COASTAL PERMIT ADMINISTRATOR STAFF REPORT- CDP STANDARD

CDP_2016-0042
MARCH 8, 2018

SUMMARY

OWNER/APPLICANT:	SEGHESIO, EUGENE PETER & CATHY P.O. BOX 1871 HEALDSBURG, CA 95448
AGENT:	RICHARD FIENBURGH CONSTRUCTION P.O. BOX 351 41950 LITTLE RIVER AIRPORT ROAD LITTLE RIVER, CA 95456
REQUEST:	A Coastal Development Standard Permit request to demolish an existing residence and construct a two story, 30 ft., 1,925 sq. ft., single family residence, fencing, a new septic system, replacement leach field, landscaping, and remove 5 trees.
DATE DEEMED COMPLETE:	September 7, 2017
LOCATION:	On the west side of Hwy. 1, 0.5± miles north of its intersection with Philo-Greenwood Road (CR 132), located at 5780 S. Hwy. 1, Elk (APN: 127-170-06).
TOTAL ACREAGE:	0.5 acre
GENERAL PLAN:	Coastal Element, Mendocino County General Plan Rural Village District (RV: U)
ZONING:	Division II of Title 20 of Mendocino County Code Rural Village **(**RV)
SUPERVISORIAL DISTRICT:	5
ENVIRONMENTAL DETERMINATION:	Mitigated Negative Declaration
APPEALABLE:	Yes, mapped Appeal Jurisdiction
RECOMMENDATION:	Adopt Mitigated Negative Declaration and Approve with Conditions
STAFF PLANNER:	Juliana Cherry

BACKGROUND

PROJECT DESCRIPTION: Proposed is the demolition of an existing 430 square foot house to be replaced with a two story, thirty foot tall, 1,925 square foot, single family, two bedroom residence. The existing septic tank and pump chamber would be abandoned and a new septic system using an existing leach field would be installed. A replacement leach field area has been identified. Other proposed improvements include creating off street parking for two vehicles at the eastern property line adjacent to Highway 1; building a six foot tall wooden painted fence and gate from each side of house to north and south property lines; and building a 42 inch tall split rail redwood fence set back three feet from the bluff edge. Five existing trees, recently planted by a previous owner, are proposed to be removed from north side of property near the driveway. Ice plant located at the bluff edged is proposed to be removed and replaced with native plant species appropriate to the location. A 50 foot buffer is recommended between the coastal willow thicket, a sensitive coastal resource, and proposed development, with the exception of

the 42 inch tall split fail redwood fence proposed adjacent to the bluff edge.

APPLICANT'S STATEMENT: "The proposed project requests a Coastal Development Permit for the following: (1) the demolition of an existing 430 sq. ft. house; (2) replace within the existing footprint of the demolished home a 1,925 single family residence, maximum average 30' above natural grade; (3) abandoned an existing septic tank and pump chamber and build a new septic system utilizing the existing leach field and installing a replacement leach field; (4) Build a 6' high wooden painted fence and gate from each side of the house to the north and south property lines; (5) build a 3.5' high split rail fence across property at ocean side, set back 50' from recommended ESHA buffer from coastal willows sensitive plant community; (6) remove 5 existing trees from the north side of the property at the driveway; (7) remove invasive ice plant species and replace with native vegetation."

RELATED APPLICATIONS ON SITE:

(APN: 127-170-06)
- 0223 Septic
- F6530 and 959914 Foundation Repair

RELATED APPLICATIONS ON ADJACENT PARCELS:

(APN: 127-170-08)
- CDPM 25-2008/10 modification to existing structure
- CDPM 25-2008 /14 modification to existing structure

(APN: 127-170-09)
- PA 7805
- CC 12877 Certificate of Compliance

SITE CHARACTERISTICS: The project site is mapped within the Appeal Jurisdiction of the California Coastal Commission *Post LCP Certification Permit and Appeal Jurisdiction* map. The approximately half-acre site is situated on the west side of Highway 1 and located at 5780 South Highway 1, Elk, CA 95432. This relatively flat property is located on the coastal bluff terrace, with bluff top elevations varying between 100 feet, and 140 feet above sea level. The property has been previously developed with a 450 square foot house, accessory infrastructure, and fencing. The property is primarily vegetated by mowed nonnative grasslands and landscaping. Trees are present, some of which have been planted along the property boundary as hedgerows for privacy or windbreak and some which have been planted or have naturally established in the central portion of the property. Invasive ice plant is present on the terrace at the bluff edge. Along the westerly bluff, a sensitive plant community of coastal willow thickets have been identified. A 50foot buffer is recommended to protect the coastal willow thickets. The westerly edge of the existing residence is located 50 feet from the identified sensitive coastal resource.

SURROUNDING LAND USE AND ZONING: The project site is located in a Rural Village (RV) District, where the principal permitted use is Single Family Residential. The proposal is to continue this land use. As listed in Table 1 below, the surrounding area consists of similar development and land use designations. Surrounding parcels are mapped as RV or as a Range Land (RL). Single Family Residential is the principally permitted land use in RV and RL. The character of development is subject to Chapter 20.504 *Visual Resource and Special Treatment Areas.* On lands located to the east of the project site, a Williamson Act contract for agricultural use is in place.

Table 1. Surrounding Land Use and Zoning

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RV	RV	0.6 acres	Single Family
EAST	RL 160	RL	86.2 acres	Single Family
SOUTH	RV	RV	0.8 acres	Single Family
WEST	Pacific Ocean	Pacific Ocean		Pacific Ocean

PUBLIC SERVICES:

ACCESS: Highway 1
FIRE DISTRICT: Elk Volunteer Fire Department
WATER DISTRICT: Elk County Water District
SCHOOL DISTRICT: Mendocino Unified School District

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

1. Land Use: The proposed project is located within the boundaries of the Local Coastal Program (LCP) area and is shown on LCP Map 20 Elk. The site is classified as Rural Village. The existing land use, proposed to be continued, is Single Family Residential and is a principally permitted land use in the Rural Village Land Use Classification. Coastal Element Policy 4.101 reads "Elk shall be designated a Rural Village, with residential, commercial, and cottage industry uses limited mainly by sewage disposal standards. Additional overnight accommodation units shall be limited to 20 and commercial floor area limitations shall be set to keep visitor serving uses in scale with community size." Continuing the existing residential land use supports Coastal Element Policy 4.101.

2. Zoning: The proposed project is within the Rural Village District. MCC Section 20.388.0005 states "This district is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities." Coastal Residential Use Types are identified as a principally permitted land use and the applicant proposes to continue the existing Single Family Residential use. Table 2 below compares the development standards in the Rural Village District and the proposed development.

Table 2: Comparison of RV Development Standards and Proposed Project		
MCC Chapter 20.388	Standard	Proposed
Minimum Front and Rear Yards	20 feet	50 foot or more
Minimum Side Yards	6 feet	10 feet or more
Building Height Limit	35 feet	30 feet
Maximum Lot Coverage	50 percent	<10 percent

As proposed the project meets or exceeds the District development regulations.

3. Visual Resources: The project site is not mapped as a Highly Scenic Area, but it is designated as a Special Community. Pursuant to MCC Section 20.504.020(B), "The communities and service centers, designated as CRV ... of ... Elk ... shall have special protection as set forth in Section 20.504.020(C)." Table 3 below lists the development criteria of MCC Section 20.504.020(C) and compares the proposed to the adopted criteria. With the inclusion of recommended conditions, limiting the use of metallic or other highly reflective materials, the proposed project would be consistent with the Special Communities development criteria as specified in MCC Chapter 20.504 *Visual Resource and Special Treatment Areas.*

Table 3: Special Communities Development Criteria and Proposed Development		
Chapter 20.504	Development Criteria	Proposed
20.504.020(C)(1)	The scale of new development shall be within the scope and character of existing development in the surrounding neighborhood.	The proposed is a two story residence with a 34.25 by 37.5 footprint, which is evidenced elsewhere in Elk.

Table 3: Special Communities Development Criteria and Proposed Development		
Chapter 20.504	Development Criteria	Proposed
20.504.020(C)(2)	New development shall be sited such that public coastal views are protected.	The proposed would be constructed in the footprint of the existing building. Staff does not anticipate a significant change to public coastal views.
20.504.020(C)(3)	The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.	Within the Rural Village District and Town of Elk a variety of restoration projects have taken place. The history of nearby structures has not been substantiated.
20.504.020(C)(4)	Building materials and exterior colors shall be compatible with those of existing structures.	Building materials would consist of standing seam metal roof, copper gutters and downspouts, cedar shingles platinum gray, wood railing with galvanized wire, painted white wood trim, and downcast exterior lights.
20.504.020(D)	The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.	The proposed would be sited and designed to protect views to and along Elk's coastline, to minimize alteration of existing site contours, and would be similar in character with other residences in Elk. The site is not mapped as a Highly Scenic Area and the project, as conditioned, would be subordinate to the character of its setting.

4. Hazards Management: MCC Section 20.500.020(A) *Faults*- The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone. A prepared geotechnical report states," the existing structure (and planned renovations area) does not appear to be astride an active fault. However, the proximity of the site to the main trace of the San Andreas Fault continues to be a significant geologic hazard. Because over 1000 years have lapsed since the last significant earthquake causing surface rupture in the area, the probability of a large magnitude earthquake occurring on this segment of the San Andreas Fault is moderately high..." The report continues and states, "There is a potentially active fault (St Anthony's Fault) passing through the bluff face at the property. This fault does not appear capable of generating an earthquake on its own, but could rupture once again during a major earthquake on the nearby segment of the San Andreas Fault. A rupture on St Anthony's Fault at the property could cause a significant rockfall from the ocean bluff,

but otherwise, would not directly cause damage to the house.[1]"

MCC Section 20.500.020(B) *Bluffs and Bluff Erosion* - A *Geotechnical Investigation* was prepared.[2] The proposed residence would be setback 50 feet landward of the bluff edge. The *Geotechnical Investigation* recommended a minimum of a 37.5 foot setback. Site grading, structural preparation, fill quality, finish grading, residence foundations, and site drainage recommendations follow (See mitigation measures described under Potential Impact 3).

MCC Section 20.500.025 *Fire Hazard* - The parcel is located within an area classified with a "High Fire Hazard" severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Elk Community Services District (CSD). The project application was referred to CalFire and Elk CSD for input. Elk CSD suggested that "if the residence is to be unoccupied with the access gate locked, provision for fire access through the gate should be made. This can be coordinated through [Elk CSD] Fire Chief when appropriate."

5. Habitats and Natural Resources: Staff recommends that the project, as conditioned, is consistent with MCC Chapter 20.496 *Environmentally Sensitive Habitats and Other Resource Areas.* The proposed project includes the demolition of an existing residence and the construction of a new 1,925 square foot single family residence in generally the same location as the previous structure and located east of a recommended 50 foot ESHA buffer. A *Botanical and Biological Scoping Survey Report* (Spade, 2016) was prepared for the project and identified coastal willow thickets as a sensitive plant community qualifying as an environmentally sensitive habitat or resource area (ESHA) and recommend a 50 foot buffer. The applicant proposes to construct a 42 inch tall split rail fence within the 50 foot buffer. Proposed mitigation measures would reduce the effect of constructing fence posts adjacent to Coastal Willow Thickets, a sensitive coastal resource. Staff recommends adopting mitigation measures as conditions of project approval and the Department of Fish and Wildlife (DFW) concurs. On January 16, 2018, DFW staff wrote, "I agree that the reduction of the buffer to 50 feet would be sufficient to protect natural resources on the site. The original structure is just outside the 50 foot buffer, and the new house would be slightly farther from the resource." DFW Staff clarified that "the construction of a fence is [un]likely to greatly impact the willow ESHA, given that the fence is placed back enough from the stand that construction does not require any removal of willows or branches." DFW staff requests that removal of trees, which is not anticipated, be replaced by four trees planted on site (see recommended conditions of project approval). DWF wrote, "Although not mapped as an ESHA, I see in the site plan ... a bishop pine (Pinus muricata)... I would ask that avoidance of this tree be considered, and if not possible, that the permittee plant bishop pines on the property, at a number and level of care that assures the growth to maturity of at least one bishop pine."

6. Archaeological/Cultural Resources: For small projects such as the constructing a replacement single family home, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either California Historic Resource Information Center (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and it was determined to be an appropriate guidance document for what projects would require archaeological review.

   The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated April 18, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the area does include Tan Oak and other traditional food sources that should be protected.

   Staff notes that a standard condition of approval advises the property owner of the "Discovery

[1] Brunsing Associates, Inc. Geotechnical Investigation, Seghesio Residence. March, 2016, pp 89.
[2] *ibid,* pp 9-13.

Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the standard condition of approval advising the property owner about discovery of archaeological resources, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resource.

7. Groundwater Resources: The location is mapped as a Critical Water Resource Area. Elk County Water District will continue service to this site. On April 24, 2017, comments were received from the Department of Environmental Health; Staff stated their support for the project and requested a condition prohibiting stone or concrete over the proposed leach field or replacement leach field. Recommended conditions for project approve include the requested condition prohibiting impervious surfaces over leach field areas.

8. Grading, Erosion, and Runoff: MCC Chapter 20.492 *Grading Erosion and Runoff* list specific grading standards, erosion standards, sedimentation standards, and runoff standards. The prepared *Geotechnical Investigation* included recommendations that respond to these standards, including site grading, structural preparation, fill quality, finish grading, residence foundations, and site drainage (See mitigation measures described under Potential Impact 3). The recommended mitigation measures are included in the recommended conditions of project approval.

9. Transportation and Circulation: The subject property is located at 5780 S Highway 1, which is approximately 0.25 mile north of its intersection with Philo-Greenwood Road. The State Route 1 Corridor Study Update provides traffic volume data for Highway 1. The nearest data breakpoint in the study is located at the intersection of Philo-Greenwood Road and Highway 1. The existing level of service at peak hour conditions at this location is considered Level of Service A.

10. Public Access: In Elk, coastal access is provided contiguous with the west side of Highway 1. The project site, located along the west side of Highway 1, is designated as a potential public access trail location on the Elk LCP Map 20. As the proposed project is redevelopment within the existing building footprint, staff recommends that there is no impact to existing public access routes associated with the west side of Highway 1. The project site is 0.4mile north of Greenwood-Elk State Park, which offers coastal access, headlands and an undeveloped beach.

ENVIRONMENTAL DETERMINATION

A Mitigated Negative Declaration was prepared. The following mitigation measures are recommended as conditions of project approval.

1. Potential Impact: Project activities have the potential to indirectly impact coastal willow thicket sensitive plant community, considered an ESHA. The following avoidance and mitigation measures shall be deployed to ensure that indirect impacts to ESHA do not result from the project.

   Mitigation Measure: *Avoidance During Construction* - All project components, including the use of heavy equipment, staging, and other project impacts are to be limited to areas at least 50 feet east of the bluff edge, the intent being to keep all construction impacts at least 50 feet away from the coastal willow thicket sensitive area. The only development allowed within the 50 foot area is the split rail fence. All contractors and their crews shall keep stockpiles and equipment as far away as possible from the bluff edge, and no closer than 50 feet from the edge of coastal willow thicket sensitive area. Pollutants and equipment shall be stored and maintained to prevent and minimize accidental spills, and any spills shall be cleaned up as soon as possible. Disturbed soil shall be stabilized as soon as possible after construction. Storm-water runoff from any new impervious surfaces shall be designed so that flows are not concentrated towards the bluff

   Mitigation Measure: *Invasive Plant Species* – New landscaping on the parcel shall not include any invasive plants and must consist of native plants compatible with the adjacent plant communities within 50 feet of the bluff edge. Invasive plants with a California Invasive Plant Council rating of Moderate or High with a high success rate of eradication shall be removed from the property (this may

be limited in areas of instability). These plants include: ice plant (Carpobrotus chilensis, MOD), cape ivy (Delairea odorata, HIGH), English ivy (Hedera helix, HIGH), English holly (Ilex aquifolium, MOD), oxeye daisy (Leucanthemum vulgare, MOD), and Bermuda buttercup (Oxalis pes campre MOD). Removal of invasive plants shall be accomplished with hand tools only. Areas where ice plant is removed shall be stabilized as soon as possible after disturbance, preferably with native seeds responsibly collected from native plant species appropriate to the site.

2. Potential Impact: Although no wildlife of concern were noted during the biological surveys, there is a low potential for presence for migrating northern red-legged frog, Sonoma Tree Vole, special status birds and bats, and nesting birds protected by the Migratory Bird Treaty Act. Avoidance measures are recommended to reduce the effect of development on red-legged frogs, Sonoma Tree Voles, special status birds and bats, and nesting birds.

   Mitigation Measure: *Special Status Frogs* – Within two weeks prior to construction activities, project contractors will be trained by a qualified biologist in the identification of the northern red-legged frog (special status frog). During ground disturbing activities, construction crews will begin each day with a visual search around the area of restoration to detect the presence of frogs. During construction and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.

   If a rain event occurs during the ground disturbance period, all ground disturbing activities must cease for a period of 48 hours after the rain stops. Prior to resuming restoration, trained construction crew member(s) will examine the site for the presence of frogs. If no special status frogs are found during inspections, ground disturbing activities may resume.

   If a special status frog is detected, construction crews will stop all ground disturbing work and will contact the California Department of Fish and Wildlife or a qualified biologist. Clearance from the California Department of Fish and Wildlife will then be needed prior to reinitiating work. The California Department of Fish and Wildlife will need to be consulted and will need to be in agreement with protective measures needed for these special status frogs.

   Mitigation Measure: *Special Status Birds and Bats* - The bird breeding season typically extends from February to August. The clearing of vegetation and the ground-disturbing initiation of construction shall be conducted in the nonbreeding season between September and January. If these activities cannot be done in the nonbreeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100foot 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. If a nest is present, a biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

3. Potential Impact: A Geotechnical Investigation was prepared.[3] Recommended mitigation measures to lessen the effect of project impacts on land adjacent to a coastal bluff and the St Anthony's Fault follow:

   Mitigation Measure: *Site Grading* Areas to be graded for a building pad and exterior slabs-on-grade on the property shall be cleared of existing vegetation and debris. After clearing, surface soils that contain organic matter should be stripped. In general, the depth of required stripping will be about 2 to 6 inches; deeper stripping and grubbing may be required to remove isolated concentrations of organic matter. The cleared materials shall be removed from the site; however, strippings can be stockpiled for later use in future landscape areas.

   Mitigation Measure: *Structural Preparation* - After clearing and stripping of areas to be graded, weak topsoil's (approximately 2.5 feet in depth at boring locations) shall be removed to expose supporting

[3] Brunsing Associates, Inc. Geotechnical Investigation, Seghesio Residence. March, 2016.

underlying soils. Deeper excavation maybe required to remove isolated loose soils. Within the building area, weak terrace deposit soils shall be removed within the zone extending five feet beyond the foundation perimeter. Within exterior slabs-on-grade, weak terrace deposit soils should be removed within the zones extending a distance of at least three feet beyond their edges. Within the planned building area, the over-excavation shall be deep enough to allow for a minimum, 42 inch compacted fill soil mat, allowing for at least two feet of compacted fill under the footings.

A qualified geotechnical representative shall observe soils exposed by the recommended excavations. The exposed soils should then be scarified to about six inches deep; moisture conditioned to at least optimum moisture content and compacted to at least 90 percent relative compaction as determined by the ASTM D 1557 test procedure, latest edition. These moisture conditioning and compaction procedures shall be observed and tested by a qualified geotechnical representative.

Mitigation Measure: *Fill Quality* - Fill material, either imported or onsite, shall be free of perishable matter and rocks greater than six inches in largest dimension, and have an expansion Index of less than 40, and shall be approved by a qualified geotechnical representative before being used on site as structural fill.

Mitigation Measure: *Finish Grading* - Finished pad surfaces shall be graded to drain away from foundations. A minimum surface drainage gradient of two percent is recommended. The surface runoff from the building pad should be dispersed as much as practical to sheet flow toward the bluff. Soil subgrades should be finished true to line and grade to present a smooth, firm, and unyielding surface. Finished surfaces should be maintained moist and free of shrinkage cracks until covered by permanent construction. Pad surfaces allowed to dry out and crack shall be re-moisture conditioned to at least optimum moisture content and re-compacted prior to foundation and concrete slab-on-grade installation. Where the compacted subgrade soils have been disturbed by traffic or foundation excavations, the subgrade should be scarified; moisture conditioned, and re-compacted to at least 90 percent relative compaction. Because onsite soils generally have moderate potential for erosion, approved temporary and permanent erosion control measures shall be implemented to limit erosion and comply with applicable Mendocino County regulations.

Mitigation Measure: *Residence Foundations* - Support for the residence can be obtained on reinforced concrete spread footings founded in the compacted fill pad. Footings founded in compacted fill shall be at least 12 inches in depth for a single story residence and 18 inches for a two story residence. At least two feet of compacted fill shall underlie the bottom of foundation elements. This will require a compacted fill pad thickness of minimum 3.0 feet for a single story residence. Footings can be assigned a soil bearing pressure of 2,000 pounds per square foot for dead plus long term live loads. A 25 percent increase in bearing pressure is allowable for dead plus all live loads, and a 50 percent increase in bearing pressure is allowable for total loads, including wind or seismic loads. Footings shall be no less than 12 inches wide, regardless of load.

Mitigation Measure: *Site Drainage* - Because uncontrolled surface water is often the cause of bluff instability and foundation problems, care shall be taken to intercept and divert concentrated surface flows away from structural improvements, building foundations. Concentrated flows such as from roof downspouts, area drains and the like shall be collected in a closed pipe system and directed toward the bluff.

RECOMMENDED FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program as it is for the demolition and replacement of a single family residence on lands designated Rural Village where residential uses are principally permitted land use

types. The subject parcel is classified as Rural Village by the Coastal Element of the Mendocino County General Plan, as depicted on Local Coastal Program Map 20, Elk. The RV classification is intended to maintain the character of the rural atmosphere and visual quality of the village areas including Elk and to provide and allow a mix of residential and commercial activities. Dwelling units are the principal use identified in RV. The proposed residential land use is consistent with the RV Classification.

2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development, as conditioned and mitigated will be provided with adequate utilities, access roads, drainage and other necessary facilities. The westerly edge of Highway 1 is mapped as a coastal access route on Local Coastal Program Map 20 Elk. There is also access to the shore from Greenwood State Park, which is 0.4 miles south of the project site.

3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development, a residential use in the Rural Village District and situated within the Special Community of Elk, as conditioned is consistent with the purpose and intent of the zoning district and satisfies the development requirements of that district, MCC Chapter 20.500 *Hazards,* MCC Chapter 20.504 *Visual Resource and Special Treatment Areas,* Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*, and all other provisions of Division II.

4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if constructed in compliance with the conditions of approval and mitigation measures, will not have any significant adverse impacts on the environment, and a Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act.

5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. Water will be supplied to the project by the Elk Community Services District. An onsite wastewater disposal system will consist of a 1,200 gallon traffic rated concrete pump chamber, a 1,500 gallon traffic rated septic tank, and usage of an existing leach field. The wastewater disposal system was designed under a Site Evaluation Report for Individual Sewage Disposal System Proposal for a disposal system enhancement and system repair. The Division of Environmental Health commented that with conditions, the project can be approved by Environmental Health.

7. Pursuant with MCC Section 20.532.095(B), the proposed use is compatible with the long term protection of resource lands. Agriculture and timber production would not be impacted by the project. There is a property enrolled in the Williamson Act directly across Highway 1 from the subject parcel. This is nonprime agricultural land. The project is limited to the replacement of an existing residence and new residential infrastructure on the developed parcel. No impacts to resource lands are anticipated.

8. The proposed development is in conformity with public access MCC Section 20.532.095(B)(1).

CONDITIONS OF APPROVAL & MITIGATION MEASURES (as indicated by an asterisk *):

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

2. The use and occupancy of the premises shall be established and maintained in conformance with the

provisions of Division II of Title 20 of the Mendocino County Code.

3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.

6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:

    a. The permit was obtained or extended by fraud.
    b. One or more of the conditions upon which the permit was granted have been violated.
    c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
    d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Coastal Code.

9. This entitlement does not become operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of $ 2,330.75 (effective January 1, 2018) or current fee shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services by or prior to March 5, 2018 at 5:00 p.m.). Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

9. Prior to the issuance of a building permit associated with CDP_2016-0042, the property owner shall 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. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards;
    b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands,

damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;

c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject structures or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
e. The landowner shall remove the subject structures when bluff retreat reaches the point where the structures are threatened. In the event that portions of the subject structures or other improvements associated with the subject structures fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;
f. 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.

11. **Avoidance During Construction* All project components, including the use of heavy equipment, staging, and other project impacts are to be limited to areas at least 50 feet east of the bluff edge, the intent being to keep all construction impacts at least 50 feet away from the coastal willow thicket sensitive area. The only development allowed within the 50 foot area is the split rail fence. All contractors and their crews shall keep stockpiles and equipment as far away as possible from the bluff edge, and no closer than 50 feet from the edge of coastal willow thicket sensitive area. Pollutants and equipment shall be stored and maintained to prevent and minimize accidental spills, and any spills shall be cleaned up as soon as possible. Disturbed soil shall be stabilized as soon as possible after construction.

12. **Invasive Plant Species* – New landscaping on the parcel shall not include any invasive plants and must consist of native plants compatible with the adjacent plant communities within 50 feet of the bluff edge. Invasive plants with a California Invasive Plant Council rating of Moderate or High with a high success rate of eradication shall be removed from the property (this may be limited in areas of instability). These plants include: ice plant (Carpobrotus chilensis, MOD), cape ivy (Delairea odorata, HIGH), English ivy (Hedera helix, HIGH), English holly (Ilex aquifolium, MOD), oxeye daisy (Leucanthemum vulgare, MOD), and Bermuda buttercup (Oxalis pes campre MOD). Removal of invasive plants shall be accomplished with hand tools only. Areas where ice plant is removed shall be stabilized as soon as possible after disturbance, preferably with native seeds responsibly collected from native plant species appropriate to the site.

13. **Special Status Frogs* – Within two weeks prior to construction activities, project contractors will be trained by a qualified biologist in the identification of the northern red-legged frog (special status frog). During ground disturbing activities, construction crews will begin each day with a visual search around the area of restoration to detect the presence of frogs. During construction and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.

    If a rain event occurs during the ground disturbance period, all ground disturbing activities must cease for a period of 48 hours after the rain stops. Prior to resuming restoration, trained construction crew member(s) will examine the site for the presence of frogs. If no special status frogs are found during inspections, ground disturbing activities may resume.

    If a special status frog is detected, construction crews will stop all ground disturbing work and will contact the California Department of Fish and Wildlife or a qualified biologist. Clearance from the California Department of Fish and Wildlife will then be needed prior to reinitiating work. The California Department of Fish and Wildlife will need to be consulted and will need to be in agreement with protective measures needed for these special status frogs.

14. **Special Status Birds and Bats* - The bird breeding season typically extends from February to August.

The clearing of vegetation and the ground disturbing initiation of construction shall be conducted in the nonbreeding season between September and January. If these activities cannot be done in the nonbreeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100 foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. If a nest is present, a biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

15. **Trees* To mitigate for the loss of trees, four trees shall be planted for each tree removed. Replacement tree variety and location shall be at the discretion of the Coastal Permit Administrator or their designee.

16. **Site Grading* Areas to be graded for a building pad and exterior slabs-on-grade on the property shall be cleared of existing vegetation and debris. After clearing, surface soils that contain organic matter should be stripped. In general, the depth of required stripping will be about 2 to 6 inches; deeper stripping and grubbing may be required to remove isolated concentrations of organic matter. The cleared materials shall be removed from the site; however, strippings can be stockpiled for later use in future landscape areas.

17. **Structural Preparation* - After clearing and stripping of areas to be graded, weak topsoil's (approximately 2.5 feet in depth at boring locations) shall be removed to expose supporting underlying soils. Deeper excavation maybe required to remove isolated loose soils. Within the building area, weak terrace deposit soils shall be removed within the zone extending five feet beyond the foundation perimeter. Within exterior slabs-on-grade, weak terrace deposit soils should be removed within the zones extending a distance of at least three feet beyond their edges. Within the planned building area, the over excavation shall be deep enough to allow for a minimum, 42inch compacted fill soil mat, allowing for at least two feet of compacted fill under the footings.

18. *A qualified geotechnical representative shall observe soils exposed by the recommended excavations. The exposed soils should then be scarified to about six inches deep; moisture conditioned to at least optimum moisture content and compacted to at least 90 percent relative compaction as determined by the ASTM D 1557 test procedure, latest edition. These moisture conditioning and compaction procedures shall be observed and tested by a qualified geotechnical representative.

19. **Fill Quality* - Fill material, either imported or onsite, shall be free of perishable matter and rocks greater than six inches in largest dimension, and have an expansion Index of less than 40, and shall be approved by a qualified geotechnical representative before being used on site as structural fill.

20. **Finish Grading* - Finished pad surfaces shall be graded to drain away from foundations. A minimum surface drainage gradient of two percent is recommended. The surface runoff from the building pad should be dispersed as much as practical to sheet flow toward the bluff. Soil subgrades should be finished true to line and grade to present a smooth, firm, and unyielding surface. Finished surfaces should be maintained moist and free of shrinkage cracks until covered by permanent construction. Pad surfaces allowed to dry out and crack shall be re-moisture conditioned to at least optimum moisture content and re-compacted prior to foundation and concrete slab-on-grade installation. Where the compacted subgrade soils have been disturbed by traffic or foundation excavations, the subgrade should be scarified; moisture conditioned, and re-compacted to at least 90 percent relative compaction. Because onsite soils generally have moderate potential for erosion, approved temporary and permanent erosion control measures shall be implemented to limit erosion and comply with applicable Mendocino County regulations.

21. **Residence Foundations* - Support for the residence can be obtained on reinforced concrete spread footings founded in the compacted fill pad. Footings founded in compacted fill shall be at least 12inches in depth for a single story residence and 18inches for a two story residence. At least two feet of compacted fill shall underlie the bottom of foundation elements. This will require a compacted

fill pad thickness of minimum 3.0 feet for a single story residence. Footings can be assigned a soil bearing pressure of 2,000 pounds per square foot (psf) for dead plus long term live loads. A 25 percent increase in bearing pressure is allowable for dead plus all live loads, and a 50 percent increase in bearing pressure is allowable for total loads, including wind or seismic loads. Footings shall be no less than 12 inches wide, regardless of load.

22. **Site Drainage* - Because uncontrolled surface water is often the cause of bluff instability and foundation problems, care shall be taken to intercept and divert concentrated surface flows away from structural improvements, building foundations. Concentrated flows such as from roof downspouts, area drains and the like shall be collected in a closed pipe system and directed toward the bluff.

23. No stone or concrete walkway may be installed over the leach field.

24. Construction of the driveway entrance and parking adjacent to Highway 1 will require an encroachment permit from Caltrans and shall be designed to their satisfaction. The parking lane shall be open to the public.

25. If the residence is to be unoccupied with the access gate locked, provision for fire access through the gate shall be coordinated with the local Fire Chief.

26. The proposed 42 inch tall fence in the front yard shall be located outside of corridor preservation setback (45 feet from centerline from Highway 1).

27. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code.

28. The project shall utilize the proposed building materials and color palette, in accordance with MCC Section 20.504.015(C)(3) of the Mendocino County Code, which requires new development be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings.

    a. As proposed, roof material shall be Standing Seam Metal Roofing with a Colonial Red color or similar material that is non-reflective and similar in hue and color. Metal materials shall blend in hue and brightness with their surroundings. Clear coat galvanized steel or other metallic finish are not permitted.
    b. As proposed, exterior building finish shall be cedar shingles BM Arbor coat semisolid platinum grey or similar material sharing hue, color, and texture.
    c. As proposed, window frame color, wood railing, and wood trim shall be Benjamin Moore Arbor Coat Solid Stain China White or similar material, hue, and color.
    d. To comply with MCC Section 20.504.015(C)(3), reflective metal surfaces shall be patinated or oxidized. Within one year of their installation, metal materials shall blend in hue and brightness with their surroundings; for example, the proposed copper gutters, copper downspouts, and other exterior metal materials shall limit reflective surfaces and blend in hue and brightness with their surroundings.

Staff Report Prepared By:

Date

Juliana Cherry
Planner III

Appeal Period: 10 Days
Appeal Fee: $1,616.00

ATTACHMENTS:

A. Location Map
B. ESRI Imagery
C. Revised Site Plan
D. East Elevation
E. North Elevation
F. South Elevation
G. West Elevation
H. Exterior Lighting
I. Zoning Display Map
J. General Plan Classifications
K. LCP Land Use Map 20: Elk
L. LCP Habitats & Resources
M. LCP Land Capabilities & Natural Hazards
N. Appealable Areas
O. Adjacent Parcels
P. Fire Hazard Zones & Responsibility Areas
Q. Water Districts
R. FEMA Flood Zone
S. Ground Water Resources
T. Highly Scenic & Tree Removal Areas
U. Lands in Williamson Act Contracts
V. Important Farmland
W. Classified Wetlands

MITIGATED NEGATIVE DECLARATION and Initial Study available online at:

http://www.mendocinocounty.org/pbs

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	No comment
Department of Transportation	No comment
Environmental Health Ukiah	Comment
Building Inspection FB	No comment
County Assessor	No Response
Farm Advisor	No Response
Agricultural Commissioner	No Response
US Fish and Wildlife Service	No Response
Sherwood Valley of Pomo Indians	No Response
State Clearinghouse	No Response
Caltrans	Comment
CalFire	No comment
CA Dept. Fish & Wildlife	No Response
Coastal Commission	No Response
Redwood Valley Rancheria	Comment
Cloverdale Rancheria	No Response
Mendocino County School District	No Response
Elk Water District	Comment
Elk Fire District	Comment

ATTACHMENT A

CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

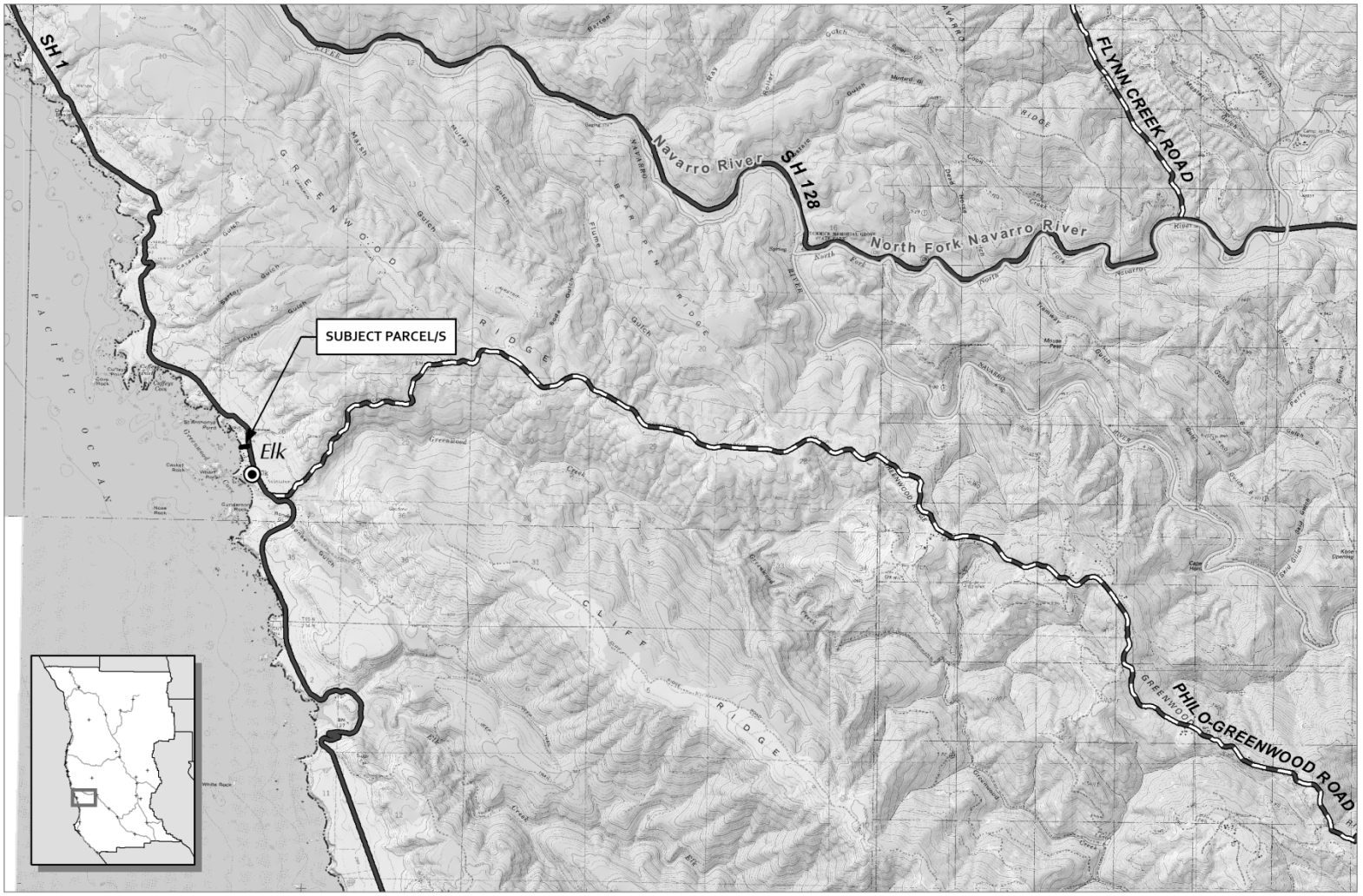
Public Roads

0 25 50 Feet
0 0.00425 0.0085 Miles
1:600

ESRI IMAGERY

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT B



CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

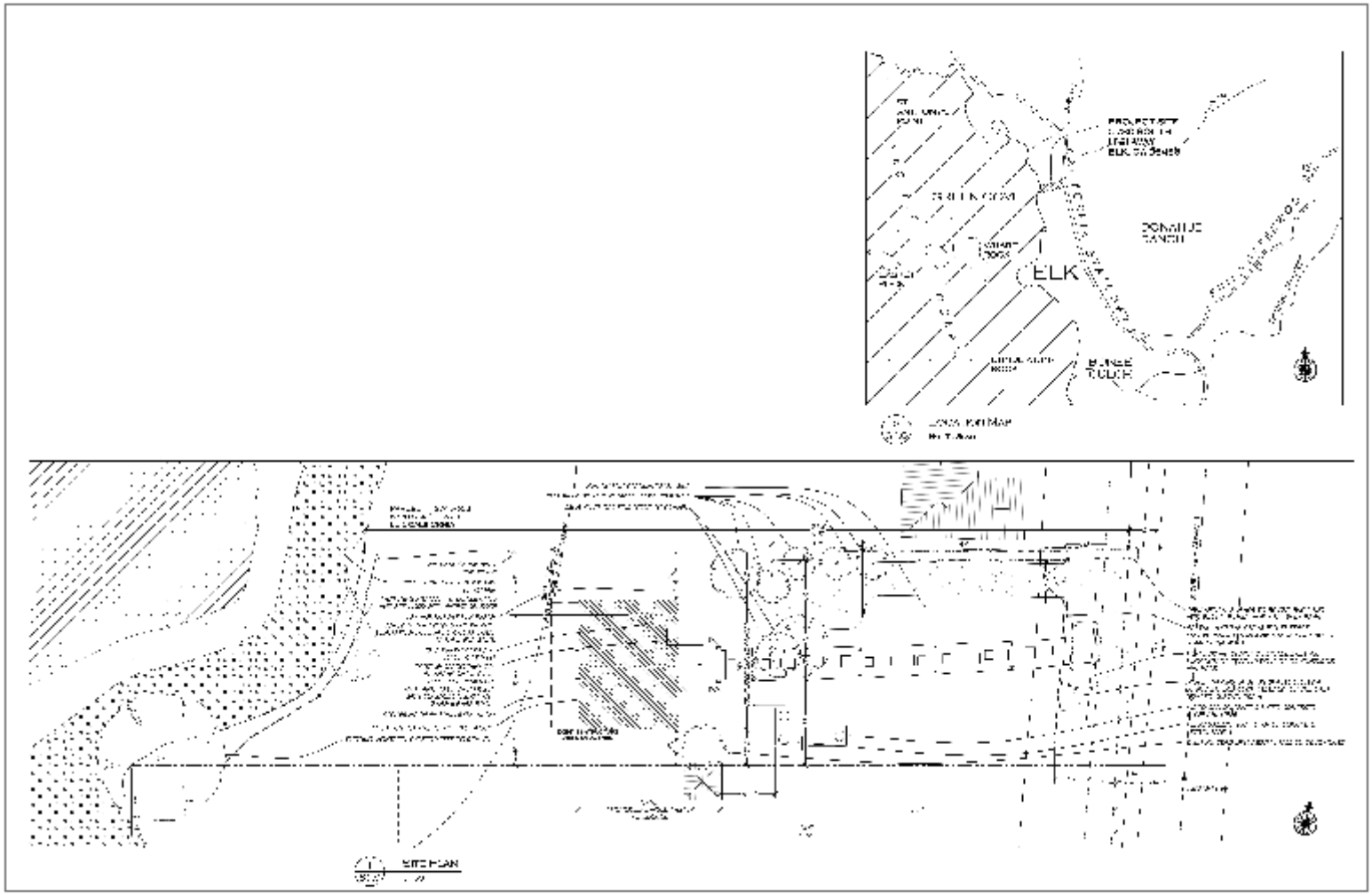
Major Towns & Places
Major Roads
Major Rivers
Highways

0 2,600 5,200 Feet
0 0.5 1 Miles
1:63,360

LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT C

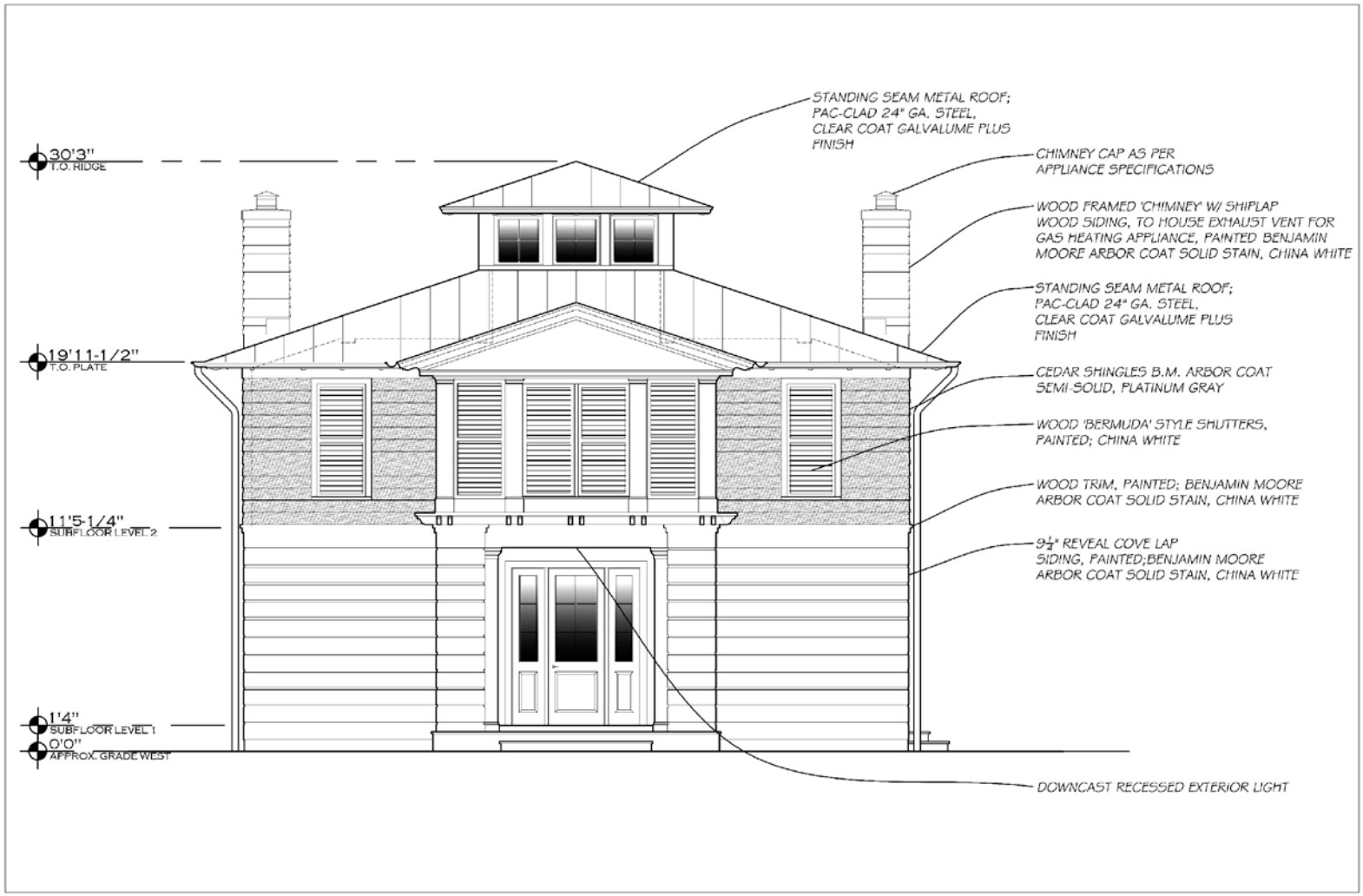


CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

NO SCALE

REVISED SITE PLAN

ATTACHMENT D



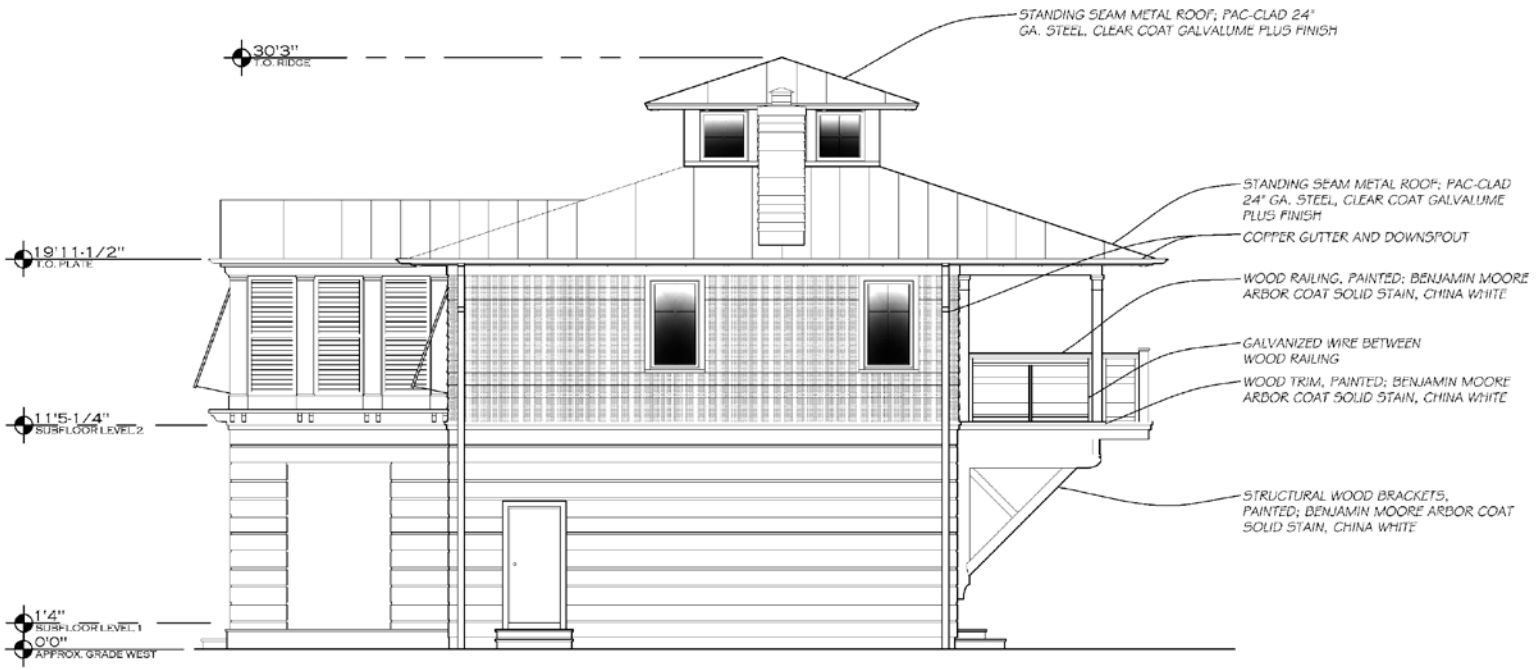
CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

NO SCALE

EAST ELEVATION

ATTACHMENT E

Received 11-3-2016 PBS - FB
CDP-2016-0042 Seghesio



CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

NO SCALE

NORTH ELEVATION

Map produced by the Mendocino County Planning & Building Services, November, 2016
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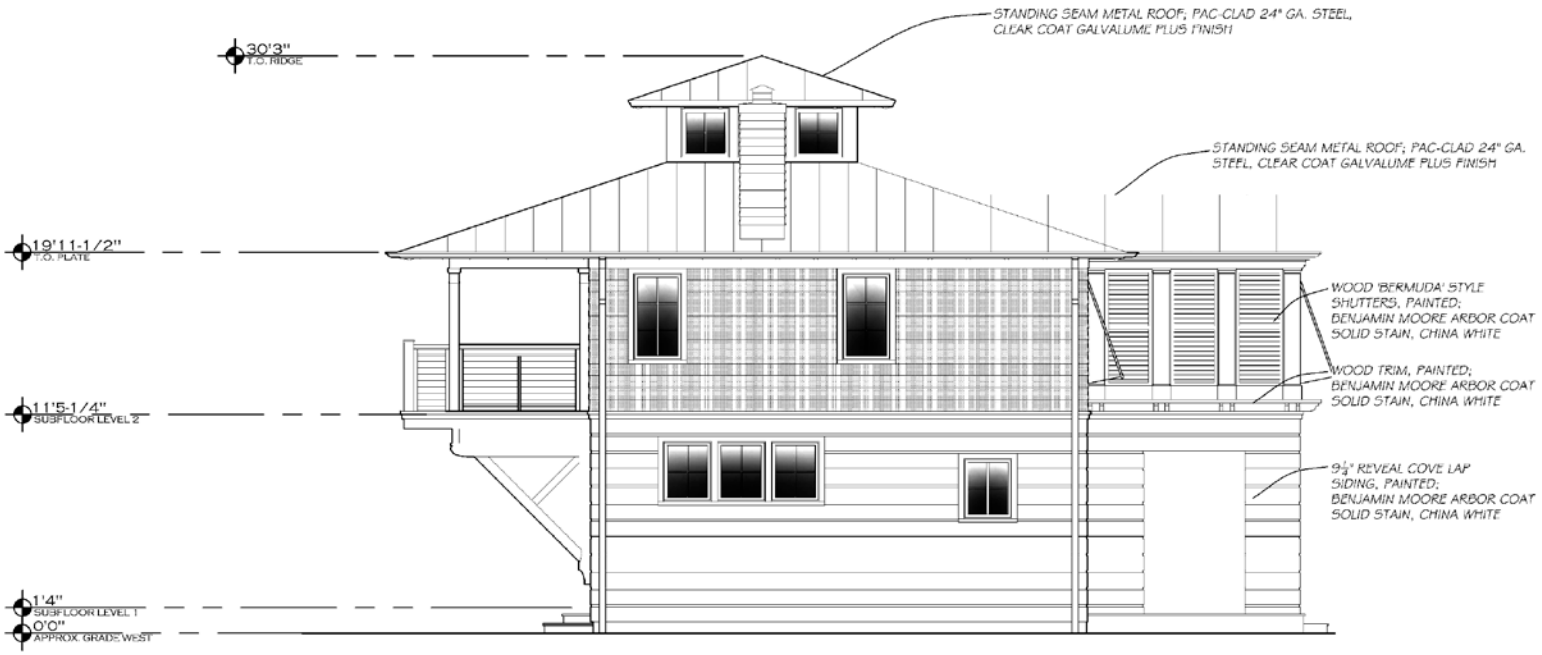
ATTACHMENT F

Received 11-3-2016 PBS - FB
CDP-2016-0042 Seghesio

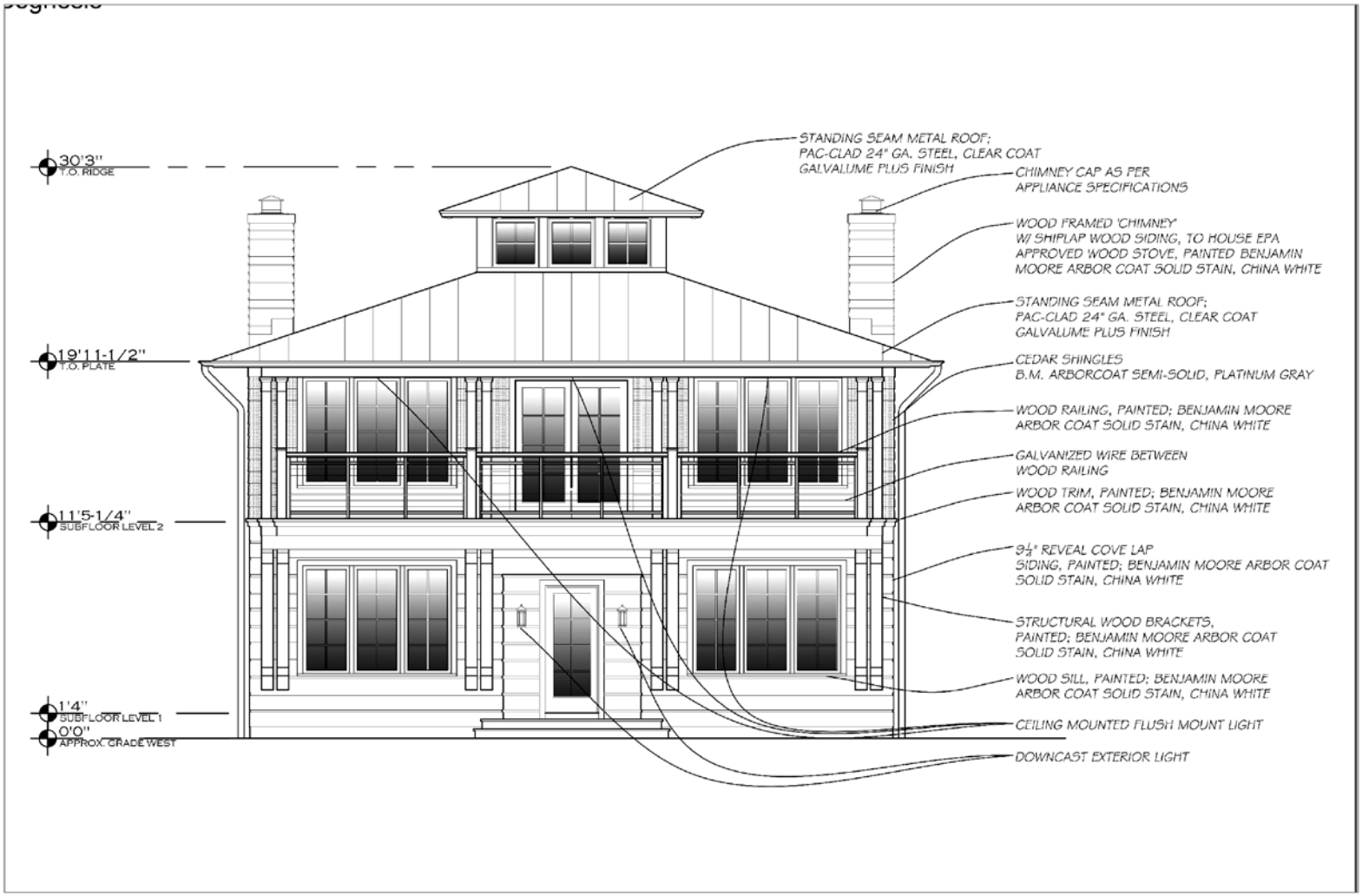


CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

NO SCALE

SOUTH ELEVATION

ATTACHMENT G



CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

NO SCALE

WEST ELEVATION

Map produced by the Mendocino County Planning & Building Services, November, 2016
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ATTACHMENT H

Received 11-3-2016 PBS - FB
CDP-2016-0042 Seghesio

CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

NO SCALE

EXTERIOR LIGHTING

Map produced by the Mendocino County Planning & Building Services, November, 2016
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ATTACHMENT I

CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

Zoning Districts

0 100 200 Feet
0 0.0175 0.035 Miles
N W E S
1:2,400

ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT J

CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

General Plan Classes

0 100 200 Feet
0 0.0175 0.035 Miles
1:2,400

GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, November, 2016
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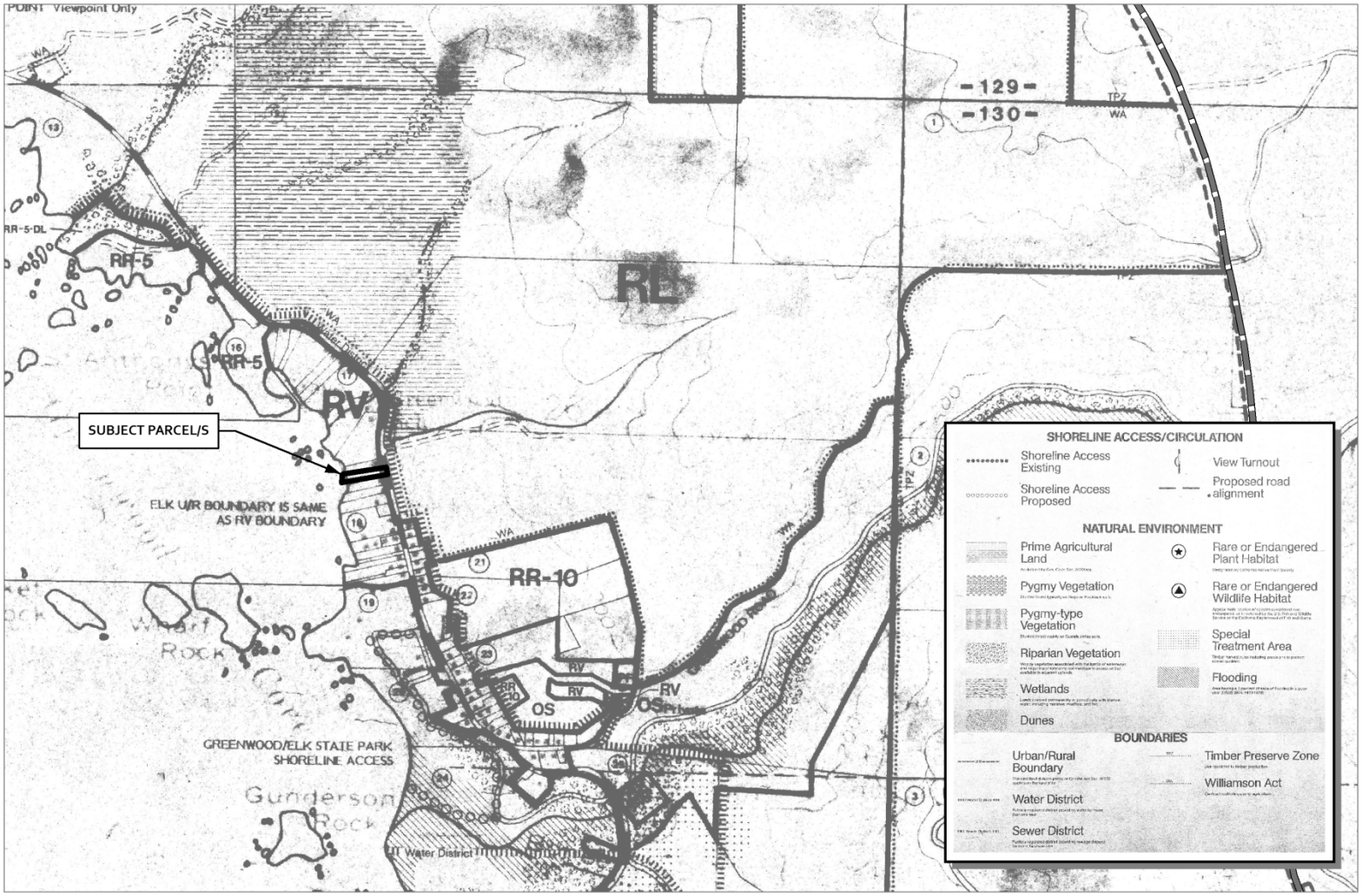
ATTACHMENT K



CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

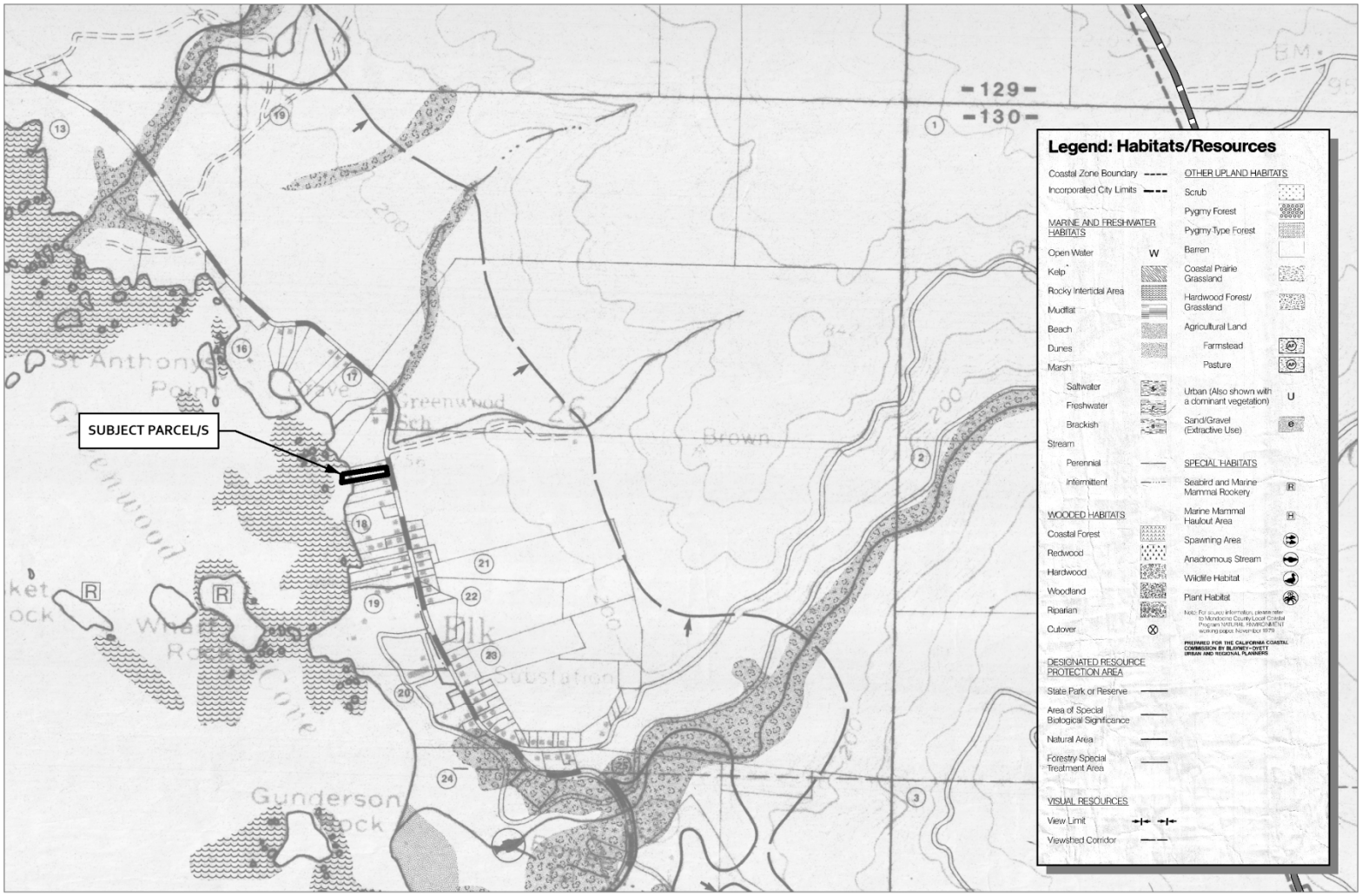
Coastal Zone Boundary

0 495 990 Feet
0 0.075 0.15 Miles
1:12,000

LCP LAND USE MAP 20: ELK

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT L



CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

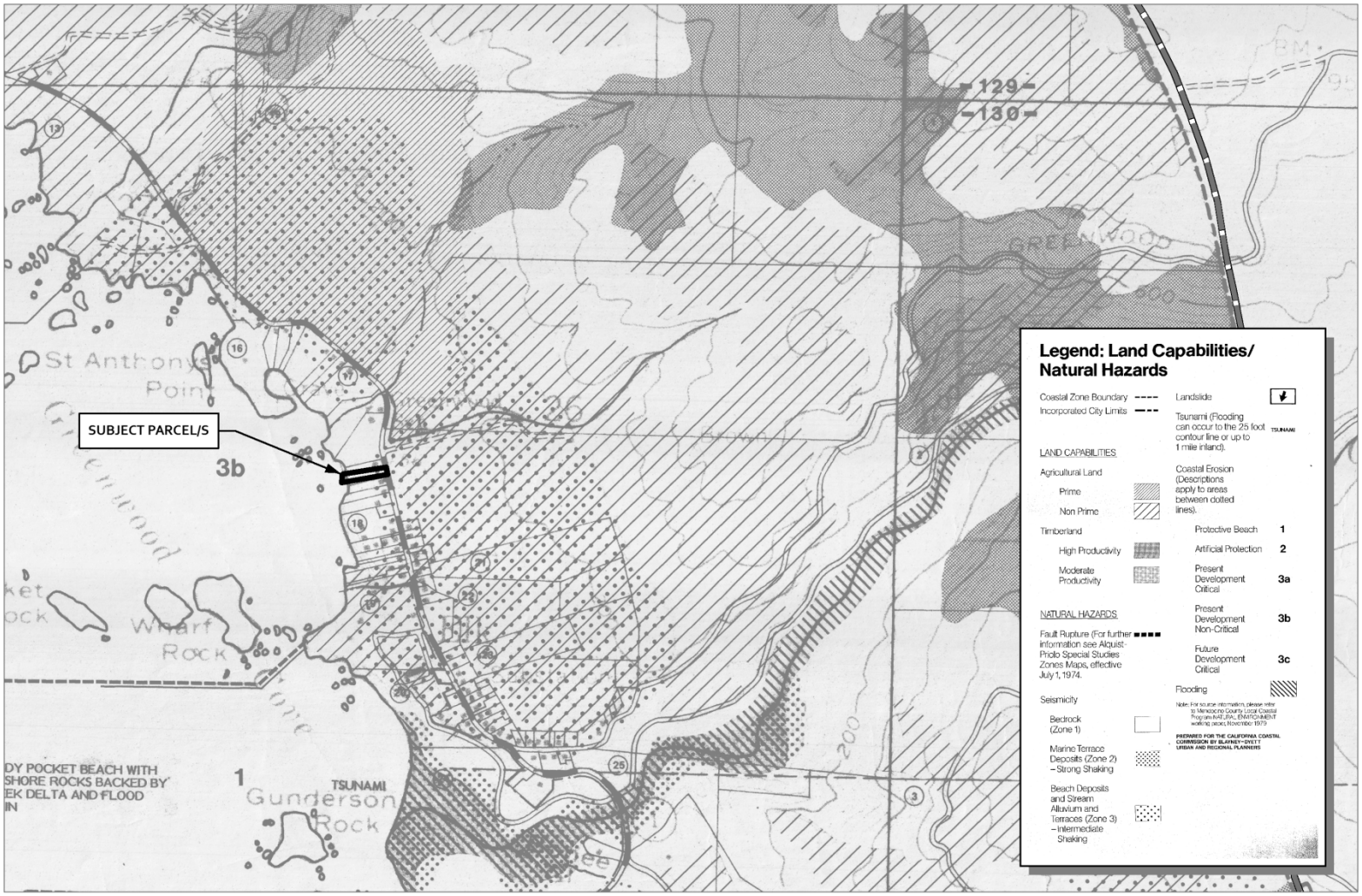
Coastal Zone Boundary

0 495 990 Feet
0 0.075 0.15 Miles
1:12,000

LCP HABITATS & RESOURCES

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT M



CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

Coastal Zone Boundary

0 495 990 Feet
0 0.075 0.15 Miles
1:12,000

LCP LAND CAPABILITIES & NATURAL HAZARDS

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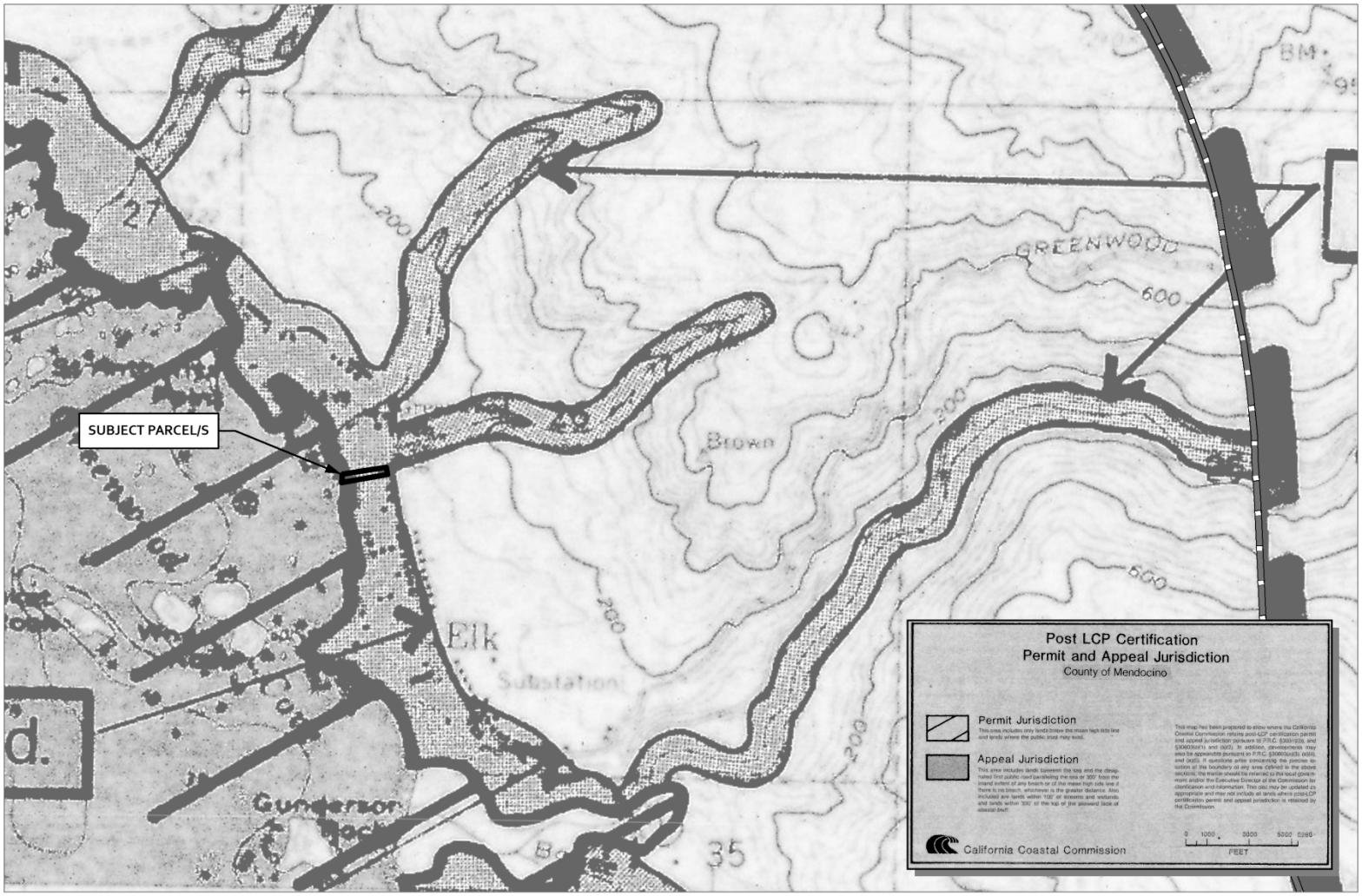
ATTACHMENT N



CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

0 495 990 Feet
0 0.075 0.15 Miles
1:12,000

Coastal Zone Boundary

APPEALABLE AREAS

Map produced by the Mendocino County Planning & Building Services, November, 2016
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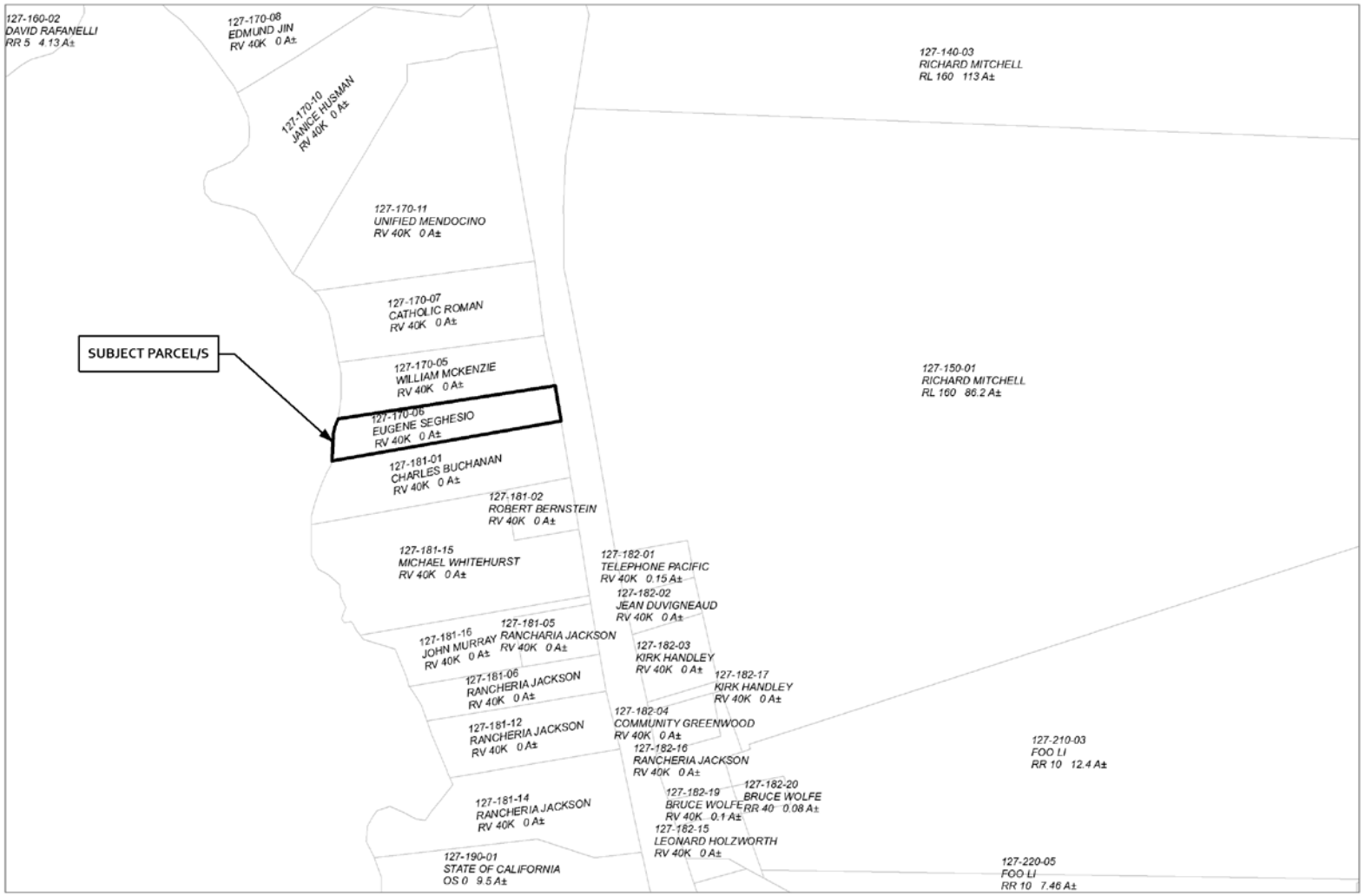
ATTACHMENT O



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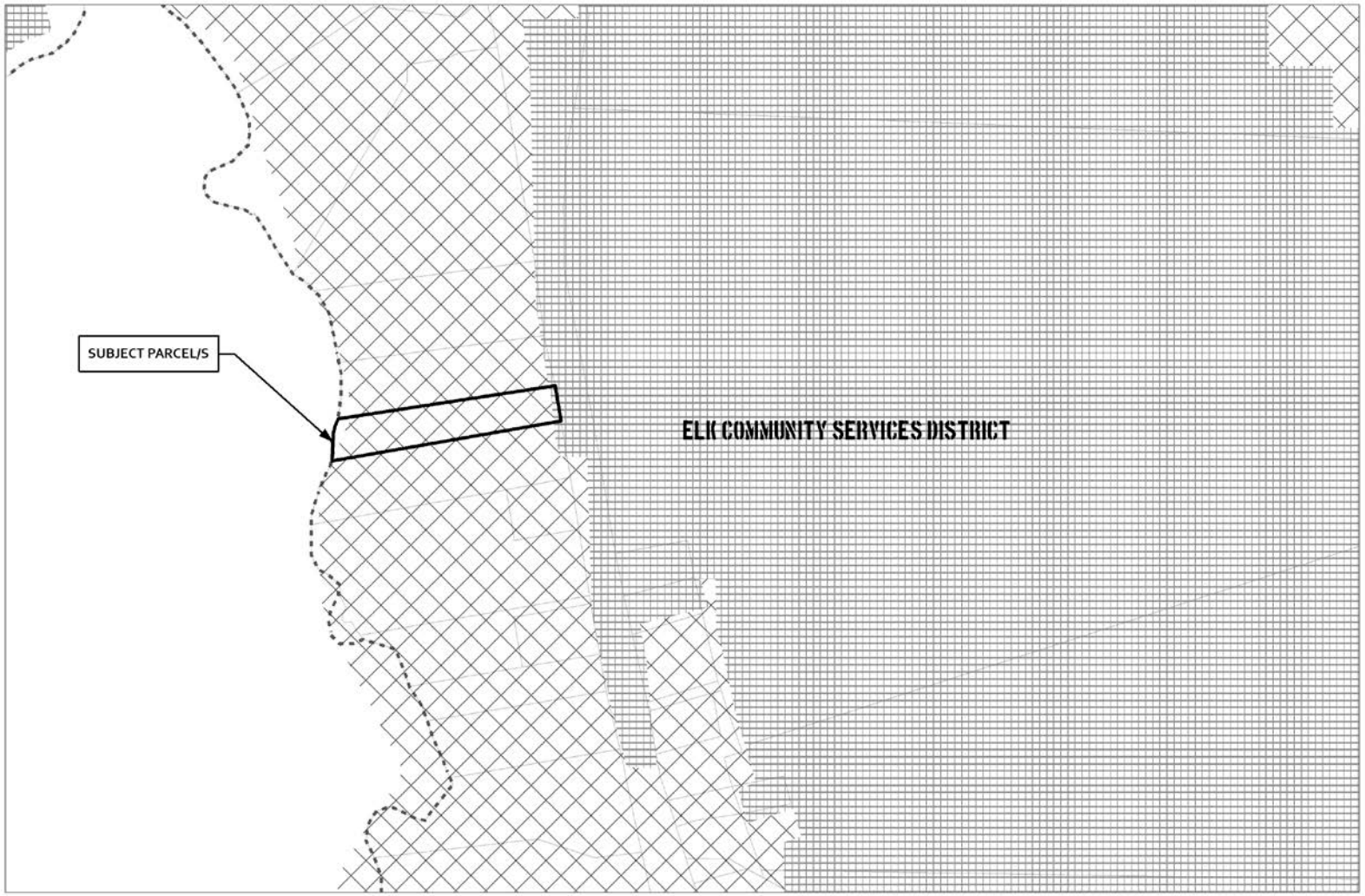
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

0 100 200 Feet
0 0.0175 0.035 Miles
1:2,400

ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT P



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OWNER: SEGHESIO, Peter & Cathy
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APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

County Fire Districts
High Fire Hazard
Moderate Fire Hazard

0 100 200 Feet
0 0.0175 0.035 Miles
1:2,400

FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, November, 2016
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ATTACHMENT Q

CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
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AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

County Water Districts

0 100 200 Feet
0 0.0175 0.035 Miles
N W E S
1:2,400

WATER DISTRICTS

Map produced by the Mendocino County Planning & Building Services, November, 2016
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ATTACHMENT R

CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

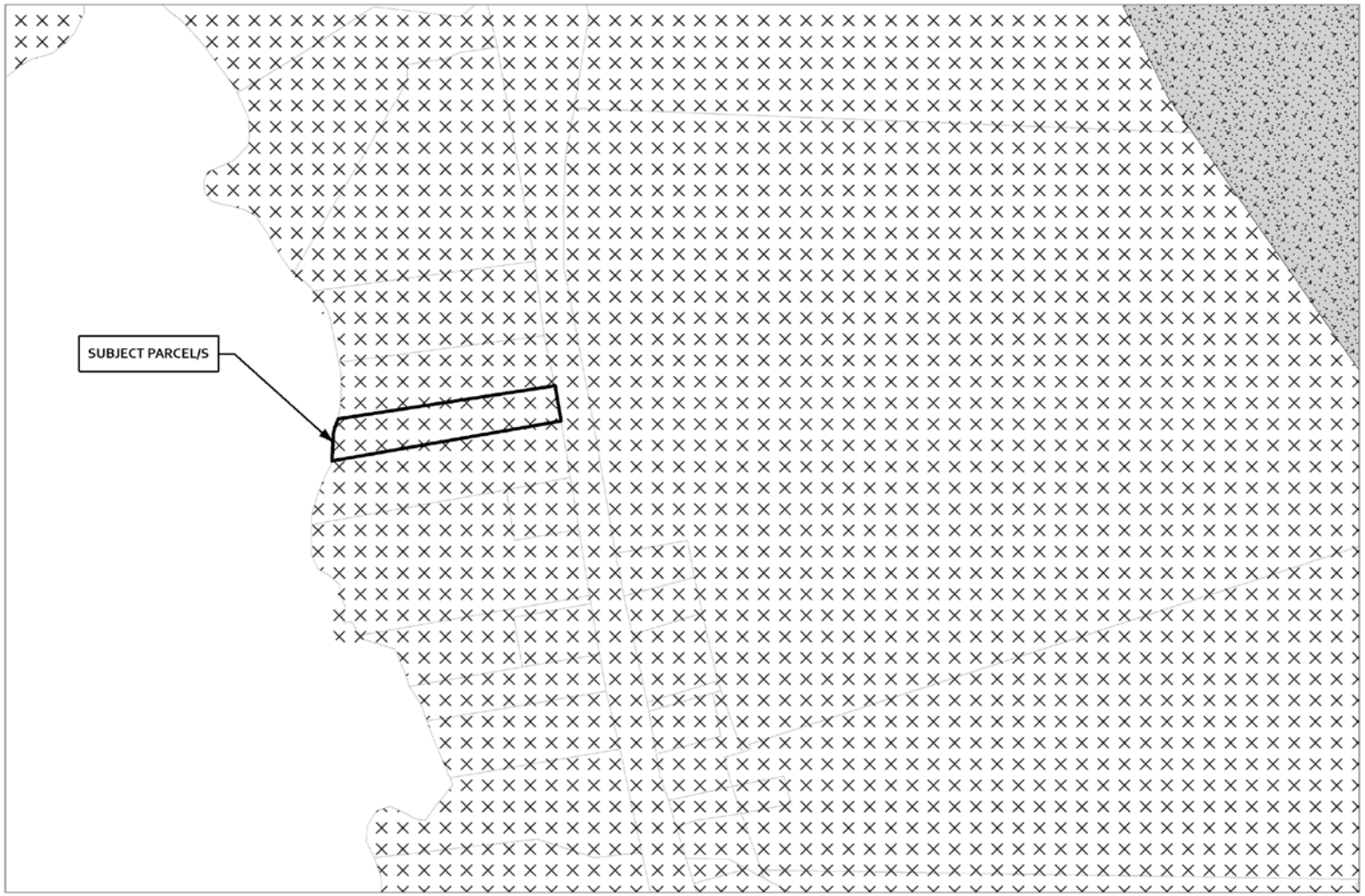
Flood Zone

0 100 200 Feet
0 0.0175 0.035 Miles
N W E S
1:2,400

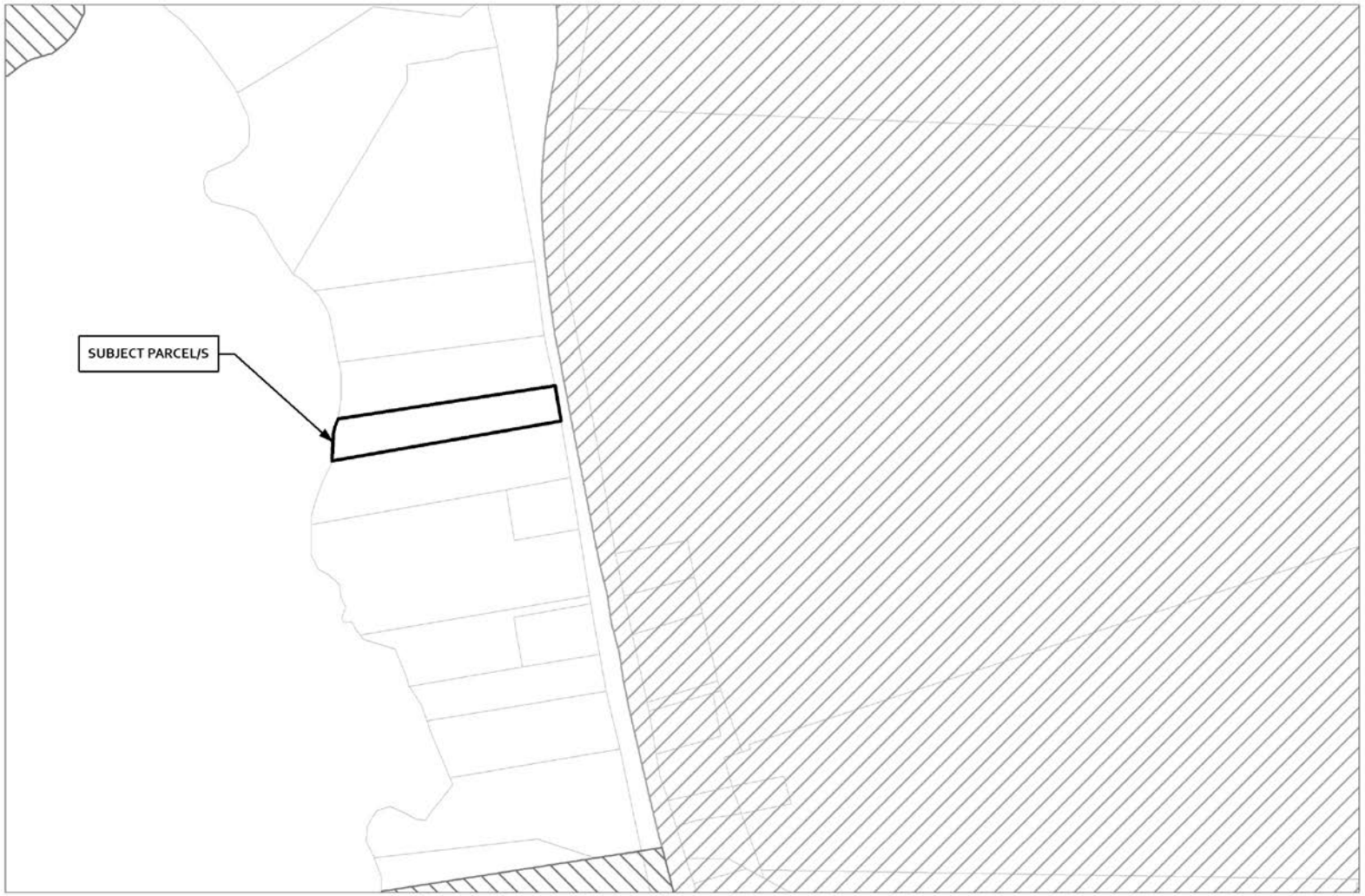
FEMA FLOOD ZONE
NFIP MAPS, JUNE 2nd, 2011

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT S



ATTACHMENT T



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OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

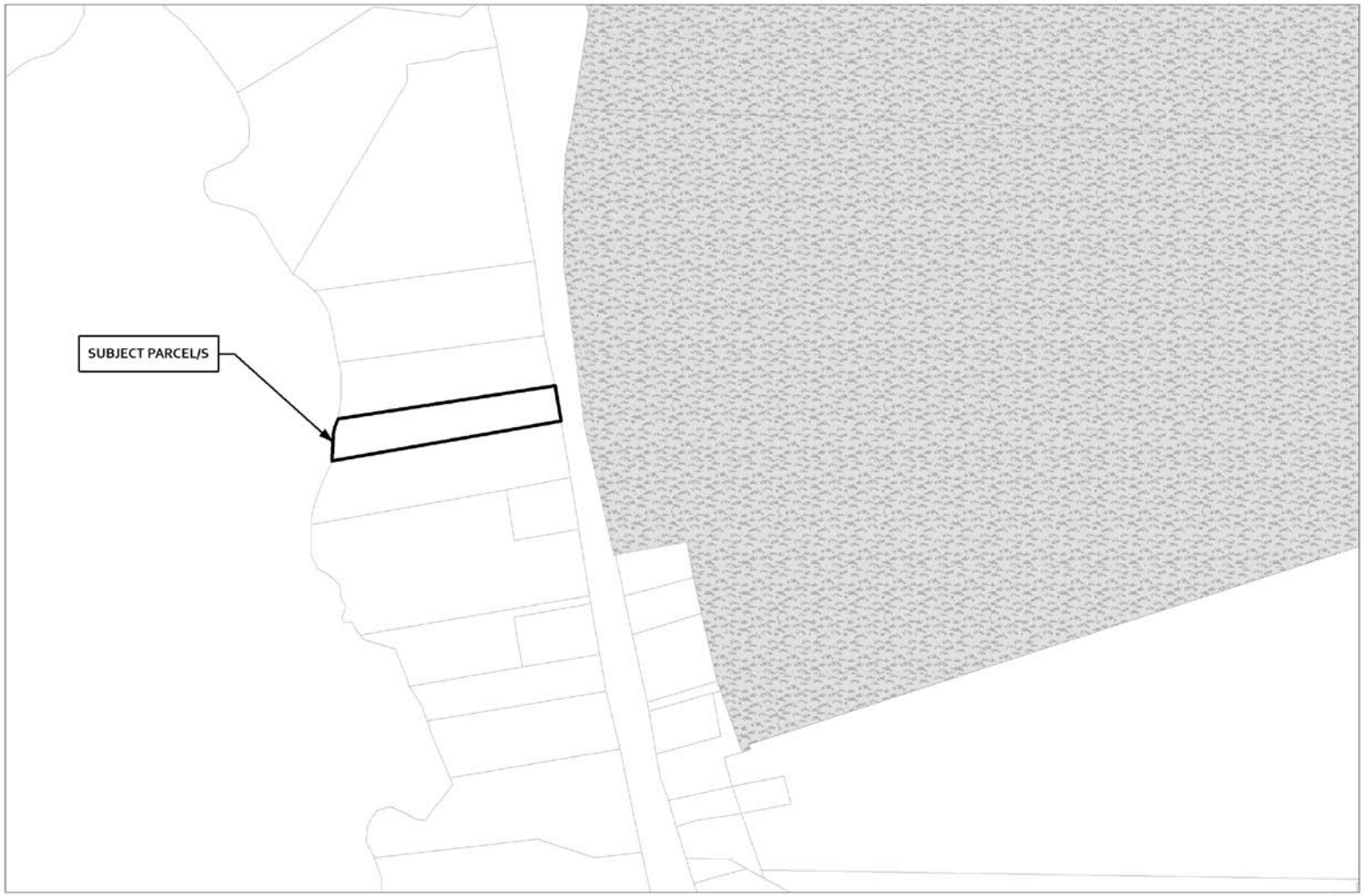
Highly Scenic Area
Highly Scenic Area (Conditional)

0 100 200 Feet
0 0.0175 0.035 Miles
N W E S
1:2,400

HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT U



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APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

Williamson Act 2015

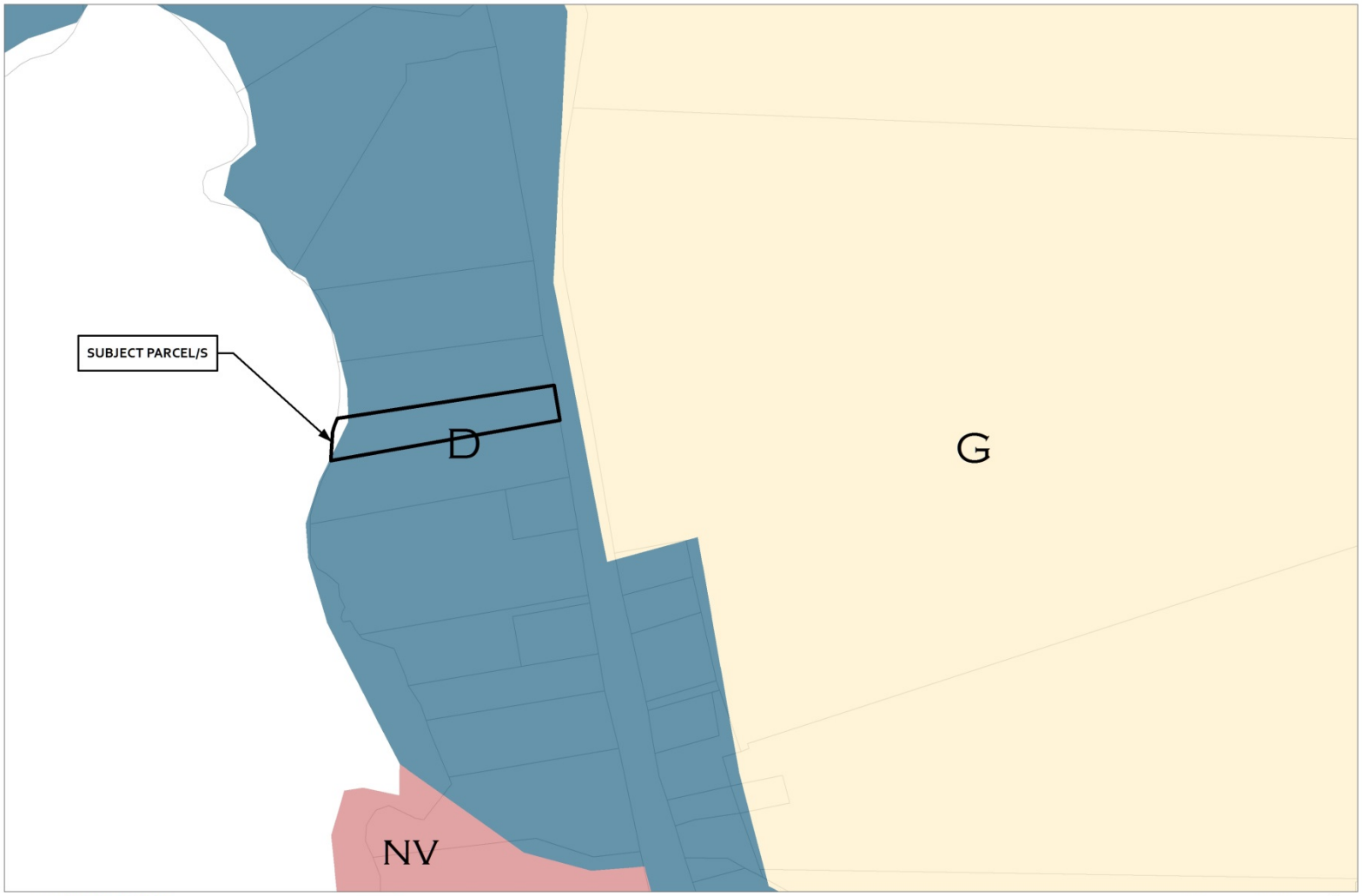
Non-Prime Ag 2015

0 100 200 Feet
0 0.0175 0.035 Miles
N W E S
1:2,400

LANDS IN WILLIAMSON ACT CONTRACTS

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT V



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APN: 127-170-06
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Urban & Built-Up Land (D)
Grazing Land (G)
Non-Ag & Natural Vegetation (nv)

0 100 200 Feet
0 0.0175 0.035 Miles
1:2,400

IMPORTANT FARMLAND

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT W

CASE: CDP 2016-0042
OWNER: SEGHESIO, Peter & Cathy
APN: 127-170-06
APLCT: Richard Fienburgh
AGENT: Richard Fienburgh
ADDRESS: 5780 S. Hwy. 1, Elk

Wetlands

0 100 200 Feet
0 0.0175 0.035 Miles
N W E S
1:2,400

CLASSIFIED WETLANDS

Map produced by the Mendocino County Planning & Building Services, November, 2016
All spatial data is approximate. Map provided without warranty of any kind.

CEQA INITIAL STUDY - MITIGATED NEGATIVE DECLARATION

DATE: January 19, 2018

CASE NUMBER: CDP_2016-0042

OWNER/APPLICANT: EUGENE PETER & CATHY SEGHESIO

AGENT: RICHARD FIENBURGH CONSTRUCTION

PROJECT REQUEST: A Coastal Development Standard Permit request to demolish an existing residence and construct a two story, 30 ft., 1,925 sq. ft., single family residence, fencing, a new septic system, replacement leach field, landscaping, and remove 5 trees.

LOCATION: On the west side of Hwy. 1, 0.5± miles north of its intersection with Philo-Greenwood Road (CR 132), located at 5780 S. Hwy. 1, Elk (APN: 127-170-06).

Environmental Checklist.

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

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

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

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

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

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

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

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

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

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

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

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

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

The 0.5 acre project site is located within the community of Elk on the west side of Highway 1, approximately 0.5 miles north of its intersection with Philo-Greenwood Road (CR 132), located at 5780 South Highway 1, Elk (APN: 127-170-06). The subject property is a relatively flat bluff top parcel, with elevations ranging from approximately 100 feet to 140 feet above mean sea level (amsl). Although the parcel is located west of Highway 1 and is adjacent to the Pacific Ocean, the property is not located within a designated Highly Scenic Area[1]. However, as provided in Section 20.504.020(B) of the MCC, the site is located within a designated Special Community, as is subject to the development criteria provided in MCC Section 20.504.020(C). The parcel is currently developed with an 430 square foot residence, an existing septic tank and pump chamber, an existing gravel driveway, and fencing. The proposed project would demolish the existing residence and build a new two story single family residence partially within the footprint of the existing residence, totaling 1,925 square feet in size. Neighboring properties to the north and south are currently developed with single family residences and accessory structures, similar to what is proposed under the project.

The project site is designated as barren habitat.[2] A *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN: 127-170-06)* (Biological Report) for the proposed project was prepared by Spade Natural Resources Consulting on July 26, 2016. As noted in the Biological Report, the property is primarily vegetated with mowed non-native grasslands and landscaping. Several trees are present on the property, including native Bishop (*Pinus muricata*) and beach (*Pinus contorta* ssp. *contorta*) pines, and non-native Monterey cypress

[1] Mendocino County Department of Planning & Building Services. November 2016. *Highly Scenic & Tree Removal Areas* [map].
[2] Mendocino County Department of Planning & Building Services. November 2016. *LCP Habitats & Resources* [map].

(*Hesperocyparis macrocarpa*) and Monterey pine (*Pinus radiata*). Some of the trees on the site have been planted along the property boundary as hedgerows for privacy or windbreak, and other trees on-site have been planted or have naturally established in the central portion of the property. The bluff face is vegetated with coastal willow (*Salix hookeriana*), a sensitive plant community and Environmentally Sensitive Habitat Area (ESHA), and invasive iceplant (*Carpobrotus edulis*) is present on the terrace at the bluff edge. Although no special status plants, wetlands, or watercourses were identified on the property during the field surveys[3], a mapped estuarine and marine wetland, also an ESHA, is located in the western portion of the site[4]. A 50 foot buffer area between the coastal willow sensitive plant community and any new development areas is recommended by the project biologist.[5]

In addition to the vegetation to be removed from the proposed building sites and improvement areas, up to five small pine trees would be removed from the northern portion of the property, where they are beginning to encroach on the existing driveway. Additionally, an invasive plant species, iceplant (*Carpobrotus edulis*), located on the terrace at the bluff edge, would be removed and replaced with an appropriate native plant species.

The maximum building height allowed in the Rural Village (RV) District is 35 feet above natural grade. As currently proposed, the proposed two story development would be a maximum of 30.25 feet in height, which would not exceed the maximum building height requirement for the RV District.

a), c), and d) Less Than Significant Impact: As noted above, the proposed project would replace an existing residence currently located on the project site, but would be larger in size than the existing residence. The project site is not located within a designated Highly Scenic Area; however, as provided in Section 20.504.020(B) of the MCC, the site is located within a designated Special Community, and is subject to the development criteria provided in MCC Section 20.504.020(C). As provided in MCC Section 20.504.020(C), the proposed project shall be similar in scale, scope, and character of surrounding development; shall be sited to protect coastal views; shall not impact historic structures; shall utilize building materials and exterior colors that are compatible with existing structures; and shall be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural land forms, be visually compatible with the character of surrounding areas, and where feasible, shall restore and enhance visual quality in visually degraded areas. Review of the proposed project indicates the proposed development would be consistent with surrounding development and would not result in a significant change to public coastal views.

The proposed two story development would be a maximum of 30.25 feet above natural grade, which would not exceed the maximum building height requirement of 35 feet for properties within the RV District. Neighboring properties to the north and south are currently developed with single family residences and accessory structures, similar to what is proposed under the project. Furthermore, all proposed outdoor lighting would be down-cast and shielded. Although up to five trees would be removed under the proposed project within the northern portion of the site, the trees are ornamental in nature and were planted by a previous owner, and numerous existing trees would remain on the site.

Due to the proposed building location partially within the footprint of the existing residence and since neighboring properties to the north and south are currently developed with single family residences and accessory structures, Staff finds the proposed project would not significantly affect public views, substantially degrade the existing visual character or quality of the site and its surroundings, or create a new source of substantial light or glare. A less than significant impact would occur.

b) No Impact: The proposed project would have no impact on scenic resources within a state scenic highway. Under CEQA, visual resources that uniquely contribute to the public benefit are considered to be scenic resources. There are no officially designated scenic highways in Mendocino County. Highway 1 is neither officially designated nor identified by the California Department of Transportation (Caltrans) as being eligible for designation as a State Scenic Highway.[6] No impact would occur.

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[3] Spade Natural Resources Consulting. July 26, 2016, *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN 127-170-06), Elk, CA, Mendocino County.*
[4] Mendocino County Department of Planning & Building Services. November 2016. *Classified Wetlands* [map].
[5] Spade Natural Resources Consulting. July 26, 2016, *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN 127-170-06), Elk, CA, Mendocino County.*
[6] California Department of Transportation (Caltrans). *California Scenic Highway Mapping System.* Mendocino County. Accessed December 28, 2017. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

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

II. AGRICULTURE AND FORESTRY RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

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

The 0.5 acre project site is designated and zoned as Rural Village (RV) under the Coastal Element of the Mendocino County General Plan and the Mendocino County Code (MCC), respectively.

a), b), c), d), and e) No Impact: As noted above, the site is currently designated and zoned as Rural Village (RV) under the Coastal Element of the Mendocino County General Plan and the MCC, respectively, and is not designated for agricultural use or forest land. The subject property does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and is classified as urban and built up land.[7] Additionally, the subject property is not under a Williamson Act contract; however, land located immediately east of the site, across Highway 1, is under a Williamson Act contract.[8] In addition to the vegetation to be removed from the proposed building sites and improvement areas, up to five small pine trees would be removed from the northern portion of the property, where they are beginning to encroach on the existing driveway, and the iceplant would be removed and replaced with an appropriate native plant species. Therefore, no impact would occur as a result of constructing the proposed project.

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

[7] Mendocino County Department of Planning & Building Services. November 2016. *Important Farmland* [map].
[8] Mendocino County Department of Planning & Building Services. November 2016. *Lands in Williamson Act Contracts* [map].

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of any applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

The project is located within the North Coast Air Basin (NCAB), consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties, and is subject to Mendocino County Air Quality Management District (MCAQMD) requirements. Any new emission point source is subject to an air quality permit, consistent with the District's air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new construction, including houses, to use energy efficient, low emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions. The generation of dust during grading activities, another type of area source emission, is limited by the County's standard grading and erosion control requirements. These policies limit ground disturbance and require immediate revegetation after the disturbance. Consequently, these existing County requirements help to ensure PM_{10} generated by the project would not be significant and that the project would not conflict with nor obstruct attainment of the air quality plan PM_{10} reduction goals.

The proposed project involves the construction of a single family residence partially within the footprint of the existing residence to be demolished, in addition to associated improvements. The proposed project does not include any activities that would impact air quality resources long term, however, there may be short term impacts associated with the equipment used during construction. As shown on the project plans, the proposed project includes installation of an Environmental Protection Agency (EPA) approved wood burning stove.

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

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

Anticipated emissions during operation of the project include:

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

The MCAQMD is in attainment for all State standards with the exception of particulate matter less than 10 microns in size (PM_{10}). The most common source of PM_{10} is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. The installation of a wood stove is not proposed under the project. There is no proposed use that would be anticipated to result in a significant increase of any criteria

pollutant. A *Particulate Matter Attainment Plan* was finalized in 2005 that provides mitigation measures for construction and grading activities and unpaved roads. Additionally, the project and its emission sources are subject to MCAQMD rules and regulations contained in the most recent version of the *Rules and Regulations of the MCAQMD*. Compliance with these regulations would ensure the project would not result in a substantial increase of PM_{10} within the vicinity of the site.

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

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

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

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

IV. BIOLOGICAL RESOURCES: **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐

IV. BIOLOGICAL RESOURCES: **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Coastal areas in Mendocino County are subject to the California Coastal Act and the Mendocino County Zoning Ordinance, which includes regulations regarding Environmentally Sensitive Habitat Areas (ESHAs). The purpose of Mendocino County Code (MCC) Section 20.496, *Environmentally Sensitive Habitats and Other Resource Areas,* is to ensure that environmentally sensitive habitat and other designated resource areas (listed on Pages 39, 40 and 41 of the Coastal Element dated November 5, 1985), which constitute significant public resources are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations[9]. Environmentally Sensitive Habitat Areas include anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals[10].

A *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN: 127-170-06)* (Biological Report) for the proposed project was prepared by Spade Natural Resources Consulting on July 26, 2016. As noted in the Biological Report, the property is primarily vegetated with mowed non-native grasslands and landscaping. Several trees are present on the property, including native Bishop (*Pinus muricata*) and beach (*Pinus contorta* ssp. *contorta*) pines, and non-native Monterey cypress (*Hesperocyparis macrocarpa*) and Monterey pine (*Pinus radiata*). The bluff face, along the western property boundary, is vegetated with coastal willow (*Salix hookeriana*), a sensitive plant community and ESHA, and invasive iceplant (*Carpobrotus edulis*) is present on the terrace at the bluff edge. Although no special status plants, wetlands, or watercourses were identified on the property during the field surveys[11], a mapped estuarine and marine wetland, also an ESHA, is located in the western portion of the site[12]. A 50 foot buffer area between the coastal willow sensitive plant community and any new development areas is recommended by the project biologist.[13] The proposed single family residence to replace the existing residence currently located on the site would be located more than 100 feet east of the wetland. In addition to the vegetation to be removed from the proposed building sites and improvement areas, up to five small pine trees would be removed from the northern portion of the property, where they are beginning to encroach on the existing driveway. Additionally, an invasive plant species, iceplant (*Carpobrotus edulis*), located on the terrace at the bluff edge, would be removed and replaced with an appropriate native plant species. Although no wildlife of concern or special status wildlife species were noted during surveys, there is a potential for presence for migrating northern red-legged frog, Sonoma Tree Vole, special status birds and bats, and nesting birds protected by the Migratory Bird Treaty Act, and avoidance measures are recommended by the project biologist.[14]

Review of the California Natural Diversity Database (CNDDB, version 8/2016) indicates that one additional special-status plant species has been known to occur within the boundaries and adjacent to the subject site: deceiving sedge (*Carex saliniformis*). No additional special status species are known to occur within the vicinity of the subject site.[15]

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[9] Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).
[10] Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).
[11] Spade Natural Resources Consulting. July 26, 2016, *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN 127-170-06), Elk, CA, Mendocino County.*
[12] Mendocino County Department of Planning & Building Services. November 2016. *Classified Wetlands* [map].
[13] Spade Natural Resources Consulting. July 26, 2016, *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN 127-170-06), Elk, CA, Mendocino County.*
[14] Spade Natural Resources Consulting. July 26, 2016, *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN 127-170-06), Elk, CA, Mendocino County.*
[15] Mendocino County Department of Planning & Building Services. November 2016. *Sensitive Habitats* [map].

a) Less Than Significant with Mitigation Incorporated: As noted above, a *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN 127-170-06)* (Biological Report) for the proposed project was prepared by Spade Natural Resources Consulting on July 26, 2016, which identified one ESHA on the site, coastal willow (*Salix hookeriana*), a sensitive plant community. As noted in the Biological Report, the property is primarily vegetated with mowed non-native grasslands and landscaping, in addition to several trees and the sensitive plant community ESHA. Additionally, a mapped estuarine and marine wetland, also an ESHA, is located in the western portion of the site.[16]

Since ESHAs have been identified on the project site, the project would be required to implement a 100 foot buffer from the identified ESHAs pursuant to MCC Section 20.496.05(A)(1), unless it can be demonstrated that 100 feet is not necessary to protect the resources of the particular habitat areas from possible significant disruption caused by the proposed development, but shall not be less than 50 feet in width. A reduced buffer analysis was prepared by the biologist which describes how a 50 foot buffer would be adequate to protect the sensitive plant community. As shown on the site plan, all development would occur outside of the 50 foot buffer area, with the exception of 42 inch tall split-rail redwood fence proposed adjacent to the bluff edge and the invasive plant species removal. Removal of the invasive plant species, iceplant (*Carpobrotus edulis*), located on the terrace at the bluff edge, would occur within the 50 foot buffer, since it is located directly east of and adjacent to the coastal willow plant community. In order to reduce potential impacts associated with the invasive plant species removal and construction of the fence within the 50 foot ESHA buffer, Mitigation Measures 1 and 2, as recommended by the project biologist and Staff and provided below, which requires invasive plant species removal and fence construction shall be accomplished using hand tools only, in order to reduce potential impacts on sensitive habitat areas.

In addition to the vegetation to be removed from the proposed building sites and improvement areas and the invasive iceplant removal, up to five small pine trees would be removed from the northern portion of the property, where they are beginning to encroach on the existing driveway. Although no wildlife of concern or special status wildlife species were noted during surveys, there is a potential for presence of migrating northern red-legged frog, Sonoma Tree Vole, special status birds and bats, and nesting birds protected by the Migratory Bird Treaty Act on the project site. As such, Staff recommends the inclusion of several mitigation measures, including implementation of standard Best Management Practices (BMPs) to minimize erosion and avoid runoff into sensitive habitat areas, including a wetland in the western portion of the site, in addition to several avoidance measures recommended by the project biologist to reduce potential impacts associated with development of the proposed project and to minimize potential impacts on sensitive species potentially located within the vicinity, which are included as Mitigation Measures 1 through 12 below:

> **Mitigation Measure 1:** To the extent feasible, invasive plants with a California Invasive Plant Council rating of Moderate or High with a high success rate of eradication shall be removed from the property. These plants include: iceplant (*Carpobrotus chilensis*, MOD), cape ivy (*Delairea odorata*, HIGH), English ivy (*Hedera helix*, HIGH), English holly (*Ilex aquifolium*, MOD), ox-eye daisy (*Leucanthemum vulgare*, MOD), and Bermuda buttercup (*Oxalis pes campre* MOD). Removal of invasive plants shall be accomplished with hand tools only, and care shall be taken to avoid detrimental impacts to the coastal willow sensitive area. Areas where iceplant is removed shall be stabilized as soon as possible after disturbance with native seeds responsibly collected from native plant species appropriate to the site.
>
> **Mitigation Measure 2:** No heavy equipment shall be utilized within the 50 foot ESHA buffer. Construction of the proposed fence within the 50 foot ESHA buffer shall be accomplished with hand tools only.
>
> **Mitigation Measure 3:** Standard Best Management Practices (BMPs), such as straw bales, coir rolls, and/or silt fencing structures, shall be employed to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas.
>
> **Mitigation Measure 4:** Ground disturbance shall be limited to the minimum necessary.
>
> **Mitigation Measure 5:** All project components, including the use of heavy equipment, staging, and other project impacts are to be limited to areas at least 50 feet east of the bluff edge to keep all construction impacts at least 50 feet away from the coastal willow sensitive area. All contractors and their crews shall

[16] Mendocino County Department of Planning & Building Services. November 2016. *Classified Wetlands* [map].

endeavor to minimize the potential for disturbance by keeping stockpiles and equipment as far away as possible from the bluff edge. Pollutants and equipment shall be stored and maintained to prevent and minimize accidental spills, and any spills shall be cleaned up as soon as possible.

Mitigation Measure 6: Disturbed soil shall be stabilized or vegetated with native vegetation and/or native seed mixes as soon as possible after construction.

Mitigation Measure 7: Stormwater runoff from any new impervious surfaces shall be designed so that flows are not concentrated towards the bluff.

Mitigation Measure 8: New landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the adjacent plant communities within 50 feet of the bluff edge.

Mitigation Measure 9: Within two weeks prior to restoration activities, project contractors shall be trained by a qualified biologist in the identification of the northern red-legged frog (special status frog). During ground disturbing activities, construction crews shall begin each day with a visual search around the area of restoration to detect the presence of frogs. During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs.

Mitigation Measure 10: If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48 hours after the rain stops. Prior to resuming restoration, trained construction crew member(s) shall examine the site for the presence of frogs. If no special status frogs are found during inspections, ground disturbing activities may resume. If a special status frog is detected, construction crews shall stop all ground disturbing work and shall contact the California Department of Fish and Wildlife or a qualified biologist. Clearance from the California Department of Fish and Wildlife will be needed prior to re-initiating work. The California Department of Fish and Wildlife shall be consulted and will need to be in agreement with protective measures needed for these special status frogs.

Mitigation Measure 11: The bird breeding season typically extends from February to August. Ideally, the clearing of vegetation and the ground disturbing initiation of construction shall 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 construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100 foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

Mitigation Measure 12: Bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if 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. 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 modification for evidence of bat use (guano accumulation or acoustic or visual detections). If evidence of bat use is found, then biologist(s) 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 shall be implemented around the roost tree or roost area. Removal of roost trees shall occur in September and October, or after the bats have left the roost.

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

b) No Impact: No riparian habitat was observed on the site during field surveys[17] and the site is not located within a mapped riparian habitat area[18]. As such, no impact would occur.

c) Less Than Significant with Mitigation Incorporated: As described above, the site includes a mapped estuarine and marine wetland in the western portion of the site[19]; however, as mapped by the U.S. Fish and Wildlife Service (USFWS), the wetland is located west of the flat, developable portion of the site, within the steep portion of the site[20]. With incorporation of Mitigation Measures 3-7, provided above, potential impacts to the identified wetland area associated with development of the proposed project would be minimized and a less than significant impact would occur.

d) Less Than Significant with Mitigation Incorporated: Although no wildlife of concern or special status wildlife species were noted during surveys, there is a potential for presence of migrating northern red-legged frog, Sonoma Tree Vole, special status birds and bats, and nesting birds protected by the Migratory Bird Treaty Act on the project site.[21] With incorporation of Mitigation Measures 9-12, as recommended by the project biologist, which include provisions for protecting special status special potentially present on the site, potential impacts would be minimized and a less than significant impact would occur.

e) Less Than Significant Impact: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Numerous trees are present on the site, some of which have been planted along the property boundary as hedgerows for privacy or windbreak and some which have been planted or have naturally established in the central portion of the property. In addition to the vegetation to be removed from the proposed building sites and improvement areas, in addition to the invasive plant species removal in the western portion of the site, up to five small pine trees would be removed from the northern portion of the property, where they are beginning to encroach on the existing driveway. However, the trees proposed for removal are ornamental in nature and were planted by a previous owner, and numerous existing trees would remain on the site. A less than significant impact would occur.

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

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

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

[17] Spade Natural Resources Consulting. July 26, 2016, *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN 127-170-06), Elk, CA, Mendocino County.*
[18] Mendocino County Department of Planning & Building Services. November 2016. *LCP Habitats & Resources* [map].
[19] Mendocino County Department of Planning & Building Services. November 2016. *Classified Wetlands* [map].
[20] United States Fish and Wildlife Service (USFWS). 2018. National Wetlands Inventory*. Wetlands Mapper.* Accessed January 2, 2018. Available at: https://www.fws.gov/wetlands/data/mapper.html.
[21] Spade Natural Resources Consulting. July 26, 2016, *Botanical Survey and Biological Scoping Survey for 5780 South Highway 1 (APN 127-170-06), Elk, CA, Mendocino County.*

Coastal archaeological sites and areas are subject to archaeological surveys have been mapped by the California Archaeological Sites Survey, and the data is kept in the Cultural Resources Facility, Sonoma State University. These records, the most complete available, show seventy nine (79) sites, distributed mainly along creek and river mouths and near present settlements, particularly between Cleone and Mendocino[22]. The maps also delineate twenty six (26) archaeological survey areas ranging from 0.1 to 1,400 acres, only some of which include archaeological sites. To protect sites, the maps are confidential; however, land owners are entitled to know whether the sites are located on their property.

For small projects such as the constructing a replacement single family home partially within the footprint of existing development, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either California Historic Resource Information Center (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and it was determined to be an appropriate guidance document for what projects would require archaeological review.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; to date, no response has been received from the Cloverdale Rancheria or Sherwood Valley Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated April 18, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected.

a), b), c), and d) Less Than Significant Impact: As noted above, due to the small scale of the project, which involves construction of a new single family residence partially within the footprint of an existing residence to be demolished, an archaeological survey of the project site is not required, nor was the project referred to either CHRIS or the Mendocino County Archaeological Commission. No known archaeological or historical resources are known to occur at the site.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; no response has been received from the Cloverdale Rancheria or Sherwood Valley Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated April 18, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected.

Standard Condition advises the Applicants of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

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

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

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

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

VI. GEOLOGY AND SOILS. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☒	☐	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

The Mendocino County General Plan Chapter 3 Development Element discusses the area's seismic hazards. Mendocino County is located just south of the Cascadia Subduction Zone and will likely be subjected to a strong earthquake in the foreseeable future. A number of faults are located throughout the county, including the San Andreas Fault in the southwest corner of the county, the Maacama Fault in the inland valley from Sonoma County to Laytonville, the Round Valley Fault in the northeastern part of the county, and the Etsel Ridge Fault in the eastern portion of the County[23]. Any structure built in Mendocino County will likely be subjected to seismic activity during its expected lifespan. The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.[24] The San Andreas Fault is located approximately 1.1 miles west of the project site. Additionally, there is a potentially active fault, St. Anthony's Fault, passing through the bluff face at the property.[25]

A *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California* (Geotechnical Investigation) was prepared for the project site by Brunsing Associates, Inc., on March 9, 2016. The purpose of the Geotechnical Investigation was to evaluate the geologic hazards at the site, including bluff stability and retreat (erosion) rate, fault rupture potential, the effects of sea-level rise, and seismicity, in order to evaluate the suitability of the site for the proposed project. The site is underlain by Tertiary-Cretaceous Period sedimentary rocks of the Franciscan Complex Coastal Belt. The bedrock on the lower portion of the property bluffs consists of gray to orange-brown sandstone that is massive to thickly-bedded, occasionally to closely fractured, moderately hard to hard and little weathered. No 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. Some shallow sliding on the upper bluff indentation has occurred. No evidence of active faulting was found at the property. St. Anthony's Fault could

[23] Mendocino County General Plan, §3-17 (2009).
[24] State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.
[25] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*

rupture during a large magnitude earthquake on the nearby segment of the San Andreas Fault, but is most likely not capable of generating an earthquake on its own.[26]

As noted in the Geotechnical Investigation, the existing residence has experienced past settlement effects. The proposed new residence would be underlain by loose silty sand top soils that are porous and weak. These soils could undergo erratic and detrimental differential settlement under load, and are not considered suitable for support of structure foundation or concrete slabs-on-grade. The deeper terrace deposits are loose to medium dense silty and clayey sands that are also slightly compressible for the anticipated planned foundation loads, and are considered marginally suitable for support.[27]

Based on the results of the analyses in the Geotechnical Investigation, including consideration of potential settlement, liquefaction, fault rupture, bluff stability, bluff retreat rate, future sea level rise and tsunami hazard, the project geologist has concluded that the site is geotechnically suitable for the proposed project. However, as with most coastal bluff sites, some risk of geologic hazards exists and must be accepted by the property owner. The current standard of practice in geotechnical engineering makes it possible to identify most areas of existing hazards, and/or to make recommendations which lower the risk of hazards to levels that are generally acceptable, but cannot make total assurances of mitigating possible future hazards.[28]

a.i) through and a.iii) Less Than Significant with Mitigation Incorporated: The site is located in a region of high seismic activity associated with the San Andreas Fault System. As discussed above, the property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.[29] The San Andreas Fault is located approximately 1.1 miles west of the project site. Additionally, there is a potentially active fault, St. Anthony's Fault, passing through the bluff face at the property.[30] Future, large magnitude earthquakes on the San Andreas Fault, and/or other, nearby faults, are expected to cause strong ground shaking at the site. The amount of shaking would depend on the distance to the causative earthquake epicenter, the magnitude of the shock, and the response characteristics of the materials underlying the site. Generally, wood-framed structures, founded in firm earth materials, and designed in accordance with current building codes, are well suited to resist the effects of ground shaking.[31]

As noted in the Geotechnical Investigation, based on the field exploration, the existing structure (and proposed project area) does not appear to be astride an active fault. However, the proximity of the site to the main trace of the San Andreas Fault continues to be a significant geologic hazard. Because over 100 years have lapsed since the last significant earthquake causing surface rupture in the area, the probability of a large magnitude earthquake occurring on this segment of the San Andreas Fault is moderately high. Additionally, there is a potentially active fault (St. Anthony's Fault) passing through the bluff face at the property. This fault does not appear capable of generating an earthquake on its own, but could rupture once again during a major earthquake on the nearby segment of the San Andreas Fault. A rupture on St. Anthony's Fault at the property could cause a significant rockfall from the ocean bluff, but otherwise, would not directly cause damage to the proposed residence. Furthermore, evidence of fault rupture within the terrace soils exposed in the test pit were not observed, nor did site observations reveal geomorphic evidence of past surface fault rupture within the area of the existing residence or nearby vicinity. After weighing these factors, the project geologist concluded that the possibility of surface fault rupture in the location of the existing residential structure and proposed residence partially within the footprint of the existing residence is relatively low.[32]

Regarding liquefaction, soil liquefaction is a condition where saturated (from presence of groundwater), granular soils undergo a substantial loss of strength and can potentially undergo deformations due to pore pressure

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[26] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*
[27] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*
[28] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*
[29] State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.
[30] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*
[31] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*
[32] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*

increases resulting from cyclic stresses generated during strong earthquakes. In the process, the soil can acquire a mobility sufficient to allow both horizontal lateral spreading and vertical ground movements if the soil mass is not confined. Soils most susceptible to liquefaction, densification (seismically induced settlement), are loose, clean, uniformly graded sands, fine sands and low cohesion silts.[33]

The terrace deposit soils at the site generally consist of loose to medium dense silty and clayey sands with some silty and sandy clays. Due to the loose to medium dense nature of the terrace deposit soils, the project geologist believe that portions of the terrace soils at the site to have a low to moderate potential for liquefaction during seismically induced strong ground shaking, and, according to laboratory testing of the soils and liquefaction analysis performed by the project geologist, the maximum liquefaction induced settlement ranges between 0.1 inches to less than 1.2 inches. The underlying site bedrock is not subject to liquefaction.[34]

Although the proposed project would be constructed in accordance with all building requirements, including the latest version of the California Building Code (CBC), several recommendations related to construction of the proposed project are recommended by the project geologic to reduce potential geological hazards associated with the proposed project and are included as Mitigation Measures 13 through 19, below:

Mitigation Measure 13: Site Grading - Areas to be graded for a building pad and exterior slabs-on-grade on the property shall be cleared of existing vegetation and debris. After clearing, surface soils that contain organic matter should be stripped. In general, the depth of required stripping will be about 2 to 6 inches; deeper stripping and grubbing may be required to remove isolated concentrations of organic matter. The cleared materials shall be removed from the site; however, strippings can be stockpiled for later use in future landscape areas.

Mitigation Measure 14: Structural Preparation - After clearing and stripping of areas to be graded, weak top soils (approximately 2.5 feet in depth at boring locations) shall be removed to expose supporting underlying soils. Deeper excavation maybe required to remove isolated loose soils. Within the building area, weak terrace deposit soils shall be removed within the zone extending five feet beyond the foundation perimeter. Within exterior slabs-on-grade, weak terrace deposit soils should be removed within the zones extending a distance of at least three feet beyond their edges. Within the planned building area, the over-excavation shall be deep enough to allow for a minimum, 42-inch compacted fill soil mat, allowing for at least two feet of compacted fill under the footings.

Mitigation Measure 15: A qualified geotechnical representative shall observe soils exposed by the recommended excavations. The exposed soils should then be scarified to about six inches deep; moisture conditioned to at least optimum moisture content and compacted to at least 90 percent relative compaction as determined by the ASTM D 1557 test procedure, latest edition. These moisture conditioning and compaction procedures shall be observed and tested by a qualified geotechnical representative.

Mitigation Measure 16: Fill Quality - Fill material, either imported or on-site, shall be free of perishable matter and rocks greater than six-inches in largest dimension, and have an expansion Index of less than 40, and shall be approved by a qualified geotechnical representative before being used on site as structural fill.

Mitigation Measure 17: Finish Grading - Finished pad surfaces shall be graded to drain away from foundations. A minimum surface drainage gradient of two percent is recommended. The surface runoff from the building pad should be dispersed as much as practical to sheet flow toward the bluff. Soil subgrades should be finished true to line and grade to present a smooth, firm, and unyielding surface. Finished surfaces should be maintained moist and free of shrinkage cracks until covered by permanent construction. Pad surfaces allowed to dry out and crack shall be re-moisture conditioned to at least optimum moisture content and re-compacted prior to foundation and concrete slab-on-grade installation. Where the compacted subgrade soils have been disturbed by traffic or foundation excavations, the subgrade should be scarified; moisture conditioned, and re-compacted to at least 90 percent relative

[33] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*
[34] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*

compaction. Because onsite soils generally have moderate potential for erosion, approved temporary and permanent erosion control measures shall be implemented to limit erosion and comply with applicable Mendocino County regulations

Mitigation Measure 18: Residence Foundations - Support for the residence can be obtained on reinforced concrete spread footings founded in the compacted fill pad. Footings founded in compacted fill shall be at least 12-inches in depth for a single story residence and 18-inches for a two-story residence. At least two feet of compacted fill shall underlie the bottom of foundation elements. This will require a compacted fill pad thickness of minimum 3.0 feet for a single story residence. Footings can be assigned a soil bearing pressure of 2,000 pounds per square foot (psf) for dead plus long-term-live loads. A 25 percent increase in bearing pressure is allowable for dead plus all live loads, and a 50 percent increase in bearing pressure is allowable for total loads, including wind or seismic loads. Footings shall be no less than 12 inches wide, regardless of load.

Mitigation Measure 19: Site Drainage - Because uncontrolled surface water is often the cause of bluff instability and foundation problems, care shall be taken to intercept and divert concentrated surface flows away from structural improvements and building foundations. Concentrated flows such as from roof downspouts, area drains and the like shall be collected in a closed pipe system and directed toward the bluff.

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

a.iv) Less Than Significant Impact: As noted in the Geotechnical Investigation, no landslides were observed on the property bluffs and no landslides were shown on the property on the published geologic maps reviewed by the project geologist, although some shallow sliding on the upper bluff indentation has occurred.

Based upon vertical and oblique aerial photograph analysis, the project geologist concluded the bluff edges have been eroding at a rate of approximately one inch per year; however, comparing the 1979 and 2013 oblique aerial photographs it appears possible that a bluff loss of 1 to 2 feet may have occurred. The assumption of a 2 foot bluff loss over 34 years results in a retreat rate of 0.7 inches per year. Based upon a period of 75 years, considered by the California Coastal Commission (CCC) to be the economic lifespan of a house, and the projections of increased bluff retreat rates resulting from sea level rise (17.3 feet over the next 75 years), plus a safety factor of 1.5, this retreat rate would result in a bluff edge setback of 26 feet for future structure improvements, including leach fields. Therefore, the recommended bluff setback combining the slope stability analysis setback of 11.5 feet and bluff retreat rate setback of 26 feet, with a factor of safety of 1.5, should be 37.5 feet from bluff edge.[35] Since all development would occur more than 37.5 feet from the bluff edge, except for the proposed fencing and invasive plant species removal, a less than significant impact would occur.

b) Less Than Significant with Mitigation Incorporated: As previously discussed, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, coir rolls, and/or silt fencing structures, to ensure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas (see Mitigation Measure 3 above). Additionally, as required by Mitigation Measure 19, the proposed project is required to collect concentrated flows in a closed pipe system and directed toward the bluff in order to intercept and divert concentrated surface flows away from structural improvements and building foundations. Furthermore, the project would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible (see Mitigation Measure 6 above). With mitigation incorporated, the project would not result in substantial soil erosion or the loss of topsoil.

c) Less Than Significant with Mitigation Incorporated: As previously discussed, the site is located in a region of high seismic activity associated with the San Andreas Fault System. As noted in the Geotechnical Investigation, the existing residence has experienced past settlement effects. The proposed new residence would be underlain by loose silty sand topsoils that are porous and weak. These soils could undergo erratic and detrimental differential settlement under load, and are not considered suitable for support of structure foundation or concrete slabs-on-grade. The deeper terrace deposits are loose to medium dense silty and clayey sands that

[35] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*

are also slightly compressible for the anticipated planned foundation loads, and are considered marginally suitable for support.[36]

Although the proposed project would be constructed in accordance with all building requirements, including the latest version of the California Building Code (CBC), several recommendations related to construction of the proposed project are recommended by the project geologic to reduce potential geological hazards associated with the proposed project and are included as Mitigation Measures 13 through 19, above. With mitigation incorporated, a less than significant impact would occur.

d) and e) No Impact: No expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), are known to occur at the site and would therefore not create substantial risks to life or property.

The site is currently served, and would continue to be served, by an on-site septic system, which is adequately supported by the site's soils. Under the proposed project, several improvements to the site's existing septic system are proposed. The existing single family residence is served by an existing septic system located in the central portion of the site, including an existing septic tank to be abandoned, an existing pump basin to be removed, and an existing leach field. A 1,500 gallon concrete septic tank and 1,200 gallon concrete pump chamber would be installed under the proposed project in the southern portion of the site. A replacement leach field would also be installed. Related applications on the project site include Permit 2223 for the septic system Since the site currently utilizes an on-site septic system, no impact would occur.

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

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

The framework for regulating greenhouse gas (GHG) emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state's climate change policy and set GHG reduction targets (Health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing GHG emissions. Because Mendocino County is primarily rural, the amount of GHG generated by human activities, primarily the burning of fossil fuels for vehicles, heating, and other uses, is small compared to other, more urban counties.[37] The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

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

[36] Brunsing Associates, Inc. March 9, 2016. *Geotechnical Investigation, Seghesio Residence, 5780 South Highway 1, Elk, California.*
[37] Mendocino County General Plan §4-16 (2009).

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

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

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

The proposed project would establish a residential use involving the routine transport, use, and disposal of hazardous materials in small or limited quantities. These include construction materials, household cleaning supplies, and other materials including, but not limited to, fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. The project site does not include any known hazardous waste

sites, as mapped by the State Water Resources Quality Control Board (SWRQCB)[38] or the California Department of Toxic Substances Control (DTSC)[39], nor are there any listed sites within the vicinity of the project site.

a), b), c), d), e), f), and g) No Impact: The proposed project is located in an established rural residential area that is near emergency service providers. The project would not be located on a site which is on a list of hazardous material sites. The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials nor will it create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Improper storage of potentially hazardous materials such as construction materials, household cleaning supplies, and fuel may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean to the west. This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility, such as the Caspar Transfer Station, located approximately 14.4 miles northwest of the site. Cleaning supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities.

Construction activities associated with the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. The project is not located with an airport land use plan, within two (2) miles of a public airport or public use airport or within the vicinity of a private airstrip. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

h) Less Than Significant Impact: The California Department of Forestry and Fire Protection (CalFire) is the State agency in charge of enforcing the State's regulations regarding timber harvesting and fire protection. The project site is located within the State Responsibility Area (SRA) and is within the service boundaries of the Elk Community Services District (ECSD).[40] Additionally, the parcel is located in an area primarily characterized by a high fire hazard severity rating, with the very eastern portion of the site designated with a moderate fire hazard severity rating.[41] The project was referred to CalFire and ECSD for review and comment; to date, a response from CalFire has not been received. A referral response was received from ECSD, dated April 17, 2017, which noted ECSD recommends approval of the project. Additionally, due to the recently completed Elk County Water District (ECWD) system upgrades, ECSD is not requesting the inclusion of additional on-site fire water storage for the proposed project. Additionally, if the residence is to be unoccupied, with the proposed access gate locked, the provision for fire access through the gate should be made, with can be coordinated through the ECSD Fire Chief when appropriate.

Standard Condition requires the Applicants secure all necessary permits for the proposed project from County, State, and Federal agencies having jurisdiction, and is recommended to achieve compliance with all CalFire fire safe standards.

> **Standard Condition:** This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

With the inclusion of the standard condition, the project is found consistent with Mendocino County policies for wildland fire protection. A less than significant impact would occur.

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

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[38] State Water Resources Quality Control Board. *GeoTracker.* Accessed December 28, 2017. Available at: https://geotracker.waterboards.ca.gov/.

[39] State of California. Department of Toxic Substances Control. *EnviroStor.* Accessed December 28, 2017. Available at: https://www.envirostor.dtsc.ca.gov/public/.

[40] **Error! Hyperlink reference not valid.** Mendocino County Department of Planning & Building Services. November 2016. *Fire Hazard Zones & Responsibility Areas* [map].

[41] **Error! Hyperlink reference not valid.** Mendocino County Department of Planning & Building Services. November 2016. *Fire Hazard Zones & Responsibility Areas* [map].

IX. HYDROLOGY AND WATER QUALITY. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?	☐	☒	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100 year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

According to the Mendocino County General Plan, the most critical surface water quality problem in Mendocino County is sedimentation. Major sources of sediment include erosion from barren or poorly vegetated soils, erosion from the toes of slides along stream channels, and sediments from roads. Manmade sources of sedimentation are a byproduct of current and historical land uses, including logging, agriculture, mining, processing of alluvial aggregate material, road construction and erosion from unpaved roads, and other development-related projects within the county. Per Mitigation Measure 3, above, the project contractor would be required to employ Best Management Practices (BMPs) to minimize erosion and avoid runoff into sensitive habitat areas. Straw bales, coir rolls, and/or silt fencing structures would be installed along the edge of the construction area prior to construction and would be maintained throughout the construction period to contain runoff from the construction area. Staff finds incorporation of the BMPs would be sufficient to prevent water runoff.

The site is located within a mapped "Critical Water Area."[42] The site is currently served, and would continue to be served, by the Elk County Water District for water service and by an on-site septic system. The existing single

[42] Mendocino County Department of Planning & Building Services. November 2016. *Ground Water Resources* [map].

family residence is served by an existing septic system located in the central portion of the site, including an existing septic tank to be abandoned, an existing pump basin to be removed, and an existing leach field. A 1,500 gallon concrete septic tank and 1,200 gallon concrete pump chamber would be installed under the proposed project in the southern portion of the site. A replacement leach field would also be installed. Related applications on the project site include Permit #2223 for the septic system. Staff finds that an adequate water supply is available to serve the proposed project.

The County's storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT); however, storm drainage infrastructure is limited within the vicinity of the project site. The project is subject to Mendocino County Ordinance No. 4313 *Storm Water Runoff Pollution Prevention Procedure* (Mendocino County Code Chapter 16.30 et seq.), which requires that, "…any person performing construction and grading work anywhere in the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants from construction materials, tools, and equipment from entering the storm drainage system."[43] This ordinance was developed and adopted by Mendocino County to comply with requirements of the County's Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the State Water Resources Control Board (SWRCB).

Although the western portion of the project site is located within Flood Zone VE[44], with a 1 percent or greater chance of flooding and an additional hazard associated within storm waves, the majority of the project site, including the location of the proposed development, is designated as an "Area of Minimal Flood Hazard" (Zone Z) and is not within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map.[45]

a) No Impact: The proposed project would not violate any water quality standards or waste discharge requirements. The site is currently served, and would continue to be served, by the Elk County Water District for water service. All necessary permits for the on-site septic system would be obtained from DEH, which would be installed and operated in compliance with all standards and requirements. No impact would occur.

b) and d) Less Than Significant Impact: The proposed project, which involves the construction of a single family residence to replace an existing residence located on the site, in addition to associated utility and driveway improvements, would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Additionally, while the amount of impervious area on the site would increase, implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area and would not result in substantial flooding on- or off-site. A less than significant impact would occur.

c) Less Than Significant Impact with Mitigation Incorporated: As previously discussed, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, coir rolls, and/or silt fencing structures, to ensure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas (see Mitigation Measure 3 above). Additionally, as required by Mitigation Measure 19, the proposed project is required to collect concentrated flows in a closed pipe system and directed toward the bluff in order to intercept and divert concentrated surface flows away from structural improvements and building foundations. Furthermore, the project would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible (see Mitigation Measure 6 above). With the incorporation of Mitigation Measures 3, 6, and 19, the proposed project would not result substantially alter the existing drainage pattern of the site or area and would not result in substantial soil erosion or siltation on- or off-site, and a less than significant impact would occur.

e), f), g), h), i), and j) No Impact: The project would not create or contribute runoff water that would exceed the capacity of the existing or planned stormwater drainage systems, since storm drainage infrastructure is limited within the vicinity of the project site. Additionally, the project would not provide substantial additional sources of polluted runoff or substantially degrade water quality. Although the western portion of the project site is located within Flood Zone VE[46], with a 1 percent or greater chance of flooding and an additional hazard associated within

[43] Mendocino County Department of Planning & Building Services. Mendocino County General Plan. Chapter 3.16. 2009.
[44] Mendocino County Department of Planning & Building Services. November 2016. *FEMA Flood Zone* [map].
[45] Federal Emergency Management Agency. Flood Insurance Rate Map, Panel 06045C1425G, effective July 18, 2017. Accessed January 2, 2018. Available at: https://msc.fema.gov/portal/search.
[46] Mendocino County Department of Planning & Building Services. November 2016. *FEMA Flood Zone* [map].

storm waves, the majority of the project site, including the area of development, is designated as an "Area of Minimal Flood Hazard" (Zone Z) and is not within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.[47] The proposed development would not be located within a 100 year flood hazard area which would impede or redirect flood flows or expose people or structures to a significant risk of loss, injury or death involving flood, including flooding as a result of the failure of a levee or dam. The proposed project is not in an area where seiches, tsunamis, or mudflows are likely to occur. No impact would occur.

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

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

The proposed project, as conditioned, is consistent with the policies of the Local Coastal Program of the General Plan and the MCC Chapter 20.38 and Sections 20.532.095 and 20.532.100. The subject parcel is classified and zoned as Rural Village (RV) by the Coastal Element of the Mendocino County General Plan and the MCC.

The project includes the demolition of an existing single family residence and construction of a single family residence partially within the footprint of the existing residence, in addition to associated utility and driveway improvements, which is consistent with the intent of the RV Classification and District and consistent with surrounding development.

a) Less Than Significant Impact: The project would not divide an established community as the proposed project is within an established residential area and would be consistent with surrounding development. A less than significant impact would occur.

b) and c) No Impact: The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, since the proposed use (single family residence and associated infrastructure) is principally permitted within the RV Classification and District. Furthermore, the project would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact would occur.

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

XI. MINERAL RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-	☐	☐	☐	☒

[47]Federal Emergency Management Agency. Flood Insurance Rate Map, Panel 06045C1425G, effective July 18, 2017. Accessed January 2, 2018. Available at: https://msc.fema.gov/portal/search.

XI. MINERAL RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				

A variety of minerals resources are known to exist in Mendocino County. The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits.[48] The Mendocino County General Plan sets forth policies to encourage mineral resource development while protecting Mendocino County's visual character and natural environments.

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

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

XII. NOISE. **Would the project result in:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

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

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

Generally speaking, land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise sensitive. The project site is currently developed with a single family residence, which would be demolished and replaced with a new two story single family residence under the proposed project. Parcels to the north and south of the proposed project area also developed with residential units and the uses that are being proposed under the project are similar to the uses that already exist in the area.

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

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

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

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

b), c), e) and f) No Impact: The proposed project, which involves the construction of a single family residence, to replace an existing residence currently located on the site, and associated utility and driveway improvements, would not result in the exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. The project is not located within an airport land use plan or within two (2) miles of public, public use, or private airport. The project site is located approximately 8.6 miles south of the Little River Airport, a private use airport and the nearest airport to the project site, and is outside of the airport's 55 dB CNEL noise contour. The project would not be exposed to excessive noise levels from aircraft. Additionally, the ambient level of noise in the vicinity would not increase as a result of the proposed project. No impact would occur.

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

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

Although the project site is located in the community of Elk, there is no population data available for this community. The nearest community to the community of Elk is the community of Albion, located approximately 6.7 miles north of the site. In 2010, the population of the community of Albion was approximately 168 residents, which included approximately 82 households with an average of 1.9 persons per household. No population data is available for the community of Albion for the year 2000.[49]

a), b), and c) Less Than Significant Impact: Since the proposed project involves the construction of a single family residence to replace an existing single family residence on-site, in addition to utility and driveway improvements, the project would not result in the displacement of people or housing. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. No impact would occur.

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

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

The construction of a single family residence, to replace an existing single family residence currently located on-site, would not significantly increase service demands or result in adverse physical impacts associated with the delivery of fire, police, parks or other public services. Fire protection to the site is provided by CalFire and the Elk Community Services District (ECSD). The nearest fire station to the site is located approximately 0.3 miles southeastt of the site, within the community of Elk.

Police protection services for the site are provided by the Mendocino County Sheriff Department. Officers patrolling the project area are dispatched from the Mendocino County Sheriff's Department Office – Fort Bragg Substation, located approximately 21.5 miles north of the project site at 700 South Franklin Street in Fort Bragg.

a) Less Than Significant Impact: The demand for fire and police services is not anticipated to change with the implementation of the proposed project, due to the small scale of the project and since the proposed project would replace an existing residence located on the site. The proposed project would not impact local schools, and would not increase the use of local parks. The proposed project would not increase the use or otherwise affect other public facilities (e.g., libraries) in the project area. As such, no impact would occur.

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

[49] United States Census Bureau. American Fact Finder. *Community Facts*. Accessed December 29, 2017. Available at: http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.

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

Mendocino County is a predominantly rural County, rich in lands and waters that provide a variety of recreational opportunities. The County's recreational system encompasses many levels of park and recreational facilities. Federal lands include recreation resources that are used by visitors and county residents. The Mendocino National Forest, which occupies approximately 81,000 acres in Mendocino County, offers an array of recreational opportunities including fishing, camping, picnicking, boating, hiking, horseback riding, wildlife viewing, hang-gliding, off-road vehicle riding, winter snow play, hunting, wilderness experiences, and mountain biking[50]. The State Parks are the best known most heavily used recreation sites along the coast in addition to boating access points and campgrounds. The Coastal Element of the Mendocino County General Plan encourages managing and maintaining both active and passive recreation to allow access to trails and the coastline for both residents and visitors.

a) and b) No Impact: The project site is located west of Highway 1 and is not designated as a potential public access trail location on the Local Coastal Plan maps. There is no existing shoreline access within the vicinity of the site; however, as shown on LCP Land Use Map 20 *Elk*[51], there is shoreline access proposed south of the site at Greenwood/Elk State Park. There is no element of the proposed project that would impede public access to the shore. There is no evidence of prescriptive access on the site and since the proposed project would replace an existing residence located on the site, the project would not increase recreation demand to require the construction of additional facilities. No impact would occur.

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

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

[50] Mendocino County General Plan, §3-10, *Parks and Recreation* (2009).
[51] Mendocino County Department of Planning & Building Services. November 2016. *LCP Land Use Map 20: Elk* [map].

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

The project site is accessed via an existing gravel driveway off of Highway 1, which is located in the northeast portion of the site. Pedestrian access to the site is minimal. There are no sidewalks that are adjacent to the site at this time. The parcel currently contains a gravel driveway. Under the proposed project, driveway improvements and construction of parking space along the front of the property would occur. The California Department of Transportation (Caltrans) and Mendocino County Department of Transportation (MCDOT) were invited to provide comment on the project application; to date, no response has been received from MCDOT. A response received from Caltrans, dated May 26, 2017, noted the existing site access does not meet Caltrans' minimum standards for a single family residential approach and will need to be upgraded. Additionally, it is noted that the parking space proposed along the front of the property must be available for public use and that an encroachment permit will be required for the driveway improvements and parking space construction. The applicant has obtained an encroachment permit from Caltrans and a condition of project approval would require such permit and that the parking lane be open to the public.

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

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

XVII. TRIBAL CULTURAL RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☐	☒	☐
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?	☐	☐	☐	☒

XVII. TRIBAL CULTURAL RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Per Chapter 3 (Development Element) of the Mendocino County General Plan, the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County concentrated mainly along the coast and along major rivers and streams. Mountainous areas and the County's redwood groves were occupied seasonally by some tribes. Ten Native American tribes had territory in what is now Mendocino County. The entire southern third of Mendocino County was the home of groups of Central Pomo. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake. The Coast Yuki claimed a portion of the coast from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.[52]

As European-American settlement occurred in the county, most of these tribes were restricted to reservations and rancherias. During the 19th century, other tribes from the interior of California were forced to settle on the Round Valley Reservation in the northeastern county. Today, there are ten reservations and rancherias in Mendocino County, most of which are inhabited by tribes native to the area.[53]

As discussed under Section V (Cultural Resources), above, due to the small scale of the project and since the proposed single family residence to replace an existing residence would partially be developed within the footprint of the existing residence, an archaeological survey of the project site is not required, nor was the project referred to either CHRIS or the Mendocino County Archaeological Commission.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; no response has been received from the Cloverdale Rancheria or Sherwood Valley Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated April 18, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected.

a.i) No Impact: The parcel is currently developed with an existing 430 square foot residence, to be demolished and replaced with a two story, 1,925 square foot single family residence partially within the footprint of the existing residence. No known historical resources are known to occur at the site. As such, no impact would occur.

a.ii) Less Than Significant Impact: As discussed under Section V (Cultural Resources), above, due to the small scale of the project, which involves construction of a new single family residence partially within the footprint of an existing residence to be demolished, an archaeological survey of the project site is not required, nor was the project referred to either CHRIS or the Mendocino County Archaeological Commission. No known archaeological or historical resources are known to occur at the site.

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

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; no response has been received from the Cloverdale Rancheria or Sherwood Valley Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated April 18, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected.

Standard Condition advises the Applicants of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or tribal cultural materials are unearthed during site preparation or construction activities. As such, a less than significant impact would occur.

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

XVIII. UTILITIES AND SERVICE SYSTEMS. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Mendocino County offers the typical utilities and services systems offered by more populated regions. The existing residence located on the site is currently served by the Elk Community Services District for water service, which would continue to serve the proposed project. Since community sewer service is not available within the area, the site is currently served, and would continue to be served, by an on-site septic system. Electricity and gas service is currently provided to the site by a local utility company.

Septic System: As noted above, the existing single family residence is served by an existing septic system located in the central portion of the site, including an existing septic tank to be abandoned, an existing pump basin to be removed, and an existing leach field. A 1,500 gallon concrete septic tank and 1,200 gallon concrete pump chamber would be installed under the proposed project in the southern portion of the site. A replacement leach field would also be installed. Related applications on the project site include Permit 2223 for the septic system.

Water Service: The project site is currently served, and would continue to be served, by the Elk Community Services District (ECSD), which provides water service to the site. Staff finds that an adequate water supply is available to serve the proposed project.

Storm Drainage System: The County's storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT); however, storm drainage infrastructure is very limited within the vicinity of the project site. The project is subject to Mendocino County Ordinance No. 4313 *Storm Water Runoff Pollution Prevention Procedure* (Mendocino County Code Chapter 16.30 et seq.), which requires that, "…any person performing construction and grading work anywhere in the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants from construction materials, tools, and equipment from entering the storm drainage system."[54] This ordinance was developed and adopted by Mendocino County to comply with requirements of the County's Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the State Water Resources Control Board (SWRCB).

Landfills/Solid Waste: Currently, there are no remaining operating landfills in Mendocino County. Solid waste generated in the County is exported for disposal to the Potrero Hills Landfill in Solano County. Mendocino County's solid waste disposal system has shifted to a system of eight small volume transfer stations and two large volume transfer stations that receive waste for export. The Caspar Transfer Station is located approximately 14.4 miles northwest of the project site and would provide for the disposal of solid waste resulting from the residential use. Mendocino County has adopted a Hazardous Waste Management Plan to guide future decisions by the County and the incorporated cities about hazardous waste management. Policies in the Mendocino County General Plan emphasize source reduction and recycling of hazardous wastes and express a preference for onsite hazardous waste treatment over offsite treatment.

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

Conclusion: The proposed project would have no impact on utilities and service systems. **(No Impact)**

XIX. MANDATORY FINDINGS OF SIGNIFICANCE.	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐

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

XIX. MANDATORY FINDINGS OF SIGNIFICANCE.	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

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

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

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

A less than significant impact would occur.

DETERMINATION:

On the basis of this initial evaluation:

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

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

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

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

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

_____ _____

DATE JULIANA CHERRY
PLANNER III