PUBLIC DRAFT

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

SCH #: TBD

FOR

JAMES & DENISE DE ALBA COASTAL DEVELOPMENT PERMIT AT 33389 PACIFIC WAY; APN: 017-320-51

File No. CDP_2023-0009

LEAD AGENCY:
County of Mendocino
Department of Planning & Building Services
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(707) 234-6650

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July 25, 2025

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INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.), this Draft Initial Study (IS) has been prepared as documentation for a Mitigated Negative Declaration (MND) for the proposed Coastal Development Permit CDP_2023-0009 for additions to a single-family residence consisting of a new second floor, enlarged bedrooms, an attached garage, and decks; a new water storage tank on a concrete slab; a new outdoor kitchen area; and a new septic system at 33389 Pacific Way, Fort Bragg; APN 017-320-51 (the "Project"). This Draft IS/MND includes a description of the Project; the location of the Project site; an evaluation of the potential environmental impacts of Project implementation; and written statement that an Environment Impact Report (EIR) is not required because the project will not have a significant adverse impact on the environment.

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

Questions in the Initial Study Checklist are provided with their respective answers based on analysis undertaken. An explanation for all checklist responses is included, and all answers take account of the whole action involved, including off site as well as on-site; cumulative as well as project level; indirect as well as direct; and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist the following definitions are used:

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

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

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

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

PROJECT INFORMATION

FILE NUMBER:	CDP_2023-0009
OWNER/APPLICANT:	James & Denise De Alba
PROJECT LOCATION:	In the Coastal Zone 2± miles north of Caspar, on a private road 600± feet south of its intersection with Pacific Way (CR 436A), located at 33389 Pacific Way, Fort Bragg; APN 017-320-51.
TOTAL ACREAGE:	3.2± Acres
GENERAL PLAN:	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])
ZONING:	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])

PROJECT DESCRIPTION: Pursuant to CEQA Guidelines Section 15125, the Project Description is required to identify the existing baseline physical conditions. For this project, the baseline conditions include all existing development and the current parcel configuration. The applicant requests Coastal Development Permit CDP_2023-0009 for additions to a single-family residence consisting of a new second floor, enlarged bedrooms, an attached garage, and decks; a new water storage tank on a concrete slab; a new outdoor kitchen area; and a new septic system.

The applicant originally requested authorization to construct a new single-family residence with attached garage, decks, roof-mounted solar panels, and septic system; destroy one existing well and connect a second existing well to the new residence; conduct additional trenching to connect the new residence to grid power; extend the existing driveway and parking area; and convert an existing cabin into an Accessory Dwelling Unit (ADU). The Coastal Permit Administrator held public hearings to consider the original request on March 28 and May 23 of 2024. California Coastal Commission staff expressed several concerns regarding the original request's consistency with the County's Local Coastal Program and Coastal Act. As such, the hearing was continued to a date uncertain. The applicant has since revised the project to address Coastal Commission staff's concerns.

The revised project requests authorization to remodel the existing cabin by enlarging bedrooms, adding a second floor, adding an attached garage, adding decks, and adding roof-mounted solar panels; install a new 3,000 gallon water storage tank on a concrete slab; install an outdoor kitchen area; construct a gravel turnout and hammerhead "T" turnaround in accordance with CAL FIRE State Fire Safe Regulations; and install low symbolic fencing along the edge of Environmentally Sensitive Habitat Areas (ESHAs) to prevent encroachment in accordance with California Department of Fish and Wildlife recommendations. The new residence is no longer requested. No new water line or electrical trenching would occur because the existing cabin is already connected to the existing well and grid power. The driveway and parking area would no longer be extended into ESHA. The cabin would no longer be converted into an ADU but would instead continue to function as the primary single-family residence.

The subject parcel was created by Minor Subdivision MS 59-89 in 1992. A fifty (50) foot wide roadway and public utility easement is shown on the parcel map along the eastern edge of the property. A gravel driveway lies within the easement and connects to Pacific Way (CR 436A) through adjacent property to the north. The driveway then follows the southern property boundary until it meets the project site. The site is adjacent to a blufftop overlooking the Pacific Ocean. The property contains two (2) existing wells, two (2) sheds, and an existing cabin. On October 10, 1991, a deed restriction was recorded against the property which established a one hundred (100) foot blufftop setback area and a fifty (50) foot creek setback area wherein any alteration of landforms, removal of vegetation, use of heavy machinery or equipment, or the erection of any structures is prohibited, except public access improvements within the public access easement. On September 20, 1994, an amendment to the deed restriction was recorded which reduced the blufftop setback to fifty (50) feet. The amendment also established a fifteen (15) foot setback from a drainage swale. A stipulated judgement was recorded in 1992 following a settlement regarding a disputed property line between the subject property and adjacent property to the south. A lot line adjustment affirming the stipulated boundary was approved by the Coastal Commission in 1993 which created the current configuration of the subject parcel. The location of the public access easement was also amended to align with the stipulated boundary. On March 10, 1993, an irrevocable offer to dedicate an easement for vertical public access along the southern boundary of the property was recorded. The offer was accepted by the American Land Conservancy in 2003 and subsequently transferred to the Mendocino Land Trust in 2004. The easement continues to be managed by the Mendocino Land Trust as part of the Belinda Point Trail.

TABLE 1: ADJACENT LAND USE AND ZONING

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	4±	Vacant
EAST	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	1.53± Acres	Residential
SOUTH	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	14.30± Acres	Residential
WEST	N/A (Pacific Ocean)	N/A (Pacific Ocean)	N/A	N/A

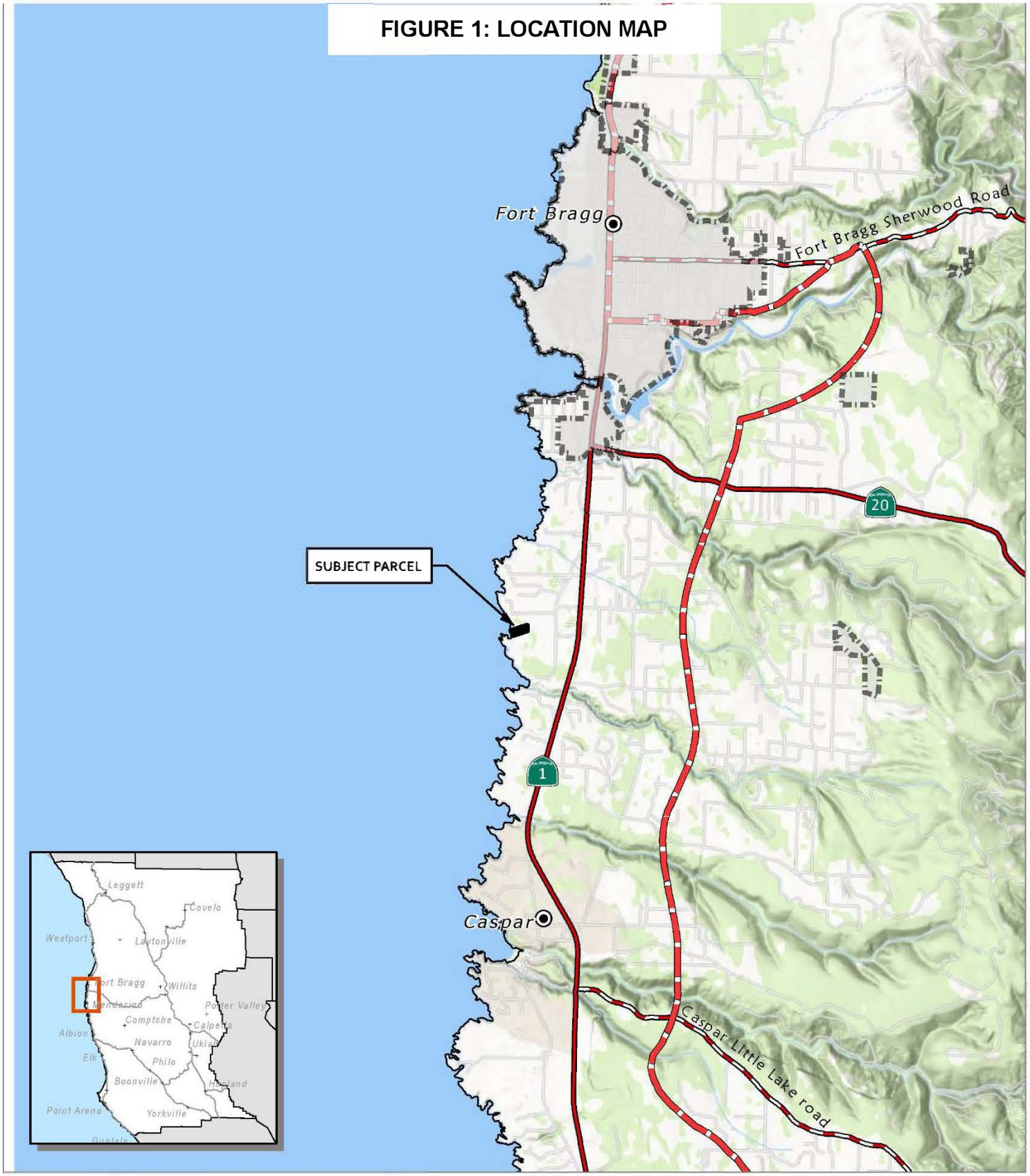
Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements): None.

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

Pursuant to the consultation requirements of Assembly Bill (AB) 52, in August 2024, the County of Mendocino (County) provided formal notification to the California Native American tribes that requested notification of all new potential Negative Declarations within the County. The following tribes were notified: Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians.

PROJECT PLOT PLAN: See Page 7 of this document.

FIGURE 1: LOCATION MAP



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

LOCATION

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

FIGURE 2: AERIAL IMAGERY



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

0 45 90 Feet
0 0.0075 0.015 Miles
1:1,066

AERIAL IMAGERY

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

A Remodeled Residence for:

Jim & Denise DeAlba
33389 Pacific Way
Fort Bragg, California
95437 AP# 017-320-51-00

PROJECT DATA:

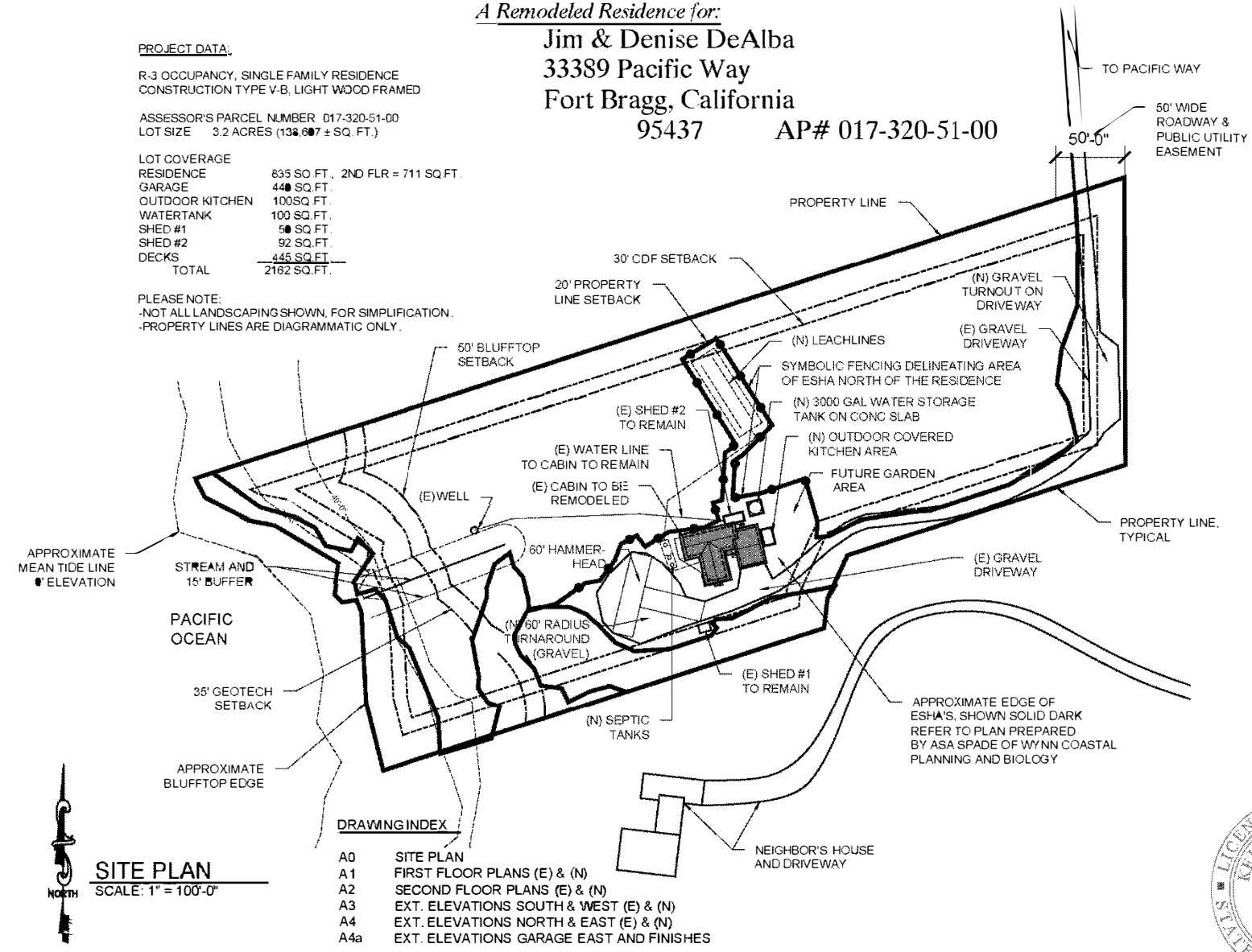
R-3 OCCUPANCY, SINGLE FAMILY RESIDENCE
CONSTRUCTION TYPE V-B, LIGHT WOOD FRAMED

ASSESSOR'S PARCEL NUMBER 017-320-51-00
LOT SIZE 3.2 ACRES (138,607 ± SQ. FT.)

LOT COVERAGE

RESIDENCE	835 SQ.FT., 2ND FLR = 711 SQ.FT.
GARAGE	440 SQ.FT.
OUTDOOR KITCHEN	100SQ.FT.
WATERTANK	100 SQ.FT.
SHED #1	50 SQ.FT.
SHED #2	92 SQ.FT.
DECKS	445 SQ.FT.
TOTAL	2162 SQ.FT.

PLEASE NOTE:
-NOT ALL LANDSCAPING SHOWN, FOR SIMPLIFICATION.
-PROPERTY LINES ARE DIAGRAMMATIC ONLY.



SITE PLAN
SCALE: 1" = 100'-0"

DRAWING INDEX

A0	SITE PLAN
A1	FIRST FLOOR PLANS (E) & (N)
A2	SECOND FLOOR PLANS (E) & (N)
A3	EXT. ELEVATIONS SOUTH & WEST (E) & (N)
A4	EXT. ELEVATIONS NORTH & EAST (E) & (N)
A4a	EXT. ELEVATIONS GARAGE EAST AND FINISHES

LICENSED ARCHITECT
KELLY B. GRIMES
C-28723
EXP. 8-31-27
STATE OF CALIFORNIA

A REMODELED RESIDENCE FOR:

JIM & DENISE DEALBA
33389 PACIFIC WAY
FORT BRAGG, CA 95437 A.P. #017-320-51-00

SHEET NAME:

NEW SITE PLAN

DATE: JUNE 16, 2025
SCALE: AS NOTED
DRAWN BY: KBG
JOB: DE ALBA
SHEET NO: A0 OF -

Kelly B. Grimes, Architect
P.O. Box 598
Little River, CA 95456
707 937 2904

FIGURE 3: PLOT PLAN

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

DETERMINATION

Based on this initial evaluation:

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

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

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

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

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

Signature	Date
LIAM CROWLEY	PLANNER II
Printed Name	Title

5.1 AESTHETICS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
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?	☐	☐	☒	☐

DISCUSSION: A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view.

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

State Route 1 is part of the California Freeway and Expressway System, and through the Los Angeles metro area, Monterey, Santa Cruz, San Francisco metro area, and Leggett, is part of the National Highway System, a network of highways that are considered essential to the country's economy, defense, and mobility by the Federal Highway Administration. State Route 1 is eligible to be included in the State Scenic Highway System; however, only a few stretches between Los Angeles and San Francisco have officially been designated as a "scenic highway", meaning that there are substantial sections of highway passing through a "memorable landscape" with no "visual intrusions."

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

[1] Streets and Highways Code, CA SHC § 260 (1969).
[2] Streets and Highways Code, CA SCH §263.2 to 263.8 (2019).
[3] U.S. Department of Transportation. Federal Highway Administration. *National Scenic Byways & All-American Roads*. Retrieved from https://fhwaapps.fhwa.dot.gov/bywaysp/States/Show/CA.

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 off of 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) **Less than Significant Impact:** Mendocino County Code (MCC) Section 20.504.015. and Coastal Element Policy 3.5-1 establish Highly Scenic Areas where certain development criteria apply to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to ensure that development is visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. The project site is not within a designated Highly Scenic Area. However, the general vicinity offers views of the ocean and coastline which could meet the criteria to be classified as a scenic vista. In particular, the Belinda Point Trail lies immediately south of the project site. This publicly accessible trail managed by the Mendocino Land Trust runs along the southern boundary of the subject parcel. The highest quality views of the coast exist at the terminus of this trail along the bluff edge, where views are not obscured by trees, vegetation, or development. However, the Project is not expected to result in significant impacts because the scale of development is similar to neighboring blufftop residences, and the building site is located more than 50 feet east of the bluff edge. Therefore, the proposed project would not interfere with views of the coastline and surrounding bluffs.

b) **No Impact:** The proposed development is not within or adjacent to a state scenic highway.

c) **Less than Significant Impact:** The site is in a non-urbanized area. The site can be seen while travelling along the Belinda Point Trail. Existing structures, vegetation, and topography block views of the site from Pacific Way (CR 436A) and State Route 1. The Project is compatible with surrounding development. The most significant views are those looking west of the project site toward the Pacific Ocean. Therefore, the Project is not expected to degrade the quality of public views.

d) **Less than Significant Impact:** No exterior lighting is proposed. Solar panels are designed to absorb light, and as such would not be highly reflective. The proposed project would use composition shingles, fiber cement siding, and wood trim, which are not highly reflective

materials. The proposed development is subject to the requirements of the Mendocino County Coastal Zoning Code. Section 20.504.035 establishes exterior lighting regulations. These regulations are included as standard conditions of approval within a Coastal Development Permit.

MITIGATION MEASURES: None.

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

5.2 AGRICULTURE AND FORESTRY RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

DISCUSSION: The State of 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 including "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) provides preferential tax assessments to owners of farmland and open-space land in exchange for a nine (9) year 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 (TPZ) 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 its accessory uses. Public improvements and urban services are prohibited on TPZ lands except where necessary and compatible with ongoing timber production. The original purpose of TPZ Zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands.

Several zoning districts established by the Mendocino County Zoning Ordinance allow for agricultural uses. The Zoning Ordinance also establishes use types which are allowable by-right and conditionally in each zoning district. A zoning conflict may occur if a use is proposed which is not allowable in the corresponding zoning district. Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts, which were most recently amended in 2018. Among the policies and procedures are regulations concerning compatible and incompatible uses on lands under a Williamson Act contract.

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

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

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

a) **No Impact:** The entirety of the subject property is classified as Grazing Land (G) by the FMMP. The project would not convert any off-site land to a different use.

b) **No Impact:** The property is not within an agricultural zoning district and is not within a Williamson Act contract.

c) **No Impact:** The proposed project does not involve rezoning. Several native trees are located on the property, including bishop pine (*Pinus muricata*), which is considered a Coastal Forest District Group A commercial tree species for the purpose of defining "timberland." However, the Project would not conflict with these designations because the Rural Residential zoning district does not allow "Forest Production and Processing" as a permitted use. The site is not within a land use classification or zoning district that has been designated as an area for the management of forest and timber resources. None of the vegetation on the property meets the definition of forest land. The property is not within a Timberland Production Zone.

d) **No Impact:** None of the vegetation on the property meets the definition of forest land. The proposed development would not involve the removal of any trees.

e) **No Impact:** The proposed development is not located on farmland or forest land. The proposed development would not induce any other development on off-site farmland or forest land.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Agricultural and Forestry Resources.

5.3 AIR QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

DISCUSSION: Mendocino County is located within the North Coast Air Basin. Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing state and federal Clean Air Acts, as well as local air quality protection 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. The MCAQMD also enforces standards requiring new construction, including houses, to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions.

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

1) All visibly dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;

2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;

3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;

4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;

5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;

6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and

7) The operator shall keep a daily log of activities to control fugitive dust. In December, 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources

Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

According to the US Environmental Protection Agency (EPA) Nonattainment Areas for Criteria Pollutants (Green Book), Mendocino County is in attainment for all National Ambient Air Quality Standards (NAAQS).[4] In addition, Mendocino County is currently in attainment for all California Ambient Air Quality Standards (CAAQS). The County achieved attainment in 2021.[5] The Hydrogen Sulfide and Visibility Reducing Particles designations remain unclassified in Mendocino County.

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

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

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

Mendocino County also contains areas where naturally occurring asbestos (NOA) is known to occur. When asbestos fibers are disturbed, such as by grading and construction activities, the fibers can be released into the air. These fibers can cause serious health threats if inhaled. Ultramafic rocks are an indicator of possible asbestos minerals, including a rock known as serpentine. Serpentine and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Planning & Building Services uses a map derived from the California Bureau of Mines and Geology and the US Department of Agriculture's Natural Resource Conservation Service (NRCS) to identify areas likely to have 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) **Less than Significant Impact:** The existing structures are not stationary sources. A stationary source would not be created. Portable sources are not expected because the emitting source of construction equipment would either be the motive power for moving the equipment or would otherwise be expected to be registered with CARB's Portable Equipment Registration Program. An indirect source would not be created because the project would result in negligible emissions due to the temporary use of off-road construction equipment and construction of the septic improvements and other development. CalEEMod was used to estimate the average

[4] U.S. Environmental Protection Agency (2023). *Nonattainment Areas for Criteria Pollutants (Green Book)*. Retrieved from https://www.epa.gov/green-book.
[5] California Air Resources Board (2022). *2021 Amendments to Area Designations for State Ambient Air Quality Standards*. Retrieved from https://ww2.arb.ca.gov/rulemaking.
[6] Mendocino County Air Quality Management District (2013). *District Interim CEQA Criteria and GHG Pollutant Thresholds*. Retrieved from https://www.co.mendocino.ca.us/aqmd/.
[7] County of Mendocino (2009). *General Plan*. Retrieved from https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan.
[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

daily emissions of Reactive Organic Gases (ROG), Nitrogen oxides (NOx), Carbon Monoxide (CO), and Particulate Matter (PM10) during construction and operation of the project. The project would emit approximately 1 pound of ROG, 10 pounds of NOx, 10 pounds of CO, and 68 pounds of PM10 per day during construction. The project would emit approximately 2 pounds of ROG, 0.1 pounds of NOx, 4 pounds of CO, and 27 pounds of PM10 per day during operation. These values are below the threshold for indirect sources found in MCAQMD Rule 1-130. The project would not involve large grading operations. Therefore, written authorization from the District or a permit to operate prior to starting construction in accordance with Rule 1-200 and Rule 1-240 would not be required. Using CalEEMod, construction of the project was estimated to generate 50 metric tons of CO2e per year, while operation of the project was estimated to generate 19 metric tons of CO2e per year. Therefore, MCAQMD Rule 1-221 would not apply. The site is not an Air Toxics "Hot Spot" as regulated by Rule 1-280. Due to the low concentration of emissions, the project is not expected to result in a public nuisance in accordance with Rule 1-400 or a significant amount of particulate matter, fugitive dust, sulfur oxide, or geothermal emissions in accordance with Rule 1-420 through 1-455. Other Rules within District Regulations 1 would not apply. The project would not involve open outdoor burning. As such, District Regulations 2 would not apply. The project does not involve a gasoline dispensing facility, dry cleaning operation, residential burning, or stationary diesel engine. Therefore, District Regulations 3 would not apply. The project does not involve any wood burning appliances. Therefore, District Regulations 4 would not apply. The project does not involve an acid rain unit, solid waste incinerator, major source, or other source regulated by District Regulations 5. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan.

b) **No Impact:** Mendocino County is in attainment under all applicable federal and state ambient air quality standards.

c) **Less than Significant Impact:** Several residences are located on adjacent properties. However, standard Best Management Practices (BMPs) and grading techniques would ensure that these sensitive receptors are not exposed to substantial pollutant concentrations, particularly due to the low amount of estimated pollutants per CalEEMod.

d) **No Impact:** The project is not located in an area of known Naturally Occurring Asbestos and demolition would not occur. Therefore, exposure to other emissions is unlikely.

MITIGATION MEASURES: None.

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

5.4 BIOLOGICAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	☐	☒	☐	☐
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?	☐	☐	☐	☒

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, other 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, the CNDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened, Threatened, or Endangered. Planning & Building Services uses CNDDB mapping to assist in identifying project-specific locations where special-status species have been previously observed.

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

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

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

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

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

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

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

a, b, c, d, e) Less than Significant with Mitigation Incorporated: MCC Chapter 20.496 establishes regulations for Environmentally Sensitive Habitat Areas (ESHAs), which include "*anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals*".

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

Pursuant to MCC Section 20.496.015 and Coastal Element Policy 3.1-2, development proposals that have the potential to impact ESHA are subject to a biological survey. A Natural Resources Study was prepared in 2022 and updated in 2023 for the previously proposed development. Botanical field surveys were conducted in April, June, and July of 2021. A wetland delineation and wildlife scoping surveys were also conducted for the Natural Resources Study. The study found that no special status plant species were present within one hundred (100) feet of existing and previously proposed development. The vegetation alliances and/or associations observed on the property are listed below:

Latin Name	Common Name	ESHA?
Pinus muricata – Pinus radiata Forest and Woodland Alliance	Bishop Pine – Monterey Pine Forest and Woodland	Yes
Eucalyptus spp – Ailanthus altissima – Robinia pseudoacacia Forest and Woodland Alliance	Eucalyptus – Tree of Heaven – Black Locust Groves	No
Pinus contorta ssp contorta Forest and Woodland Alliance	Beach Pine Forest and Woodland	Yes
Lonicera involucrata scrub	Twinberry Scrubland Alliance	Yes
Cytisus scoparius – Genesta Monspessulana – Cotoneaster spp. Shrubland Alliance	Broom Patch	No
Rubus spectabilis – Morella californica Shrubland Alliance Forest and Woodland Alliance	Salmonberry – Wax Myrtle Scrub	Yes
Calamagrostis nutkaensis Herbaceous Alliance	Pacific Reedgrass Meadow	Yes
Holcus lanatus – Anthoxanthum odoratum Herbaceous Semi-Natural Alliance	Common Velvet Grass – Sweet Vernal Grass Meadow	No
Eriophyllum staechadifolium - Erigeron glaucus - Eriogonum latifolium Herbaceous Alliance	Salal-Berry Brambles/Seaside Wooly Sunflower – Seaside Daisy – Buckwheat Patches *Gaultheria shallon – Rubus (ursinus)* Shrubland Alliance	Yes

The Natural Resources Study concluded that the project area has the potential to provide habitat for Obscure bumblebee (*Bombus caliginosus*), Western bumble bee (*Bombus occidentalis*), Western pond turtle (*Actinemys marmorata*), Northern red-legged frog (*Rana aurora aurora*), and Sonoma tree vole (*Arborimus pomo*).

No special status bird nests or nesting activity were observed during surveys. Despite this, the Natural Resources Study concluded that there is a potential for presence of nesting birds in the area during the nesting season, including special status species. The Study also concluded that there is a potential for presence of special status bats within the wooded areas near the project area.

The Natural Resources Study concluded that the Salmonberry – Wax Myrtle Scrub and Twinberry Scrubland Alliance are wetlands. A small drainage about one hundred (100) feet in length was also observed to have standing water and was therefore presumed to be an Army Corps jurisdictional watercourse due to it draining over the bluff and into the Pacific Ocean.

Several avoidance, mitigation, and restoration measures were recommended within the Natural Resources Study, including pre-construction surveys for Sonoma tree vole, bumblebees, birds, bats, and western pond turtle, contractor training for Northern red-legged frog, erosion control and ground disturbance minimization, invasive plant species removal and prevention, and the development of a Bishop pine forest Active Management Plan.

In 2023, a Preliminary Mitigation, Management, Monitoring, and Reporting Plan (the "MMRP") was prepared for invasive plant special removal and Bishop pine forest and Pacific reedgrass meadow enhancement and restoration. The MMRP implements the Natural Resources Study's recommendation to prepare an "Active Management Plan". The MMRP contains several performance goals and success criteria, including removal

of invasive, non-native plants throughout the property, natural recruitment of Bishop pine seedlings, reestablishment of native Bishop pine understory, establishment of new Pacific reedgrass meadow, fuel load reduction, pathogen outbreak prevention, monitoring, and reporting. The MMRP contains instructions for the implementation of these goals.

According to the MMRP, the previously proposed development would have directly impacted and eliminated approximately 1,550 square feet of Bishop pine forest and 1,640 square feet of Pacific reedgrass meadow. An additional 1,260 square feet of temporary impact would have occurred within the Bishop pine forest to accommodate installation of the septic system.

Pursuant to Section 20.496.020 and Coastal Element Policy 3.1-7, a buffer area shall be established adjacent to all ESHA. The buffer area shall be a minimum of one hundred (100) feet but may be reduced to a minimum of fifty (50) feet under certain conditions. Due to the extent of the various identified ESHAs, the entire property lies either directly within ESHA or within a fifty (50) foot buffer.

Residential and accessory development is not permitted within ESHA. Pursuant to Section 20.496.020, *"developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent ESHA"*. Therefore, residential and accessory development is not permitted within ESHA buffers.

Therefore, all originally proposed development would be inconsistent with County ESHA regulations. This inconsistency cannot be remedied by (1) special conditions, (2) siting development in a different location, or (3) reducing the scale of the project because the entirety of the property is within ESHA or ESHA buffers.

Therefore, under normal circumstances, the County of Mendocino would deny a Coastal Development Permit application for residential and accessory development on this property. However, Public Resources Code Section 30010 forbids the denial of a permit *"in a manner which will take or damage private property for public use, without the payment of just compensation therefor."*

Consequently, the Coastal Act (Public Resources Code Sections 30000 through 30900) imposes on the County the duty to assess whether its action might constitute a "taking". If the County concludes that its action does not constitute a taking, then it may deny the project on finding that its actions are consistent with Section 30010. If the County determines that its action would constitute a taking, then it applies Section 30010 to consider how the project may be approved. In the latter situation, the County may propose modifications to the development to minimize any Coastal Act inconsistencies, while still allowing a reasonable amount of development.

County staff originally concluded that denial of the previously proposed development would constitute a taking. As such, County staff originally recommended approval of the previously proposed development. However, correspondence from California Coastal Commission (CCC) staff asserted that the County's findings were not supported by relevant facts and that the proposed development should be modified. In an attempt to resolve the issues raised by CCC staff, the applicant revised the proposed development, including a letter from a biologist with updated information and recommendations regarding impacts to ESHA under the revised development.

According to the update letter, the identified ESHA have not changed since they were last observed in 2023. Whereas the previously proposed development would have resulted in 3,190 square feet of direct impact on ESHA, the revised project would have no direct impact on ESHA because the addition and other structures would be located outside the literal extent of ESHA. However, the revised development would result in approximately 1,307 square feet of development within ESHA buffers and 2,178 square feet of temporary impact of Pacific reedgrass meadow and Bishop pine forest through installation of leach fields. No trees are proposed for removal under the revised development.

The update letter continues to recommend that pre-construction surveys for Sonoma tree vole, bumblebees, birds, bats, and western pond turtle occur. The update letter also continues to recommend that contractor training for Northern red-legged frog, invasive plant species removal and prevention, and active management of the Bishop pine forest occur to mitigate temporary impacts to the Bishop pine forest and Pacific reedgrass ESHA. However, the update letter states that the reestablishment of Bishop pine understory habitat and establishment of new Pacific reedgrass meadow habitat are no longer recommended because no permanent impacts to these vegetation alliances would occur under the revised

development. The letter also recommends that the success criteria for removal of invasive species and recruitment of Bishop pine seedlings be expanded, as well as minor changes to monitoring and reporting requirements. The letter also recommends that (1) Bishop pine forest understory enhancement and maintenance measures should be incorporated into the buffer enhancement actions except for supplemental plantings due to the lack of permanent impacts, (2) that low-symbolic fencing be installed along the edge of ESHA to deter encroachment, and (3) that pathogen spread minimization, fuel load reduction, monitoring, and reporting measures should be incorporated into the ESHA protection measures as part of the revised development.

The revised development minimizes inconsistency with the LCP while simultaneously allowing enough development to avoid a regulatory taking. To ensure that the revised development minimizes inconsistency with the LCP, the standards contained in MCC section 20.496.020(A)(4) should be applied for development permitted within ESHA buffer areas.

Pursuant to subsections 20.496.020(A)(4)(a) and (d), development would be compatible with the continuance of adjacent habitat areas because most development would be located outside the literal extent of such areas. Low symbolic fencing would be installed to prevent encroachment into the adjacent habitat areas, and measures would be implemented to promote recruitment of Bishop pine seedlings to mitigate temporary impacts due to leach line installation. Invasive species would be targeted for removal, which would provide an opportunity for native habitat to expand into areas where invasive species are removed.

Pursuant to subsections 20.496.020(A)(4)(b), (c), and (e), the proposed site for the expanded residence, garage, water tank, and outdoor kitchen is the best site because it is clustered among the disturbed areas immediately surrounding the existing residence and lies outside the literal extent of ESHA. The site of the proposed hammerhead turnaround is the only site large enough to accommodate the turnaround that is outside the literal extent of ESHA. As noted in the letter from Carl Rittiman & Associates, the new leach lines must be located in the Bishop pine forest. Other locations are not feasible due to soil profiles and required setbacks to the existing well. As noted in the update letter from the biologist, replanting lost vegetation is no longer necessary because vegetation will no longer be permanently removed. Mitigation measures would be incorporated to account for temporary impacts and impacts to buffer areas, such as the installation of symbolic fencing, removal of invasive species, promoting recruitment of Bishop pine seedlings, and restoration of Bishop pine forest understory.

Pursuant to subsection 20.496.020(A)(4)(f), the driveway must be paved with gravel at a minimum as required by CAL FIRE regulations. The revised development would greatly reduce the amount of vegetation removal by siting development outside the literal extent of ESHA. No trees would be removed under the revised development. Human intrusion into ESHA would be minimized by the installation of symbolic fencing along the edge of ESHA.

Pursuant to subsection 20.496.020(A)(4)(g), (h), and (i), riparian vegetation would not be lost due to development, and the revised development would not be located within a one hundred (100) year flood hazard area. The proposed development would be greater than fifty (50) feet from the identified stream. Pursuant to subsection (j), stormwater runoff would primarily sheet flow across the property towards the Pacific Ocean, including through the stream outfall at the bluff. Pursuant to subsection 20.496.020(A)(4)(k), mitigation measures would be incorporated to minimize potential impacts to ESHA as listed above.

In addition to implementing the mitigation measures recommended by CDFW and the biologists, CCC staff assert that an additional mitigation measure should be added "*requiring as a condition of approval the recordation of a deed restriction that adequately prohibits all development in the ESHA buffer area on the property except for the following types of development: a) removal of non-native vegetation; b) the planting of native vegetation, or c) vegetation clearance if required by CAL FIRE*". CCC staff also recommend that the use of any rodenticides be prohibited to minimize potential impacts of rodenticide use to other environmentally sensitive wildlife species. These recommendations can be implemented as additional mitigation measures to ensure that impacts to biological resources are less than significant.

f) **No Impact:** The subject property is not within the jurisdiction of a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

MITIGATION MEASURES:

BIO-1: Prior to the issuance of any building permit associated with this Coastal Development Permit, the permittee, as landowner, shall provide evidence of or execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:

a. Future use of the property within Environmentally Sensitive Habitat Areas (ESHA) or ESHA buffers shall be limited to those resource-dependent uses allowed within ESHA or ESHA buffers as outlined in Coastal Zoning Code Section 20.496.020, as may be amended from time to time, except for the following types of development:

   i. Routine maintenance and repairs of the existing residential use within the development footprint and existing structure footprint(s).

   ii. Removal of non-native vegetation.

   iii. Planting native vegetation.

   iv. Vegetation clearance as required by CAL FIRE.

   No future development, as defined in Coastal Zoning Code Section 20.308.035(D), may occur within these areas without issuance of a Coastal Development Permit Amendment or a subsequent Coastal Development Permit.

b. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

BIO-2: A Sonoma tree vole survey shall occur within two weeks of construction. If tree vole nests are found in trees, the California Department of Fish and Wildlife shall be immediately notified, and steps shall be taken to protect Sonoma tree voles present per California Department of Fish and Wildlife requirements. Should tree voles be found, project commencement shall not occur until California Department of Fish and Wildlife gives clearance.

BIO-3: Within two weeks prior to any vegetation removal or ground disturbance, project contractors will be trained by a qualified biologist in the identification of the Northern red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as in and near the stream corridor and any pools or present water, to detect the presence of Northern red-legged frog. If a Northern red-legged frog is detected, construction or demolition crews cease all ground disturbing activity within 100 feet and will contact the California Department of Fish and Wildlife or a qualified biologist who will provide assistance. Ground disturbing activities within 100 feet will be allowed to proceed after clearance is given from CDFW and/or the qualified biologist. If a rain event occurs during the construction period, all construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction or demolition activities, trained construction crew member(s) will examine the site for the presence of Northern red-legged frog. If no Northern red-legged frogs are found, construction activities may resume.

BIO-4: Ground disturbance and vegetation removal shall be limited to impacts necessary to accommodate the development. If feasible, ground disturbance and vegetation removal activities shall occur outside of the summer season, when bumblebees are most active. If ground disturbance must occur during the summer, bumblebee surveys shall occur within two weeks prior to ground disturbance or vegetation removal, by a biologist qualified to identify special status bumblebees, and the survey results submitted to the California Department of Fish and Wildlife for approval prior to ground disturbance or vegetation removal. If special status bumblebees are found, the California Department of Fish and Wildlife will be consulted for avoidance measures and clearance. To the extent feasible, flowering native vegetation that could provide forage for bumblebees shall be retained at the site. Although bumblebees are generalists and will visit many diverse nectar plants, preferred food sources for Western Bumblebee include but are not limited to *Melilotus, Cirsium, Trifolium, Centaurea, Chrysothamnus,* and *Eriogonum* plant species (Koch, et al, 2012). Preferred food plants for Obscure bumblebee include but are not limited to *Baccharis, Cirsium,*

Lupinus, *Lotus*, *Grindelia*, and *Phacelia* species (Koch 2012).

BIO-5: The bird breeding season typically extends from February to August. Ideally, vegetation removal and project ground disturbing impacts will be done in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of ground disturbing impacts or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances. As with birds, bat roost and hibernation sites can change from year to year, so pre-construction or demolition surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if ground disturbing work or vegetation removal is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. However, if it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys shall be conducted. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost.

BIO-6: A visual survey for Western Pond Turtle shall occur between May and July, in the vicinity of the stream and surrounding areas, following the USGS protocol for Western Pond Turtle surveys. If western pond turtles are found, California Department of Fish and Wildlife shall be consulted for guidance on avoidance measures.

BIO-7: Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Silt fencing and orange construction fencing shall be placed and maintained between construction/ground disturbance, and resource areas, to the extent feasible, for all areas where construction will occur within 50 feet of identified special status habitats as shown in Figure 15 within the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan*. Equipment use, and equipment and materials storage and staging shall not occur within the fenced protection areas. Any soil stockpiles will need to be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be re-vegetated with native vegetation and/or native seed mixes appropriate to the site for soil stabilization. Low Impact Development techniques such as permeable paving should be utilized to minimize storm water runoff from new impervious surfaces where practical and feasible. Storm water runoff from new impervious surfaces shall be engineered such that it will not result in erosion issues or convey beyond the boundaries of the property.

BIO-8: Landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the adjacent plant communities. Prior to entering the site, the tires and undercarriage of heavy equipment shall be washed in order to remove any invasive plant seed that may be present.

BIO-9: In accordance with the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* (MMRP) and the *Updated Project Biological Resources Impacts* letter dated June 18, 2025, the permittee shall:

a. Remove invasive, non-native plants throughout the parcel. Target species are English ivy (*Hedera helix*), English holly (*Ilex aquifolium*) Scotch broom (*Cytisus scoparius*), Eucalyptus (*Eucalyptus globulus*), iceplant (*Carpobrotus edulis, Carpobrotus chilensis*), Himalayan blackberry (*Rubus armeniacus*), and montbretia (*Crocosmia*). Target non-native, invasive species will be reduced by 95% in the parcel at the end of the five (5) year monitoring period. Some iceplant and other invasive species are growing below the bluff edge and may not be feasibly removed. Invasive plants are only required to be removed in areas that are safely accessible. No new populations of these species or Eucalyptus should be present on the parcel.

b. Encourage natural recruitment of Bishop pine seedlings. At least one Bishop pine seedling should germinate following natural recruitment implementation activities for each location implementation activities occurred (i.e., if three locations are treated, three trees should germinate). Each new tree should be protected in perpetuity or until natural death or becoming a hazard trees, as determined by a qualified professional. If overcrowding conditions occur due to natural recruitment, trees should be thinned appropriately to allow for the continuance of the most health tree. Each of the naturally occurring Bishop pine and native tree saplings identified prior to construction shall be avoided during construction and retained following construction completion to allow for natural recruitment of Bishop pine forest habitat.

c. Keep fuel load at a safe level. No more than three (3) fallen trees or standing snags should be retained per acre. Trees, shrubs, and other vegetation should meet current standards for CAL FIRE defensible space, based on distance to constructed buildings. Between zero (0) and thirty (30) feet from structures, all dead plants, grass, and weeds should be removed. Dead or dry leaves and pine needles should be removed from the yard, roof, and rain gutters. Tree branches should be kept ten (10) feet away from chimneys and other trees. Between thirty (30) and one hundred (100) feet from structures, annual grass should be cut or mown to a maximum height of four (4) inches. Horizontal spacing between shrubs and trees should be created. Horizontal and vertical spacing between plants should be created. The amount of spacing will depend on how steep the slope is and the size of the plants. Vertical spacing between grass, shrubs, and trees should be created. Large trees need not be cut and removed if all of the plants beneath them are removed. This eliminates a vertical "fire ladder". Minimum vertical clearance beneath large trees should be six (6) feet.

d. Prevent pathogen outbreaks by checking trees and vegetation on at least an annual basis for dying vegetation or signs of insect, fungus, or other pathogen infestation. Consult with the University of California Forest Advisor, CAL FIRE tree pathogen specialist, or a qualified tree pathogen specialist as necessary if pathogens are suspected. Findings shall be recorded in annual reports. The infestation shall be noted, detailing the location of the observation, description of the observation, special of what plant it is on, and how widespread that pathogen is. Pictures of the infestation shall be taken. Vegetation treatment and removal measures recommended by the advisor or specialist shall be administered.

e. Monitor success criteria. The monitoring period shall begin when construction of the proposed development is complete. The monitoring period shall run for a minimum of five (5) years. Failure to meet and maintain the success criteria by the end of the monitoring period shall result in the requirement of one or more additional years of restoration, management, and monitoring until the success criteria are met. The saplings mapped in 2025 and any actively recruited trees shall be monitored.

f. Produce an annual record of management activities and site performance. The report shall be submitted to Planning & Building Services annually. The report shall include:

    i. Name and contact information of person in charge of monitoring activities, and name and contact information of reporting party.

    ii. Color photos of the management areas at the beginning and end of the reporting period.

    iii. A summary of any issues encountered and management steps taken during the reporting period.

    iv. Level of effort and methods used during that monitoring period to eradicate weeds, improve forest health and conditions for new Bishop pine seedling recruits, keep the fuel load reduced, develop and maintain a Bishop pine forest understory, and

minimize disease spread.

v. Any new invasive plant species observed or evidence of pathogen presence.

vi. For active recruitment of tree saplings, include the total number of individuals observed, based on species, and a discussion of observations, including trees lost, tree health, and tree growth.

vii. For the removal of invasive species, include photo documentation and a brief description of the work conducted, including species targeted, when work was done, and an estimated area that is managed.

viii. Discussion about which success criteria are, and are not, on track and provide suggestions for adaptive management to achieve the success criteria.

BIO-10: Invasive plant removal shall be implemented in accordance with the methods outlined in Section 5.1 of the *Preliminary Mitigation, Management, Monitoring, & Reporting Plan* (MMRP). Bishop pine seedling recruitment shall be implemented in accordance with the methods outlined in Section 5.2 of the MMRP.

BIO-11: Native plants present in the herbaceous layer should be retained and maintained to the extent feasible while allowing for small clearings to encourage natural Bishop pine regeneration. Similarly, the native plants present in the shrub layer should be retained and maintained in a well-spaced manner for fire protection purposes as well as to encourage diversity and healthy natural Bishop pine regeneration. Tanoak (*Notholithocarpus densiflorus*), a valuable native tree/shrub found within the Bishop pine forest at the site, should be retained and maintained but can be very aggressive in areas where overstory canopy is removed and no longer holds this species in check. Care should be taken that tan oak does not overgrow and outcompete Bishop pines or become too dense and compromise fire safety. The need for some removal of young tan oaks over the years should be anticipated.

BIO-12: Low, symbolic fencing shall be installed along the edge of ESHA to deter entry. Fencing shall be installed along the northern edge of the yard and around the existing clearing where the leach field is to be installed, as shown on the site plan dated June 16, 2025.

BIO-13: The use of any rodenticide on the property is prohibited.

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

5.5 CULTURAL RESOURCES

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

DISCUSSION: Archeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts and states, in part, "*It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archeological site without complying with the provisions of this section*". MCC Section 22.12.090 governs discovery and treatment of archeological

resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled.

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, b, c) Less than Significant Impact: Mendocino County Code (MCC) Chapter 22.12 regulates archaeological resources. Coastal Element Policy 3.5-10 requires that the County review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. An Archaeological Survey Report dated August 2021 was submitted for the Project (available on file at Planning & Building Services). No cultural resources were identified on the property as a result of the survey. The report was presented at the July 12, 2023 Mendocino County Archaeological Commission meeting. The Commission moved to accept the survey while recommending that the 'Discovery Clause' be adopted. The 'Discovery Clause' is a standard condition applied to all Coastal Development Permits to memorialize the existing requirements of Chapter 22.12 for the unanticipated discovery of any resources. The application was referred to three (3) local tribes, including the Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. No response was received.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less than Significant Impact** on Cultural Resources.

5.6 ENERGY

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

[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.

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) **No Impact:** Construction would be required to comply with applicable building regulations. These standards would minimize inefficient use of energy. The proposed development is expected to follow standard construction methods. The installation of PV solar panels and a solar hot water panel would increase energy efficiency.

b) **No Impact:** Construction would be required to comply with applicable building regulations. These standards would minimize inefficient use of energy. The proposed development is expected to follow standard construction methods. The installation of PV solar panels and a solar hot water panel would increase energy efficiency.

MITIGATION MEASURES: None.

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

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

5.7 GEOLOGY AND SOILS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☒	☐	☐
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?	☐	☐	☐	☒

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.

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

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

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

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

Mendocino County has not been evaluated by CGS and no Landslide Zones have been mapped as part of the Seismic Hazards Program. CGS Deep-Seated Landslide Susceptibility mapping and CGS Landslide Inventory mapping do not associate the site with landslide risks. The Geotechnical Investigation notes that *"no deep-seated landslides or areas of severe erosion were observed on the property bluffs and no landslides are shown on the property on the published geologic maps we reviewed"* The Geotechnical Investigation analyzed bluff retreat, the effects of sea level rise on bluff retreat, and slope stability. The Geotechnical Investigation recommended a bluff setback of 36 feet based on these factors. However, the Project would be located a minimum of 50 feet from the bluff edge due to a required building envelope established by prior land division involving the subject parcel. Therefore, impacts related to bluff retreat and landslides would be less than significant.

b) **Less Than Significant Impact with Mitigation Incorporated:** As part of the Geotechnical Investigation prepared for the project, three exploratory test borings were drilled on the site. The Investigation notes that the *"areas of our borings are covered by approximately 3 to 4 feet of terrace deposits that are loose, porous, and contain roots. These soils are weak and susceptible to settlement and erosion. These soils are not suitable to support foundation or concrete slabs on grade."* The Geotechnical Investigation recommended several methods of minimizing these impacts, including the aforementioned spread footings or drilled piers. Other recommendations involved Clearing and Stripping of vegetation, Structural Area Preparation, Finish Grading, Concrete Slab Support, and possible Retaining Walls. More information on these recommendations can be found in section 6 of the Geotechnical Investigation (available on file at Planning & Building Services). The implementation of these recommendations would minimize potential impacts to less than significant levels. Therefore, a mitigation measure is contemplated which would require that the Project incorporate applicable recommendations related to soil erosion (see Mitigation Measures GEO-1).

c) **Less Than Significant Impact with Mitigation Incorporated:** The Geotechnical Investigation noted that lateral spreading *"is generally caused by liquefaction of marginally stable soils underlying gently to steeply inclined slopes. In these cases, the saturated soils move toward an unsupported fact, such as an incised river channel or body of water. Based on review of our borings and nearby unsupported slope faces, we conclude that there is a minor potential for lateral spreading in the area."* As noted above, the potential for liquefaction was addressed within the Geotechnical Investigation, which provided recommendations to minimize such impacts. Mitigation Measure GEO-1 would reduce these impacts to less than significant levels.

d) **No Impact:** According to the Geotechnical Investigation, the site is underlain by Franciscan complex bedrock. This is overlain by *"poorly-consolidated, Pleistocene Epoch terrace deposits…the terrace deposits appear to have a low expansion potential (tendency for volume change with changes in moisture content)."* Based on this description, the Project is not expected to be located on expansive soil.

e) **No Impact:** The project site is not within the jurisdictional boundaries of a sewer district. Prior to construction, the project would be subject to a qualified site evaluation pursuant to County LAMP requirements and local ordinance. If an alternative wastewater system is needed, it

would also be subject to local Environmental Health requirements. A "Proposal Abstract" for septic system development was provided as part of the application. The document noted that *"a significant portion of the building envelope is not available for sewage disposal due to the setback from the existing well and shallow soil conditions."* The Abstract goes on to note that additional soil profiling was conducted to the north of the building envelope. This was considered a suitable location for a non-standard system. On May 26, 2023, the Project was referred to the Environmental Health Division (EH). EH responded on June 8, 2023 with no comment. The referral response notes that septic permit ST 27863 for a 3-bedroom residence was approved. Therefore, the system is assumed to be compliant with EH standards and no impact would occur.

f) **No Impact:** Paleontological resources are discussed in the Cultural Resources section of this document. No known unique geologic features are located on the project site. The geologic unit underlying the site is not uncommon or unique in Mendocino County.

MITIGATION MEASURES:

GEO-1: The proposed development shall comply with the recommendations contained in the Geotechnical Investigation dated May 24, 2022.

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

5.8 GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) 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 CO2e per year or 4.5 Metric Tons of CO2e per SP (residents + employees) per year. For stationary sources, the operational threshold is 10,000 Metric Tons of CO2e per year.

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

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

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

a) **Less than Significant Impact:** According to CalEEMod, the project is expected to generate fifty (50) metric tons of CO2e per year during construction and nineteen (19) metric tons of CO2e per year during operation. These are below the thresholds set by MCAQMD.

b) **Less than Significant Impact:** According to CalEEMod, the project is expected to generate fifty (50) metric tons of CO2e per year during construction and nineteen (19) metric tons of CO2e per year during operation. These are below the thresholds set by MCAQMD.

MITIGATION MEASURES: None.

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

5.9 HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
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?	☐	☐	☒	☐

DISCUSSION: California Health and Safety Code states: "Hazardous material" means any 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. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the unified program agency has a reasonable basis for believing

that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment (California Health and Safety Code Section25501 (m)).

Mendocino County has adopted a Hazardous Waste Management Plan to guide future decisions by the County and the incorporated cities about hazardous waste management. Policies in this General Plan emphasize source reduction and recycling of hazardous wastes and express a preference for onsite hazardous waste treatment over offsite treatment. The Hazardous Waste Management Plan proposed a number of hazardous waste programs and set forth criteria to guide the siting of new offsite hazardous waste facilities. However, to date, no facilities have been cited in the county. In 1997, the County Division of Environmental Health assumed responsibility for administering hazardous waste generation and treatment regulations. Solid Waste and Hazardous Waste and Materials Management Policy DE-203 states: *All development projects shall include plans and facilities to store and manage solid waste and hazardous materials and wastes in a safe and environmentally sound manner*.

The California Air Resources Board classifies asbestos as a known human carcinogen. Asbestos of any type is considered hazardous and may cause asbestosis and lung cancer if inhaled, becoming permanently lodged in body tissues. Exposure to asbestos has also been shown to cause stomach and other cancers. Asbestos is the general name for a group of rock-forming minerals that consist of extremely strong and durable fibers. When asbestos fibers are disturbed, such as by grading and construction activities, they are released into the air where they remain for a long period of time. Naturally occurring asbestos is an issue of concern in Mendocino County, which contains areas where asbestos-containing rocks are found. The presence of ultramafic rocks indicates the possible existence of asbestos mineral groups. Ultramafic rocks contain 90 percent or more of dark-colored, iron-magnesium-silicate minerals. Ultramafic rocks may be partially or completely altered to a rock known as serpentinite, more commonly called serpentine.

The Mendocino County Air Quality Management District enforces state regulations to reduce the effects of development projects involving construction sites and unpaved roads in areas tested and determined by a state-registered geologist to contain naturally occurring asbestos. Serpentine and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Small, localized areas of serpentine do occur in the coastal belt of the Franciscan Formation, but they are significantly less abundant.

Mendocino County's aviation system is composed of airports, privately owned aircraft of various types, privately operated aircraft service facilities, and publicly and privately operated airport service facilities. Most aircraft are privately owned, small single or twin-engine planes flown primarily for personal business. Six public use airports in Mendocino County provide for regional and interregional needs of commercial and general aviation. Actions involving areas around airports will continue to be evaluated for consistency with the County's Airport Comprehensive Land Use Plan and applicable federal regulations. Mendocino County's Airport Policy DE-167 states: *"Land use decisions and development should be carried out in a manner that will reduce aviation-related hazards (including hazards to aircraft, and hazards posed by aircraft)"*.

The California Department of Forestry and Fire Protection divides the County into fire severity zones. These maps are used to develop recommendations for local land use agencies and for general planning purposes.

a) **No Impact:** The proposed development would not involve the routine use, transport, or disposal of hazardous materials. Some hazardous materials may be used during construction, but these impacts would be intermittent and temporary.

b) **No Impact:** The proposed development would not involve the routine use, transport, or disposal of hazardous materials. Therefore, reasonably foreseeable upset and accident conditions involving the release of hazardous materials would not occur.

c) **No Impact:** The site is not within one quarter mile of a school.

d) **No Impact:** The site is not on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

e) **No Impact:** The site is not within the boundaries of an airport land use plan or within two (2) miles of an airport.

f) **No Impact:** The project would not interfere with an adopted emergency response plan or emergency evacuation plan because the site is located on a private driveway and no accessways would be blocked.

g) **Less than Significant Impact:** The proposed development consists of elements that would contribute minimally to fire risk. The establishment of an adequate water source, including three thousand (3,000) gallons of water storage would help to avoid exposing people or structures to wildfire risk. The project site is within the State Responsibility Area and is classified within the High Fire Hazard Severity Zone. The project is subject to CAL FIRE standards per Title 14 California Code of Regulations, Division 1.5, Chapter 7, Sub-chapter 2, Article 1, §1270.03. CAL FIRE issued letter #30-23 outlining the State Fire Safe Regulations conditions of approval to be met prior to obtaining final clearance. This includes the Driveway Standard, Address Standard, and Maintain Defensible Space and Fuels Modification Standard. Standard conditions of approval within Coastal Development Permits require that the applicant follow the measures required by CAL FIRE. Compliance with existing regulations would minimize potential impacts due to wildfire. The project was also referred to the Fort Bragg Rural Fire District, who responded with no comment.

MITIGATION MEASURES: None.

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

5.10 HYDROLOGY AND WATER QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒
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?	☐	☐	☐	☒

DISCUSSION: Regulatory agencies include the state and regional water quality control boards; 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.

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. Wells throughout Mendocino County support a variety of uses, including domestic, commercial, industrial, agricultural needs, and fire protection. The County's groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. Mountainous areas are underlain by consolidated rocks of the Franciscan Complex, which are commonly dry and generally supply less than 5 gallons per minute of water to wells. Interior valleys are underlain by relatively thick deposits of valley fill, in which yields vary from less than 50 gallons per minute to 1,000 gallons per minute. 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, irrigation, and in some parts of California (but not in Mendocino County) by imported water. 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 and coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification - such as paving, building and gravel removal –it is anticipated that continued recharge will re-supply groundwater reservoirs.

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

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

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

a) **No Impact:** The project would make use of an existing well that must comply with Environmental Health standards. The standard regulations and Best Management Practices applicable to the project ensure that discharges due to construction would not degrade water quality or violate discharge requirements. Additionally, the previously mentioned requirements derived from recommendations within the Geotechnical Investigation, particularly those related

to site drainage, would serve to minimize impacts. Though unlikely, the general prohibition on elicit discharges would ensure that potential violations during operation of the single-family residence would be remediated, inspected, monitored, or enforced appropriately in accordance with MCC Chapter 16.30.

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

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

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

According to Coastal Element Policy 3.9-1, the proposed project shall be compliant with existing health standards. These standards are outlined in the County of Mendocino Coastal Groundwater Development Guidelines prepared for the Environmental Health division. This document contains *Table 1: Groundwater Investigation Requirements for Land Development*. This table states that for single-family residences on existing lots of record, no proof of water or groundwater investigation is necessary. The proposed project includes development of a single-family residence on an existing lot of record and the conversion of an existing cabin to an Accessory Dwelling Unit. If Proof of Water is required, these guidelines establish Professional Qualifications, Pump Testing Requirements, Estimated Water Demand, Pump Testing Methods, Pump Test Procedures, Analysis of Data, and Report of Findings. According to the guidelines, "*dry season conditions*" are defined to be the period of August 20th to October 31st. According to the guidelines, minimum Estimated Water Demand requirements for a single-family residence utilizing at least 2,500 gallons of water storage capacity is five tenths (0.5) gallons per minute (gpm) and one (1) gpm without water storage. The project was referred to the Environmental Health Division (EH) on May 26, 2023. EH responded with no comment. A "Proof of water test" letter was submitted with the project, which noted that a 17-hour proof of water test was conducted on August 23, 2022, for the existing well on the property. The test resulted in a recovery rate of 3.1 gallons per minute.

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

c) **Less than Significant Impact with Mitigation Incorporated:** Two wetlands and a stream have been identified on the property. The Project would not involve direct alteration of the stream or direct removal or fill of the wetland. However, construction and ground disturbance may result in erosion or siltation. As noted, the project would be required to implement BMPs and recommendations outlined in the Geotechnical Investigation to reduce erosion or siltation during construction. In addition, the Natural Resources Study associated with the project outlines recommendations for Erosion Control and Ground Disturbance Minimization in relation to the identified special status habitats. These recommendations include the use of silt fencing, orange construction fencing, stockpiling, revegetation, and permeable paving. Implementation of these recommendations as Mitigation Measures would ensure that erosion or siltation is minimized (see Mitigation Measure BIO-7 and GEO-1).

The project may increase the rate or amount of surface runoff due to additional impervious surface area once construction is complete. The previously identified BMPs, Ground Disturbance Minimization recommendations, and Geotechnical Investigation recommendations implemented during construction would mitigate stormwater runoff impacts (see Mitigation Measure BIO-7 and GEO-1).

The project site is not part of an existing or planned municipal stormwater drainage system. Substantial polluted runoff would be avoided through implementation of BMPs, Ground Disturbance Minimization recommendations, and Geotechnical Investigation recommendations (see Mitigation Measure BIO-7 and GEO-1).

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

d) **No Impact:** Per the California Department of Conservation's Tsunami Maps, the project is not located in a tsunami inundation zone. The project is not located in a flood zone as mapped by FEMA.

e) **No Impact:** Applicable plans include the Mendocino County Coastal Element, Coastal Zoning Code, 1982 Coastal Ground Water Study, and Environmental Health standards. As discussed above and throughout the associated Staff Report, this Project has been found to be consistent with these plans.

MITIGATION MEASURES: None beyond BIO-7 and GEO-1.

FINDINGS: The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Hydrology and Water Quality.

5.11 LAND USE AND PLANNING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☒	☐	☐

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

a) **No Impact:** The project would not physically divide an established community because development would be limited to the subject property, which does not contain an established community within it.

b) **Less than Significant Impact with Mitigation:** The General Plan Coastal Element and Coastal Zoning Code contain policies and regulations aimed at avoiding or mitigating environmental impacts. The Project has been determined to be consistent with applicable regulations as described elsewhere in this document and the associated Staff Report. The same mitigation measures discussed elsewhere in this document would also apply to this document. They will not be repeated below.

MITIGATION MEASURES: None beyond those described elsewhere in this document.

FINDINGS: The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Land Use and Planning.

5.12 MINERAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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 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. 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. The California Division of Mine Reclamation houses the Mines Online database, which maps the location and provides access to documents for mines in Mendocino County. According to the Mines Online database, Mendocino County contains twenty-nine (29) mines. Additionally, the U.S. Geological Survey (USGS) publishes the USMIN Mineral Deposit database, which includes a map of prospect- and mine-related features digitized from historical USGS topographic maps. The features include prospect pits, mine shafts and adits, quarries, open-pit mines, gravel and borrow pits.

a) **No Impact:** The site does not contain any known mineral resources of value.

b) **No Impact:** No locally important mineral resources are known to occur on the project site.

MITIGATION MEASURES: None.

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

5.13 NOISE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
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?	☐	☐	☐	☒

DISCUSSION: Noise pollution has been linked to negative health impacts such as stress, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity. In the 1970s, the U.S. Environmental Protection Agency (USEPA) coordinated all federal noise control activities through its Office of Noise Abatement and Control under Subchapter IV of the Clean Air Act. However, this office was phased out in 1982. The federal Noise Control Act of 1972 and Quiet Communities Act of 1978 remain in effect today, but their implementation is essentially unfunded. As such, the responsibility of regulating noise primarily rests with state and local governments. Nevertheless, USEPA has published several documents that outline the health effects of noise. For example, in 1974 USEPA published *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*. In 1979, USEPA published the *Noise Effects Handbook, a Desk Reference to Health and Welfare Effects of Noise*.

Federal Highway Administration regulations require noise impact analyses and the implementation of abatement measures to reduce or eliminate noise impact of federally funded highway construction projects in California.

In 1973, California passed the Noise Control Act, which created the Office of Noise Control. However, this office is now defunct. California Government Code Section 65302 requires that each General Plan contain a noise element. California Streets and Highways Code Section 216, known as the Control of Freeway Noise in School Classrooms, requires the Caltrans abate noise from freeways to specified levels when the noise exceeds specified levels in school classrooms.

According to California Health and Safety Code Section 46022, noise is defined as *"excessive undesirable sound, including that produced by persons, pets and livestock, industrial equipment, construction, motor vehicles, boats, aircraft, home appliances, electric motors, combustion engines, and any other noise-producing objects."*

Major noise sources in Mendocino County include 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). Private airstrips include the Lofty Redwoods Airport in Anchor Bay, the Fort Bragg Airport, and heliports at the Mendocino Coast District Hospital in Fort Bragg and Adventist Health in Ukiah. Major industrial sources of noise include lumber mills and timber production facilities. Other noise sources are identified in the County General Plan. Land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise sensitive.

Per Mendocino County General Plan Policy DE-98, homes or noise-sensitive land uses are to be developed only in places where existing and projected noise levels would meet the exterior noise guidelines and

standards shown in Policies DE-100 and DE-101. Per Policy DE-99, no new use regulated by the County shall be permitted to generate noise that would cause the ambient noise on any adjacent parcel to exceed the "completely compatible" 24-hour guidelines shown in Policy DE-101 or the 30-minute noise standards in Policy DE-100. Noise mitigation must achieve these standards for any decision that would cause a violation of the standards. These decisions could include roadway construction projects, public park construction, General Plan amendments, changes of zone, conditional use permits, or site plan review approval.

Per General Plan Action Item DE-99.2, acoustical studies are required for (1) significant new noise generators, (2) new noise-sensitive uses in noise-impacted areas or near noise generator, or (3) new uses which are proposed to be developed in areas which do not meet the "completely compatible" exterior noise guidelines contained in Policy DE-100 or Policy DE-101.

Policy DE-100 establishes the following Exterior Noise Level Standards (levels not to be exceeded more than 30 minutes in any hour), where dBA are A-weighted decibels:

Land Use Type	Time Period	Maximum Noise Level (dBA)
Single-Family Homes & Duplexes	10 p.m. to 7 a.m.	50
	7 a.m. to 10 p.m.	60
Multiple Residential 3 or More Units Per Building (Triplex +)	10 p.m. to 7 a.m.	55
	7 a.m. to 10 p.m.	60

Policy DE-100 also specifies the following:

- Where existing ambient noise levels exceed these standards, the ambient noise level shall be the highest allowable noise level measures in dBA Leq (30 minutes), where "Leq" is equivalent continuous sound level.
- The noise levels specified above shall be lowered by 5 dB for simple tonal noises (such as humming sounds), noises consisting primarily of speech or music, or for recurring impulsive noises (such as pile drivers, punch presses, and similar machinery).
- The County may impose exterior noise standards which are less restrictive than those specified above, provided that:
    - The noise impact on the residential or other noise-sensitive use is addressed in an environmental analysis,
    - A finding is made by the approving body stating the reasons for accepting a higher exterior noise standard, and
    - Interior noise standards will comply with those identified in Policy DE-103.

Policy DE-101 establishes the following Noise Compatibility Guidelines (expressed as a 24-hour day-night average or "LDN"):

Land Use	Completely Compatible	Tentatively Compatible	Normally Incompatible	Completely Incompatible
Residential	Less than 55 dBA	55-60 dBA	60-75 dBA	Greater than 75 dBA
Commercial	Less than 65 dBA	65-75 dBA	75-80 dBA	Greater than 80 dBA
Industrial	Less than 70 dBA	70-80 dBA	80-85 dBA	Greater than 85 dBA

Policy DE-101 also establishes the following:

- These guidelines apply to land designated by this General Plan for these uses. Residential, retail, or public parks that have been developed on land designated for other uses shall be subject to the exterior noise guidelines for the land on which they are located.
- Non-residential uses located on residentially designated land shall be subject to the exterior noise guidelines for residential lands.
- All uses on Commercial lands, including non-commercial uses, shall be subject to commercial land standards. Land use designations not listed above do not have exterior noise compatibility standards. Land use designations with no exterior noise compatibility standard include office and industrial.

- Standards for public schools are set and enforced by the State of California and are not regulated by the County.

Policy DE-103 establishes the following Maximum Acceptable Interior Noise Levels Created by Exterior Noise Sources:

Land Use Type	Acceptable Noise Level (dBA Ldn or CNEL)
Residential Living and Sleeping Areas, Daytime	45 dBA
Private School Classrooms	55 dBA
Commercial, Educational, Office, Light and Heavy Industrial, Warehousing	Conform with applicable state and federal workplace safety standards

Policy DE-103 further clarifies that the noise created inside a residential home, classroom, or library shall not count toward the acceptable noise levels in this policy. Policies DE-107 through DE-110 prioritize the use of distance and landscaping as methods for addressing noise. Noise barriers are generally discouraged.

Ground vibration can be caused by the operation of construction equipment and construction techniques such as blasting, pile driving, or demolition activity. Roadway traffic can also be a source of vibration, though traffic rarely generates vibration amplitudes high enough to cause structural damage. Trains can also be a significant source of ground vibration. The motion of particles is used to describe ground vibration, including the concepts of particle displacement, velocity, and acceleration. Vibratory motion is often described by identifying the peak particle velocity (PPV), which is the zero-to-peak amplitude of ground vibration waves.

Sources of ground vibration can be categorized into equipment or activities typical of continuous vibration, single-impact or low-rate repeated impact vibration, and high-rate repeated impact vibration. Equipment or activities typical of continuous vibration include excavation equipment, compaction equipment, and vibratory pile drivers. Equipment or activities typical of single-impact or low-rate repeated impact vibration include impact pile drivers, blasting, or drop balls. Equipment or activities typical of high-rate repeated impact vibration include jackhammers and hydraulic breakers ("hoe rams").

Ground vibration can be annoying to people and has the potential to damage structures, including structural and cosmetic architectural damage. Ground vibration also has the potential to disrupt the operation of vibration-sensitive equipment, such as microscopes, MRI machines, and precision milling equipment. Vibration amplitudes (PPV) of various construction equipment can be calculated using methods described in the California Department of Transportation's (Caltrans') 2020 *Transportation and Construction Vibration Guidance Manual*.[16] The manual also includes guidelines for vibration damage and vibration annoyance potential thresholds. One method for reducing vibration is the installation of wave barriers. A wave barrier is a trench or thin wall made of sheet piles or similar structural members.

Mendocino County has adopted two (2) airport land use plans. The Mendocino County Airport Comprehensive Land Use Plan was adopted in 1996 and covers the Boonville Airport, Ells Field, Little River Airport, Ocean Ridge Airport, and Round Valley Airport, The Ukiah Municipal Airport Land Use Compatibility Plan was adopted in 2021. Together, the plans cover all public airports in Mendocino County and contain individualized policies related to noise. Certain land use actions require review by the Mendocino County Airport Land Use Commission.

a) **Less than Significant Impact:** The proposed development is not expected to create substantial noise beyond the standards outlined in the General Plan and the Exterior Noise Limit Standards found in Appendix C of the County Code. Some temporary noise impacts may occur, but existing regulations limiting allowable noise would restrict construction noise.

b) **Less than Significant Impact:** Any groundborne vibration would be intermittent and temporary during construction.

[16] California Department of Transportation (Caltrans). (2020). *Transportation and Construction Vibration Guidance Manual* California Department of Transportation, Division of Environmental Analysis, Environmental Engineering, Hazardous Waste, Air, Noise, Paleontology Office.

c) **No Impact:** The site is not in the vicinity of a private airstrip, airport land use plan area, or public airport.

MITIGATION MEASURES: None.

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

5.14 POPULATION AND HOUSING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) 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 87,497. 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 slowed further from 2000 to 2007, increasing only 4.6 percent.

Mendocino County's Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government's (MCOG) Regional Housing Needs Plan assigned the County a production goal of 1,349 housing units for the unincorporated area between 2018 and 2027. Goals and policies were set forth to facilitate the development of these housing units at a range of sizes and types to address this need. The Housing Element includes an analysis of land suitable for residential development and considers revisions to zoning regulations and development standards to encourage development of these areas.

a) **No Impact:** The project would not induce substantial population growth because it would not increase residential density on the site.

b) **No Impact:** The project would not displace people or housing because it would not involve the demolition of housing and would not cease operation of any existing housing.

MITIGATION MEASURES: None.

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

5.15 PUBLIC SERVICES

WOULD THE PROJECT result in substantial adverse Physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) 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.[17]

a, b, c, d, e) No Impact: The project would not result in the need for new or physically altered government facilities, including fire protection, police protection, schools, parks, or other public facilities because it would not result in population growth. The lack of population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.

MITIGATION MEASURES: None.

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

5.16 RECREATION

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) 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 the 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

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

by the Mendocino County Cultural Services Agency. Additionally, the County is host to a variety of state parks, reserves, other state protected areas used for the purpose of recreation, with thirteen (13) locations along the coast and eight (8) in the inland areas.

a) **No Impact:** The project would not result in the need for new recreation facilities because it would not increase residential density and therefore would not result in population growth. The lack of population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.

b) **No Impact:** The project would not involve or require the construction or expansion of recreational facilities.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less than Significant Impact** on Recreation.

5.17 TRANSPORTATION

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
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?	☐	☐	☐	☒

DISCUSSION: General Plan Policy DE-131, DE-148, DE-149, and DE-157 relate to transportation, including Action Item DE-138.1.[18] 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."*[19] 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.[20]

[18] The County of Mendocino (2009). *General Plan*. Retrieved from https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan.
[19] State of California. Governor's Office of Planning and Research. (2018). *Technical Advisory on Evaluating Transportation Impacts in CEQA*.
[20] Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*.

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

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

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

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

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

b) **Less than Significant Impact:** According to the MCOG Travel Demand Forecasting Model, the daily vehicle trip generate rate for a single-family dwelling unit is 9.79.[21] This is below the 110-trip screening threshold described in the Office of Planning & Research (OPR) Technical Advisory. As discussed above, the project is consistent with the General Plan and Regional Transportation Plan regarding transportation. It can be presumed that a less than significant impact would occur.

c) **No Impact:** The Project would not make use of farm equipment and would not change the existing circulation pattern of the site and surroundings. Extension of the driveway and parking area would occur within a relatively flat cleared area. The entrance to the property is not a blind driveway or sharp curve.

d) **No Impact:** The project would not result in inadequate emergency access because the proposed development would not physically block any access routes.

MITIGATION MEASURES: None.

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

5.18 TRIBAL CULTURAL RESOURCES

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

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

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."*

The area known now as Mendocino County has a long history of occupation and use by Native American groups. Notably the Russian and Eel Rivers as well as other watercourses, valleys, and coastal areas provided rich and varied habitat for early human occupation. The first dated chronological periods and related cultural patterns within the region were developed by David A. Fredrickson in his 1973 Ph.D. dissertation[22] and 1984 regional synthesis.[23] This research provides a baseline archaeological information for the area, but there still remains significant gaps in archaeological data for the region that affects our understanding of regional cultural history.

From this understanding, ten (10) Native American tribes had territory within the County's current borders. The southern third of the County was the home Native Americans speaking the Central Pomo languages. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake in Lake County. The Coast Yuki occupied a portion of the coast extending from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.

a) **Less than Significant Impact:** Mendocino County Code (MCC) Chapter 22.12 regulates archaeological resources. Coastal Element Policy 3.5-10 requires that the County review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. An Archaeological Survey Report dated August 2021 was submitted for the Project (available on file at Planning & Building Services). No cultural resources were identified on the property as a result of the survey. The report was presented at the July 12, 2023 Mendocino County Archaeological Commission meeting. The Commission moved to accept the survey while recommending that the 'Discovery Clause' be adopted. The 'Discovery Clause' is a standard condition applied to all Coastal Development Permits to memorialize the existing requirements of Chapter 22.12 for the unanticipated discovery of any resources. The application was referred to three (3) local tribes, including the Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. No response was received.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Tribal Cultural Resources.

5.19 UTILITIES AND SERVICE SYSTEMS

[22] Fredrickson, David, A. 1973. *Early Cultures of the North Coast of the North Coast Ranges, California*, UC Davis
[23] Fredrickson, David, A. 1984. *The North Coastal Region*, California Archaeology

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

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

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

a) **No Impact:** The Project would not result in the relocation or construction of municipal water or wastewater treatment facilities. The Project would not make use of a municipal or other formal stormwater drainage system. Pacific Gas and Electric (PG&E) would provide electric service to the parcel. No new telecommunications facilities are proposed, and additional facilities would not be required due to the Project. The potential effects of trenching and septic system development have been assessed elsewhere in the Initial Study, particularly within the

Biological Resources section. It was found that these activities would not result in significant impacts with mitigation incorporated.

b) **No Impact:** As described above in response to the checklist questions regarding Hydrology & Water Quality, the existing well has been tested and exceeds Environmental Health standards for recovery rate to serve the single-family residence. Future development would require a Coastal Development Permit, which in turn would require subsequent determination that sufficient water supplies are available to serve such development. This regulatory structure ensures that sufficient water supplies are available should future development occur.

c) **No Impact:** The site is not within a sanitation district or the jurisdiction of any other wastewater service provider.

d) **Less than Significant Impact:** The nearest transfer station is the Caspar Transfer Station approximately 6 miles southeast of the site. The project is not expected to generate excessive solid waste beyond that of a typical single-family residence. The project would incrementally contribute to throughput at the Potrero Hills Landfill, but the estimated remaining operational lifespan of the facility (2048) indicates that this contribution is minimal and less than significant. According to the City of Los Angeles Thresholds Guide, a residential use is expected to produce 12.23 pounds of solid waste per household per day.[24] The daily throughput of the Potrero Hills Landfill is 4,330 tons per day. Therefore, operation of the single-family residence would contribute minimally to throughput.

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

MITIGATION MEASURES: None.

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

5.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, **WOULD THE PROJECT:**	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

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

DISCUSSION: 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).

a) **Less than Significant Impact:** The project is in the State Responsibility Area. As outlined in the Emergency Operations Plan, the County uses the California Standardized Emergency Management System and National Response Framework to guide emergency response. The project is not expected to interfere with the establishment of an Emergency Operations Center because it would not physically impair travel to and from such a center. The project is expected to make use of existing power and telecommunication infrastructure, which would allow receipt of alerts, notifications, or warnings. Therefore, the project is not expected to interfere with the adopted Emergency Operations Plan. The Project was referred to the Fort Bragg Rural Fire Protection District on May 26, 2023. The District responded on May 30 with "no comment." The project site is accessed through a driveway from Pacific Way (CR 436A) and is expected to be accessible to emergency vehicles through implementation of CAL FIRE Fire Safe Regulations Conditions of Approval.

b) **Less than Significant Impact:** Little impact is expected because the Project site is on a relatively flat slope. The project would be required to comply with applicable Building Code and Fire Code standards as well as CAL FIRE Fire Safe Regulations. As discussed previously, standard conditions would require the applicant to comply with CAL FIRE letter #30-23. However, some risk of wildfire is still present regardless of protections afforded by these existing regulations.

c) **Less than Significant Impact:** The Project would include building materials that may introduce a new ignition source. Additional driveway development would eliminate ground cover that may pose fire risk. Trenching would occur to connect utilities to the proposed residence. However, this is not expected to significantly exacerbate wildfire risk when built in compliance with CAL FIRE standards. Other environmental effects associated with this infrastructure has been assessed elsewhere within this Initial Study. These effects were found to be less than significant.

d) **Less than Significant Impact:** Standard BMPs, Geotechnical Investigation recommendations, and CAL FIRE standards implemented during construction would ensure that drainage challenges are addressed. As noted, the Geotechnical Investigation recommended a bluff setback of 36 feet. However, previous land division requirements mandate a bluff setback of 50 feet. Therefore, potentially increased landslide and slope instability risk due to the residence's proximity to the bluff would be minimal. Operation of the single-family residence is not expected to result in significant impacts because of the flat nature of the site**.**

MITIGATION MEASURES: None.

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

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the	☐	☒	☐	☐

	WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
	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?	☐	☒	☐	☐

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

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

a) **Less than Significant with Mitigation:** Based on discussion throughout this document, particularly in Section 5.13 – Biological Resources, there is some potential for impacts. However, these impacts can be made less than significant with the implementation of mitigation measures.

b) **Less than Significant:** Cumulative impacts were considered for applicable potential impacts as discussed throughout this document, including but not limited to Section 5.3 – Air Quality and 5.8 – Greenhouse Gas Emissions. Potential impacts were identified in these sections where it was determined that no significant cumulative effects would occur because of the Project.

c) **Less than Significant with Mitigation Incorporated:** Based on discussion throughout this document, potential adverse effects on human beings, both directly and indirectly, have been considered and found to be less than significant with mitigation incorporated.

MITIGATION MEASURES: None beyond those described elsewhere in this document.

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