Water Board. Mendocino County is within the jurisdiction of the North Coast Regional Water Quality Control Board (the 'Board'). The Board regulates discharges under the Act through the issuance of National Pollutant Discharge Elimination System (NPDES) permits. The Porter-Cologne Act also requires adoption of regional water quality control plans. The North Coast Basin Plan was most recently adopted in 2018 and establishes water quality objectives, implementation measures, and monitoring programs for the region.

CDFW uses NatureServe's Heritage Methodology to assign global and state rarity ranks for natural communities. CDFW's Vegetation Classification and Mapping Program (VegCAMP) ranks California Natural Communities by their rarity and threat. Natural Communities with a rank of S1-S3 are considered Sensitive Natural Communities. The only comprehensive VegCAMP mapping completed in Mendocino County is that of Mendocino Cypress and Related Vegetation (pygmy forest), Point Arena Stornetta Unit, and Garcia River.

Mendocino County General Plan Policy RM-28 and RM-29 relate to Biological Resources, including Action Item RM-28.1 regarding oak woodlands.⁹ Mendocino County currently has two active Habitat Conservation Plans (HCPs) with the U.S. Fish and Wildlife Service, the first of which provides protections for the Point Arena Mountain Beaver. The Fisher Family HCP (Permit #TE170629-0) covers 24 acres of coastal scrub and was adopted December 3, 2007, for a period of 50 years. The Fisher Family HCP applies to Assessor Parcel Number 027-211-02 located at 43400 Hathaway Crossing, Point Arena. The second HCP is Pacific Gas & Electric Company's Multiple Region Operations and Maintenance HCP. The HCP was issued in 2020 for a period of 30 years. The HCP includes protections for several species across multiple jurisdictions. Since 2003, the Mendocino Redwood Company (MRC) has managed the County's only Natural Community Conservation Plan which covers all lands owned by the MRC to preserve regionally important habitat.

Other regulations which apply to biological resources include the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and the Lake and Streambed Alteration Program. California Fish and Game Code (FGC) Section 3503.5 states *“it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.”*

California PRC Section 21083.4 requires, *“as part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. For purposes of this section, “oak” means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height.”*

⁹ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

a-f) **Less Than Significant Impact with Mitigation Incorporated:** In accordance with MCC Chapters 20.532 and 20.496, a *Natural Resources Study* was submitted in association with the Project. Botanical surveys were conducted, and their results are outlined in the study. No special status plant species were identified as part of the study. Nine (9) vegetation alliances/associations were identified on the site. The California Department of Fish and Wildlife (CDFW) considers Natural Communities with a rank of S1-S3 to be “Sensitive Natural Communities.” In accordance with MCC Chapter 20.496, staff considers Sensitive Natural Communities to be Environmentally Sensitive Habitat Areas (ESHA). Of the nine (9) vegetation alliances/associations observed on the site, six (6) are considered ESHA. According to the submitted site plan, the proposed development would be located directly within two (2) of the identified ESHA and may be located within 100 feet of five (5) identified ESHA.

The study discusses special status wildlife habitat for sixteen (16) species. The project area was determined to contain appropriate habitat for seven (7) of these species.

A wetland delineation was performed, which identified a Salmonberry – Wax Myrtle Scrub Wetland and Twinberry Scrub Wetland. An approximately 100-foot stream is also present on the west side of the property along the bluff edge. This stream was presumed to be an Army Corps jurisdiction wetland or watercourse. Based on the submitted site plan, portions of the proposed development appear to lie within 100 feet of both the Twinberry Scrub wetland and stream.

In accordance with MCC Section 20.532.100(A)(1), no development shall be allowed in an ESHA unless it is found that “*the resource as identified will not be significantly degraded by the proposed development.*” The Project would involve the direct modification of two identified ESHA through grading, trenching, vegetation removal, soil removal, and other construction activities. Therefore, it is possible that these ESHA may be significantly degraded by the proposed development. In this situation, MCC Section 20.496.015(E) mandates that the development be denied.

However, when the County considers denial of a project, a question may arise as to whether the denial results in an unconstitutional taking of the applicant’s property without just compensation. The proposed project has been analyzed to determine if denial would result in a taking (see Takings Analysis section below). It was determined that the Project must be approved to avoid a possible taking. However, this does not preclude the County from enforcing the Local Coastal Program (LCP) to the maximum extent feasible. Therefore, despite the potential for significant degradation to identified ESHA, the findings contained in MCC Section 20.532.100(A)(1) shall be discussed in the “Findings” section below.

The *Natural Resources Study* recommended avoidance, mitigation, and restoration measures to ensure that resources are protected “*to the extent practicable, and to assure the project will not result in overall detrimental impacts to special status habitats or species.*” These recommendations prompted the submittal of a *Preliminary Mitigation, Management, Monitoring, & Reporting Plan (MMRP)* for the Project.

According to the *MMRP*, the development would directly impact and eliminate approximately 1,550 square feet of Bishop pine forest and 1,640 square feet of Pacific reedgrass meadow, which constitute approximately 2.3% and 7.3% of the total area of these plant communities within the parcel boundaries, respectively. Approximately 1,260 square feet of temporary impacts would occur within the Bishop pine forest to accommodate the installation of a septic system. To mitigate these impacts, an approximately 7,685 square foot Bishop pine habitat enhancement area was identified along with an approximately 3,400 square foot Pacific reedgrass meadow enhancement area (see *MMRP* available on file at Planning & Building Services).

Within the *MMRP*, a Restoration Plan for these enhancement areas includes performance goals and success criteria for the removal of invasive, non-native plants throughout the parcel; encouraging natural recruitment of Bishop pine seedlings; reestablishing native Bishop pine understory within the enhancement area; establishing Pacific reedgrass meadow within the enhancement area; keeping fuel load at a safe level; preventing pathogen outbreaks; monitoring; and reporting. The *MMRP* contains more detailed information about these performance goals and

success criteria, which have been translated into recommended conditions of approval for this permit. The *MMRP* also contains implementation procedures and additional strategies for each associated goal listed above. These implementation procedures have also been translated into recommended conditions of approval.

Based on the *MMRP* and a site visit with County staff, the agent, and CDFW staff, CDFW provided informal comments on the Project, including a recommendation that the County adopt the mitigation measures as described in the *MMRP* and include them as conditions of approval; require the installation of low, symbolic fencing along the eastern edge of the Pacific reedgrass meadow enhancement area and the northern edge of the permanent impact area to prevent encroachment into the enhancement area; require the installation of low, symbolic fencing along the southern side of the driveway or the northern edge of the bishop pine forest enhancement area. The intent of this symbolic fencing is to prevent widening of the driveway or the creation of additional turnarounds or parking areas within the enhancement areas; and encourage the removal of target invasive species to maintain the Pacific reedgrass meadow, Bishop pine forest, and other Sensitive Natural Communities on the property.

Due to the proximity of enhancement areas to impacted areas and accessways on the property, the recommended symbolic fencing would serve as a visual indicator of the true extent of such enhancement areas. This would discourage encroachment into the enhancement areas, further mitigating the impacts of the Project and ensuring that the Project is consistent with the LCP to the maximum extent feasible. The added burden of such a requirement would not exceed the potential damage caused by encroachment into the enhancement areas because symbolic fencing may be constructed in several ways with a range of costs, such as loose wire mesh fencing attached to wood or metal stakes or piles of wood and other natural debris low enough for wildlife to cross. As a comparison, the general punishment for the unlawful take of an animal according to Fish & Game Code Section 12003.1 is a minimum of \$250 for a first violation and a minimum of \$500 and imprisonment in the county jail for not less than 30 days for a second or subsequent violation. Though staff cannot provide a direct monetary correlation between potential encroachment into enhancement areas and construction of symbolic fencing, this is intended to serve as rough evidence that required symbolic fencing is proportional to potential impacts. Therefore, staff recommends the adoption of symbolic fencing requirements as conditions of approval.

Following the site visit, the applicant modified their proposal to include a small walking path from the western end of the proposed residence through the Pacific reedgrass enhancement area to the southern edge of the property to connect with the existing Belinda Point Trail. This modified proposal was sent to both County staff and CDFW staff (see attached *Modified Permanent Impact & Enhancement Areas*). Following discussion with CDFW staff, it was determined that the proposed walking path is permissible provided the enhancement area maintains a ratio of at least 1:1 impacted ESHA to restored area and that symbolic fencing be installed along the edges of the path. The agent confirmed that the size of the path would allow the enhancement area to maintain a minimum 1:1 ratio, and that the proposed symbolic fencing was acceptable.

No oak woodlands are present on the site. The recommendations contained in the *Natural Resources Study* and *MMRP* are considered sufficient to mitigate impacts to a less-than-significant level. The Project is not within the boundaries of any Habitat Conservation Plan, Natural Community Conservation Plan, or other approval local, regional, or state habitat conservation plan.

MITIGATION MEASURES:

BIO-1: In accordance with the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* prepared for the Project, the following shall occur:

1. A Sonoma tree vole survey shall occur within two weeks of tree removal activities. If tree vole nests are found in trees to be removed, the California Department of Fish and Wildlife shall be immediately notified, and steps shall be taken to protect Sonoma tree voles present per California Department of Fish and Wildlife requirements. Should tree voles be found, project commencement shall not occur until California Department of Fish and Wildlife gives clearance.

2. Within two weeks prior to any vegetation removal or ground disturbance, project contractors will be trained by a qualified biologist in the identification of the Northern red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as in and near the stream corridor and any pools or present water, to detect the presence of Northern red-legged frog. If a Northern red-legged frog is detected, construction or demolition crews cease all ground disturbing activity within 100 feet and will contact the California Department of Fish and Wildlife or a qualified biologist who will provide assistance. Ground disturbing activities within 100 feet will be allowed to proceed after clearance is given from CDFW and/or the qualified biologist. If a rain event occurs during the construction period, all construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction or demolition activities, trained construction crew member(s) will examine the site for the presence of Northern red-legged frog. If no Northern red-legged frogs are found, construction activities may resume.
3. Ground disturbance and vegetation removal shall be limited to impacts necessary to accommodate the development. If feasible, ground disturbance and vegetation removal activities shall occur outside of the summer season, when bumblebees are most active. If ground disturbance must occur during the summer, bumblebee surveys shall occur within two weeks prior to ground disturbance or vegetation removal, by a biologist qualified to identify special status bumblebees, and the survey results submitted to the California Department of Fish and Wildlife for approval prior to ground disturbance or vegetation removal. If special status bumblebees are found, the California Department of Fish and Wildlife will be consulted for avoidance measures and clearance. To the extent feasible, flowering native vegetation that could provide forage for bumblebees shall be retained at the site. Although bumblebees are generalists and will visit many diverse nectar plants, preferred food sources for Western Bumblebee include but are not limited to *Melilotus*, *Cirsium*, *Trifolium*, *Centaurea*, *Chrysothamnus*, and *Eriogonum* plant species (Koch, et al, 2012). Preferred food plants for Obscure bumblebee include but are not limited to *Baccharis*, *Cirsium*, *Lupinus*, *Lotus*, *Grindelia*, and *Phacelia* species (Koch 2012).
4. The bird breeding season typically extends from February to August. Ideally, vegetation removal and project ground disturbing impacts be done in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of ground disturbing impacts 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. As with birds, bat roost and hibernation sites can change from year to year, so pre-construction or demolition 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 ground disturbing 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.
5. A visual survey for Western Pond Turtle shall occur between May and July, in the vicinity of the stream and surrounding areas, following the USGS protocol for Western Pond Turtle surveys. If western pond turtles are found, California Department of Fish and Wildlife shall be consulted for guidance on avoidance measures.

6. 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. Silt fencing and orange construction fencing shall be placed and maintained between construction/ground disturbance, and resource areas, to the extent feasible, for all areas where construction will occur within 50 feet of identified special status habitats as shown in Figure 15 within the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan*. Equipment use, and equipment and materials storage and staging shall not occur within the fenced protection areas. Any soil stockpiles will need to be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be re-vegetated with native vegetation and/or native seed mixes appropriate to the site for soil stabilization. Low Impact Development techniques such as permeable paving should be utilized to minimize storm water runoff from new impervious surfaces where practical and feasible. Storm water runoff from new impervious surfaces shall be engineered such that it will not result in erosion issues or convey beyond the boundaries of the property.
7. Landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the adjacent plant communities. Prior to entering the site, the tires and undercarriage of heavy equipment shall be washed in order to remove any invasive plant seed that may be present. Invasive plants with a California Invasive Plant Council rating of Low, Moderate, and High are present on the property. These plants include but are not limited to English ivy (*Hedera helix*), Scotch broom (*Cytisus scoparius*), Eucalyptus (*Eucalyptus globulus*), iceplant (*Carpobrotus edulis*, *Carpobrotus chilensis*), bull thistle (*Cirsium vulgare*), and riggut brome (*Bromus diandrus*).

BIO-2: As further described in Section 4.3 and Section 5 of the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* prepared for the Project, the applicant shall conduct the following enhancement activities and abide by the implementation recommendations for each corresponding activity:

1. Remove invasive, non-native plants throughout the parcel.
2. Encourage natural recruitment of Bishop pine seedlings.
3. Reestablish native Bishop pine understory within the Bishop pine habitat enhancement areas.
4. Establish Pacific reedgrass meadow within the Pacific reedgrass habitat enhancement area.
5. Keep fuel load at a safe level.
6. Prevent pathogen outbreaks.
7. Comply with monitoring requirements.
8. Comply with reporting requirements.

BIO-3: In accordance with the recommendations of CDFW, the application shall install low, symbolic fencing along the edges of the Pacific reedgrass enhancement area delineated on the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* to prevent encroachment into the enhancement area.

BIO-4: In accordance with the recommendations of CDFW, the application shall install low, symbolic fencing along the northern edge of the Bishop pine enhancement area south of the driveway along the southern property boundary as delineated on the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* to prevent encroachment into the enhancement area due to potential future widening of the driveway or parking areas.

BIO-5: The proposed walking path from the western side of the proposed residence to the southern property line shown in the *Modified Site Plan* attachment shall not result in the Pacific reedgrass enhancement area having less than a 1:1 ratio of impacted ESHA to restored area. Permanent, low symbolic fencing shall be

installed along the edges of the walking path and north of the proposed residence to prevent encroachment into the enhancement area.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Biological Resources with Mitigation Incorporated.

5.5 CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: In accordance with CEQA Guidelines section 15064.5, “historical resource” includes the following:

- A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
 - “Local register of historic resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
 - Is associated with events that have made a significant contribution to the broad patters of California’s history and cultural heritage; or
 - Is associated with the lives of persons important in our past; or
 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead

agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

- “Historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. “Substantial adverse change in the significance of a historical resource” means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

The significance of a historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

CEQA Guidelines Section 15064.5 establishes procedures for addressing determinations of historical resources on archaeological sites and subsequent treatment of the resource(s) in accordance with PRC Section 21083.2. CEQA Guidelines Section 15064.5 establishes procedures for the treatment of Native American human remains in environmental documents. PRC Section 21082 establishes standards for accidental discovery of historical or unique archaeological resources during construction.

The California Office of Historic Preservation (OHP) houses the Built Environment Resource Directory (BERD). BERD files provide information regarding non-archaeological resources in OHP’s inventory. Each resource listed in BERD is assigned a status code, which indicates whether resources have been evaluated as eligible under certain criteria. This tool provides information to assist in identifying potentially historic resources throughout the County.¹⁰

- a) **No Impact:** An Archaeological Survey Report dated August 2021 was submitted for the Project (available on file at Planning & Building Services). The report concluded that *“the project, as presently designed, will have no adverse effect on historical resources or unique archaeological resources within the Project Area.”* The report was presented at the July 12, 2023 Mendocino County Archaeological Commission meeting. The Commission moved to accept the survey while recommending that the ‘Discovery Clause’ be adopted. Staff recommends that the ‘Discovery Clause’ be adopted as a condition of approval in accordance with MCC Section 22.12.090. This is a standard condition which memorializes preexisting requirements. Therefore, no impact would occur.
- b) **No Impact:** As noted above, the Archaeological Survey Report prepared in association with the project concluded that archaeological resources are unlikely to occur on the project site. No archaeological resources were identified. Existing regulations are in place to account for unanticipated discovery of cultural resources under Mendocino County Code Chapter 22.12.

¹⁰ California Department of Parks and Recreation (2023). Office of Historic Preservation. *Built Environment Resource Directory (BERD)*. Retrieved from https://ohp.parks.ca.gov/?page_id=30338.

These requirements are included as a standard condition of approval associated with discretionary permits. Existing local regulations cover the possibility of impacts due to unanticipated discovery.

- c) **No Impact:** No evidence of human remains was identified within the Archaeological Survey Report prepared in association with the project. Therefore, the project is unlikely to disturb any human remains. As described above, the potential for unanticipated discovery remains, but this situation is addressed by existing regulations and standard conditions.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Cultural Resources.

5.6 ENERGY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: California Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015, sets annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy saving and demand reductions in electricity and natural gas end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The 2022 Scoping Plan for Achieving Carbon Neutrality, adopted by the California Air Resources Board (CARB), *“lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas (GHG) emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279.”*¹¹

Title 24, Part 11 of the California Code of Regulations establishes the California Green Building Standards Code, known as ‘CALGreen’. The purpose of this code is to enhance the design and construction of buildings and encourage sustainable construction practices as they relate to planning and design, energy efficiency, water efficiency and conservation, materials conservation and resource efficiency, and environmental quality. Unless specifically exempt, the CALGreen standards apply to the planning, design, operation, construction, use, and occupancy of newly constructed buildings or structures throughout the state. Mandatory standards for energy efficiency are adopted by the California Energy Commission every three years. In 2021, the Commission adopted the 2022 Energy Code, which includes Building Energy Efficiency Standards. The Code *“encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more.”*

Project factors that may influence energy impacts include the following:

- Energy consuming equipment and process to be used during construction, operation, or demolition, including the energy intensiveness of materials and equipment.
- Fuel type and end use of energy.
- Energy conservation equipment and design features to be implemented.

¹¹ California Air Resources Board (2022). 2022 Scoping Plan for Achieving Carbon Neutrality. Retrieved from <https://ww2.arb.ca.gov>.

- Energy supplies that would serve the project, such as a utility company.
- Vehicle trips to be generated, including estimated energy consumed per trip.

Factors that may lessen energy impacts include those that decrease overall per capita energy consumption; decreased reliance on fossil fuels such as coal, natural gas, and oil; and increased reliance on renewable energy sources.

Mendocino County General Plan Policy RM-55, and RM-57 relate to energy, including Action Item RM-55.1 and RM-55.2.¹² Ukiah Public Utilities is the only municipal utility in Mendocino County. Most residents receive electric service from Pacific Gas and Electric (PG&E).

- Less Than Significant Impact:** The proposed project would be required to comply with applicable best management practices and energy code standards for construction of the residence. The 2022 Energy Code standards ensure that operation of the residence, including the use of appliances, space heating, wells, and other energy-consuming activities would not create a significant impact. The project may induce additional vehicle trips or miles traveled, but residential use is not anticipated to result in significant energy use from vehicle trips as discussed in the “Transportation/Traffic” section.
- No Impact:** Mendocino County does not have an allocated plan for renewable energy or energy efficiency. However, the project is consistent with applicable General Plan policies and SB 350 because it would be required to comply with Energy Code standards, including applicable renewable energy requirements for residential construction. Likewise, the project is consistent with CARB’s 2022 Scoping Plan as discussed in the Greenhouse Gas Emissions section of this document.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Energy.

5.7 GEOLOGY AND SOILS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹² The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: The vast majority of Mendocino County is underlain by bedrock of the Franciscan Formation. Thick soil development and landslides often cover the underlying bedrock throughout the county. Due to the weak and deformed nature of the Franciscan rocks, they are prone to deep weathering and development of thick overlying soils. Soil deposits in swales and on the flanks of slopes often contain substantial amounts of clay and weathered rock fragments up to boulder size. These soils can be unstable when wet and are prone to slides. Human activities that affect vegetation, slope gradients, and drainage processes can contribute to landslides and erosion.

Areas susceptible to erosion occur throughout Mendocino County where surface soils possess low-density and/or low-strength properties. Slopes are another factor in soil erosion – the greater the slope, the greater the erosion hazard, especially if the soil is bare. Soils on nine (9) percent slopes and greater have a moderate erosion hazard, and soils on slopes greater than fifteen (15) percent have a high erosion hazard.

In 1991, the U.S. Department of Agriculture and Soil Conservation Service, in partnership with several other agencies, published the Soil Survey of Mendocino County, Eastern Part, and Trinity County, Southwestern Part, California. The survey assigns different soils to Map Unit numbers. In 2002, the accompanying Soil Survey of Mendocino County, California, Western Part was published.

The California Geological Survey (CGS) houses the web-based California Earthquake Hazards Zone Application (EQ Zapp), which allows a user to check whether a site is in an earthquake hazard zone.¹³ The California Department of Conservation also houses a general-purpose map viewer that contains layers displaying locations and data related to the California Landslide Inventory, the Seismic Hazards Program, Earthquake Shaking Potential, Historic Earthquakes, and others.

Development can result in soil erosion or loss of topsoil if project activities result in deep slope rills, gullies, or unmanageable accumulation of sediment. Ground disturbing activities most often result in impacts, including grading. Soil can be exposed during construction activities and increase the potential for soil erosion to occur, especially during storm events. Impervious surface areas would not be prone to erosion or siltation because no soil is included in these areas but increased impervious surfaces may impact surrounding hydrology and result in erosion impacts nearby.

Lateral spreading often occurs on gentle slopes or flat terrain and consists of lateral extension accompanied by shear or tensile fracture. Lateral spreading is often caused by liquefaction, which in turn is triggered by rapid ground motion from earthquakes or artificial activities. Bedrock or soil resting on materials that liquefy can undergo fracturing and extension and may then subside, translate, rotate, disintegrate, or liquefy and flow.

¹³ California Department of Conservation (2021). California Geological Survey. *EQ Zapp: California Earthquake Hazards Zone Application*. Retrieved from <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>.

Subsidence refers to broad-scale change in the elevation of land. Subsidence is commonly caused by groundwater extraction, oil extraction, underground reservoir pumping of gas, dissolution of limestone aquifers (sinkholes), collapse of a mine, drainage of organic soil, or initial wetting of dry soil (hydrocompaction). The US Geological Survey (USGS) regularly publishes information on land subsidence in California, including a map showing areas of land subsidence due to groundwater pumping, peat loss, and oil extraction.¹⁴

The Mendocino County Local Agency Management Plan establishes standards for on-site treatment of wastewater, including site evaluation, design, construction, and monitoring requirements. The Plan is administered by the Division of Environmental Health.

Unique geologic features are rocks or formations which:

- Are the best example of their kind locally or regionally; or
- Embody the characteristics of a geologic principle that is exclusive to the locality or region; or
- Provide a key piece of information important in geology or geologic history; or
- Are a “type locality” of a geologic feature.

Impacts to unique geologic features could include material impairment through destruction or alteration, including grading, rock hunting, human encroachment, or permanent covering of the feature.

- a) **Less Than Significant Impact with Mitigation Incorporated:** According to EQ Zapp mapping, the site is not located within an Earthquake Fault Zone. A Geotechnical Investigation was prepared for the Project in 2022 by a Registered Professional Geotechnical Engineer and Engineer Geologist. The Geotechnical Investigation noted the following: *“Generally, structures founded in supporting materials and designed in accordance with current building codes are well suited to resist the effects of ground shaking.”* The report concluded that *“potential for fault rupture at the site is considered low.”*

According to EQ Zapp, the nearest fault zone is associated with the San Andreas Fault about twenty-seven (27) miles south. CGS Map Sheet 48 shows Earthquake Shaking Potential for California, which depicts expected ground motion and incorporates anticipated amplification of ground motion by local soil conditions. According to this map, the project site has a shaking potential of 1.25 times the acceleration of gravity (Xg). This indicates a moderate to high shaking potential. As noted, the potential for fault rupture at the site is low and standard California Building Code requirements would ensure that impacts due to ground shaking would be avoided through requirements related to foundation type, soil characteristics, and others.

Mendocino County has not been evaluated by CGS and no Liquefaction Zones have been mapped as part of the Seismic Hazards Program. The site is not in an area that has been previously filled and is not a man-made landfill. The Geotechnical Investigation prepared for the Project noted that the liquefaction potential for the site was evaluated *“using site modified peak ground acceleration.”* The result of this analysis *“indicate the site has a potential for liquefaction during a design earthquake.”* To mitigate the concern of vertical settlement due to liquefaction, the Geotechnical Investigation recommended that *“the planned building should be supported on spread footings underlain by compacted fill or the building can be supported on drilled piers penetrating the underlying bedrock.”* Therefore, there is a potentially significant impact regarding liquefaction for the Project which can be adequately mitigated by incorporating the applicable recommendations within the Geotechnical Investigation (see Mitigation Measure GEO-1).

Mendocino County has not been evaluated by CGS and no Landslide Zones have been mapped as part of the Seismic Hazards Program. CGS Deep-Seated Landslide Susceptibility mapping and CGS Landslide Inventory mapping do not associate the site with landslide risks. The Geotechnical Investigation notes that *“no deep-seated landslides or areas of severe erosion were observed on the property bluffs and no landslides are shown on the property on*

¹⁴ U.S. Geological Survey. Liquefaction Susceptibility. Retrieved from <https://earthquake.usgs.gov/education/geologicmaps/liquefaction.php>.

the published geologic maps we reviewed.” The Geotechnical Investigation analyzed bluff retreat, the effects of sea level rise on bluff retreat, and slope stability. The Geotechnical Investigation recommended a bluff setback of 36 feet based on these factors. However, the Project would be located a minimum of 50 feet from the bluff edge due to a required building envelope established by prior land division involving the subject parcel. Therefore, impacts related to bluff retreat and landslides would be less than significant.

- b) **Less Than Significant Impact with Mitigation Incorporated:** As part of the Geotechnical Investigation prepared for the project, three exploratory test borings were drilled on the site. The Investigation notes that the *“areas of our borings are covered by approximately 3 to 4 feet of terrace deposits that are loose, porous, and contain roots. These soils are weak and susceptible to settlement and erosion. These soils are not suitable to support foundation or concrete slabs on grade.”* The Geotechnical Investigation recommended several methods of minimizing these impacts, including the aforementioned spread footings or drilled piers. Other recommendations involved Clearing and Stripping of vegetation, Structural Area Preparation, Finish Grading, Concrete Slab Support, and possible Retaining Walls. More information on these recommendations can be found in section 6 of the Geotechnical Investigation (available on file at Planning & Building Services). The implementation of these recommendations would minimize potential impacts to less than significant levels. Therefore, a mitigation measure is contemplated which would require that the Project incorporate applicable recommendations related to soil erosion (see Mitigation Measures GEO-1).
- c) **Less Than Significant Impact with Mitigation Incorporated:** The Geotechnical Investigation noted that lateral spreading *“is generally caused by liquefaction of marginally stable soils underlying gently to steeply inclined slopes. In these cases, the saturated soils move toward an unsupported fact, such as an incised river channel or body of water. Based on review of our borings and nearby unsupported slope faces, we conclude that there is a minor potential for lateral spreading in the area.”* As noted above, the potential for liquefaction was addressed within the Geotechnical Investigation, which provided recommendations to minimize such impacts. Mitigation Measure GEO-1 would reduce these impacts to less than significant levels.
- d) **No Impact:** According to the Geotechnical Investigation, the site is underlain by Franciscan complex bedrock. This is overlain by *“poorly-consolidated, Pleistocene Epoch terrace deposits...the terrace deposits appear to have a low expansion potential (tendency for volume change with changes in moisture content).”* Based on this description, the Project is not expected to be located on expansive soil.
- e) **No Impact:** The project site is not within the jurisdictional boundaries of a sewer district. Prior to construction, the project would be subject to a qualified site evaluation pursuant to County LAMP requirements and local ordinance. If an alternative wastewater system is needed, it would also be subject to local Environmental Health requirements. A “Proposal Abstract” for septic system development was provided as part of the application. The document noted that *“a significant portion of the building envelope is not available for sewage disposal due to the setback from the existing well and shallow soil conditions.”* The Abstract goes on to note that additional soil profiling was conducted to the north of the building envelope. This was considered a suitable location for a non-standard system. On May 26, 2023, the Project was referred to the Environmental Health Division (EH). EH responded on June 8, 2023 with no comment. The referral response notes that septic permit ST 27863 for a 3-bedroom residence was approved. Therefore, the system is assumed to be compliant with EH standards and no impact would occur.
- f) **No Impact:** Paleontological resources are discussed in the Cultural Resources section of this document. No known unique geologic features are located on the project site. The geologic unit underlying the site is not uncommon or unique in Mendocino County.

MITIGATION MEASURES:

GEO-1: The Project shall incorporate applicable design features to reduce the potential for liquefaction and soil erosion in accordance with the recommendations contained within the Geotechnical Investigation

prepared by Brunsing Associates, Inc. dated May 24, 2022. These may include Spread Footings or Drilled Piers, Clearing and Stripping, Structural Area Preparation, Finish Grading, Concrete Slab Support, and Retaining Walls as described in section 6 of the Investigation. All structures shall maintain a fifty (50) foot bluff setback in accordance with the building envelope established by prior land division.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Geology and Soils with Mitigation Incorporated.

5.8 GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION: Title 14 CCR Section 15064.4 establishes specific guidelines for determining the significance of impacts from greenhouse gas emissions. Lead agencies may choose to quantify greenhouse gas emissions resulting from a project or rely on a qualitative analysis or performance-based standards.

Mendocino County Air Quality Management District (MCAQMD) has adopted CEQA thresholds of significance for criteria air pollutants and GHGs and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to MCAQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD) with noted exceptions.

MCAQMD has not adopted a construction related emissions threshold. For projects other than stationary sources, the operational threshold is 1,100 Metric Tons of CO₂e per year or 4.5 Metric Tons of CO₂e per SP (residents + employees) per year. For stationary sources, the operational threshold is 10,000 Metric Tons of CO₂e per year.

The California Emissions Estimator Model (CalEEMod) is a tool that can be used to quantify ozone precursors, criteria pollutants, and greenhouse gas emissions from construction and operation of development in California. The model is published by the California Air Pollution Control Officers Association.¹⁵

MCAQMD and Mendocino County have not adopted any plans specifically aimed at reducing GHG emissions. However, General Plan Policy RM-50 and associated action items address GHG emissions: California Climate Policies related to GHG emissions include but are not limited to SB 32, AB 32, AB 1493, SB 100, SB 350, SB 375, SB 743, SB 604, and SB 1383.

- a) **Less Than Significant Impact:** CalEEMod was used to estimate daily emissions from construction and yearly operational emissions.¹⁶ Maximum daily emissions during construction were estimated to be 1,967 pounds of CO₂e per day. This would be equivalent to approximately 68.5 metric tons of CO₂e per year. Though no construction threshold has been adopted, this would be well below the operational threshold adopted by MCAQMD, and impacts would therefore be less than significant. Operational emissions were estimated to be 19.2 metric tons of CO₂e per year, which is also below the threshold.

¹⁵ California Air Pollution Control Officers Association. (2022). *CalEEMod* (Version 2022.1). <https://www.caleemod.com/>.

¹⁶ Mendocino County Department of Planning & Building Services (2023). *CDP_2022-0018 Detailed Report*. Available on file at the Department of Planning & Building Services.

- b) **Less Than Significant Impact:** No Climate Action Plan has been adopted covering the project site. Therefore, a qualitative approach is used to determine whether the project is consistent with the State’s climate goals by reviewing key project attributes.¹⁷ The project is not located on an infill site. The project would result in some conversion of natural and working lands. For example, tree removal may take place to accommodate a building site. The project would not incorporate EV charging infrastructure, would not consist of transit-supportive density, is not near a transit stop, does not reduce parking requirements, and is not expected to be included as affordable to lower-income residents. However, the small scale of the project does not lend itself to these standards. The construction of one (1) single-family residence is minimal in scale, and these measures would not significantly change emissions. The project is expected to use electric appliances which would work toward building decarbonization. Due to its small scale, the project is not expected to conflict with relevant attributes aligned with State climate goals.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Greenhouse Gas Emissions.

5.9 HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION: California Health and Safety Code (HSC) Section 25501 defines “hazardous materials” as a material that, “because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.” The use, storage, and transport of hazardous materials are regulated by

¹⁷ California Air Resources Board (2022). 2022 Scoping Plan for Achieving Carbon Neutrality. Retrieved from <https://ww2.arb.ca.gov>.

the California Department of Toxic Substances Control (DTSC) as provided by Title 22 California Code of Regulations Section 66001, et seq. Unless specifically exempted, it is unlawful for any person to transport hazardous waste unless the person holds a valid registration issued by DTSC.

Construction activities often involve the use of oils, fuels, solvents, gasoline, lubricants, and paint. These and other materials may be classified as hazardous materials. Commercial or residential operations may also involve the use of hazardous materials, particularly cleaning supplies, batteries, and electronics. Agricultural operations and landscaping may include hazardous materials such as fertilizer and pesticides.

The California Environmental Protection Agency (CalEPA) maintains several data resources that provide information regarding the facilities or sites identified as meeting the “Cortese List” requirements, including:

- List of Hazardous Waste and Substances sites from DTSC EnviroStor database.
- List of Leaking Underground Storage Tank Sites from the State Water Board’s GeoTracker database.
- List of Solid Waste Disposal Sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit (from CalEPA’s website).
- List of “active” CDO and CAO from the State Water Board.
- List of Hazardous Waste Facilities subject to corrective action pursuant to CA HSC §25187.5 as identified by DTSC (from CalEPA’s website).

The Mendocino Solid Waste Management Authority (MendoRecycle) was formed in 1990 as a joint powers authority between the County of Mendocino and the cities of Ukiah, Willits, and Fort Bragg. MendoRecycle provides administrative oversight and program implementation for solid waste and recycling in the County. MendoRecycle directly operates the household hazardous waste (HHW) facility in Ukiah. The Mendocino County Division of Environmental Health is responsible for administering hazardous waste generation and treatment regulations. General Plan Policy DE-203, DE-209 and DE-210 relate to hazardous materials and wastes.

The Mendocino County Airport Land Use Plan and Ukiah Municipal Airport Land Use Compatibility Plan establish regulations, implementation measures, and procedures for addressing safety hazards and noise concerns related to airports. Mendocino County’s Emergency Operations Plan and Multi-Jurisdictional Hazard Mitigation Plan establish regulations, implementation measures, and procedures related to emergency response and evacuation. The California Department of Forestry and Fire Protection (CALFIRE) has established Fire Safe Regulations for certain projects in the State Responsibility Area. CALFIRE designates areas of the County into fire severity zones, which inform recommendations for land use agencies and planning. Several fire agencies serve the Local Responsibility Areas in Mendocino County and have established fire safety regulations for development.

- a) **Less Than Significant Impact:** No transport or use of hazardous materials are proposed as part of the project. Some incidental use of hazardous materials may occur during construction or operation, but the transport and use of these materials would be temporary and at concentrations that do not pose a significant health risk. Household products and construction tools are expected to meet applicable local, state, and federal requirements for hazardous materials. Adequate facilities exist to handle disposal of waste through MendoRecycle.
- b) **Less Than Significant Impact:** No significant concentrations of hazardous materials are expected to be used during construction or operation. The proposed project would make use of BMPs and site drainage measures addressing polluted stormwater, erosion, and sedimentation. This would limit accidental release of potentially hazardous materials into the surrounding environment.
- c) **No Impact:** The nearest existing or proposed school is the Three Rivers Charter School approximately 1.4 miles from the site. Project construction and operation is not expected to utilize substantially hazardous materials. It is unlikely that such materials would be emitted beyond the project site.

- d) **No Impact:** The project site is not listed on any of the above referenced documents that would be considered part of the “Cortese List” compiled pursuant to Government Code Section 65962.5.
- e) **No Impact:** The nearest airport is the Little River Airport about 12.5 miles south of the site. The site is not within an airport zone as outlined in the Airport Land Use Plan. Therefore, no safety hazards or excessive noise are expected due to the airport at the project site.
- f) **No Impact:** As outlined in the Emergency Operations Plan, the County uses the California Standardized Emergency Management System and National Response Framework to guide emergency response. The project is not expected to interfere with the establishment of an Emergency Operations Center because it would not physically impair travel to and from a center. The project is expected to make use of standard utility and telecommunication infrastructure, which would allow receipt of alerts, notifications, or warnings. Therefore, the project is not expected to interfere with the adopted Emergency Operations Plan.
- g) **Less Than Significant Impact:** The project site is within the State Responsibility Area and is classified within the High Fire Hazard Severity Zone. The project is subject to CAL FIRE standards per Title 14 California Code of Regulations, Division 1.5, Chapter 7, Sub-chapter 2, Article 1, §1270.03. CAL FIRE issued letter #30-23 outlining the State Fire Safe Regulations conditions of approval to be met prior to obtaining final clearance. This includes the Driveway Standard, Address Standard, and Maintain Defensible Space and Fuels Modification Standard. Standard conditions of approval within Coastal Development Permits require that the applicant follow the measures required by CAL FIRE. Compliance with existing regulations would minimize potential impacts due to wildfire.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Hazards or Hazardous Materials.

5.10 HYDROLOGY AND WATER QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: Regulatory agencies include the State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB). The State Water Resources Control Board is responsible for implementing water quality standards in California. Water Code Section 13050(d) states: *“Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.”* Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains. Certain activities may require a Construction General Permit from SWRCB.

Water Code Section 1005.1 defines groundwater as *water beneath the surface of the ground, whether or not flowing through known and definite channels*. Both surface water and groundwater define a watershed, as they move from higher to lower elevations. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems outside of the Ukiah Valley and contributes significantly to irrigation. The County’s groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, and irrigation. Specific information regarding recharge areas for Mendocino County’s groundwater basins is not generally available, but recharge for inland groundwater basins comes primarily from infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock, coastal terraces, and along recent alluvial deposits and

bedrock formations. If recharge areas are protected from major modification such as paving, building and gravel removal, it is anticipated that continued recharge will re-supply groundwater reservoirs.

Chapter 4.13 of the Mendocino County Coastal Element, Sustainability Policy Action number S-5.1, states new projects that *create or replace 2,500 square feet or more of impervious area shall implement site design measures to reduce stormwater runoff and increase groundwater recharge*. Mendocino County Code Title 16 establishes water and sewage regulations. It is primarily the responsibility of the Division of Environmental Health (EH) to implement these regulations, including permitting wells and septic systems. Chapter 16.30 establishes stormwater runoff pollution prevention procedures. The purpose of Chapter 16.30 is to *“protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1251 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drainage system.”*

The National Flood Hazard Layer maintained by the Federal Emergency Management Agency (FEMA) can be used to review project impacts from flooding. The Department of Water Resources Division of Safety of Dams (DSOD) reviews and approves inundation maps prepared by licensed civil engineers and submitted by dam owners for hazardous dams and appurtenant structures. These maps are based on a hypothetical failure of a dam or appurtenant structure. DSOD maintains a web map that displays this information.

Projects may be subject to applicable regulations found in MCC Chapter 16.30. Section 16.30.040 prohibits elicit discharges. Section 16.30.070 requires implementation of Best Management Practices (BMPs) to the maximum extent practical for reducing pollutants in stormwater.

- a) **No Impact:** The project would make use of an existing well that must comply with Environmental Health standards. The standard regulations and Best Management Practices applicable to the project ensure that discharges due to construction would not degrade water quality or violate discharge requirements. Additionally, the previously mentioned requirements derived from recommendations within the Geotechnical Investigation, particularly those related to site drainage, would serve to minimize impacts. Though unlikely, the general prohibition on elicit discharges would ensure that potential violations during operation of the single-family residence would be remediated, inspected, monitored, or enforced appropriately in accordance with MCC Chapter 16.30.

- b) **Less Than Significant Impact:** The project would make use of an existing well on the site. The project site is located within the Coastal Zone and is subject to groundwater requirements found in the Mendocino County Coastal Element, Coastal Zoning Code, 1982 Coastal Ground Water Study, and Environmental Health Standards. Coastal Element Policy 3.8-1, 3.8-9, and 3.9-1 establish regulations for availability of water and necessary standards for review of projects.

The proposed project is not a subdivision and would not create any new parcels. In addition, the proposed project is not commercial in nature, and the residential development is not expected to be a major water user. Therefore, Coastal Element Policy 3.8-9 does not apply to this project.

The 1982 Mendocino Coastal Ground Water Study, *“though not site specific, has identified coastal areas of differing ground water availability...from this information, general guidelines can be drawn to aid the planner in reviewing proposed development.”* The Study goes on to state that *“areas designated MWR (Marginal Water Resources) shall have a minimum lot size of 5 ac[res]; “proof of water” not required. All lots less than 5 ac[res] shall be required to demonstrate “proof of water.”*

According to Coastal Element Policy 3.9-1, the proposed project shall be compliant with existing health standards. These standards are outlined in the County of Mendocino Coastal Groundwater Development Guidelines prepared for the Environmental Health division. This document contains *Table 1: Groundwater Investigation Requirements for Land Development*. This table states that for single-family residences on existing lots of record, no proof of water

or groundwater investigation is necessary. The proposed project includes development of a single-family residence on an existing lot of record and the conversion of an existing cabin to an Accessory Dwelling Unit. If Proof of Water is required, these guidelines establish Professional Qualifications, Pump Testing Requirements, Estimated Water Demand, Pump Testing Methods, Pump Test Procedures, Analysis of Data, and Report of Findings. According to the guidelines, “dry season conditions” are defined to be the period of August 20th to October 31st. According to the guidelines, minimum Estimated Water Demand requirements for a single-family residence utilizing at least 2,500 gallons of water storage capacity is five tenths (0.5) gallons per minute (gpm) and one (1) gpm without water storage. The project was referred to the Environmental Health Division (EH) on May 26, 2023. EH responded with no comment. A “Proof of water test” letter was submitted with the project, which noted that a 17-hour proof of water test was conducted on August 23, 2022, for the existing well on the property. The test resulted in a recovery rate of 3.1 gallons per minute.

Therefore, the test meets the guidelines established by EH for Estimated Water Demand. The project would be compliant with Coastal Element, Coastal Zoning Code, Coastal Ground Water Study, and Environmental Health standards. This indicates that the project, including operation of a single-family residence, would not substantially decrease groundwater supplies or interfere with recharge.

- c) **Less Than Significant Impact with Mitigation Incorporated:** Two wetlands and a stream have been identified on the property. The Project would not involve direct alteration of the stream or direct removal or fill of the wetland. However, construction and ground disturbance may result in erosion or siltation. As noted, the project would be required to implement BMPs and recommendations outlined in the Geotechnical Investigation to reduce erosion or siltation during construction. In addition, the Natural Resources Study associated with the project outlines recommendations for Erosion Control and Ground Disturbance Minimization in relation to the identified special status habitats. These recommendations include the use of silt fencing, orange construction fencing, stockpiling, revegetation, and permeable paving. Implementation of these recommendations as Mitigation Measures would ensure that erosion or siltation is minimized (see Mitigation Measure HWQ-1 and GEO-1).

The project may increase the rate or amount of surface runoff due to additional impervious surface area once construction is complete. The previously identified BMPs, Ground Disturbance Minimization recommendations, and Geotechnical Investigation recommendations implemented during construction would mitigate stormwater runoff impacts (see Mitigation Measure HWQ-1 and GEO-1).

The project site is not part of an existing or planned municipal stormwater drainage system. Substantial polluted runoff would be avoided through implementation of BMPs, Ground Disturbance Minimization recommendations, and Geotechnical Investigation recommendations (see Mitigation Measure HWQ-1 and GEO-1).

The site is not within a FEMA Flood Hazard Area and therefore is not expected to impede or redirect flood flows.

- d) **Less Than Significant Impact:** The site is not within a FEMA Flood Hazard Area. Though the property is relatively flat and contains wetland, it is unlikely to be affected by seismic seiche because any standing water on the site would be shallow and interrupted by vegetation. The site is not within a dam breach inundation area as identified by the Division of Safety of Dams. The site is not within a Tsunami Hazard Area as identified by the California Geological Survey. The Geotechnical Investigation prepared for the Project notes that “since the property bluffs are approximately 35 to 40 feet in vertical height, impact or inundation from a severe storm surge or tsunami event is a relatively low, but possible risk for the site. Therefore, a less than significant impact would occur.

- e) **No Impact:** Applicable plans include the Mendocino County Coastal Element, Coastal Zoning Code, 1982 Coastal Ground Water Study, and Environmental Health standards. As discussed

above and throughout the associated Staff Report, this Project has been found to be consistent with these plans.

MITIGATION MEASURES:

HWQ-1: 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. Silt fencing and orange construction fencing shall be placed and maintained between construction/ground disturbance, and resource areas, to the extent feasible, for all areas where construction will occur within 50 feet of identified special status habitats as show in Exhibit 3 within the Mitigated Negative Declaration (“ESHA Map”) or Figure 15 within *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* (“ESHA and Site Plan”). Equipment use, and equipment and materials storage and staging shall not occur within the fenced protection areas. Any soil stockpiles will need to be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be re-vegetated with native vegetation and/or native seed mixes appropriate to the site for soil stabilization. Low Impact Development techniques such as permeable paving should be utilized to minimize stormwater runoff from new impervious surfaces where practical and feasible. Stormwater runoff from new impervious structures shall be engineered such that it will not result in erosion issues or convey beyond the boundaries of the property.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Hydrology and Water Quality.

5.11 LAND USE AND PLANNING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance with regards to land use. Several localized plans also regulate land uses in the County, including the Mendocino Town Plan, Ukiah Valley Area Plan, Gualala Town Plan, and community-specific policies contained within the General Plan. Discretionary projects are referred to several agencies with jurisdiction over aspects of the project as well as other interested parties.

- a) **No Impact:** Construction and operation of a single-family residence and Accessory Dwelling Unit is not expected to result in any physical divisions within the surrounding neighborhood. The residences would not block travel from one parcel to another.
- b) **No Impact:** The General Plan, Coastal Element, and Coastal Zoning Code contain policies and regulations aimed at avoiding or mitigating environment effects. The project has been determined to be consistent with relevant regulations as described elsewhere in the Initial Study.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Land Use and Planning.

5.12 MINERAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: The Surface Mining and Reclamation Act (SMARA) of 1975 provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state’s mineral resources. SMARA requires the State Mining and Geology Board to adopt policies for the reclamation of mined lands and the conservation of mineral resources. SMARA also directs the State Geologist to identify and map non-fuel mineral resources of the state to show where economically significant mineral deposits occur and where they are likely to occur based upon the best available scientific data. No SMARA classification has yet occurred in Mendocino County.

The California Division of Mine Reclamation houses the Mines Online database, which maps the location and provides access to documents for several mines 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. The demand for aggregate is typically related to the size of the population, and construction activities, with demand fluctuating from year to year in response to major construction projects, large development activity, and overall economic conditions. After the completion of U.S. 101 in the late 1960s, the bulk of aggregate production and use shifted primarily to residential and related construction. However, since 1990, use has begun to shift back toward highway construction. However, no specific sites have been identified in the General Plan or Coastal Element as locally important mineral resource recovery sites beyond the general identification of quarries, instream gravel, and terrace gravel operations.

- a) **No Impact:** The site does not contain any known mineral resources of value. Limited ground disturbance would occur.
- b) **No Impact:** No locally important mineral resources are known to occur on the project site. Limited ground disturbance would occur.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Mineral Resources.

5.13 NOISE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: 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. Land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise sensitive.

Major noise sources in Mendocino County consist of highway and local traffic, railroad operations, airports, commercial and industrial uses, recreation, and community facilities. Highways with traffic that generates significant noise include State Route 101, 1, 20, 128, 162, 175, and 253. The only active railroad is the Skunk Train which runs between Fort Bragg and Willits. Public Airports include Ukiah Municipal, Willits Municipal (Ells Field), Round Valley Airport, Boonville Airport, Little River Airport, and Ocean Ridge Airport (Gualala). Major industrial sources of noise include lumber mills and timber production facilities. Other noise sources are identified in the General Plan. General Plan Policy DE-98, DE-99, and DE-105 relate to noise, including Action Item DE-99.2.¹⁸

- a) **Less Than Significant Impact:** Construction of the residence and appurtenant development is not expected to create substantial noise beyond the standards outlined in the General Plan and the Exterior Noise Limit Standards found in Appendix C of the County Code. Some temporary noise impacts may occur, but existing regulations limiting allowable noise would restrict construction noise. Operation is not expected to be a significant new source of noise. The proposed residence would be considered a noise-sensitive land use but is not located in an area of excessive noise (i.e., a commercial or industrial area). The application notes that 36.42 cubic yards of rock will be added for extension of the driveway and parking areas. This does not indicate that paving or chip seal would occur. Therefore, noise due to road construction would be similar to temporary construction noise.
- b) **Less Than Significant Impact:** Excessive ground borne vibration may occur from pile driving, pavement breaking, demolition of old structures, and blasting.¹⁹ The proposed project is not expected to include any of these activities. The project is not adjacent to a highway and does not include overly sensitive uses such as laboratory equipment. No railroads exist near the project site. Some noise may be generated during construction, but this would be temporary.

¹⁸ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

¹⁹ California Department of Transportation (2013). Division of Environmental Analysis. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Retrieved from <https://dot.ca.gov/programs/environmental-analysis/noise-vibration>.

- c) **No Impact:** The nearest airport is the Little River Airport about 12.5 miles north of the site. The site is not within an airport zone as outlined in the Airport Land Use Plan. Therefore, the project site is not expected to be exposed to excessive noise due to the airport.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Noise.

5.14 POPULATION AND HOUSING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: The most recent census for Mendocino County was in 2020, with an estimated population of 91,305. The county has undergone cycles of population boom followed by periods of slower growth. For example, the county population increased by approximately 25 percent between 1950 and 1960, but barely grew from 1960 to 1970. Between 1990 and 2000, the population of Mendocino County increased 7.4 percent, a much slower rate of growth than the 20 percent increase from 1980 to 1990. Population growth further slowed from 2000 to 2010, increasing by only 1.8 percent. The growth rate rebounded somewhat between 2010 and 2020, during which the population increased by 4.3 percent.

Mendocino County's Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The State of California has determined that housing demand in the region exceeds supply, and that further housing development is necessary, designating a Regional Needs Housing Allocation target of 1,845 new housing units between 2019 and 2027. The Mendocino Council of Government's (MCOG) Regional Housing Needs Plan divided this target into separate production goals for each jurisdiction in the County, assigning 1,349 units to the unincorporated area. Goals and policies were set forth to facilitate the development of these housing units at a range of sizes and types to address this need.

- a) **Less Than Significant Impact:** The addition of one (1) single-family residence and one (1) Accessory Dwelling Unit would not induce substantial population growth. Extension of the driveway and parking area would serve only the Project.
- b) **No Impact:** The Project would not demolish or otherwise displace people or housing.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Population and Housing.

5.15 PUBLIC SERVICES

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:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the Mendocino County Operational Area. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) or one of several local fire districts. Police protection is provided by the County Sheriff, California Highway Patrol, or city police. Several school districts and parks are located throughout the County. Other public facilities include roads, libraries, water and sewage treatment plants, airports, and animal control facilities. Projects may have an impact if they would cumulatively contribute to significant increased demand for public services such that new facilities would be required. General Plan Policy DE-179 establishes standards for the provision of parkland in the county. The amount of sufficient park space is determined by population.²⁰

- a) **No Impact:** Fire protection services would be provided by the Fort Bragg Rural Fire Protection District and CALFIRE. The Fort Bragg Rural Fire Protection District responded to referral of the project with “no comment.” The project would be required to comply with CALFIRE Fire Safe Regulations letter #30-23, including defensible space and driveway standards. The addition of one (1) single-family residence and one (1) Accessory Dwelling Unit would induce minimal population growth and is not expected to require the provision of new fire facilities.
- b) **No Impact:** The nearest police station is the Fort Bragg Police Department 2.7± miles north in Fort Bragg. The addition of one (1) single-family residence and one (1) Accessory Dwelling Unit would induce minimal population growth and is not expected to require the provision of new police facilities.
- c) **No Impact:** The project site is within the Fort Bragg Unified School District. The addition of one (1) single-family residence and one (1) Accessory Dwelling Unit would induce minimal population growth and is not expected to require the provision of new school facilities.
- d) **No Impact:** The nearest County park is Bower Park in Gualala. The project site is also in the vicinity of several state and local parks, including Jug Handle State Natural Reserve and Noyo Headlands Park. The available nearby parkland is consistent with General Plan Policy DE-179. The addition of one (1) single-family residence and one (1) Accessory Dwelling Unit would induce minimal population growth and is not expected to require the provision of new park facilities.
- e) **No Impact:** The addition of one (1) single-family residence and one (1) Accessory Dwelling Unit would induce minimal population growth and is not expected to require the provision of other additional public facilities.

MITIGATION MEASURES: None.

²⁰ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

FINDINGS: The proposed project would have **No Impact** on Public Services.

5.16 RECREATION

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: The County of Mendocino manages a variety of public recreation areas including Low Gap Park in Ukiah, Bower Park in Gualala, Mill Creek Park in Talmage, Faulkner Park in Boonville, Indian Creek Park and Campground in Philo, and the Lion’s Club Park in Redwood Valley, all of which are operated by the Mendocino County Cultural Services Agency. Additionally, the County is host to a variety of state parks, reserves, and other state protected areas used for the purpose of recreation, with thirteen (13) locations along the coast and eight (8) in the inland areas.

- a) **No Impact:** The nearest County park is Bower Park in Gualala. The project site is also in the vicinity of several state and local parks, including Jug Handle State Natural Reserve and Noyo Headlands Park. The available nearby parkland is consistent with General Plan Policy DE-179. The addition of one (1) single-family residence and one (1) Accessory Dwelling Unit would induce minimal population growth and is not expected to require the provision of new park facilities.
- b) **No Impact:** No recreational facilities are proposed as part of the project. The project would not require the construction or expansion of recreational facilities because it would not require the provision of new park facilities.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Recreation.

5.17 TRANSPORTATION

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: General Plan Policy DE-131, DE-148, DE-149, and DE-157 relate to transportation, including Action Item DE-138.1.²¹ The Mendocino Council of Governments (MCOG) most recently adopted a Regional Transportation Plan on April 7, 2022. The Regional Transportation Plan is a long-range planning document that provides a vision of regional transportation goals, policies, objectives, and strategies. These may be relevant to individual projects when conducting environmental review.

CEQA Guidelines Section 15064.3 recommends “*specific considerations for evaluating a project’s transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, “vehicle miles traveled” refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel.*” This section details appropriate methods for determining the significance of transportation impacts.

According to the 2018 Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, “*many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.*”²² The 2010 MCOG Travel Demand Forecasting Model estimates daily trip generation values for various land uses and geographic areas in Mendocino County and may be used to assist in determining whether projects exceed the screening threshold.²³

The Mendocino County Department of Transportation (DOT) is responsible for the maintenance and operation of County maintained roads, bridges, and related features. The County Roads and Development Standards apply to road improvements, project-related improvements in subdivisions, and other land development projects that require County approval. On state highways under CALTRANS jurisdiction, the Highway Design Manual establishes policies and procedures that guide state highway design functions. Mendocino County Code Section 17-52, 53, and 54 establish lot design, configuration, access, and private road requirements for subdivisions.

- a) **Less Than Significant Impact:** The project site is accessed from a private road that connects to Pacific Way to the north (CR 436A). The proposed project does not conflict with General Plan policies regarding circulation because it does not propose direct access to a state highway, is not a land division, and is not a “major development application. Therefore, substantial road improvements or traffic studies are not required. The criteria for transportation systems outlined in Mendocino County Code Section 20.516 do not apply because the project is not a subdivision, boundary line adjustment, commercial development, or major water user. The project was referred to the Department of Transportation (DOT), who responded with “no comment.” The Regional Transportation Plan policies applicable to the Project include Policy LAE 4.3 and GM 1.2, which note the following:

Policy LAE 4.3: Encourage development adjacent to existing pedestrian and bicycle systems and transit routes.

Policy GM 1.2: Encourage local agencies to consider the need for on-site truck parking, as appropriate, for developments that will generate significant goods movement (agriculture, manufacturing, industrial, large retail) to ensure truck drivers’ safety and reduce idling.

Pacific Way does not contain a bike lane or sidewalk. Therefore, there is no feasible way for residential development to occur on the Project site adjacent to existing pedestrian or bicycle facilities. Policy LAE 4.3 encourages this consideration but does not mandate it. Development of a single-family residence and Accessory Dwelling Unit is not expected to generate significant

²¹ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

²² State of California. Governor’s Office of Planning and Research. (2018). *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

²³ Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*.

goods movement. Therefore, on-site truck parking is not appropriate. Thus, the Project does not conflict with these Regional Transportation Plan policies.

- b) **Less Than Significant Impact:** According to the MCOG Travel Demand Forecasting Model, the daily vehicle trip generate rate for a single-family dwelling unit is 9.79. The proposed Accessory Dwelling Unit will be considered a single-family dwelling unit for the purpose of this determination. Therefore, the total daily vehicle trip generation rate for the Project is 19.58.²⁴ This is below the 110-trip screening threshold described in the Office of Planning & Research (OPR) Technical Advisory. As discussed above, the project is consistent with the General Plan and Regional Transportation Plan regarding transportation. It can be presumed that a less than significant impact would occur.
- c) **No Impact:** The Project would not make use of farm equipment and would not change the existing circulation pattern of the site and surroundings. Extension of the driveway and parking area would occur within a relatively flat cleared area. The entrance to the property is not a blind driveway or sharp curve.
- d) **No Impact:** As described above in response to Public Services and Hazards & Hazardous Materials checklist questions, the project would not result in inadequate emergency access. The site is accessible through the driveway abutting Pacific Way (CR 436A).

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Transportation.

²⁴ Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*.

5.18 TRIBAL CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: According to Public Resources Code (PRC) Section 21074, “Tribal cultural resources” are either of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. (“a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”)
- 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 Section 5024.1 ((1) *Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;* (2) *Is associated with the lives of persons important in our past;* (3) *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;* (4) *Has yielded, or may be likely to yield, information important in prehistory or history*). In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) or Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

PRC Section 5020.1(k) defines a “local register of historical resources” as “a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”

PRC Section 5024.1(c) establishes the following: “A resource may be listed as a historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history.”

a) **No Impact:** As discussed in the Cultural Resources section, the Archaeological Survey Report prepared in association with the project did not identify any historical resources listed or eligible for listing. Mendocino County does not house a local register of historical resources.

As discussed in the Cultural Resources section, the Archaeological Survey Report prepared in association with the project did not identify any significant cultural resources pursuant. Therefore, Mendocino County determines that there is no substantial evidence to suggest the presence of significant resources on the site.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Tribal Cultural Resources.

5.19 UTILITIES AND SERVICE SYSTEMS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: Public sewer systems in Mendocino County are provided by cities, special districts, and some private water purveyors. There are 13 major wastewater systems in the county, four of which primarily serve the incorporated cities, but also serve some unincorporated areas. Sewage collected by the Brooktrails Township Community Services District and Meadowbrook Manor Sanitation District is treated at the City of Willits Wastewater Treatment Plant. The City of Ukiah’s Wastewater Treatment Plant also processes wastewater collected by the Ukiah Valley Sanitation District. Sewage disposal in the remainder of the county is generally handled by private onsite facilities, primarily septic tank and leach field systems, although alternative engineered wastewater systems may be used.

Solid waste management in Mendocino County has undergone a significant transformation from waste disposal in landfills supplemented by transfer stations to a focus on transfer stations and waste stream diversion. These changes have responded to rigorous water quality and environmental laws, particularly the California Integrated Waste Management Act of 1989 (AB 939). The Act required each city and county to divert 50 percent of its waste stream from landfill disposal by the year 2000 through source reduction, recycling, composting, and other programs. Chapter 3 (Development Element) of the Mendocino County General Plan (2009) notes there are no remaining operating landfills in Mendocino County, and as a result, solid waste generated within the County is exported for disposal to the Potrero Hills Landfill in Solano County. The Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and a remaining capacity of 13.872 million cubic yards and is estimated to remain in operation until February 2048.

Mendocino County's Development Goal DE-21 (Solid Waste) states: *Reduce solid waste sent to landfills by reducing waste, reusing materials, and recycling waste.* Solid Waste and Hazardous Waste and Material Management Policy DE-201 states the County's waste management plan *shall include programs to increase recycling and reuse of materials to reduce landfilled waste.* Mendocino County's Environmental Health Division regulates and inspects more than 50 solid waste facilities in Mendocino County, including: 5 closed/inactive municipal landfills, 3 wood-waste disposal sites, 2 composting facilities, and 11 transfer stations.

- a) **Less Than Significant Impact:** The Project involves the destruction of an existing well, connection of the residence to a second existing well, connection to grid power, and development of a septic system with a leach field. These activities would involve trenching. The Project would not result in the relocation or construction of municipal water or wastewater treatment facilities. The Project would not make use of a municipal or other formal stormwater drainage system. Pacific Gas and Electric (PG&E) would provide electric service to the parcel. No new telecommunications facilities are proposed, and additional facilities would not be required due to the Project. The potential effects of well demolition, trenching, and septic system development have been assessed elsewhere in the Initial Study, particularly within the Biological Resources section. It was found that these activities would not result in significant impacts.
- b) **No Impact:** As described above in response to checklist questions regarding Hydrology & Water Quality, the existing well has been tested and exceeds Environmental Health standards for recovery rate to serve the single-family residence and Accessory Dwelling Unit. Future development may require a Coastal Development Permit, which in turn would require a subsequent determination that sufficient water supplies are available to serve such development. This regulatory structure ensures that sufficient water supplies are available should future development occur.
- c) **No Impact:** The project is not served by a wastewater treatment provider. If a wastewater treatment provider were to serve the site in the future, it is expected to have discretion to permit new connections and therefore the ability to determine whether adequate capacity exists.
- d) **Less Than Significant Impact:** The nearest transfer station is the Caspar Transfer Station approximately 6 miles southeast of the site. The project is not expected to generate excessive solid waste beyond that of a typical single-family residence. The project would incrementally contribute to throughput at the Potrero Hills Landfill, but the estimated remaining operational lifespan of the facility (2048) indicates that this contribution is minimal and less than significant. According to the City of Los Angeles Thresholds Guide, a residential use is expected to produce 12.23 pounds of solid waste per household per day.²⁵ The daily throughput of the Potrero Hills Landfill is 4,330 tons per day. The addition of one single-family residence and an Accessory Dwelling Unit (for an estimated 24.46 pounds per day) would contribute minimally to throughput.

²⁵ City of Los Angeles (2006). *L.A. CEQA Thresholds Guide*. Retrieved from <https://planning.lacity.org/>.

- a) **No Impact:** The Project is expected to comply with all federal, state, and local regulations related to solid waste, including MendoRecycle requirements, Mendocino County Code Title 9A, and US Resource Conservation and Recovery Act (RCRA), and CalRecycle.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Utilities and Service Systems.

5.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION: California law requires the California Department of Forestry and Fire Protection to designate areas, or make recommendations for local agency designation of areas, that are at risk from significant fire hazards based on fuels, terrain, weather, and other relevant factors. These areas at risk of interface fire losses are referred to by law as "Fire Hazard Severity Zones" (FHSZ). The law requires different zones to be identified (Moderate to Very High). But with limited exception, the same wildfire protection building construction and defensible space regulations apply to all "State Responsibility Areas" and any "Fire Hazard Severity Zone" designation.

The County of Mendocino County adopted a *Mendocino County Operational Area Emergency Operations Plan* (County EOP) on September 13, 2016, under Resolution Number 16-119. As noted on the County's website, the County EOP, which complies with local ordinances, state law, and stated and federal emergency planning guidance, serves as the primary guide for coordinating and responding to all emergencies and disasters within the County. The purpose of the County EOP is to "*facilitate multi-agency and multi-jurisdictional coordination during emergency operations, particularly between Mendocino County, local and tribal governments, special districts as well as state and Federal agencies*" (County of Mendocino – Plans and Publications, 2019).

For certain projects, the California Fire Code, Section R337 of the California Residential Code, and Chapter 7A of the California Building Code may apply to provide structural protections against fire. General Plan Policy DE-214, DE-215, DE-216, DE-217, DE-220, DE-222, and Action Item DE-222.2 relate to fire.²⁶

Factors to consider when evaluating wildfire risk include:

- Land uses (urban developed, rural, agricultural, parcels sizes, etc.).

²⁶ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

- Land ownership (private, public, state).
 - Vegetation (type, health, existing/planned vegetation management).
 - Topography/terrain x Weather conditions (wind, temperature, humidity, precipitation).
 - Fire history (year, location, size).
 - Fire severity mapping.
 - Fire protection agencies and capabilities.
 - Extent of roadway system and roadway sizes (number of lanes).
- a) **Less Than Significant Impact:** The project is in the State Responsibility Area. As outlined in the Emergency Operations Plan, the County uses the California Standardized Emergency Management System and National Response Framework to guide emergency response. The project is not expected to interfere with the establishment of an Emergency Operations Center because it would not physically impair travel to and from such a center. The project is expected to make use of existing power and telecommunication infrastructure, which would allow receipt of alerts, notifications, or warnings. Therefore, the project is not expected to interfere with the adopted Emergency Operations Plan. The Project was referred to the Fort Bragg Rural Fire Protection District on May 26, 2023. The District responded on May 30 with “no comment.” The project site is accessed through a driveway from Pacific Way (CR 436A) and is expected to be accessible to emergency vehicles.
- b) **Less Than Significant Impact:** Little impact is expected because the Project site is on a relatively flat slope. The project would be required to comply with applicable Building Code and Fire Code standards as well as CAL FIRE Fire Safe Regulations. As discussed previously, standard conditions would require the applicant to comply with CAL FIRE letter #30-23. However, some risk of wildfire is still present regardless of protections afforded by these existing regulations.
- c) **Less Than Significant Impact:** The Project would include building materials that may introduce a new ignition source. Additional driveway development would eliminate ground cover that may pose fire risk. Trenching would occur to connect utilities to the proposed residence. However, this is not expected to significantly exacerbate wildfire risk when built in compliance with CAL FIRE standards. Other environmental effects associated with this infrastructure has been assessed elsewhere within this Initial Study. These effects were found to be less than significant.
- d) **Less Than Significant Impact:** Standard BMPs, Geotechnical Investigation recommendations, and CAL FIRE standards implemented during construction would ensure that drainage challenges are addressed. As noted, the Geotechnical Investigation recommended a bluff setback of 36 feet. However, previous land division requirements mandate a bluff setback of 50 feet. Therefore, potentially increased landslide and slope instability risk due to the residence’s proximity to the bluff would be minimal. Operation of the single-family residence is not expected to result in significant impacts because of the flat nature of the site.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Wildfire.

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, substantially 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION: Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;
- Threaten to eliminate a plant or animal community;
- Reduce the numbers or range of a rare, threatened, or endangered species;
- Eliminate important examples of the major periods of California history or pre-history;
- Achieve short term goals to the disadvantage of long term goals;
- Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or
- Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

- a) **Less Than Significant Impacts with Mitigation Incorporated:** Based on discussion throughout the report, particularly in Section 5.4 – Biological Resources, there is some potential for impacts. However, with mitigation incorporated, the evidence does not support a finding that the project would result in significant impacts regarding the quality of the environment, habitat of fish or wildlife species, fish or wildlife populations, plant, or animal communities, rare or endangered species, or important examples of major periods of California history or prehistory.
- b) **Less Than Significant Impact:** Cumulative impacts were considered for applicable potential impacts as discussed throughout the report, including but not limited to Section 5.3 – Air Quality and 5.8 – Greenhouse Gas Emissions. Potential impacts were identified in these sections where it was determined that no significant cumulative effects would occur because of the project.
- c) **Less Than Significant Impacts with Mitigation Incorporated:** Based on discussion throughout this initial study, potential adverse effects on human beings, both directly and indirectly, have been considered and found to be less than significant or less than significant with mitigation measures implemented.

MITIGATION MEASURES:

BIO-1: In accordance with the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* prepared for the Project, the following shall occur:

1. A Sonoma tree vole survey shall occur within two weeks of tree removal activities. If tree vole nests are found in trees to be removed, the California Department of Fish and Wildlife shall be immediately notified, and steps shall be taken to protect Sonoma tree voles present per California Department of Fish and Wildlife requirements. Should tree voles be found, project commencement shall not occur until California Department of Fish and Wildlife gives clearance.
2. Within two weeks prior to any vegetation removal or ground disturbance, project contractors will be trained by a qualified biologist in the identification of the Northern red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as in and near the stream corridor and any pools or present water, to detect the presence of Northern red-legged frog. If a Northern red-legged frog is detected, construction or demolition crews cease all ground disturbing activity within 100 feet and will contact the California Department of Fish and Wildlife or a qualified biologist who will provide assistance. Ground disturbing activities within 100 feet will be allowed to proceed after clearance is given from CDFW and/or the qualified biologist. If a rain event occurs during the construction period, all construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction or demolition activities, trained construction crew member(s) will examine the site for the presence of Northern red-legged frog. If no Northern red-legged frogs are found, construction activities may resume.
3. Ground disturbance and vegetation removal shall be limited to impacts necessary to accommodate the development. If feasible, ground disturbance and vegetation removal activities shall occur outside of the summer season, when bumblebees are most active. If ground disturbance must occur during the summer, bumblebee surveys shall occur within two weeks prior to ground disturbance or vegetation removal, by a biologist qualified to identify special status bumblebees, and the survey results submitted to the California Department of Fish and Wildlife for approval prior to ground disturbance or vegetation removal. If special status bumblebees are found, the California Department of Fish and Wildlife will be consulted for avoidance measures and clearance. To the extent feasible, flowering native vegetation that could provide forage for bumblebees shall be retained at the site. Although bumblebees are generalists and will visit many diverse nectar plants, preferred food sources for Western Bumblebee include but are not limited to *Melilotus*, *Cirsium*, *Trifolium*, *Centaurea*, *Chrysothamnus*, and *Eriogonum* plant species (Koch, et al, 2012). Preferred food plants for Obscure bumblebee include but are not limited to *Baccharis*, *Cirsium*, *Lupinus*, *Lotus*, *Grindelia*, and *Phacelia* species (Koch 2012).
4. The bird breeding season typically extends from February to August. Ideally, vegetation removal and project ground disturbing impacts be done in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of ground disturbing impacts 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. As with birds, bat roost and hibernation sites can change from year to year, so pre-construction or demolition 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 ground disturbing 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.

5. A visual survey for Western Pond Turtle shall occur between May and July, in the vicinity of the stream and surrounding areas, following the USGS protocol for Western Pond Turtle surveys. If western pond turtles are found, California Department of Fish and Wildlife shall be consulted for guidance on avoidance measures.
6. 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. Silt fencing and orange construction fencing shall be placed and maintained between construction/ground disturbance, and resource areas, to the extent feasible, for all areas where construction will occur within 50 feet of identified special status habitats as shown in Figure 15 within the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan*. Equipment use, and equipment and materials storage and staging shall not occur within the fenced protection areas. Any soil stockpiles will need to be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be re-vegetated with native vegetation and/or native seed mixes appropriate to the site for soil stabilization. Low Impact Development techniques such as permeable paving should be utilized to minimize storm water runoff from new impervious surfaces where practical and feasible. Storm water runoff from new impervious surfaces shall be engineered such that it will not result in erosion issues or convey beyond the boundaries of the property.
7. Landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the adjacent plant communities. Prior to entering the site, the tires and undercarriage of heavy equipment shall be washed in order to remove any invasive plant seed that may be present. Invasive plants with a California Invasive Plant Council rating of Low, Moderate, and High are present on the property. These plants include but are not limited to English ivy (*Hedera helix*), Scotch broom (*Cytisus scoparius*), Eucalyptus (*Eucalyptus globulus*), iceplant (*Carpobrotus edulis*, *Carpobrotus chilensis*), bull thistle (*Cirsium vulgare*), and ripgut brome (*Bromus diandrus*).

BIO-2: As further described in Section 4.3 and Section 5 of the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* prepared for the Project, the applicant shall conduct the following enhancement activities and abide by the implementation recommendations for each corresponding activity:

1. Remove invasive, non-native plants throughout the parcel.
2. Encourage natural recruitment of Bishop pine seedlings.
3. Reestablish native Bishop pine understory within the Bishop pine habitat enhancement areas.
4. Establish Pacific reedgrass meadow within the Pacific reedgrass habitat enhancement area.
5. Keep fuel load at a safe level.
6. Prevent pathogen outbreaks.
7. Comply with monitoring requirements.
8. Comply with reporting requirements.

BIO-3: In accordance with the recommendations of CDFW, the application shall install low, symbolic fencing along the edges of the Pacific reedgrass enhancement area delineated on the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* to prevent encroachment into the enhancement area.

BIO-4: In accordance with the recommendations of CDFW, the application shall install low, symbolic fencing along the northern edge of the Bishop pine enhancement area south of the driveway along the southern property boundary as delineated on the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* to prevent encroachment into the enhancement area due to potential future widening of the driveway or parking areas.

BIO-5: The proposed walking path from the western side of the proposed residence to the southern property line shown in the *Modified Site Plan* attachment shall not result in the Pacific reedgrass enhancement area having less than a 1:1 ratio of impacted ESHA to restored area. Permanent, low symbolic fencing shall be installed along the edges of the walking path and north of the proposed residence to prevent encroachment into the enhancement area.

GEO-1: The Project shall incorporate applicable design features to reduce the potential for liquefaction and soil erosion in accordance with the recommendations contained within the Geotechnical Investigation prepared by Brunsing Associates, Inc. dated May 24, 2022. These may include Spread Footings or Drilled Piers, Clearing and Stripping, Structural Area Preparation, Finish Grading, Concrete Slab Support, and Retaining Walls as described in section 6 of the Investigation. All structures shall maintain a fifty (50) foot bluff setback in accordance with the building envelope established by prior land division.

HWQ-1: 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. Silt fencing and orange construction fencing shall be placed and maintained between construction/ground disturbance, and resource areas, to the extent feasible, for all areas where construction will occur within 50 feet of identified special status habitats as show in Exhibit 3 within the Mitigated Negative Declaration (“ESHA Map”) or Figure 15 within *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* (“ESHA and Site Plan”). Equipment use, and equipment and materials storage and staging shall not occur within the fenced protection areas. Any soil stockpiles will need to be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be re-vegetated with native vegetation and/or native seed mixes appropriate to the site for soil stabilization. Low Impact Development techniques such as permeable paving should be utilized to minimize stormwater runoff from new impervious surfaces where practical and feasible. Stormwater runoff from new impervious structures shall be engineered such that it will not result in erosion issues or convey beyond the boundaries of the property.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Mandatory Findings of Significance **with Mitigation Incorporated**.