County of Mendocino

Department of Planning and Building Services
860 North Bush Street - Ukiah, CA – 95482 - 707-234-6650
www.mendocinocounty.gov/government/planning-building-services

CEQA Initial Study for:
U_2021-0016 & V_2021-0005
(Faizan Corporation & 898 Main Street LLC)
Mitigated Negative Declaration
December 7, 2023

Lead Agency:
Mendocino County

Lead Agency Contact:
Liam Crowley, Planner II

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1.0 INTRODUCTION

1.1 Purpose of the Initial Study Checklist

The purpose of this Initial Study (IS) is to determine the environmental impacts associated with the proposed project and to determine if the project will have a significant adverse effect on the environment. As such, only one option—the proposed project—need be evaluated. If the IS reveals that the project will have a significant adverse effect on the environment, an Environmental Impact Report (EIR) will be required. This will necessitate the consideration of a range of reasonable alternatives that would achieve most of the basic objectives of the project but would also avoid or substantially lessen any of the significant effects of the project.

1.2 Initial Study Checklist Document

This document in its entirety is an Initial Study Checklist prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

2.0 PROJECT BACKGROUND

2.1 Project Location

1.6± miles southwest of Redwood Valley center, on the north side of North State Street (CR 104), 600± feet east of its intersection with U.S. Route 101 (US 101), located at 9621 & 9601 North State Street, Redwood Valley. (Refer to Exhibit 1).

The Project site includes the following Assessor Parcel Numbers (APNs):

- 162-100-58 and 162-100-59

2.2 Project Description

The project involves application for a Minor Use Permit to establish and operate a gas station with ten (10) gas pumps, two (2) separate illuminated canopies, twenty-eight (28) new parking spaces, landscaping, and conversion of part of an existing structure to a convenience store. A concurrent Variance is requested for a sixty-five (65) foot tall business identification sign. The Project would also include the installation of a fuel price pole sign and underground fuel storage tanks. The proposed fuel canopies would be located within the required twenty (20) foot front yard setback and the proposed freestanding signs would exceed the maximum sign area allowable per Mendocino County Code Chapter 20.184 (Refer to Exhibit 2).

The Project's application materials are on file with the Mendocino County Department of Planning and Building Services, located at 860 North Bush Street, Ukiah, CA 95482 and are hereby incorporated by reference.

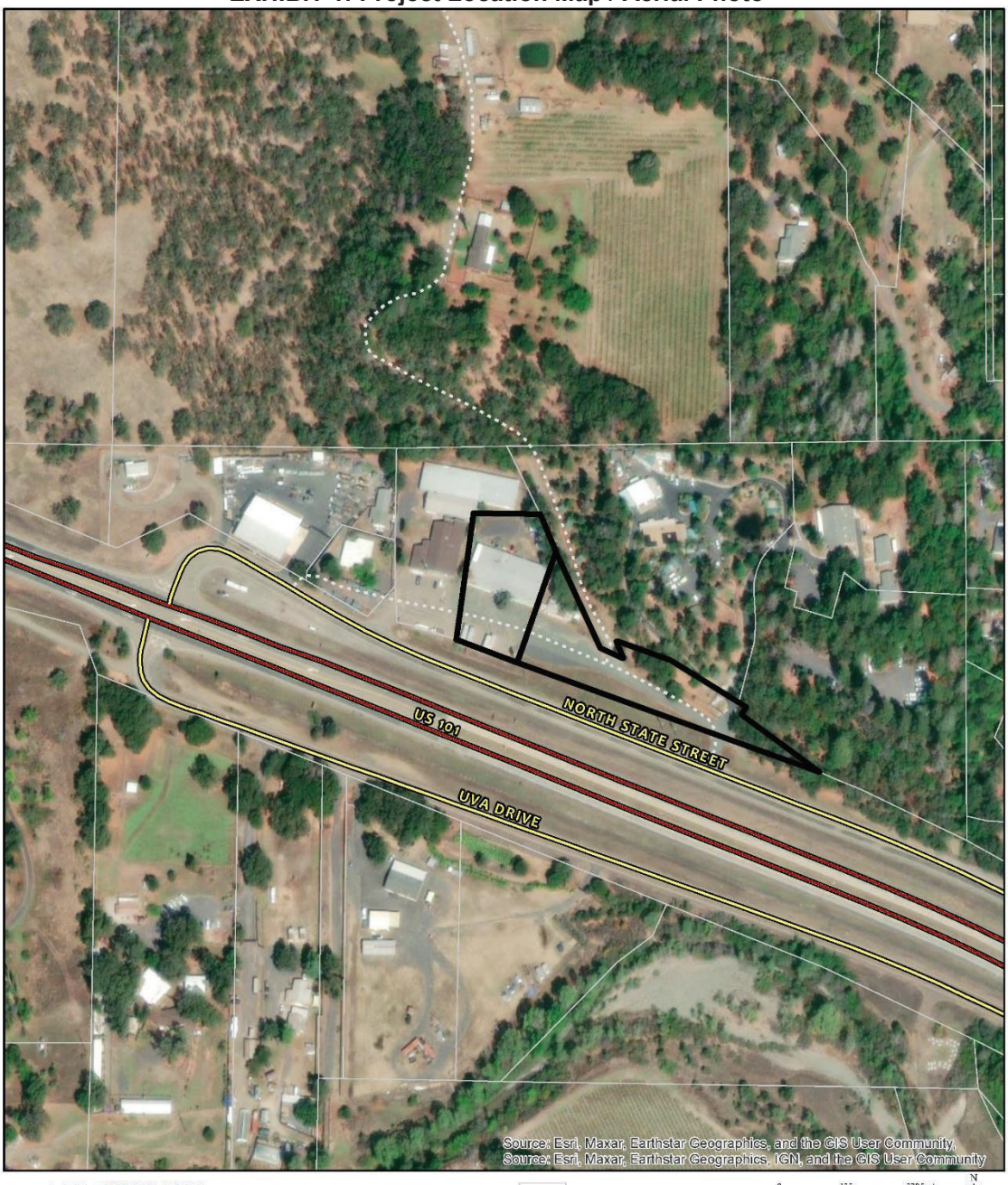
2.3 Existing Site Conditions/Environmental Setting

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "…the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced…" (CEQA Guidelines §15125[a]).

The site consists of two adjacent parcels with frontage along North State Street (CR 104). The site can be accessed from a paved driveway at the southeastern end of the lot and a driveway that runs across APN 162-100-55 to the west. A grassy area and shallow channel run along the North State Street frontage, separating it from paved areas abutting the commercial structures. APN 162-100-58 contains an existing 12,000 square foot commercial structure with leased spaces occupied by several businesses. A parking area is located behind the structure and is accessed from the west. Parking is also located along the front of the building. APN 162-100-59 contains an

existing 1,740 square foot restaurant building with parking along the front. Staff conducted a site visit on June 13, 2023.

EXHIBIT 1: Project Location Map / Aerial Photo



CASE: CDP 2021-0016
OWNER: Faisan Corporation
APN: 162-100-58
APLCT: Faisan Corporation
AGENT: Ruff & Associates Inc.
ADDRESS: 9621 N State St., Redwood Valley

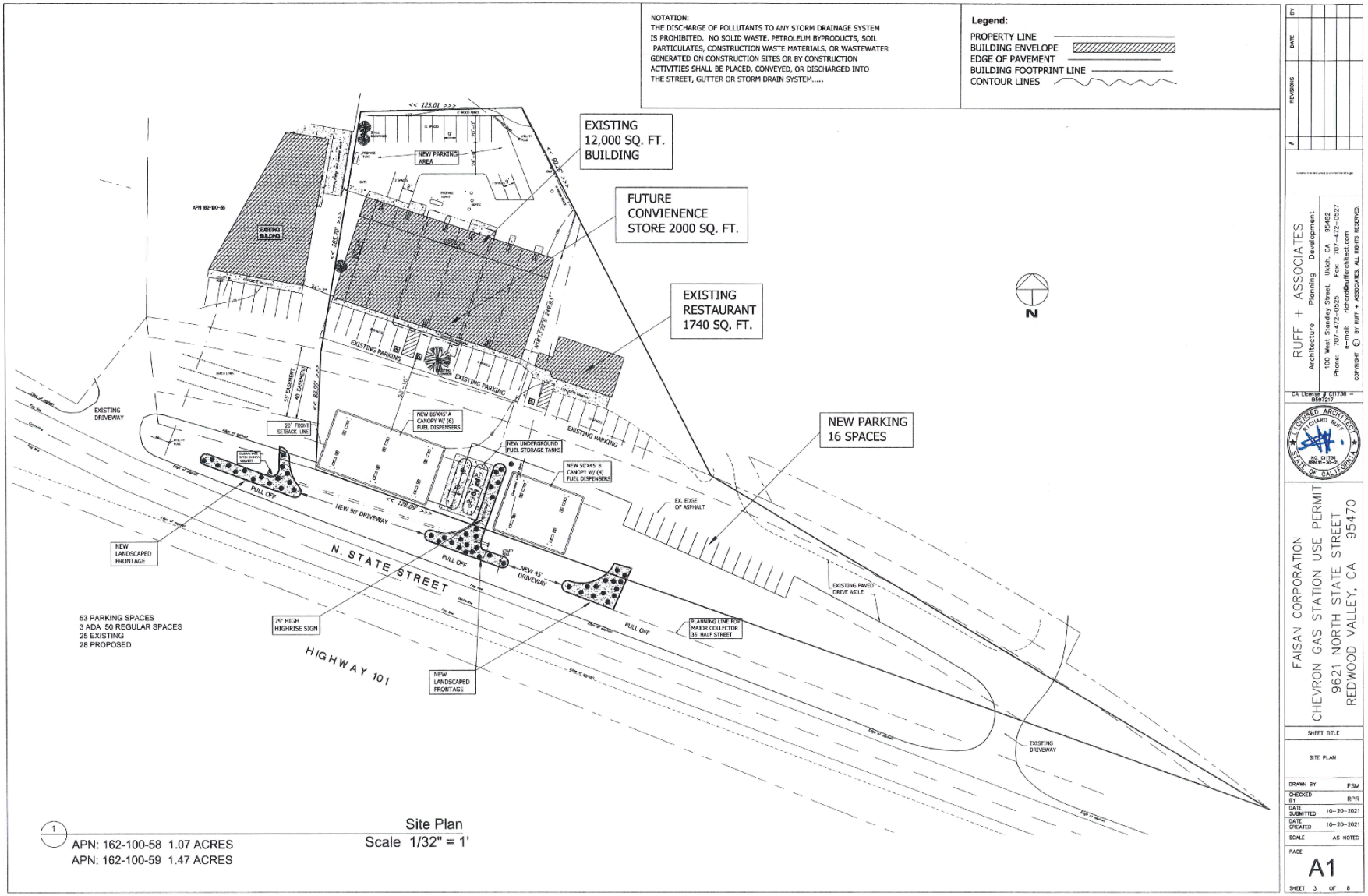
Highways (2017)
Public Roads
Driveways/Unnamed Roads
Assessors Parcels

0 135 270 Feet
0 0.0225 0.045 Miles
1:3,000

AERIAL IMAGERY

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

EXHIBIT 2: Site Plan



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LICENSED ARCHITECT RICHARD PAUL RUFF NO. C17136 RENEWAL 08-31-21 STATE OF CALIFORNIA

FAISAN CORPORATION
CHEVRON GAS STATION USE PERMIT
9621 NORTH STATE STREET
REDWOOD VALLEY, CA 95470

SHEET TITLE: SITE PLAN

DRAWN BY	PSM
CHECKED BY	RPR
DATE SUBMITTED	10-20-2021
DATE CREATED	10-20-2021
SCALE	AS NOTED
PAGE	A1
SHEET	3 OF 8

3.0 INITIAL STUDY/ENVIRONMENTAL CHECKLIST

This Initial Study Checklist has been prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. The Project is evaluated based on its potential effect on 20 environmental factors categorized as follows, as well as Mandatory Findings of Significance:

1. Aesthetics
2. Agriculture & Forestry Resources
3. Air Quality
4. Biological Resources
5. Cultural Resources
6. Energy
7. Geology & Soils
8. Greenhouse Gas Emissions
9. Hazards & Hazardous Materials
10. Hydrology & Water Quality
11. Land Use & Planning
12. Mineral Resources
13. Noise
14. Population & Housing
15. Public Services
16. Recreation
17. Transportation
18. Tribal Cultural Resources
19. Utilities and Service Systems
20. Wildfire

Each factor is analyzed by responding to a series of questions pertaining to the impact of the Project on said factor in the form of a checklist. This Initial Study Checklist provides a manner to analyze the impacts of the Project on each factor in order to determine the severity of the impact and determine if mitigation measures can be implemented to reduce the impact to less than significant without having to prepare an Environmental Impact Report.

CEQA also requires Lead Agencies to evaluate potential environmental effects based, to the extent possible, on scientific and factual data. A determination of whether or not a particular environmental impact will be significant must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

The effects of the Project are then placed in the following four categories, which are each followed by a summary to substantiate why the Project does not impact the factor with or without mitigation. If "Potentially Significant Impacts" that cannot be mitigated are found, then the Project does not qualify for a Mitigated Negative Declaration and an Environmental Impact Report must be prepared.

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

No Impact: No impact(s) identified or anticipated. Therefore, no mitigation is necessary.

Less than Significant Impact: No significant impact(s) identified or anticipated. Therefore, no mitigation is necessary and no mitigation measures are required.

Less than Significant Impact with Mitigation Incorporated: Potentially significant impact(s) have been identified or anticipated, but mitigation is possible to reduce impact(s) to a less than significant category. Mitigation measures must then be identified.

Potentially Significant Impact: Potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.

Environmental Factors Potentially Affected

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

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

DETERMINATION: Based on this initial evaluation, the following finding is made:

☐ The proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** shall be prepared.

☒ Although the proposed project could have a significant effect on the environment, there shall 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** shall be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ 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.

☐ 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.

3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, *would the Project:*	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. 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?	☐	☒	☐	☐
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant effect on aesthetics if it would have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; substantially degrade the existing visual character or quality of public views of the site and its surroundings (if the project is in a non-urbanized area) or conflict with applicable zoning and other regulations governing scenic quality (if the project is in an urbanized area); or create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

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

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

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: *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 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: *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. Have a substantial adverse effect on a scenic vista?

No Impact: Views from the project site and adjacent public roads are not indicative of a scenic vista. Though the site is adjacent to a major highway, the site is at low elevation and the surroundings are relatively flat. As such, the site does not offer a vantage point whereby visually interesting or unique features may be seen, such as from the top of a ridge. What may constitute a "*high quality, harmonious, or visually interesting*" view is highly subjective. However, views from the site consist primarily of the highway itself, forested areas, and hillsides typical of the area. As no evidence of a scenic vista exists in the vicinity, no impact would occur.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact: The site is not in the vicinity of a scenic highway. Tree removal is not proposed. A "Cultural Resources Inventory" was conducted for the project in April 2022, which noted that no historic resources were present on the site (see *Cultural Resources* section of this document).

[2] Streets and Highways Code, CA SHC § 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.

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?

Less Than Significant Impact With Mitigation Incorporated: The site is in a non-urbanized area. The site can be seen while traveling along US 101 and North State Street. Commercial structures are typical of the site and its immediate surroundings. However, when compared to existing conditions, the development of an illuminated fueling canopy may degrade the visual character of the site if light trespass would occur. Some may also consider an illuminated canopy to be a visual blight as several properties in the vicinity contain low-density residential or agricultural uses. This impact can be mitigated by requiring all external lighting to be downcast, shielded, or positioned in a manner that will not allow light trespass. This is expected to reduce the impact to less than significant levels. An additional mitigation measure is contemplated which would prohibit the placement of signs within any public right-of-way or roadway.

Excessive commercial signage may also degrade the visual character of the area. Several commercial signs exist on the property, and additional signage is contemplated. The proposed Variance includes a request to allow a 65-foot-tall sign where 25 feet is required. Such a sign may create a significant impact due to the non-urbanized location of the site. The sign may be considered a visual blight as it would block views of the surrounding hills and other natural features. In addition, the proposed signage would exceed the 128 square foot maximum sign area required by Mendocino County Code Section 20.184.020. The extent to which the proposed signage would exceed this requirement may cause significant impacts if the total area of signage would be considered a visual blight by significantly blocking or otherwise disrupting views of the natural surroundings.

However, the existing commercial structure contains several leased spaces. The consolidation of advertising for multiple businesses may reduce impacts as the need for multiple separate signs may be eliminated. In addition, the surrounding commercial lots typically contain only one business, and thus may require only one identification sign. Therefore, the consolidation of multiple businesses onto one sign that exceeds the maximum sign area requirements would not be significant, provided the maximum area of the sign does not exceed what would be allowed if each business was within its own separate lot. Mitigation measure AES-1 would limit the height of any sign on the project site to the maximum allowable under the existing sign regulations. In addition, limiting the maximum sign area to the number of businesses multiplied by the area that would normally be allowable for a freestanding sign would allow consolidation of multiple business graphics on one sign while limiting the impacts that may arise due to an increased height.

d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less Than Significant Impact With Mitigation Incorporated: As discussed in Section 3.1(c) above, a mitigation measure is contemplated which would require that exterior lighting be downcast, shielded, or positioned in a manner that would not allow light trespass. If light would not exceed the boundaries of the project site, it is not expected to significantly impact nighttime views. The submitted plans do not include any indication that materials may be used which would create a substantial source of glare. The application states that "*general illumination for safety will be provided with high efficiency "BUG" rated fixtures. Sources will be positioned so as not to bleed on to adjacent property per Cal Green.*"

MITIGATION MEASURES

AES-1: Prior to issuance of Building Permits, the owner/applicant shall submit a final signage plan subject to review and approval by the Director of Planning & Building Services or their designee. The plan shall demonstrate conformity with County sign regulations in accordance with Chapter 20.184. Pursuant to Section 20.184.045, this permit authorizes a variance to increase the maximum sign area on the lot. Freestanding signs may exceed sixty-four square feet, but the total sign area shall not exceed five hundred twelve (512) square feet. The final signage plan shall include a complete, itemized inventory of existing and

proposed signage on the property to include scaled and dimensioned architectural drawings of each sign face.

AES-2: All future external lighting, whether installed for security, safety, or landscape design purposes, shall be shielded, downcast, or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.

AES-3: No signs shall be allowed within any public right-of-way or public roadway.

FINDINGS

The proposed project would have a **Less Than Significant Impact With Mitigation Incorporated** on Aesthetics.

3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California. Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by	☐	☐	☐	☒

Government Code section 51104(g))?				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on agriculture and forestry resources if it would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (hereafter "farmland"), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; 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)); Result in the loss of forest land or conversion of forest land to non-forest use; or 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.

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. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact: The project site is classified by FMMP mapping as "Semi-Agricultural and Rural Commercial Land". The project would not convert any off-site land to a different use.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less Than Significant Impact: The project site is not within lands under a Williamson Act contract. The subject parcel is within the Limited Commercial (C1) zoning district as regulated by Mendocino County Zoning Code Chapter 20.088. Permitted agricultural use types in the C1 district include "Forest production and processing - limited", "Horticulture", "Packing and processing – limited", "Row and Field Crops", and "Tree Crops". "Family Residential: Single-family" use is also permitted in the C1 district. The proposed development would not conflict with this zoning district or significantly conflict with the potential for future agricultural use of the property. Based on the existing conditions, it is unlikely that the site would be used for future agricultural use. A large portion of the site and its surroundings have been paved, contain commercial structures, or are used as parking areas. There are few trees on the site.

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))?

No Impact: The proposed project does not involve rezoning. Some scattered trees are located on the property, but it is unlikely that the site meets the definition of forest land and timberland. As mentioned above, the Rural Residential zoning district allows for some agricultural uses, including management of tree crops. However, no tree removal is proposed as part of the project.

d. Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact: As stated above, the proposed project would not involve tree removal.

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?

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 the conversion of farmland to non-agricultural use as noted in the responses above.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant effect on air quality if it would conflict with or obstruct implementation of applicable air quality plans; 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; expose sensitive receptors to substantial pollutant concentrations; or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

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."*

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

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

(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 asbestos-containing geologic features. MCAQMD has adopted policies for areas containing NOA. For 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. *Conflict with or obstruct implementation of the applicable air quality plan?*

No Impact: The project application was referred to MCAQMD on December 20, 2021. No response was received. 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. The proposed project does not include growth-generating elements such as residential uses, and thus is not expected to result in significant population growth.

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?*

No Impact: Mendocino County is currently in attainment for all criteria pollutants at both the State and Federal level.

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

c. Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact With Mitigation Incorporated: The nearest school is located approximately 1 mile away (Deep Valley Christian School). The nearest hospital is located approximately 12 miles away in Ukiah (Adventist Health). Other sensitive receptors include nearby residences. Some pollutant emissions may occur due to construction of the convenience store, fuel canopies, and underground storage tanks. This would primarily include diesel particulate matter emitted by heavy equipment during construction. However, construction activities are expected to be sporadic, short term, and temporary in nature. Therefore, construction is not expected to result in air contaminant emissions that would pose a health risk. The project would include a gas dispensing facility (GDF) with underground storage tanks. MCAQMD requires GDF owners to have vapor control equipment installed, including Phase I and Phase II emission controls. With these emission controls installed, the GDF is not expected to emit toxic chemicals in a significant quantity. A mitigation measure is contemplated which would require the owner/applicant to obtain any applicable permits from MCAQMD, including those for GDF emission controls, prior to issuance of building permits.

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact With Mitigation Incorporated: Construction activities may generate some temporary odors from diesel exhaust or asphalt paving. The California Air Resources Board's Air Quality and Land Use Handbook includes a list of land uses which commonly result in odor complaints. This sewage treatment plants, landfills, autobody shops, and livestock operations. The project does not include land uses on this list. Increases in odor emissions due to exhaust from vehicles and fuel pumps would be minimal because it is reasonable to assume that exhaust emission odors already exist from traffic along the nearby US 101 corridor. Solid waste generated by the project would be collected by a contracted waste hauler and therefore is not expected to result in significant odors. Though 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 a mapped area which may contain naturally occurring asbestos (NOA). Construction of the project, including ground disturbance and demolition, may result in NOA emissions. Mitigation measures are contemplated which would require the owner/applicant to contact MCAQMD prior to construction to determine whether an Asbestos Dust Mitigation Plan and/or Geologic Survey is warranted for the project, as well as any applicable asbestos demolition clearance. This would ensure that potential impacts due to NOA emissions remain insignificant.

MITIGATION MEASURES

AQ-1: The project is subject to all rules of Regulation 3 (Airborne Toxic Control Measures) of the Mendocino County Air Quality Management District (AQMD). Prior to issuance of Building Permits, the owner/applicant shall comply with applicable regulations and acquire any applicable permits from AQMD, including the installation of vapor control equipment for the gasoline dispensing facility.

AQ-2: Access roads, driveways, parking areas, and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation subject to AQMD Rule 430 (Fugitive Dust Emission). All grading must comply with AQMD Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with AQMD regulations regarding asbestos content.

AQ-3: Any demolition or renovation of structures may require asbestos clearance and notification to the AQMD. Prior to the issuance of any demolition building permits associated with the project, the owner/applicant shall submit a copy of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) clearance from the AQMD to Planning & Building Services.

AQ-4: Prior to the issuance of Building Permits, the owner/applicant shall contact the AQMD for a determination as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR Section 93105 and 93106 relating to naturally occurring asbestos. Written verification from AQMD shall be submitted to Planning & Building Services stating that the project is in compliance with State and Local regulations relating to naturally occurring asbestos.

FINDINGS

The proposed project would have a **Less Than Significant Impact With Mitigation Incorporated** on Air Quality.

3.4 BIOLOGICAL RESOURCES

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan,	☐	☐	☐	☒

or other approved local, regional, or state habitat conservation plan?				

Thresholds of Significance: The project would have a significant effect on biological resources if it would 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 Wildlife or U.S. Fish and Wildlife Service; 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 Wildlife or U.S. Fish and Wildlife Service; 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; 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; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

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, CNDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Endangered. Planning & Building Services uses CNDDB 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).

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."*

a. Have a substantial adverse effect, either directly or through habitat modifications, on

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

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 Wildlife or U.S. Fish and Wildlife Service?

Less Than Significant Impact: CNDDB mapping does not associate the site with special-status species. IPaC mapping does not associate the site with critical habitat for listed species. The project is not expected to result in significant impacts because no tree removal is proposed and much of the project site is a disturbed area, including paved parking areas, existing commercial structures, and utility infrastructure. The nearest mapped wetland is about 1,000 feet southeast of the project site along North State Street. Portions of the grassy area and shallow swale that runs along the North State Street frontage would be converted to commercial driveway approaches and landscaping. The swale appears to have been previously disturbed by utility pole installation. The project was referred to CDFW on December 20, 2021. No response was received.

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 Wildlife or U.S. Fish and Wildlife Service?

No Impact: The nearest mapped wetland is about 1,000 feet southeast of the project site along North State Street. Therefore, riparian habitat is not expected to occur. VegCAMP mapping is not available in this area. As no response was received from CDFW regarding and most of the site is paved or developed, staff does not anticipate that the site may contain sensitive natural communities.

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?

Less Than Significant Impact: The site is mostly paved and developed. No wetlands are present on the project site. Portions of the drainage swale adjacent to North State Street would be converted to driveway approaches, but this swale does not appear to be a swamp, marsh, bog, or other area that is frequently inundated with water.

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?

Less Than Significant Impact: As most of the site is developed or paved and no tree removal is proposed, the site is not expected to be part of a wildlife corridor or otherwise impede the use of native wildlife nursery sites. As the site is subject to regular human commercial activity, it is expected that any wildlife that may pass through the site are accustomed to such human activity, and therefore are expected to be accustomed to the type of development that is proposed.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact: The project does not conflict with General Plan Policy RM-29 because no net loss of wetlands would occur. The project is not expected to result in any impacts to oak woodlands because no tree removal is proposed.

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?

No Impact: The project site is not within the boundaries of any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Biological Resources.

3.5 CULTURAL RESOURCES

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on cultural resources if it would cause a substantial adverse change in the significance of a historical resource pursuant to Cal. Code Regs tit. 14 §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to Cal. Code Regs tit. 14 §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

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. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

No Impact: A Cultural Resources Inventory was submitted in association with the project which was prepared in April 2022. The report included a "California Register of Historic Resources Evaluation", which reviewed the project against the criteria outlined in §15064.5. The report concluded that the existing structure that would be converted to a convenience store was constructed in 1978 and is not a historic resource. In addition, the report concluded that the resource identified within the project site is not eligible for designation as a historic resource in the National Register and California Register. The report was presented to the Mendocino County Archaeological Commission on July 13, 2022. The Commission moved to accept the survey. Based on this information, staff finds that no impacts to historical resources would occur pursuant to §15064.5.

[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.

b. Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?

No Impact: The Cultural Resources Inventory associated with the project concluded that no cultural constituents, features, or artifacts were identified based on the survey conducted on March 2, 2022. The report further concludes that the resource existing on the site is not considered a "unique archaeological resource" within the meaning of §15064.5. As the report was accepted by the Mendocino County Archaeological Commission, staff finds that no impacts to archaeological resources would occur.

c. Disturb any human remains, including those interred outside of formal cemeteries?

No Impact: No evidence of human remains was identified by the Cultural Resources Inventory associated with the project. The report concludes that the project will not cause a substantial adverse change to cultural resources, provided the recommendations for inadvertent discovery of archaeological resources or human remains are followed. The recommendations for inadvertent discovery included in the report mirror the regulations contained in Section 22.12.090 of the County Code, commonly known as the "Discovery Clause". The Mendocino County Archaeological Commission accepted the report on the condition that the Discovery Clause be adhered to for the project. As these regulations must be adhered to regardless of the potential impacts of the project, staff does not consider these to be mitigation measures.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.6 ENERGY

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**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?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on energy if it would 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.

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.
- 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).

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?

Less Than Significant Impact: The proposed project would be required to comply with applicable best management practices and energy code standards for renovation of the existing commercial building and fueling canopy. Energy used during construction would mostly consist of fuels associated with the operation of construction equipment and vehicles. This fuel use would be temporary and typical of similar construction projects. Operational energy use may include natural gas for heating, electricity, and fuels used by vehicles traveling to and from the site. The project would be required to meet the mandatory standards of the California Energy Code and CALGreen. These mandatory standards would provide greater energy efficiency related to ventilation, air conditioning, and lighting. This would ensure that wasteful, inefficient, or unnecessary consumption of energy would not occur at significant levels.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

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.

NO MITIGATION MEASURES REQUIRED

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

[12] 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 a **Less Than Significant Impact** on Energy.

3.7 GEOLOGY AND SOILS

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
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?	☐	☐	☐	☒

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on geology and soils if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; 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; 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; 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 wastewater; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

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 cause 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 cause 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. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i-iv. 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and/or landslides?

i. **No Impact:** According to EQ Zapp mapping, the site is not located in an Earthquake Fault Zone.

ii. **Less Than Significant Impact:** The nearest fault zone is associated with the Maacama about 400 feet west of the project site. 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 1.55 times the acceleration of gravity (Xg). This indicates a moderate to high shaking potential due to the proximity of the site to the Maacama fault zone. Engineering and construction of the proposed project would be required to comply with applicable building code standards, including seismic design criteria which would reduce the effects of seismic ground shaking to less than significant levels.

iii. **Less Than Significant Impact:** 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 on a manmade landfill. If the project would include fill, building standards would require specific materials that protect structure from liquefaction. Under existing regulations, the project would not be subject significant impacts.

iv. **No Impact:** 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. County mapping estimates a slope between 0 and 14 degrees. The entirety of the site is flat.

b. Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact With Mitigation Incorporated: Significant soil erosion and loss of topsoil are unlikely because much of the existing project site is paved and would remain so. Some existing exposed soil may also be paved to create driveway approaches. This would increase impervious surface area once construction is complete. The project was referred to the County Department of Transportation (DOT), who recommended a condition of approval requiring the owner/applicant to provide a site plan designed by a licensed civil engineer or hydrologist that provides for a property designed culvert or swale for the driveway approach and post construction drainage. This

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

would serve to reduce potential soil erosion impacts by diverting water runoff through the culvert or swale. In addition, the implementation of Best Management Practices (BMPs) during construction would minimize short-term erosion and sedimentation impacts from construction activities.

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?

Less Than Significant Impact: According to CGS, the geologic unit of the site is "Qoa", or marine and nonmarine (continental) sedimentary rocks from the Pleistocene period. This is not known to be an unstable geologic unit. According to the 1991 Eastern Soil Survey, the site is located on Soil Unit Number 124, Feliz loam. The survey notes that the soil unit "*is suited to homesite development. It has few limitations. Excavation for roads and buildings increases the risk of erosion. The risk of erosion is also increased if the soil is left exposed during site development.*" As explained above, the project would not have a significant impact due to erosion as much of the site is already paved and BMPs would be implemented.

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?

Less Than Significant Impact: The 1994 Uniform Building Code (UBC) has not been in effect since 1997, and the referenced table was removed entirely when the UBC was superseded by the International Building Code in 2000. The 1994 and 1997 editions of the UBC are now obscure, no longer published or easily publicly accessible and so cannot be considered an appropriate reference point for defining expansive soils. According to the 1991 Eastern Soil Survey, the Feliz soils are considered "slightly plastic" to from soil horizons at 0 inches to 26 inches. Compliance with California building code requirements would ensure that impacts due to expansive soil are minimized or avoided.

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?

No Impact: The project site is not within the jurisdictional boundaries of a sewer district. Prior to construction, the project may 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. The project would make use of an existing septic system which served the existing commercial structure. This indicates that existing regulations are sufficient to avoid such impacts.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact: The Cultural Resources Inventory associated with the project noted that the University of California Berkeley Museum of Paleontology databases were consulted to determine if any paleontological resources were recorded within or adjacent to the project site. No resources were noted. The report notes that the project area is within the Latest Pleistocene map unit which consists of "*soils and landforms that formed between 15,000 and 11,500 cal BP*" (calibrated years before present). The report notes that landforms in this age class are often "*uplifted, dissected by erosion, and overlie or occur in lower geomorphic positions relative to Late Pleistocene landforms.*" Along with the relatively young age, this indicates that the soils are unlikely to contain unique fossil remains.

MITIGATION MEASURES

GEO-1: The owner/applicant shall acknowledge in writing to Planning & Building Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to Planning & Building Services an acknowledgement of these grading and site preparation standards:

a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.

b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
c. All concentrated water flows shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
g. Pursuant to the California Building Code and Mendocino County Building Regulations, a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    a. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
    b. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage.

GEO-2: Prior to issuance of Building Permits, the owner/applicant shall provide DOT with a site plan designed by a licensed civil engineer or hydrologist that provides for a properly designed culvert or swale for the driveway approach and post-construction drainage. Written verification shall be submitted from DOT to Planning & Building Services that this condition has been met to the satisfaction of DOT.

FINDINGS

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

3.8 GREENHOUSE GAS EMISSIONS

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**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?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant effect on greenhouse gas emissions if it would generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

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 CO_2e per year or 4.5 Metric Tons of CO_2e per SP (residents + employees) per year. For stationary sources, the operational threshold is 10,000 Metric Tons of CO_2e 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. Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact: CalEEMod was used to estimate daily emissions from construction and yearly operational emissions.[16] August 1, 2024 was used as an estimated start date. 2025 was used as the operational year. The traffic study associated with the project estimated that the project would generate 5,302 daily vehicle trips. Of these, 340 trips were estimated to be generated on Saturdays. No Sunday trips were estimated. Therefore, staff did not use a value for Sunday trips within CalEEMod. Maximum daily emissions during construction were estimated to be 2,042 pounds of CO_2e per day. This would be equivalent to approximately 63.3 metric tons of CO_2e per year. Though no construction threshold has been adopted, this would be well below the operational threshold adopted by MCAQMD, and impacts are therefore expected be less than significant. Operational emissions were estimated to be 59.8 metric tons of CO_2e per year, which is also below the threshold. A 'Detailed Report' was generated from CalEEMod which outlines the results of the model. This report is available on file at Mendocino County Planning & Building Services.

b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact: No Climate Action Plan has been adopted covering the project site. According to the California Air Resources Board (CARB) 2022 Scoping Plan, lead agencies may analyze the GHG impact of proposed projects by employing a threshold of significance recommended by the applicable air district. As the project has been determined to result in less than significant impacts using MCAQMDs threshold described above, it is therefore consistent with CARBs recommendation for evaluating GHG impacts and aligns with State climate goals.[17]

NO MITIGATION MEASURES REQUIRED

[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). *U_2021-0016/V_2021-0005 Detailed Report*. Available on file at the Department of Planning & Building Services.
[17] California Air Resources Board (2022). *2022 Scoping Plan for Achieving Carbon Neutrality*. Retrieved from https://ww2.arb.ca.gov.

FINDINGS

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

3.9 HAZARDS AND HAZARDOUS MATERIALS

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant effect on hazards and hazardous materials if it were to 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; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within

one-quarter mile of an existing or proposed school; be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment; result in a safety hazard or excessive noise for people residing or working in the project area if 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; or impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

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 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. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact: Potentially hazardous substances may be used during construction of the project, including fuel, lubricant, and solvents for equipment. However, construction would be subject to implementation of appropriate BMPs to address the use of hazardous materials and the potential discharge of contaminants. A Construction Waste Management Plan was provided within the application materials, which specifies construction BMPs to be implemented. Based on the

implementation of these BMPs, impacts resulting from hazardous materials during construction are expected to be less than significant. Operation of the proposed project would include routine use and storage of gasoline in underground fuel storage tanks. Gasoline is considered a hazardous material. The Mendocino County Division of Environmental Health (DEH) is the Certified Unified Program Agency (CUPA) for Mendocino County responsible for enforcing California's Underground Storage Tank Act. If any hazardous material or waste onsite exceeds 55 gallons (liquid), 500 pounds (solids), or 200 cubic feet (gases) in quantity, a Hazardous Materials Management Plan (HMMP) must be submitted and approved by DEH. In addition, DEH issues permits for the installation of underground storage tanks and requires that certain conditions be met under the UST System – Construction Conditions document. As a result, operational impacts due to underground storage tanks are expected to be less than significant through compliance with regulatory requirements. Operation of the convenience store is not expected to result in any significant hazardous material impacts.

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?

Less Than Significant Impact: Accidental release of hazardous materials such as hydraulic fluid or diesel fuel from construction equipment is possible during construction of the project. However, the volume and concentration of these hazardous materials is expected to be low and the construction period would be temporary. Standard BMPs would be required to avoid or minimize potential release of these hazardous materials during construction. As noted above, operation of the project would include the use of underground fuel storage tanks. DEH requirements for underground storage tanks include several inspections, including a Leak Detection System (LDS) "Start Up" Test Inspection to ensure that accidental release of hazardous materials is avoided or mitigated. As such, impacts would be less than significant based on compliance with regulatory requirements.

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact: The nearest existing or proposed school is located approximately 1 mile away from the project site (Deep Valley Christian School). Therefore, no impact would occur.

d. Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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. 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?

No Impact: The nearest airport is the Ukiah Municipal Airport about 8 miles south of the site. The site is not within an airport zone as outlined in the Ukiah Municipal Airport Land Use Compatibility Plan. Therefore, no safety hazards or excessive noise are expected due to the airport at the project site.

f. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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 existing 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. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less Than Significant Impact: The project site is within the State Responsibility Area and is classified within the Moderate Fire Hazard Severity Zone. The project is subject to CALFIRE standards. The owner submitted an application to CAL FIRE which was reviewed on August 31, 2021. CAL FIRE provided letter #336-21 outlining standards which must be met to meet Fire Safe Regulations. Standard conditions of approval require that the applicant follow the measures recommended by CAL FIRE. With standard conditions in place, the project would meet CAL FIRE standards which would minimize fire risk. Thus, impacts would be less than significant based on compliance with regulatory requirements.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.10 HYDROLOGY AND WATER QUALITY

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**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?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
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:				
i) Result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
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?	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☐	☒

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; 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 result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, 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, or impede or redirect flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

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) the 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. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact: Construction of the project would involve paving, building construction, utility and storage tank installation, and landscaping. These activities could result in pollutant discharge such as silt, chemicals, paint, and solvents. However, the implementation of BMPs and compliance with MCC Chapter 16.30 indicate that potential elicit discharges would be remediated, inspected, monitored, or enforced. In addition, the implementation of mitigation measure GEO-2 would ensure that post-construction drainage does not result in elicit discharge. Therefore, impacts would be less than significant through compliance with regulatory requirements.

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact: The project is within the jurisdiction of the Redwood Valley County Water District. The project is expected to utilize existing connections to the District's water system. Therefore, the project is not expected to use groundwater during construction or operation. The project was referred to the Redwood Valley County Water District on December 20, 2021. The District responded on December 28, 2021 with no comment.

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:

i. Result in substantial erosion or siltation on- or off-site?

Less Than Significant Impact: As noted, the project would be required to implement BMPs and submit a site plan for a culvert or swale for the driveway approaches and post-construction drainage. This would reduce potential impacts to less than significant levels.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant Impact: The project may increase the rate or amount of surface runoff due to additional impervious surface area from driveway approaches. BMPs implemented during construction would serve to minimize stormwater runoff impacts, and the construction of a culvert or swale to DOT standards would minimize post-construction stormwater runoff impacts from driveway approaches.

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?

Less Than Significant Impact: 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 and the required culvert or swale.

iv. Impede or redirect flood flows?

No Impact: The site is not within a FEMA Flood Hazard Area and therefore is not expected to impede or redirect flood flows.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact: The site is not within a FEMA Flood Hazard Area. The site is unlikely to be affected by seismic seiche because there are no ponds, pools, rivers, or other bodies of water on the site. 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.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact: In the case of the proposed project, the applicable plans include the 2021 Ukiah Valley Groundwater Sustainability Plan and the 2018 Water Quality Control Plan for the North Coast Region. Conformance with these plans would be achieved through compliance with applicable regulations and implementation of BMPs and post-construction drainage improvements noted above. The "no comment" response from the Redwood Valley County Water District indicates that the project does not have the potential to significantly impact the District's compliance with these plans.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.11 LAND USE AND PLANNING

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on land use and planning if it would physically divide an established community or 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.

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. Physically divide an established community?

No Impact: Construction and operation of a gasoline service station, convenience store, and signs are not expected to result in any physical divisions within the surrounding neighborhood. The structures would not block travel from one parcel to another.

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?

No Impact: The General Plan, Coastal Element, and 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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.12 MINERAL RESOURCES

Would the Project:		**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?		☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?		☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on mineral resources if it would 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 or 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.

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. 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?

No Impact: The site does not contain any known mineral resources of value. No mining operations would occur.

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?

No Impact: No locally important mineral resources are known to occur on the project site. No mining operations would occur.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.13 NOISE

Would the Project result in:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**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?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on noise if it would result in the 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; or generation of excessive groundborne vibration or groundborne noise levels; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such as plan has not been adopted, within two miles of a public airport or public use airport).

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. 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?

Less Than Significant Impact: Construction of the project 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 commercial structures and land uses would not be considered a noise-sensitive land use. The project is adjacent to other commercial uses, which are not generally considered noise-sensitive land uses.

b. Generation of excessive groundborne vibration or groundborne noise levels?

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 may include these activities, particularly as they relate to driveway approach construction. However, heavy industrial or mining operations that use vibratory equipment would not occur as part of the project. Any vibration-inducing activities are expected to be temporary and intermittent. Therefore, they would not be considered excessive. The project is not immediately adjacent to US 101 and does not include overly sensitive uses such as laboratory equipment. No railroads exist near the project site.

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?

No Impact: The nearest airport is the Ukiah Municipal Airport about 8 miles south of the site. The site is not within an airport zone as outlined in the Ukiah Municipal Airport Land Use Compatibility Plan. Therefore, the project site is not expected to be exposed to excessive noise due to the airport.

NO MITIGATION MEASURES REQUIRED

FINDINGS

[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.

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

3.14 POPULATION AND HOUSING

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on population and housing if it would 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); or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

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 in order to facilitate the development of these housing units at a range of sizes and types to address this need.

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)?

No Impact: The project does not include residential development and therefore is not expected to not induce substantial population growth. No new roads or utility corridors are proposed.

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact: The proposed project would not demolish or otherwise displace existing people or housing.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **No Impact** on Population and Housing.

3.15 PUBLIC SERVICES

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
i. Fire Protection?	☐	☐	☐	☒
ii. Police Protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other Public Facilities?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on public services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the 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 fire protection, police protection, schools, parks, or other public facilities.

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. Would the project result in substantial adverse physical impacts associated with the

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

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 following public services:

i. Fire Protection?

No Impact: Fire protection services would be provided by the Redwood Valley/Calpella Fire District and CALFIRE. The project would be required to comply with CALFIRE Fire Safe Regulations letter #338-21, including defensible space and driveway requirements. The project would not result in an increase in population and therefore is not expected to require the provision of new fire facilities.

ii. Police Protection?

No Impact: The nearest police station is the Mendocino County Sheriff's Office station in Ukiah. The project would not result in an increase in population and therefore is not expected to require the provision of new police facilities.

iii. Schools?

No Impact: The project site is within the Ukiah Unified School District. The project would not result in an increase in population and therefore is not expected to require the provision of new school facilities.

iv. Parks?

No Impact: The nearest County park is Low Gap Park in Ukiah. The project site is also in the vicinity of Lake Mendocino. The available nearby parkland is consistent with General Plan Policy DE-179. The project would not result in an increase in population and therefore is not expected to require the provision of new park facilities.

v. Other Public Facilities?

No Impact: The project would not result in an increase in population and therefore is not expected to require the provision of other public facilities.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.16 RECREATION

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect	☐	☐	☐	☒

on the environment?				

Thresholds of Significance: The project would have a significant effect on recreation if it would 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, or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

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. 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?

No Impact: The nearest County-maintained recreation area is Low Gap Park in Ukiah. The project site is in the vicinity Lake Mendocino, which contains recreation areas. For the proposed project, the availability of nearby parkland is consistent with General Plan Policy DE-179. The project would not result in an increase in population and therefore is not expected to require the provision of new park facilities.

b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

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.

NO MITIGATION MEASURES REQUIRED

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

3.17 TRANSPORTATION

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**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?	☐	☒	☐	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant effect on transportation if it would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b); substantially increase hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

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. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact With Mitigation Incorporated: Mendocino County General Plan Action Item DE-130.1 directs the County to "*work with Caltrans and MCOG to project future growth on*

[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.*

roadways in the county, and…work cooperatively to plan for future roadway needs and mitigation for impacts resulting from growth in the unincorporated area." Policy DE-148 states that "*land divisions and other discretionary project shall not be approved until access and road improvements adequate for the intended uses, density, or intensity are identified and constructed or funding mechanisms are in place*." Policy DE-149 states that "*major development applications shall include traffic studies to evaluate and mitigate cumulative effects on network level of service and safety*."

The application was referred to County DOT and Caltrans. On December 29, 2021, County DOT responded with recommended conditions for the proposed project. These included: the establishment of, and modifications to, the commercial driveway approaches to comply with County Road and Development standards, including any required encroachment permits; the submittal of a circulation plan for fuel delivery truck turn movements; documentation of access easements for access to the site across the neighboring parcel; submittal of a site plan for a culvert or swale for the driveway approach and post-construction drainage; requirements for signing and striping; and an ordinance amendment restricting left-turn and through movements at the North State Street and US 101 intersection.

On February 18, 2022, Caltrans responded with a request that the traffic study be updated due to the expanded scope of the project and amount of time passed. Additional comments were included explaining the general study requirements, encroachment permit process, and previous comments from Caltrans regarding the previously approved Use Permit U_2015-0009, which had a similar but somewhat reduced scope.

After discussion between County staff, Caltrans, and the consultant retained by the applicant, a Transportation Impact Study (TIS) was submitted with a date of January 18, 2023 (available on file at Planning & Building Services). When developing the assumptions for the traffic study, Caltrans noted that the project poses significant safety concerns, as the increased number of fueling stations resemble a "Highway Service Commercial Zoning" rather than "Neighborhood Commercial". It was noted that Caltrans is developing a project to install a median barrier approximately 600 feet to the south of the North State Street/Uva Drive intersection with US 101. Caltrans determined that should the proposed service station be developed, it will be necessary to pursue closure of the median at North State Street/Uva Drive. As such, the TIS was conducted under the assumption that the median would be closed.

The January 18, 2023 TIS concluded the following:

- The project is expected to generate 5,302 new daily trips with 82% as diverted link trips.
- The lack of facilities for pedestrians, bicyclists, and transit riders is adequate given the project's rural setting and the type of land use. The project would have a less-than-significant impact in terms of plans and policies for these modes.
- The project is expected to be local-serving and would therefore result in a less-than-significant VMT impact.
- Sight lines are adequate and left turn lanes are not warranted at the project driveways.
- Project queueing on the US 101 off ramps at West Road would not be expected to exceed the available stacking space and would therefore have a less-than-significant impact on safety.
- A traffic signal is warranted based on peak hour volumes, but this warrant is only marginally met and it is anticipated that no other volume warrants would be met, so a traffic signal is not recommended.
- All-way stop controls are not warranted at West Road/US 101 South Ramps or West Road/US 101 North Ramps.
- Acceleration and deceleration lanes are warranted at the intersections of US 101 North/North State Street.
- The project's impact on emergency response times would be less than significant.
- Upon addition of project traffic to existing volumes, all intersections would continue to operate acceptably except West Road/US 101 South Ramps, which would operate acceptably with the all-way stop controls recommended to address existing operation.

- Under future plus project conditions, five of the six study intersections would be expected to operate acceptably, while West Road/US 101 South Ramps would operate unacceptably under the County's standard, though the ramp intersection operation would be acceptable to Caltrans.

The TIS recommended that consideration be given to installing all-way stop controls at the intersection of West Road and the US 101 South Ramps, and that acceleration and deceleration lanes be installed at the intersection of US 101 North and North State Street per Caltrans design standards. County DOT did not have concerns regarding the TIS. Under the assumption that the median would be closed, the County DOT-recommended restriction of turning movements would be moot.

Caltrans submitted comments regarding the TIS on March 3, 2023. Caltrans noted that the previously mentioned median barrier project, which was proposed to be extended beyond the North State Street/Uva Drive intersection, could not be extended through the project site. Instead, the project would end a few hundred feet south of the intersection. However, Caltrans maintained that the median must be closed to mitigate traffic impacts. Caltrans did not support the recommended all-way stop controls at the West Road interchange.

County DOT submitted revised recommendations on March 14, 2023. The only change was an additional requirement that the applicant send notification letters to applicable addresses that access North State Street informing them of the initial hearing, should an ordinance amendment be necessary.

On July 5, 2023, a Revised TIS was submitted, which included an analysis of traffic impacts without the assumption that the median would be closed (available on file at Planning & Building Services). Other than the following changes, the Revised TIS had the same conclusions as the original TIS:

- Projected queueing on the US 101 off ramps at West Road and at the southbound left-turn at US 101/Uva Drive-North State Street would not be expected to exceed the available stacking space and would therefore have a less-than-significant impact on safety.
- A traffic signal is warranted based on peak hour volumes (without project traffic) at the freeway ramp intersection of West Road/US 101 North and under "plus Project" volumes at West Road/US 101 South Ramps if the median at US 101/Uva Drive-North State Street is closed. However, as this warrant is only marginally met it is anticipated that no other volume warrants would be met, so a traffic signal is not recommended.
- Upon the addition of project traffic to existing volumes and with the median closure on US 101 at Uva Drive-North State Street, all intersections would continue operating acceptably except West Road/US 101 South Ramps, which would operate acceptably with the all-way stop controls recommended to address existing operation.
- Under Future plus Project conditions and with the US 101 median closure, five of the six study intersections would be expected to operate acceptably, while West Road/US 101 South Ramps would operate unacceptably under the County's standard, though the ramp intersection operation would be acceptable to Caltrans.
- Without the median closure, the intersection of US 101/Uva Drive-North State Street would be expected to operate acceptably overall under Existing plus Project and Future plus Project conditions.

The Revised TIS continued to recommend all-way stop controls at the West Road interchange and the installation of acceleration and deceleration lanes at the intersection of US 101 North and North State Street. Staff referred the revised traffic study to County DOT and Caltrans. DOT responded on July 7, noting that regardless of traffic flows, the study does not change DOTs recommendations. Staff received comments from Caltrans on August 14.

Caltrans noted several concerns regarding the updated traffic study and offered different findings based on the data provided in the study:

- First, Caltrans did not concur with the practice of deducting pass-by trips from the estimated trip generation rates and does not accept the results of any safety analysis using pass-by reductions to evaluate left turn warrants.
- Second, Caltrans notes that *"the percent of trips assumed to enter the site from SB 101 without the median closure appears to be too low"*. This *"would have the effect of under-reporting delays at the West Ave SB off ramp, particularly with a median closure."*
- Third, Caltrans agreed that the gas station has less than significant impacts to transit and noted that a bus stop is located near the North State Street & West Road intersection approximately 1.2 miles from the project site.
- Fourth, Caltrans considered pass-by trips to be an acceptable deduction for analyzing the change in Vehicle Miles Traveled. However, Caltrans noted that the indication that the project is local-serving is problematic because a large gas station or truck stop adjacent to a US Highway would result in a majority of trips that are not local. Caltrans noted that trips made with the exclusive purpose of purchasing gasoline are negligible and can be assumed to be less-than-significant for CEQA purposes.
- Fifth, Caltrans noted that the characterization that increasing the number of turning movements at US 101 and North State Street will not change the collision rate is inconsistent with the State and federal "Vision Zero" goal to eliminate roadway fatalities in 2050. Per Caltrans,

  > *"the existing collision rate at US 101 and North State Street should be considered to be the benchmark for pre-project conditions. Failure to condition the project with the previously requested highway safety mitigation would increase the number of left turns from southbound US 101 to North State Street. The increased volume of left-turn traffic at this location will have a higher probability of collisions when compared to existing conditions. Due to the prevailing freeway speeds on US 101 at this location, any collision runs the risk of being a high-severity or fatal collision."*

  Caltrans noted that the recommendation in the revised study *"is in conflict with the State's Safe Systems Approach and Vision Zero Goals, where even one fatality is unacceptable."*

- Sixth, Caltrans concluded that the project trips are underreported and/or that the claimed pass-by/diverted trip values are unreliable; and, that the project will attract the majority of the trips from US 101, which undermines the assertion of the revised study that the project is local-serving.
- Seventh, Caltrans noted that the use of Level of Service to determine thresholds of significance is not an appropriate analysis to use as CEQA no longer recognizes Level of Service as a binding transportation metric for State highways. Caltrans goes on to state that they cannot support the conclusions and recommendations of the revised study.

Therefore, Caltrans requests that the County condition the project with a median closure to prevent significant impacts to traffic safety and to avoid conflict with a Caltrans policy and program.

Staff concurs with the August 2023 comments from Caltrans, including the conclusion that the increasing number of turn movements would increase collision rates. Therefore, in accordance with Caltrans' Safe Systems Approach and Vision Zero Goals, the recommended median barrier is appropriate mitigation to reduce potential safety impacts resulting from the project. In addition, staff concludes that the acceleration and deceleration lanes recommended by both TISs should be incorporated as mitigation measures, whereas all-way stop controls at the West Road interchange are not necessary. If the median barrier were to be constructed, the recommendation of DOT to limit turning movements would not apply. As such, this recommendation is not necessary as mitigation. However, DOT noted that the proposed driveways do not meet Mendocino County Road and Development Standards. As this may result in a conflict with County DOT standards, a mitigation measure requiring the driveways to conform to Road and Development Standards is recommended. Other comments from DOT represent recommended conditions of approval to ensure that development is compliant with existing regulations. As the project is expected to comply with applicable regulations besides those specifically identified as conflicts, the additional recommendations from DOT are not necessary as mitigation.

b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less Than Significant Impact: Though Caltrans comments note that the project does not resemble a local-serving retail use, Caltrans also notes that trips made exclusively to purchase gasoline are negligible and can be assumed to be less-than-significant for CEQA purposes. Therefore, VMT generated because of the gas station only would be less-than significant. As for trips generated exclusively for use of the convenience store or employee trips, staff concurs with the conclusions of the TIS, that the size of the project is well below the 50,000 square foot general threshold recommended by OPR for regional-serving retail. Therefore, though the project as a whole may resemble a regional-serving commercial use, its individual parts do not constitute a significant increase in VMT. When viewed together, the negligible additional VMT generated by trips made exclusively for purchasing gasoline plus the VMT generated by employees or trips made exclusively for use of the convenience store would not result significant increases in VMT. This is consistent with Caltrans assertion that pass-by trips are acceptable as a deduction for the purpose of analyzing the change in VMT, but not for trip generation.

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact With Mitigation Incorporated: With recommended mitigation measures in place, the project would not result in increased hazards due to geometric design features or incompatible uses. The proposed driveway approaches would comply with County DOT standards and dangers to nearby intersections would be mitigated though the closing of the US 101 median barrier. Therefore, impacts would be less than significant with mitigation incorporated, but this mitigation would be the same as that discussed in section 3.17(a).

d. Result in inadequate emergency access?

Less Than Significant Impact: Staff concurs with the conclusions of both TIS reports. As the project would be designed to allow fuel delivery trucks to access the site, the site would likewise be expected to provide adequate drive aisle widths and turning radii to accommodate emergency response vehicles. Though the closure of the median at US 101/Uva Drive/North State Street could increase potential response times from emergency vehicles traveling southbound along US 101, the nearest fire and police stations are located south of the project site and would not be impacted by closure of the median. Therefore, the project would have a less than significant impact on emergency access.

MITIGATION MEASURES

TRA-1: All commercial driveway approaches shall be constructed in accordance with Mendocino County Road and Development Standards. Per Standard A51B, the maximum width for a commercial driveway approach is 30 feet.

TRA-2: Prior to issuance of Building Permits, the owner/applicant shall provide a signing and striping plan prepared by a licensed traffic engineer for DOT's review showing the removal of left-turn and through movements from North State Street and Uva Drive onto Highway 101. The plan shall show all proposed signs and markings within Mendocino County Right of Way and Caltrans State Right of Way. The applicant shall provide the necessary signs and striping and pay for their installation by a qualified general contractor per Caltrans specifications. The applicant shall apply for encroachment permits from DOT and Caltrans for all work relating to the installation of any signs and pavement markings in State or County right of way. This encroachment permit will be separate from the encroachment permits relating to the new proposed site entrances. Written verification shall be submitted from DOT to Planning & Building Services that this condition has been met to the satisfaction of DOT.

TRA-3: Prior to issuance of Building Permits, the median of US 101 at the North State Street / Uva Drive intersection shall be closed in accordance with Caltrans recommendations. The median closure shall be

designed, approved, constructed, and funded as an oversight project under a Caltrans encroachment permit (QMAP) process.

TRA-4: Prior to issuance of Building Permits, acceleration and deceleration lanes shall be installed on US 101 North at North State Street in accordance with Caltrans design standards. The owner/applicant shall obtain any necessary encroachment permit from Caltrans for work within the State right of way.

FINDINGS
The proposed project would have **Less Than Significant Impact With Mitigation Incorporated** on Transportation.

3.18 TRIBAL CULTURAL RESOURCES

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:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) 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)?	☐	☐	☐	☒
b) 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.	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change in the significance of a cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or is 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.

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 patters 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. 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 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)?

No Impact: The Cultural Resource Inventory prepared in association with the project did not identify any tribal cultural resources or historical resources listed or eligible for listing. Mendocino County Planning & Building Services does not house a local register of historical resources. The Cultural Resources Inventory notes that the CAL FIRE Native American Contact List for Northern Mendocino County was used to send letters and project maps to each entity on the list on March 10, 2022. The letters described the project and included a topographic map depicting the area of potential impacts. . On February 17, 2022, the California Native American Heritage Commission was also contacted requesting a Sacred Lands File Search. By April 18, 2022, no responses had been received. Mendocino County also referred the project materials to the Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Bank of Pomo Indians. On December 28, 2021 the Redwood Valley Rancheria responded, commenting that the "*sign [is] too high*" and that the project "*should require charging stations.*" No other comments were received.

b. 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 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.

No Impact: Based on the results of the Cultural Resources Inventory and the lack of response from The Native American Heritage Commission and local tribes as described above and in the Cultural Resources section of this document, there is no substantial evidence to suggest the presence of resources on the site that would meet the criteria of Public Resources Code §5024.1(c). As such, no significant impact would occur.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.19 UTILITIES AND SERVICE SYSTEMS

Would the Project:	**Potentially Significant Impact**	**Less Than Significant Impact with Mitigation Incorporated**	**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?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on utilities and service systems if it would 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; not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; 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; or not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Discussion: Public sewer systems in Mendocino County are provided by cities, special districts, and some private water purveyors. There are thirteen (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 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 of the General Plan 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 covers solid 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 solid waste facilities in Mendocino County, including: five (5) closed/inactive municipal landfills, three (3) wood-waste disposal sites, two (2) composting facilities, and eleven (11) transfer stations.

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?

Less Than Significant Impact: New drainage culverts or swales would be required as described in Mitigation Measure GEO-2. The construction of these culverts or swales would not result in significant environmental impacts as no significant biological resources are located on the project site. The project would utilize an existing septic system and is not expected to result in the relocation or construction of a new system. No electric power, natural gas, or telecommunications facilities are proposed as part of the project. No agency referral responses have been received that would indicate the need for relocation or construction of new facilities.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less Than Significant Impact: The project is within the jurisdictional boundary of the Redwood Valley County Water District. The project was referred to the District on December 20, 2021. The District responded on December 28, 2021 with no comment. The construction and operation of the fuel stations would not increase water demand. Conversion of a portion of the existing commercial structure to a convenience store may increase water demand, but the 'no comment' response from the District

indicates that this increased demand would not significantly impact water supplies.

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?

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. 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?

Less Than Significant Impact: The nearest transfer station is the Ukiah Transfer Station approximately 13 miles south of the site. Per Mendocino County Code Section 9A.08.040, owners or tenants of any premises or business establishments are required to use waste hauling services provided by a franchised collector in their collection area or utilize Self-Haul Refuse Removal. The project is note expected to generate excessive solid waste beyond that of a typical gas station and convenience store. Solid waste hauled to nearby transfer stations would be disposed of at the Potrero Hills Landfill in Solano County. 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 commercial use is expected to produce 10.53 pounds of solid waste per employee per day.[24] The application materials state that there would be an estimated three (3) employees per shift with three (3) shifts per day. Therefore, the project is estimated to produce 94.77 pounds of solid waste per day. The daily throughput of the Potrero Hills Landfill is 4,330 tons per day. The solid waste generated by the project would contribute insignificantly to the daily throughput.

e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

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, the US Resource Conservation and Recovery Act (RCRA), and CalRecycle.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.20 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 Impact with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a	☐	☐	☒	☐

[24] City of Los Angeles (2006). *L.A. CEQA Thresholds Guide*. Retrieved from https://planning.lacity.gov/.

wildfire or the uncontrolled spread of a wildfire?				
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant effect on wildfire if it would impair an adopted emergency response plan or emergency evacuation plan; 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; 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; or 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.

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.[25]

Factors to consider when evaluating wildfire risk include:

- Land uses (urban developed, rural, agricultural, parcels sizes, etc.)
- Land ownership (private, public, state)
- Vegetation (type, health, existing/planned vegetation management)
- Topography/terrain
- Weather conditions (wind, temperature, humidity, precipitation)
- Fire history (year, location, size)
- Fire severity mapping

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

- Fire protection agencies and capabilities
- Extent of roadway system and roadway sizes (number of lanes)

a. Impair an adopted emergency response plan or emergency evacuation plan?

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 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. The applicant provided a "Project Approval Form" from Redwood Valley/Calpella Fire District dated September 16, 2021. The form notes that "RVCFD has accepted the plans". The applicant provided CAL FIRE letter #336-21 which identifies conditions of approval that must be complied with to meet State Fire Safe Regulations. The project is expected to comply with these conditions of approval. The project site would be accessed via commercial driveway approaches from North State Street (CR 104) and is expected to be accessible to emergency vehicles. Therefore, the project would have less than significant impact via compliance with regulatory standards.

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?

Less Than Significant Impact: Little impact is expected due to slope because the project site is relatively flat. The project site is within a Moderate Fire Hazard Severity Zone. In addition, compliance with regulatory standards for the proposed underground storage tanks and State Fire Safe Regulations would ensure that the project would not significantly exacerbate wildfire risks.

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?

Less Than Significant Impact: Compliance with regulatory standards for the proposed underground storage tanks and State Fire Safe Regulations would ensure that the proposed project features would not significantly exacerbate fire risk. The project is expected to be served by existing utility infrastructure. No new roads would be constructed, but commercial driveway approaches would be installed. However, these approaches would be constructed with asphalt or concrete. These materials are not expected to increase fire risk.

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?

Less Than Significant Impact: Standard BMPs implemented during construction would ensure that drainage challenges are addressed. Operation of the fuel stations and convenience store is not expected to result in significant impacts because of the flat nature of the site.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	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?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant effect in consideration of the mandatory findings of significance if it would 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; 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.); or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Discussion: Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and 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.

Potential environmental impacts from the approval of a Coastal Development Permit to legalize after-the-fact demolition of an existing 1,366 square foot residence and permit construction of a new residence in the same location have been analyzed in this document and mitigation measures have been included in the document to ensure impacts would be held to a less than significant level.

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?

Less Than Significant Impact: Based on discussion throughout the report, particularly in Section 3.4 (Biological Resources), 3.5 (Cultural Resources), and 3.18 (Tribal Cultural Resources), there is some potential for impacts. However, with mitigation incorporated, there is no evidence to 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. 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).

Less Than Significant Impact: Cumulative impacts were considered for applicable potential impacts as discussed throughout the report, including but not limited to Section 3.3 (Air Quality) and 3.8 (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. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact 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

None beyond those discussed elsewhere in this document.

FINDINGS

The proposed project would have a **Less Than Significant Impact With Mitigation Incorporated** when considering the Mandatory Findings of Significance.

4.0 DETERMINATION On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

11/2/23
DATE

L. Crowley
LIAM CROWLEY
PLANNER II