



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR  
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September 30, 2020

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT MITIGATED NEGATIVE  
DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Coastal Permit Administrator at its regular meeting on Thursday, October 22, 2020 at 10:00 a.m. will conduct a public hearing on the following project and the Draft Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

**CASE#:** CDP\_2018-0011

**DATE FILED:** 4/17/2018

**OWNER:** WILLIAMSTOWN FRIENDLY VILLAGE

**APPLICANT:** BRIAN TEMPLE

**REQUEST:** Standard Coastal Development Permit for geotechnical soil support to the northwest corner foundation of the existing residence. The purpose of the project is to reinforce the structural integrity of the existing residence as well as fulfill conditions of the Emergency Permit (#EM 2017-0007) issued to the applicant in November of 2017.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**LOCATION:** In the Coastal Zone, 1.7± miles south of the Town of Mendocino, lying on the west side of State Route 1, 0.1± miles south of its intersection with the southern end of Brewery Gulch Road (AKA Frontage Road B, CR 500B), located at 9350 North Highway 1, Mendocino (APN: 119-340-18).

**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** MARK CLISER

The staff report and notice will be available 21 days before hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W. Fir Street, Fort Bragg, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) by October 21, 2020 or orally via telecomment in lieu of personal attendance. A request form to provide telecomment is available at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas> and must be received prior to 7:00 a.m. the morning of the meeting.

To submit public comments via telecomment a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

The Coastal Permit Administrator's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal is the 10th day after the Coastal Permit Administrator's decision. To file an appeal of the Coastal Permit Administrator's decision, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. If you challenge the project in court, you may be limited to raising

only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Coastal Permit Administrator at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Coastal Permit Administrator's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

**AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE.** Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

BRENT SCHULTZ, Director of Planning and Building Services





## COUNTY OF MENDOCINO

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September 30, 2020

Planning – FB  
Department of Transportation  
Environmental Health - Fort Bragg

Building Inspection - Fort Bragg  
Assessor  
Caltrans

Department of Fish and Wildlife  
Coastal Commission  
Mendocino Fire District

#### NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT MITIGATED NEGATIVE DECLARATION FOR PUBLIC REVIEW

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**CASE#:** CDP\_2018-0011

**DATE FILED:** 4/17/2018

**OWNER:** WILLIAMSTOWN FRIENDLY VILLAGE

**APPLICANT:** BRIAN TEMPLE

**REQUEST:** Standard Coastal Development Permit for geotechnical soil support to the northwest corner foundation of the existing residence. The purpose of the project is to reinforce the structural integrity of the existing residence as well as fulfill conditions of the Emergency Permit (EM\_2017-0007) issued to the applicant in November of 2017.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

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**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** MARK CLISER

**RESPONSE DUE DATE:** October 21, 2020

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BRENT SCHULTZ, Director of Planning and Building Services





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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT FOR STANDARD CDP**

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**OCTOBER 22, 2020  
CDP\_2018-0011**

**SUMMARY**

**OWNER:** WILLIAMSTOWN FRIENDLY VILLAGE  
422 S. BURLINGAME AVE.  
LOS ANGELES, CA 90049

**APPLICANT:** BRIAN TEMPLE  
WILLIAMSTONE FRIENDLY VILLAGE  
422 S. BURLINGAME AVE.  
LOS ANGELES, CA 90049

**AGENT:** WYNN COASTAL PLANNING  
703 N. Main St.  
Fort Bragg, CA 95437

**REQUEST:** Standard Coastal Development Permit for geotechnical soil support to the northwest corner foundation of the existing residence. The purpose of the project is to reinforce the structural integrity of the existing residence as well as fulfill conditions of the Emergency Permit (EM\_2017-0007) issued to the applicant in November of 2017.

**LOCATION:** In the Coastal Zone, 1.7± miles south of the Town of Mendocino, lying on the west side of State Route 1, 0.1± miles south of its intersection with the southern end of Brewery Gulch Road (AKA Frontage Road B, CR 500B), addressed at 9350 North Highway 1, Mendocino (APN: 119-340-18).

**TOTAL ACREAGE:** 4.98± Acres

**GENERAL PLAN:** Coastal Element, Mendocino County General Plan  
Rural Residential – 5 acre minimum (RR5:R)

**ZONING:** Mendocino County Coastal Zoning Code  
Rural Residential – 5 acre minimum (RR:5:R)

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**APPEALABLE:** Yes

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** MARK CLISER

**BACKGROUND**

**PROJECT DESCRIPTION:** On September 9, 2017, and pursuant with Mendocino County Code (MCC) Section 20.536.055, the Director of Planning and Building Services granted an emergency permit EM\_2017-0007 approving work to reinforce the structural integrity of the existing residence. A condition

approving EM\_2017-0007 requires the property owner to file a follow-up coastal development permit application. As follow-up to Emergency Permit EM\_2017-0007, a Standard Coastal Development Permit (CDP) request to grade and complete on-site drilling, and install a residential stabilization structure utilizing a penetration grouting technique was applied for. The proposed residential stabilization structure would provide lateral support from an on-site landslide. At this time, all work has been completed.

#### **PROJECT DESCRIPTION:**

The proposed penetration grouting technique utilized for residential stabilization involved vertically injecting an ultrafine portland cement (UFPC) within the matrix sands of the terrace deposit and then, as needed, either sodium silicate (SS) grout or acrylate grout was injected into silty sand lenses within this sand matrix stabilizing the subterranean soil. This process was administered in four (4) locations at the northwest corner of the existing residential foundation. The stabilization was comprised of a system of drilled piers into the permeation grouting of the subsurface terrace. The process formed a stable foundation for the home, which is subsequently anchored into the natural formation of terrace deposits approximately 20 feet back from the bluff face by the use of tiebacks attached to a grade beam located on top of the drilled piers, thereby attaching the house foundation to the stabilized grouted subterranean soil. The proposed project would not be visible as it is below grade and setback a sufficient distance from the edges of the bluff to ensure the existing structure's safety from bluff erosion and cliff retreat during the subsequent 75 years following installation.

#### **APPLICANT'S STATEMENT:**

"Follow up Coastal Development Permit to Emergency Permit EM 2017-0007, which approved emergency geotechnical soil support to the northwest corner foundation of the existing residence. The stabilization of the house foundation is comprised of a system of drilled piers and permeation grouting of the subsurface terrace deposits. This system forms a stable foundation for the home, which is subsequently anchored into the natural formation of terrace deposits approximately 20' back from the bluff face by the use of tiebacks attached to a grade beam located on top of the drilled piers. This system allows the house foundation to be attached to the stabilized grouted subterranean soil."

#### **RELATED APPLICATIONS:**

##### **On-Site**

- EM\_2017-0007 residential stabilization structure
- BF\_2017-1106 single family residence stabilization, grading
- BF\_2018-1223 repair/replace deck after stabilization
- CDP/CDB 22-2010 boundary line adjustment and covered bridge/hallway to connect residences
- CDP 4-2009/CDV 1-2009 Dickson, SFR, garage, variance

**SITE CHARACTERISTICS:** In 2002, building permit BF\_2002-0606 allowed for a 285 square foot addition to the single family residence. This accounted for a one-time less than 10 percent addition exemption. In 2010, boundary line adjustment CDP/CDB 22-2010 merged adjacent parcel 119-340-04 with parcel number 119-340-05, creating parcel 119-340-18. The project also constructed a covered bridge/hallway to connect the existing residence on APN 119-340-05 with the existing residence on 119-340-04. The property is located on the west side of Highway 1 on an ocean bluff at the southeast end of Smuggler's Cove, immediately south of the town of Mendocino. The property is bordered to the east by Highway 1, to the west by ocean bluffs, and to the south and southwest by a moderately to steeply sloping stream canyon (Brewery Gulch; Geotechnical, 2018, Page 1). The residence is situated atop an ocean bluff measuring between 105 and 110 feet in vertical height. Surrounding lands support a Bishop pine forest mixed in the overstory with Douglas fir, grand fir, and non-native Monterey cypress and Monterey pine. The completed residential stabilization is entirely underground and not visible.



Per Brunsing Associates' geotechnical investigation,

*"the site is underlain by Tertiary-Cretaceous Period rocks of the Coastal Belt Franciscan Complex. The Franciscan rocks exposed on the bluffs consists of gray sandstone and shale with light brown siltstone and claystone. Much of the ocean bluffs at the property consist of vegetated debris slide slopes – geomorphic features characterized by steep, partially vegetated slopes that have been sculpted by numerous debris slide events. The bluffs contain slope creep deposits that relatively shallow, up to about 10 feet in thickness, masses of soil and broken weathered rock materials. These deposits move rapidly, periodically downslope, primarily during or after severe rain storms. The 2017 landslide dropped debris from near the tops of the bluff down to the beach. The landslide left behind bare terrace deposits (sands) and rock scarp that will be subject to further erosion from wind and winter rains. The landslide debris that landed on the beach has been eroded away by ocean waves."*

(Geotechnical, 2017. Page 4).

MCC Section 20.532.070(A)(3)(b) *Landsliding* states, in part, that if landslide conditions are found to exist and cannot be avoided, positive stabilization measures shall be taken to mitigate the hazards. The 2017 geotechnical investigation preliminarily evaluated existing conditions and potential landsliding. During site reconnaissance, Brunsing observed that the landslide was continuing to erode due to winds. Geotechnical concerns include landslide creep, bluff retreat and the potential for strong seismic shaking. However, based upon the results of the investigation, Brunsing concludes that the site is geotechnically suitable for maintaining the existing residence in its current location with the completed residence stabilization structure. Additionally, the residential stabilization structure is designed to allow natural shore processes to continue.

On the attached *LCP Habitats & Resources Map*, the parcel is located within a Pygmy Forest habitat, which is classified as an Environmentally Sensitive Habitat Area (ESHA). On site vegetation includes Bishop Pine trees, Douglas fir, grand fir, and non-native Monterey cypress and Monterey pine. Understory vegetation includes western bracken, California blackberry, coast man-root, poison oak, hardy fuchsia, Western sword fern, miner's lettuce, Kenilworth ivy, rigid hedge nettle, coastal burnweed, salal, and false lily of the valley (Bio Survey, 2017. Page 2). The residential stabilization structure was constructed within the ESHA. No trees were removed.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands to the north, east, and south are classified Rural Residential (RR). Lands to the west include Smuggler's Cove and the Pacific Ocean. The surrounding residential land uses are principally permitted in their respective classifications.

<b>Table 1. Surrounding Land Use and Zoning</b>				
	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
NORTH	Rural Residential (RR:5)	RR:5 R	3.9 Acres	Residential
EAST	Rural Residential (RR:5)	RR:5 R; RR:5(2) R	2.8; 2.6 Acres	Residential
SOUTH	Rural Residential (RR:5)	RR:5 PD	5.74 Acres	Residential
WEST	Ocean	Public	Ocean	Ocean

**AGENCY COMMENTS:** On June 19, 2018 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in below in the Conditions section of this report.

REFERRAL AGENCIES	COMMENT
Planning – Fort Bragg	Comments
Department of Transportation	No Response
Environmental Health – Fort Bragg	No Comments
Building Inspection – Fort Bragg	No Response
Assessor	No Response
Caltrans	No Comments
Department of Fish and Wildlife	Comments
Coastal Commission	Comments
Mendocino Fire District	No Response

**LOCAL COASTAL PROGRAM CONSISTENCY**

As conditioned, the foundation stabilization is consistent with the goals and policies as detailed below:

- 1. LAND USE:** The project site is classified as Rural Residential (RR) in Mendocino County Coastal Element Chapter 2.2. The intent of the classification is

*“to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability. Principal Permitted Uses include residential and associated utilities, light agriculture, and home occupations. Conditional uses include the conservation of natural resources.”*

The project permits the applicants to replace reinforce the structural integrity of the existing residence via a stabilization structure.

- 2. ZONING:** The foundation stabilization is situated on lands within the Rural Residential (RR) District (See attached *Zoning Display Map*). MCC Chapter 20.376 implements Coastal Element Chapter 2.2 land use classification policies, including the intent of the Rural Residential classification. MCC Section 20.376.010(A) identifies the existing family residence as a Principally Permitted Use Type in the RR District. As proposed, the stabilization structure meets the requirements of the district and the stabilization would be consistent with MCC Chapter 20.376 regulations.
- 3. GRADING, EROSION, AND RUNOFF AND MCC CHAPTER 20.492:** Pursuant with MCC Chapter 20.492 and Section 20.500.020(E)(3), staff recommends the property owner adhere to the recommendations of a qualified engineering geologist, geotechnical engineer, and structural engineer regarding erosion caused by wind and rain (See recommended Condition #10). On October 17, 2017, Brunsing Associates submitted a Geotechnical Investigation summarizing recommendations. As conditioned, the stabilization structure would be consistent with Chapter 20.492 *Grading, Erosion and Runoff*.
- 4. HABITATS AND NATURAL RESOURCES, AND MCC CHAPTER 20.496:** The project site is mapped as an Environmentally Sensitive Habitat Area (See attached *LCP Habitats & Resources*). In June 2017, Wynn Coastal Planning prepared a letter summarizing a biological scoping survey conducted within 100 feet of the proposed residential stabilization structure. The survey found no special status plants, plant communities in the area where the residential stabilization took place. Staff visited the project site on June 26, 2020 and can confirm that no Bishop Pines are in the immediate area of foundation



stabilization. As such, the Bishop Pine trees were not impacted by the stabilization structure. Bishop Pine trees were present within the study area, approximately 20 feet from the foundation stabilization area, but were mixed in the overstory. During Wynn Coastal Planning's survey, it was discovered that Sonoma tree vole had been found on the southerly-adjacent property. The survey found no potential nest structures were in the canopy and no evidence of Sonoma tree vole were observed on the ground beneath the trees.

**5. HAZARDS MANAGEMENT AND MCC CHAPTER 20.500:** The purpose of MCC Chapter 20.500 *Hazards* is to insure that development in Mendocino County's Coastal Zone:

*(1) minimizes risk to life and property in areas of high geologic, flood and fire hazard; (2) assures structural integrity and stability; and (3) neither creates nor contributes significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Mapping does not associate the following with the subject site: FEMA 100-year Flood Zone, Tsumami Inundation, or Alquist-Priolo Earthquake Fault Zone. The lands west of the subject property are associated with the following: bluff and bluff erosion hazards, landslides, and erosion hazards. Development would be setback approximately 15 feet from the bluff edge, would be subterranean, and located between 100 and 105 feet above the bluff toe. On June 19, 2018, PBS distributed the CDP\_2018-0011 application, geotechnical report, biological/wildlife survey, and associated exhibits to California Coastal Commission (CCC) staff for comment.

On December 18, 2018, CCC staff visited the site and provided comments regarding associated hazards. As the site is subject to bluff erosion hazards, and pursuant with MCC Section 20.500.020(B)(3), staff recommends requiring the property owner to record a deed restriction that identifies the hazard and County policies (See recommended Condition #11). Commission staff suggested requiring the residential stabilization structures to be removed when the existing residence is removed or redeveloped (See recommended Condition #14). Commission staff also suggested procedures for when the residential stabilization structure is partially exposed and recommended monitoring the structure on a regular basis (see recommended Conditions #15 and #16). The proposed residential stabilization structure is designed to allow for natural shoreline processes, is not a retaining wall, and is for the protection of a permitted, existing development. The stabilization structure would minimize visual impacts as it is designed to be below grade. All specifications and techniques are proposed to follow the recommendations cited in the 2017 Geotechnical Investigation and satisfy the regulations of MCC Chapter 20.492 *Grading Erosion and Runoff* (See recommended Condition #10).

The project site is mapped as a "High Fire Hazard" location. On June 19, 2018, the application was distributed to Mendocino Fire Protection District for their comment. No response was received from Mendocino Fire Protection District.

**6. VISUAL RESOURCES AND MCC CHAPTER 20.504:** The project site is mapped as a "Highly Scenic Area" and "Tree Removal Area" (See attachment *Highly Scenic & Tree Removal Areas*) and is visible from Mendocino Village. Pursuant to MCC Section 20.504.010 the purpose of *Visual Resource and Special Treatment Areas* is to:

*"... insure that 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."*

The stabilization structure would have limited visual impact as public views are shortened and limited by the height of the bluff. The penetration grouting is below grade.

Pursuant with MCC Section 20.504.015(C)(9), which implements Coastal Element Policy 3.5-5, it is

the policy and intent of the LCP to remove trees adjacent to this area of the County's shoreline. Staff recommends prohibiting the planting of additional trees *and* allowing Bishop pine trees to be maintained and protected (See recommended Condition #12). Recommended mitigation measures would also encourage planting understory vegetation (See recommended Condition #13).

As conditioned, the stabilization structure would be consistent with the development standards of Chapter 20.504. As conditioned, the proposed development would support Coastal Element Policy 3.5-5.

7. **ARCHAEOLOGICAL/CULTURAL RESOURCES:** The project was referred to both California Historic Resource Information Center (CHRIS) and Mendocino County Archaeological Commission. No comments were received. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Archaeological Commission in 2005, 2014, and 2019. It was determined to be an appropriate guidance document for what projects would require archaeological review. A condition advises the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project (See recommended Condition #8). As conditioned, the stabilization structure would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10.
8. **TRANSPORTATION AND CIRCULATION, AND MCC CHAPTER 20.516:** On June 19, 2018, the application was distributed to California Department of Transportation (CalTrans), as the site has direct access to State Route 1. The project does not propose work adjacent to State rights-of-way. No response has been received from CalTrans. As proposed, the stabilization structure would be consistent with Chapter 20.516 *Transportation, Utilities and Public Services* and support Coastal Element Policy 3.8-1.
9. **PUBLIC ACCESS AND MCC CHAPTER 20.528:** Public access is available adjacent to the subject property at Brewery Gulch Road, south of Big River on the west side of Highway One per Policy 4.7-10. This location shall be preserved as an existing bluff top access. The project would be consistent with Chapter 20.528 *Coastal Access Regulations and Open Space Easements* and Coastal Element Policy 4.11-19.
10. **TAKINGS ANALYSIS:** The stabilization structure is not consistent with MCC Section 20.496.020(A) *ESHA Development Criteria*. The structure would be located within a *Bishop Pine Forest ESHA*. As no other feasible site is available on the parcel for the structure, denial of the proposed development may cause a regulatory taking. Section 30010 of the California Coastal Act address regulatory takings and states the following:

*The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*

In this case, prohibiting development within one hundred feet of the *Bishop Pine Forest ESHA* would deprive the owner of protecting their investment from an on-site landslide that poses an immediate threat to previously authorized development; the property owner's principle residence.

Some factors examined by the courts, in order to determine whether a regulatory taking has occurred, involve the presence of reasonable investment-backed expectations, the degree to which a regulation may interfere with those reasonable investment-backed expectations, and whether or not a regulation deprives an owner of all economic use of the property. Staff believes there was a reasonable investment backed expectation that the proposed project, the stabilization structure located approximately 20-foot landward of the bluff face, is consistent with adopted bluff setback regulations and geotechnical recommendations as it supports existing residential development. Furthermore, the



General Plan classification identifies single-family residential land uses as principally permitted at this location.

- 11. ENVIRONMENTAL REVIEW:** The environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, adopting a Mitigated Negative Declaration is recommended.

### **RECOMMENDED FINDINGS AND CONDITIONS**

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code (MCC), the Coastal Permit Administrator approves, as follow-up to Emergency Permit EM\_2017-0007, a Standard Coastal Development Permit to repair a residential foundation using a penetration grouting technique; and adopts the following findings, conditions, and mitigation measures.

#### **FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas, which is specifically addressed by the Supplemental Findings below. A single-family residence is a principally permitted use and a garage, and additional appurtenant structures are permitted accessory buildings within the Rural Residential land use classification and are consistent with the intent of the Rural Residential classification and all associated development criteria; and
2. Pursuant with MCC Section 20.532.095(A)(2), the development is provided with adequate utilities, access roads, drainage and other necessary facilities, as site contours are designed to reduce the effects of storm water and other surface water runoff. There is no change to existing utilities or access roads.
3. Pursuant with MCC Section 20.532.095(A)(3), development satisfies the development requirements of the Rural Residential District, and satisfies the specified requirements of the MCC Chapters 20.500 *Hazards*, and 20.504 *Visual Resource and Special Treatment Areas*, and other provisions of Mendocino County Coastal Zoning Codes.
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An Initial Study and adoption of a Mitigated Negative Declaration is recommended. Conditions 9 through 16 are recommended to insure compliance with the California Environmental Quality Act requirements for a Mitigated Negative Declaration; and
5. Pursuant with MCC Section 20.532.095(A)(5), the 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 existing residential development.
7. Pursuant with MCC Section 20.532.095(B)(1), the land is in conformity with public access policies, including Chapter 20.528 *Coastal Access Regulations and Open Space Easements* and Coastal Element Policy 4.7-10. Brewery Gulch Road south of Big River on the west side of Highway One shall be preserved as an existing bluff top access. The proposed development will not interfere with protected views.

8. Pursuant with MCC Section 20.532.100(A(1) No development shall be allowed in an ESHA unless the resource as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. Alternatives to the proposed development were considered. Mitigation measures have been recommended to reduce any potential impacts from the proposed project. As conditioned, the proposed development will not significantly degrade the resource as identified.

**CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “\*\*\*”):**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Code. CDP\_2018-0011 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. CDP\_2018-0011 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 (MCC).
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 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 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. CDP 2018-0011 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 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. In accordance with MCC Section 20.496.045, development is limited to uses that do not interfere with the adjacent Pygmy Forest and Bishop Pine.

10. In accordance with MCC Section 20.500.020(E)(3), all grading specifications and techniques will follow the recommendations cited in the Uniform Building Code, the geotechnical engineer's report (for example, Brunsing Associates Geotechnical Investigation of Oct 17, 2017), and MCC Chapter 20.492.
11. Within one year of the effective date associated with CDP\_2018-0011, the property owner shall execute and record a deed restriction, or amend existing deed, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction, or amendment, will include the following statements and, or exhibits:
  - 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; and
  - 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. The permitted project is inclusive of the following permits: EM\_2017-0007, and CDP\_2018-0011. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
  - c. The landowner agrees that any adverse impacts to the property caused by the permitted projects shall be fully the responsibility of the property owner; and
  - 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; and
  - 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 bay before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and bay and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
  - 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.
  - g. The adopted findings and conditions approving CDP\_2018-0011 shall be attached as exhibits to the Deed Restriction and the conditions of Permit CDP\_2018-0011 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property.
12. Within one year of the effective date associated with CDP\_2018-0011, the property owner shall undertake, and submit a copy to Planning and Building Services, the following analyses to determine the following:
  - a. The potential lifespan of the stabilization structure.
  - b. An estimate of at what point the stabilization structure would become exposed due to new landslides seaward of the structure and on-going bluff erosion. Sea-level rise should be factored into this analysis.
  - c. An evaluation of future protection/maintenance that may be needed on site to maintain the stabilization structure as the structure becomes exposed over time with natural shoreline processes.
  - d. Any measure needed to minimize damage and impacts to surrounding areas that may be caused by the exposed structure once the structure is exposed in the future.

- e. An evaluation of whether the structure may be affecting groundwater flow now, and therefore potentially affecting natural shoreline processes now.
  - f. For any potential impacts that may result from the structure (e.g., future visual impacts, future sand supply impact), an alternative analysis that evaluates whether there are less environmentally damaging feasible alternatives and mitigation measure available to avoid or minimize any identified impacts.
13. In accordance with MCC Section 20.504.015(C)(9), the project site is designated on the Land Use Map for tree thinning or removal. Planting additional trees is prohibited. Bishop pine trees shall be maintained.
14. \*\* The property owner shall provide for the following Mitigation Measures:
- a. Bishop pine seedlings shall be identified and encouraged to establish. The location of Bishop pine trees shall be marked. The trees and seedlings shall be protected and avoided during yard work.
  - b. Future planted vegetation, including understory planting, shall be limited to native plants, e.g. plants local to the watershed or genetically sourced from the Mendocino coast. No additional trees shall be planted.
  - c. On-site vegetation may include shrubs, grass, and perennial herbs. Appropriate plants include *Ceanothus thyrsiflorus ssp. griseus*, *Gaultheria shallon*, *Frangula purshiana*, *Arctostaphylos uva-ursi*, *Vaccinium ovatum*, *Ribes sanguineum*, *Morella californica*, *Calamagrostis nutkaensis*, *Polystichum munitum*, *Carex harfordii*, *Lonicera hispidula*, *Monardella villosa*, *Stachys ridida*, *Diplacus aurantiacus*, *Maianthemum dilatatum*, *Piperia elongata*, *Scrophularia californica*, and *Clinopodium douglasii*.
  - d. Planting nonnative vegetation shall be avoided. Introduced horticultural plantings of Monterey pines shall be removed from site.
15. \*\* Irrigation of the lawn area between the house and bluff edge is prohibited. The owners shall maintain drought-tolerant native vegetation within this area and remove any plants or ground coverings that are not drought-tolerant native vegetation.
16. After construction is completed, the Applicant shall revegetate any bare soil created by the construction phase as soon as feasible with drought-tolerant native vegetation and/or native seed.
17. When the residence is relocated or removed, then the residential stabilization structures previously authorized shall also be removed.
18. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed unless required by agencies with jurisdiction over such a determination.
19. When the residential stabilization structures are exposed, the property owner shall (a) within 60-days, submit photographs to Planning and Building Services and (b) within 90-days, file a Coastal Development Permit, or permit amendment, proposing methods to obscure exposed portions of the residential stabilization structure.
20. The property owner shall regularly monitor the residential stabilization structure for (a) damage that could adversely impact the performance of the structure, (b) for evidence of undermining, and (c) assess the potential for the residential stabilization structure to become visible.



21. The property owner shall adhere to all conditions in previously approved Coastal Development Permits CDP/CDB 22-2010 and CDP 4-2009/CDV 1-2009.
22. This entitlement does not become effective or 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 \$2,456.75, or CURRENT FEE, shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. 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 property owner has the sole responsibility to insure timely compliance with this condition.

9/29/2020

DATE



MARK CLISER  
PLANNER II

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

**ATTACHMENTS:**

- A. Location Map
- B. Aerial
- C. Topography Map
- D. Site Plan
- E. Zoning
- F. General Plan
- G. LCP Land Use 17 Map
- H. LCP Land Capabilities & Natural Hazards Map
- I. LCP Habitats & Resources
- J. Appealable Areas
- K. Adjacent Parcels
- L. Fire Hazard Zones & Responsibility Areas
- M. Flood & Tsunami Hazard Areas
- N. Wetlands
- O. Ground Water Resources
- P. Highly Scenic & Tree Removal Areas
- Q. Local Soils
- R. Important Farmland





**Initial Study / Mitigated Negative Declaration available online at:**

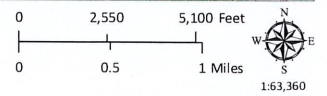
<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>





CASE: CDP 2018-0011  
 OWNER: Williamstown Friendly Village  
 APN: 119-340-18  
 APLCT: Brian Temple  
 AGENT: Amy Wynn  
 ADDRESS: 9350 N. Hwy. 1, Mendocino

-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways



LOCATION MAP

ATTACHMENT A

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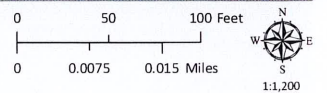




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CASE: CDP 2018-0011  
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ADDRESS: 9350 N. Hwy. 1, Mendocino

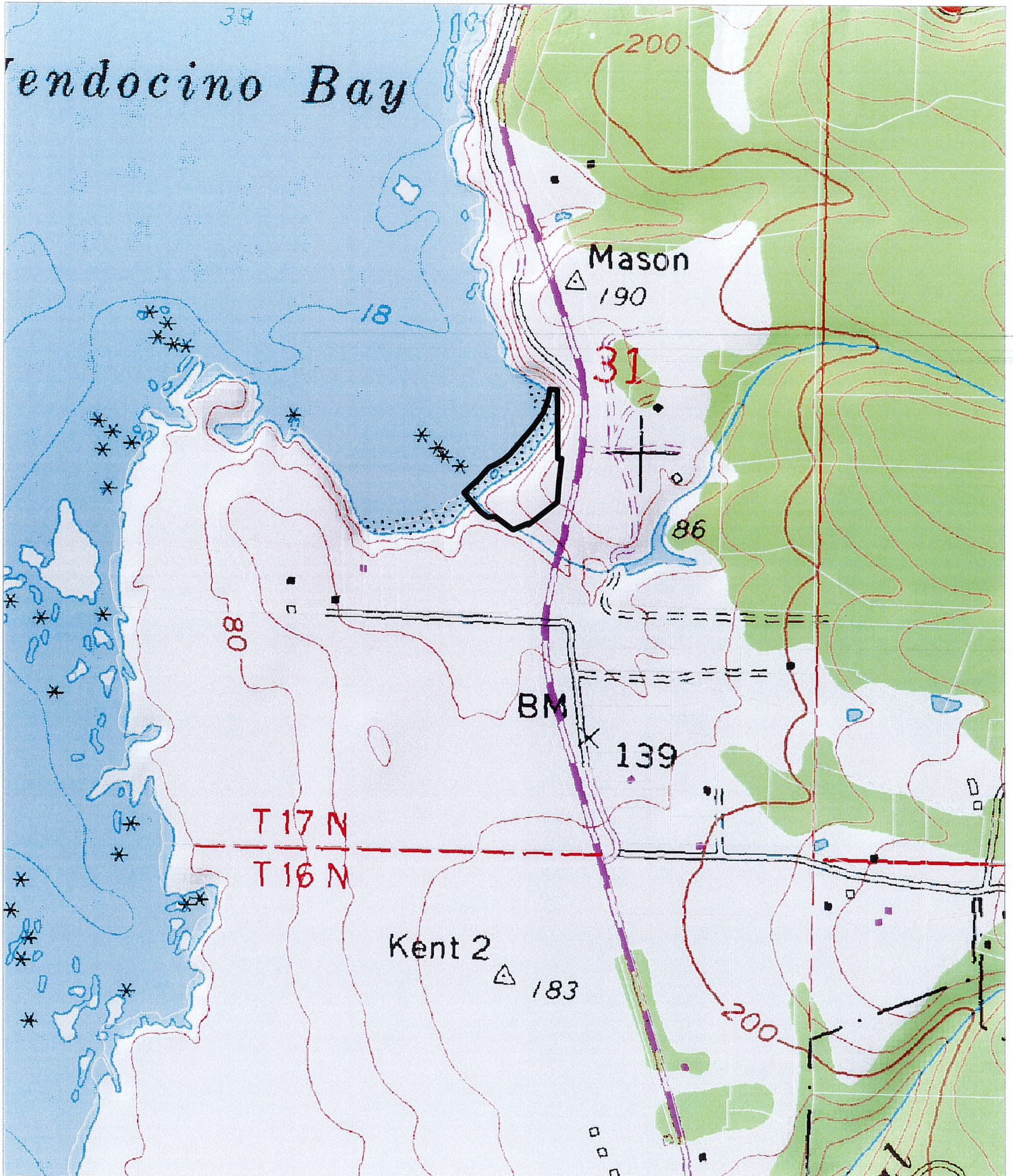
Public Roads  
Driveways/Unnamed Roads



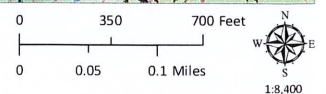
AERIAL IMAGERY  
ATTACHMENT B

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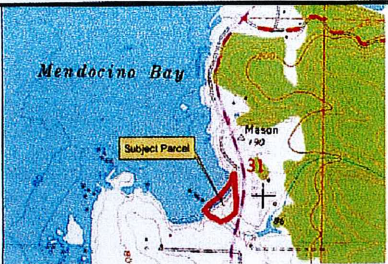


TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET

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ATTACHMENT C

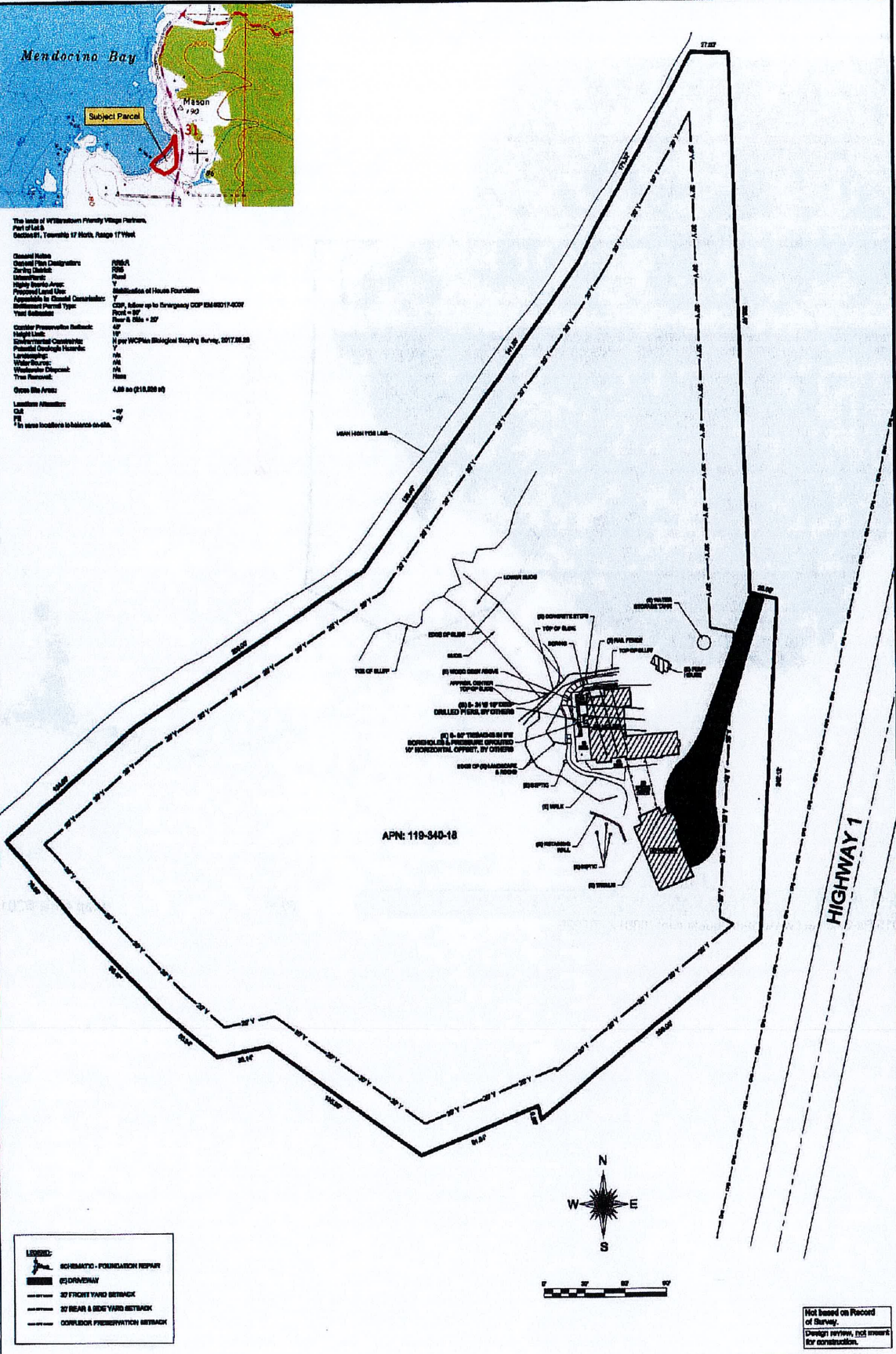




The lands of Williamstown Friendly Village Partners,  
Part of Lot 3,  
Section 21, Township 17 North, Range 17 West

**Classed Value:** R100A  
**County Plan Designation:** R100  
**County Class:** R100  
**Map:** 1000  
**Highway:** 1000  
**Proposed Land Use:** Substitution of House Foundation  
**Applicable to General Classification:** Y  
**Minimum Parcel Type:** CDP, follow up to Emergency CDP 2044011-007  
**Year Submitted:** 2018  
**County Proposition Number:** 407  
**Height Limit:** 10'  
**Development Constraints:** N per WCPMA 2014/15 Sloping Survey, 2017.06.28  
**Historical Designation:** N/A  
**Landmark:** N/A  
**Water Source:** N/A  
**Watermark Design:** N/A  
**Tree Removal:** None  
**Open Site Area:** 4.88 ac (212,800 sq ft)  
**Location:** 9350 N. Hwy 1  
**APN:** 119-340-18  
 \* In some instances to adjacent parcels.

SITE PLAN 1:30 1



**LEGEND:**

	SCHEMATIC - FOUNDATION REPAIR
	(3) DRIVEWAY
	30' FRONT YARD SETBACK
	30' REAR & SIDE YARD SETBACK
	FOUNDATION PRESERVATION SETBACK

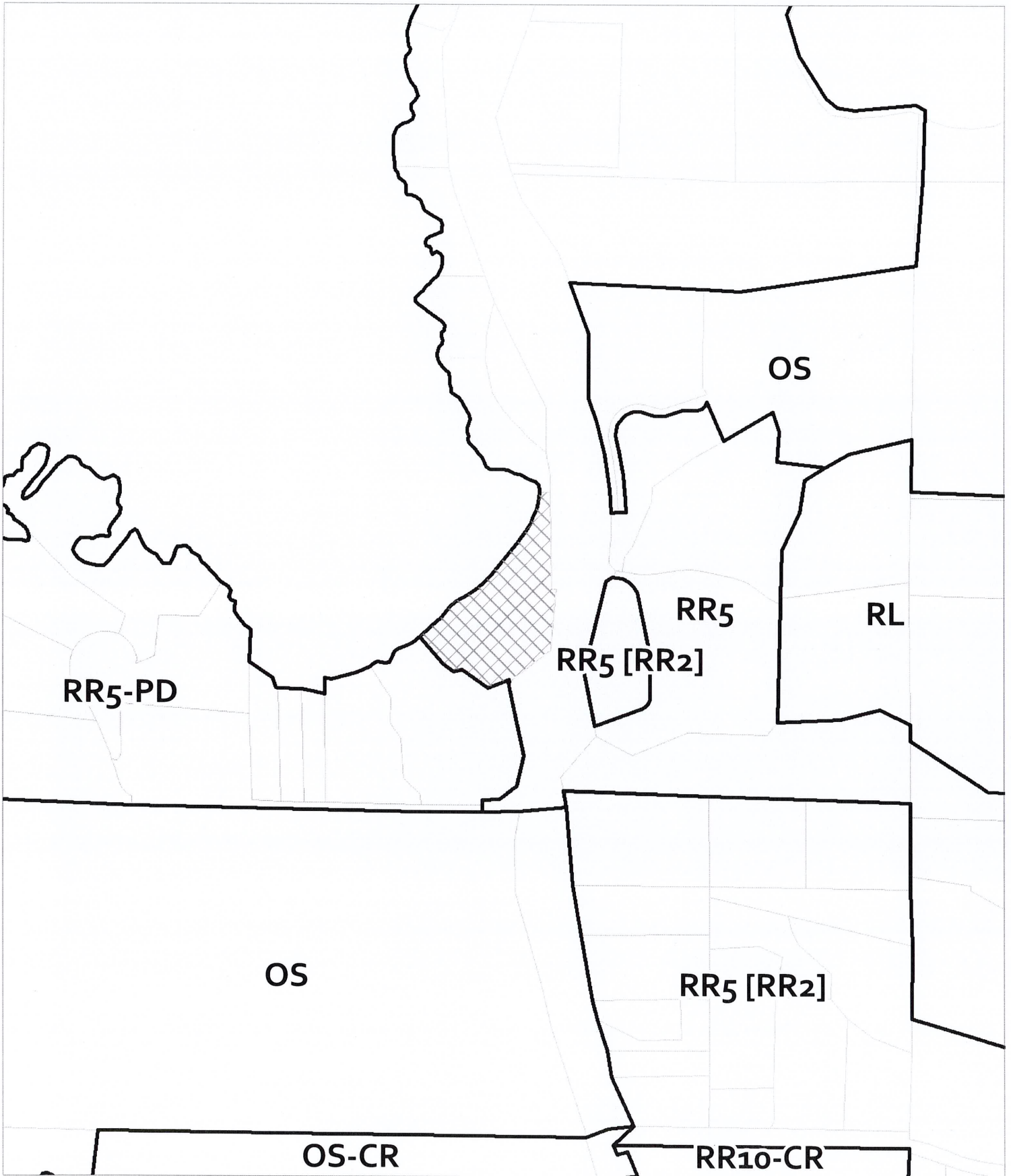
Not based on Record of Survey.  
Design review, not meant for construction.

CASE: CDP 2018-0011  
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NO SCALE

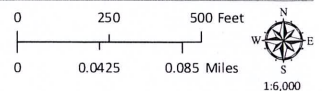
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SITE PLAN  
 ATTACHMENT D



CASE: CDP 2018-0011  
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 APLCT: Brian Temple  
 AGENT: Amy Wynn  
 ADDRESS: 9350 N. Hwy. 1, Mendocino

 Zoning Districts

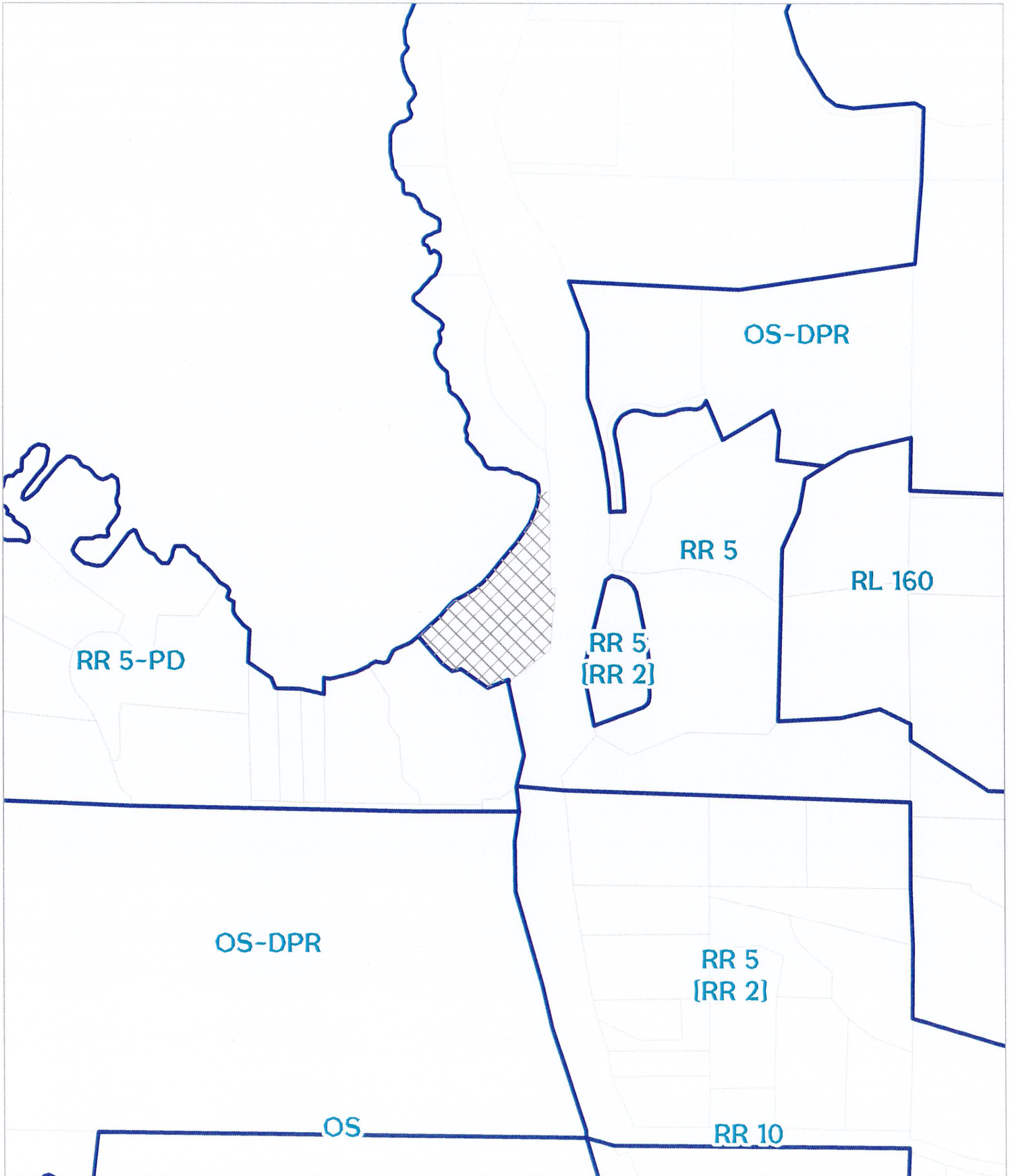


ZONING DISPLAY MAP


ATTACHMENT E

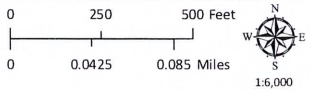
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 General Plan Classes

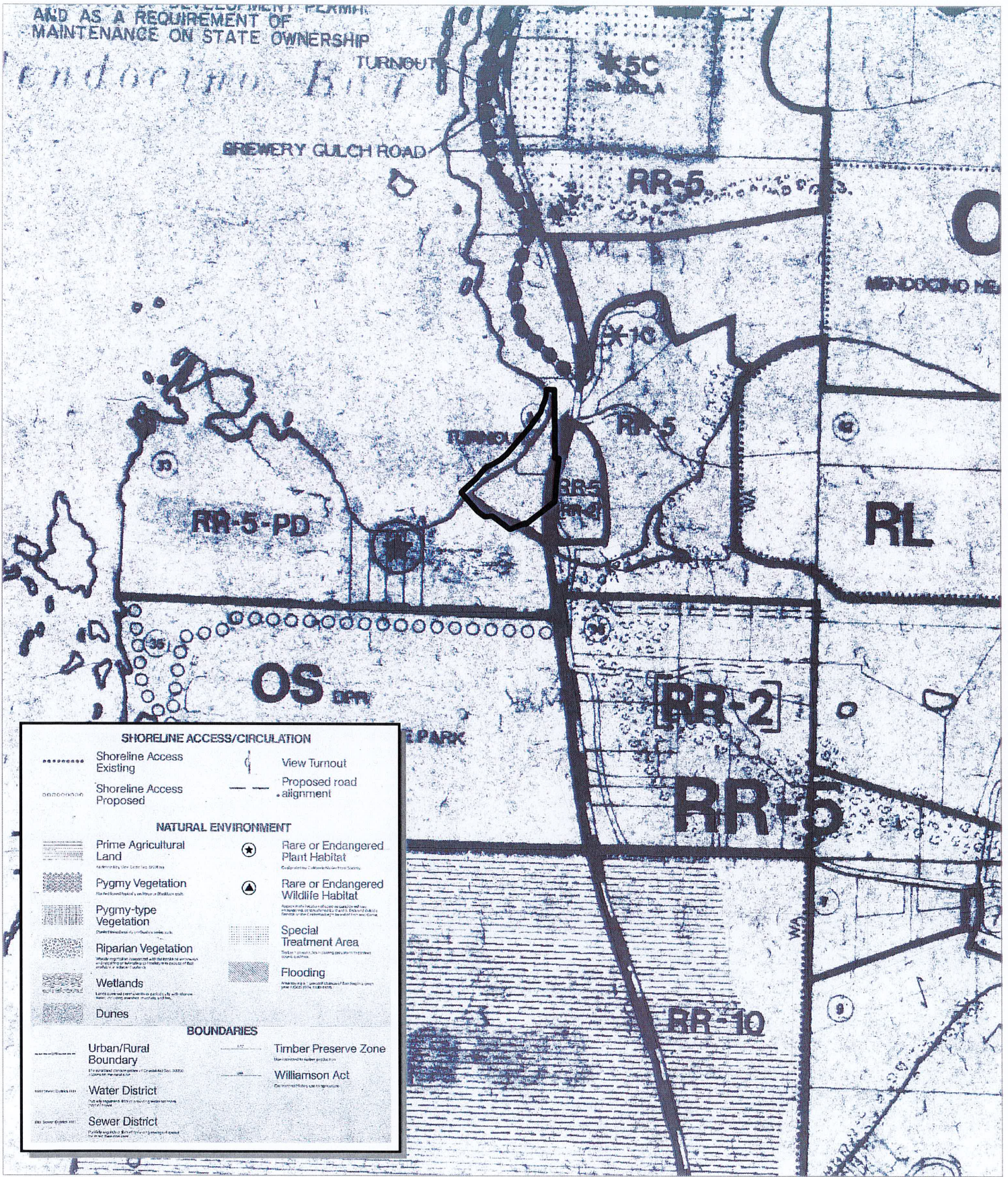


GENERAL PLAN CLASSIFICATIONS

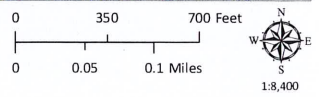
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ATTACHMENT F

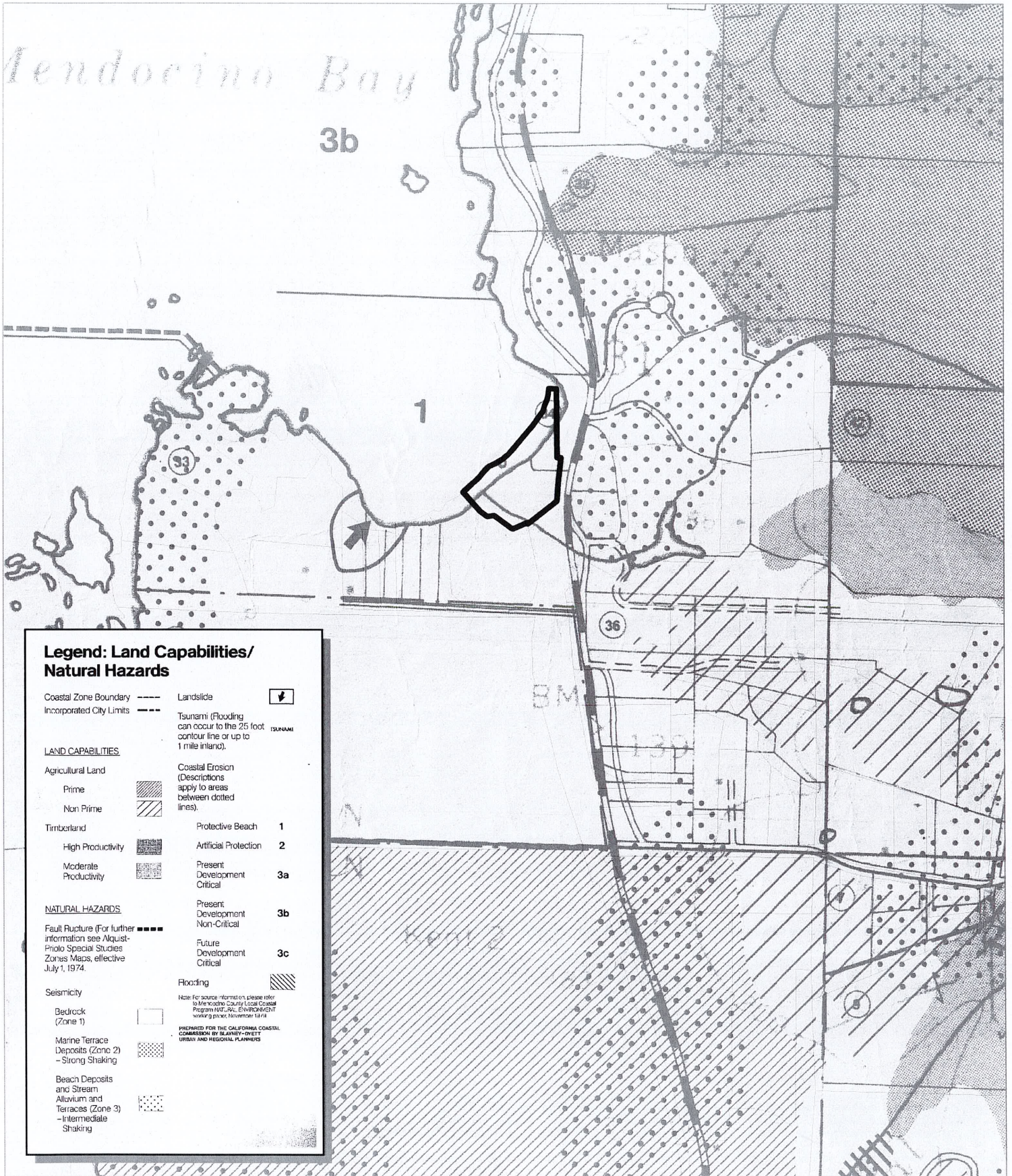




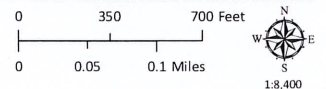
CASE: CDP 2018-0011  
 OWNER: Williamstown Friendly Village  
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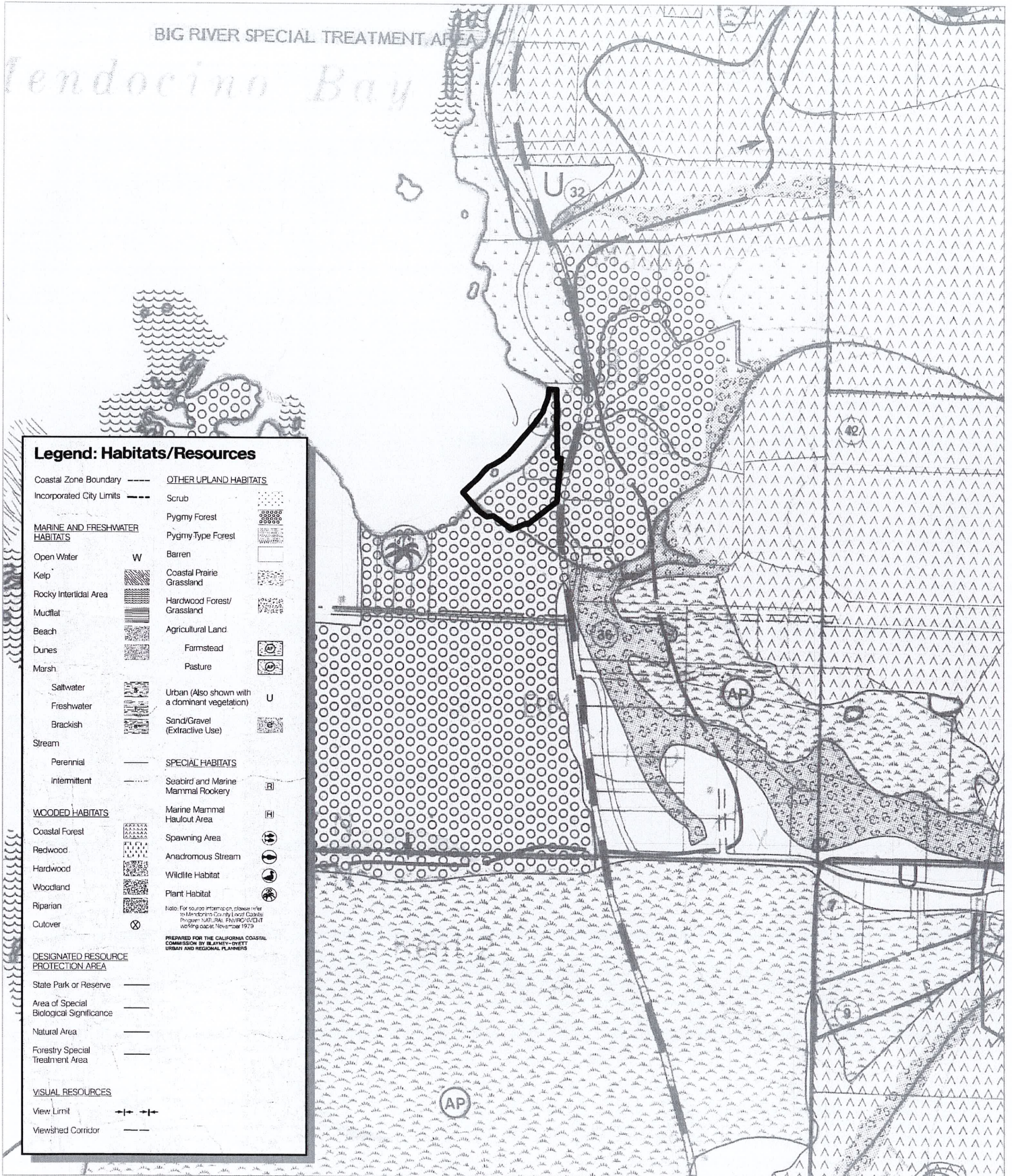


LCP LAND CAPABILITIES & NATURAL HAZARDS

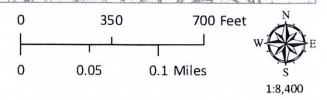
ATTACHMENT H

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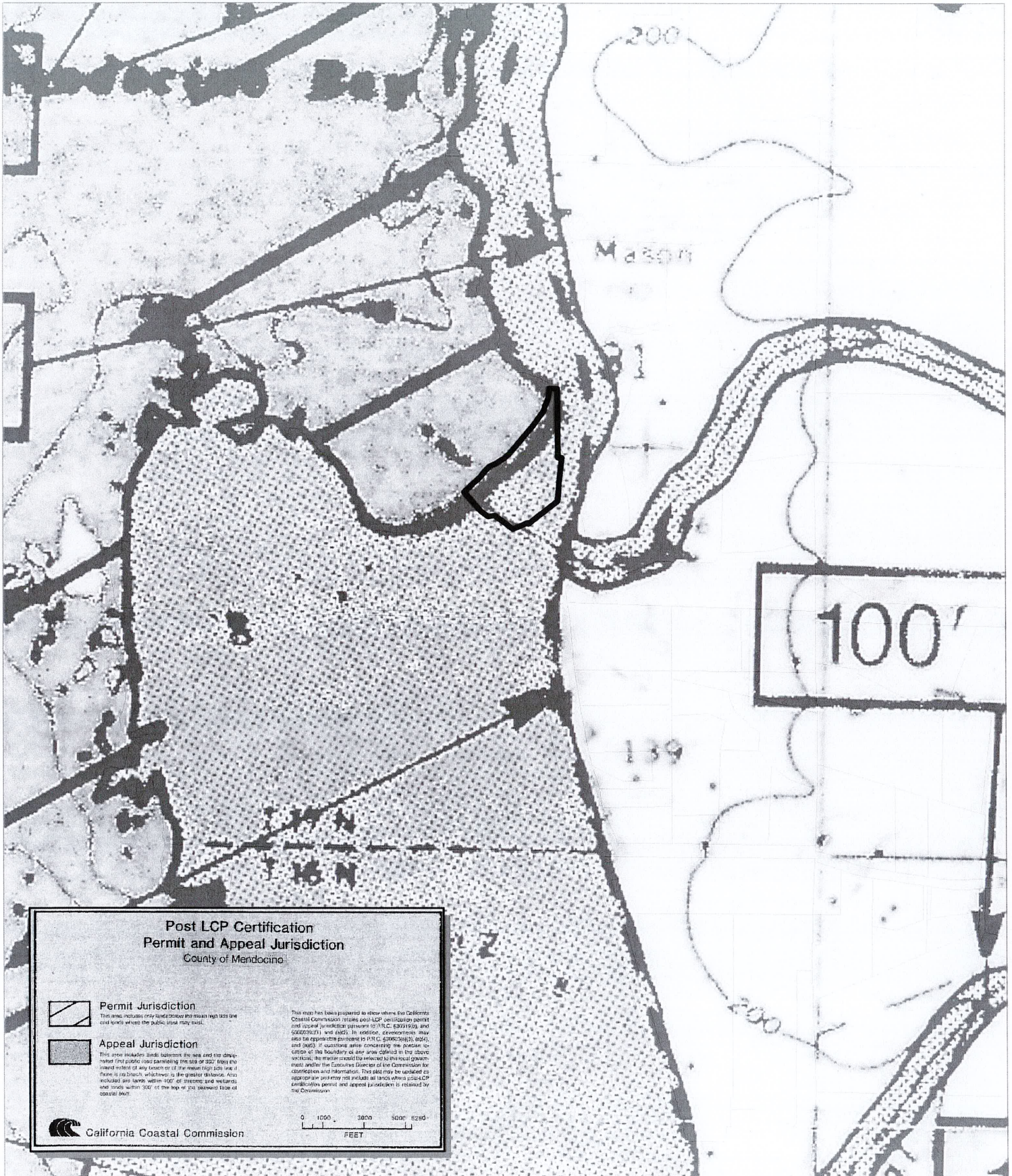


LCP HABITATS & RESOURCES

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ATTACHMENT I





**Post LCP Certification  
Permit and Appeal Jurisdiction  
County of Mendocino**

**Permit Jurisdiction**  
This area includes the riparian zone and riparian lagoons and other special use areas the public uses may have.

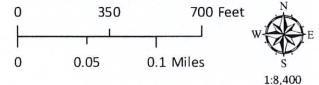
**Appeal Jurisdiction**  
This area includes lands between the sea and the dry-weather (not public) road paralleling the sea or 300' from the lowest extent of any channel or of the mean high tide line, if there is no beach, whichever is the greater distance. Also included are lands within 100' of streets and walkways and roads within 500' of the top or sea levelled floor of coastal dunes.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.C. 53091.5(a) and 53091.5(b)(1) and (a)(2). In certain circumstances, municipalities may also be responsible pursuant to P.C. 53091.5(b)(2), (b)(4), and (b)(5). In quarters when considering the possible location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

0 1000 2000 3000 4000 5000 6000

FEET

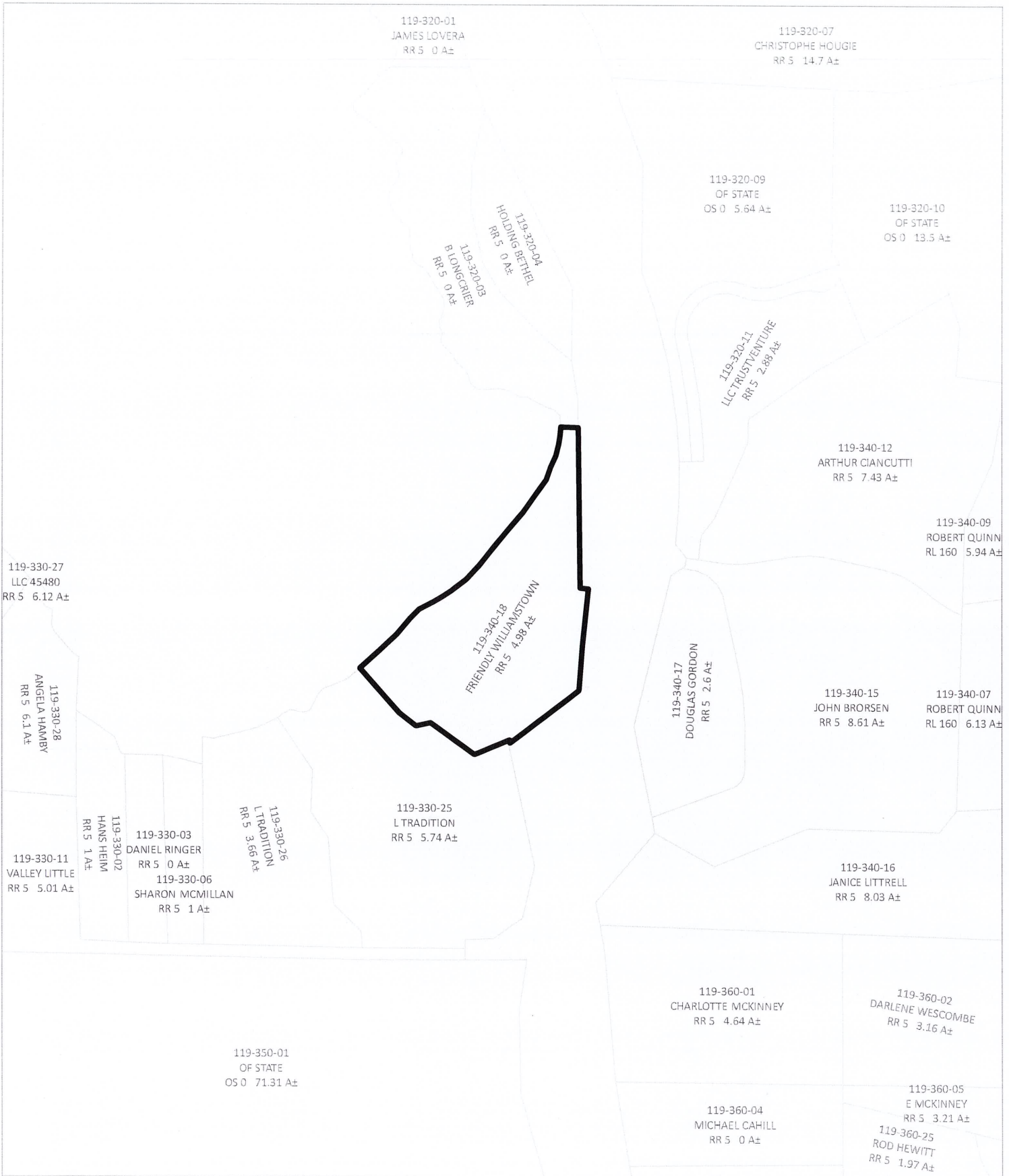
CASE: CDP 2018-0011  
 OWNER: Williamstown Friendly Village  
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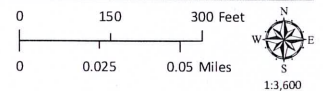
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**APPEALABLE AREAS  
 ATTACHMENT J**





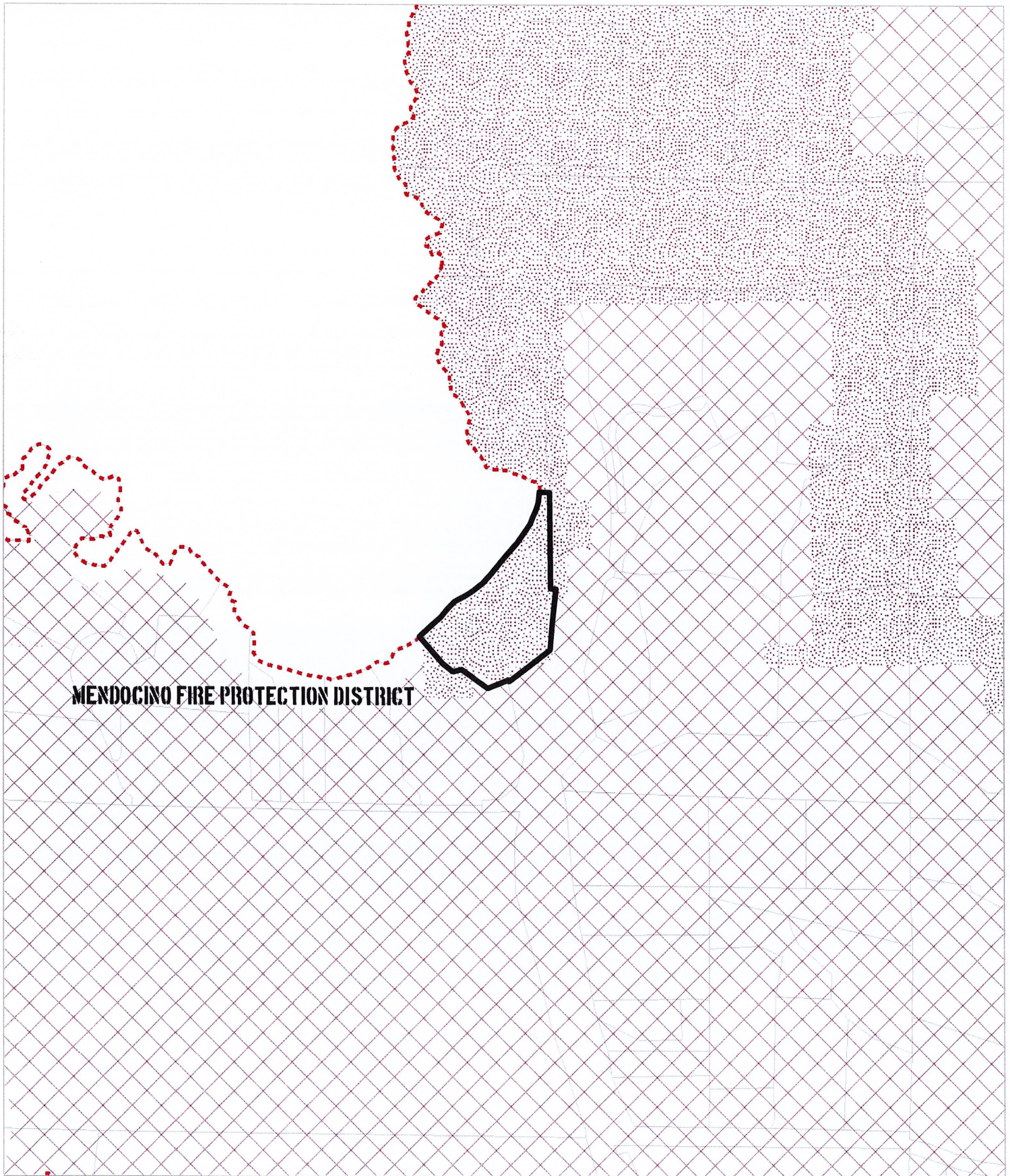
CASE: CDP 2018-0011  
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ADJACENT PARCELS  
 ATTACHMENT K

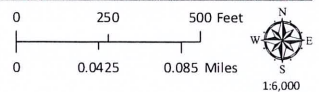




**MENDOCINO FIRE PROTECTION DISTRICT**

CASE: CDP 2018-0011  
 OWNER: Williamstown Friendly Village  
 APN: 119-340-18  
 APLCT: Brian Temple  
 AGENT: Amy Wynn  
 ADDRESS: 9350 N. Hwy. 1, Mendocino

-  County Fire Districts
-  Very High Fire Hazard
-  High Fire Hazard



**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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**ATTACHMENT L**

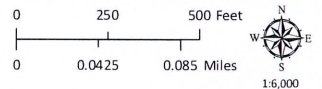




Zone V

AREA OF MINIMAL FLOOD HAZARD Zone X

 Tsunami Inundation Zones

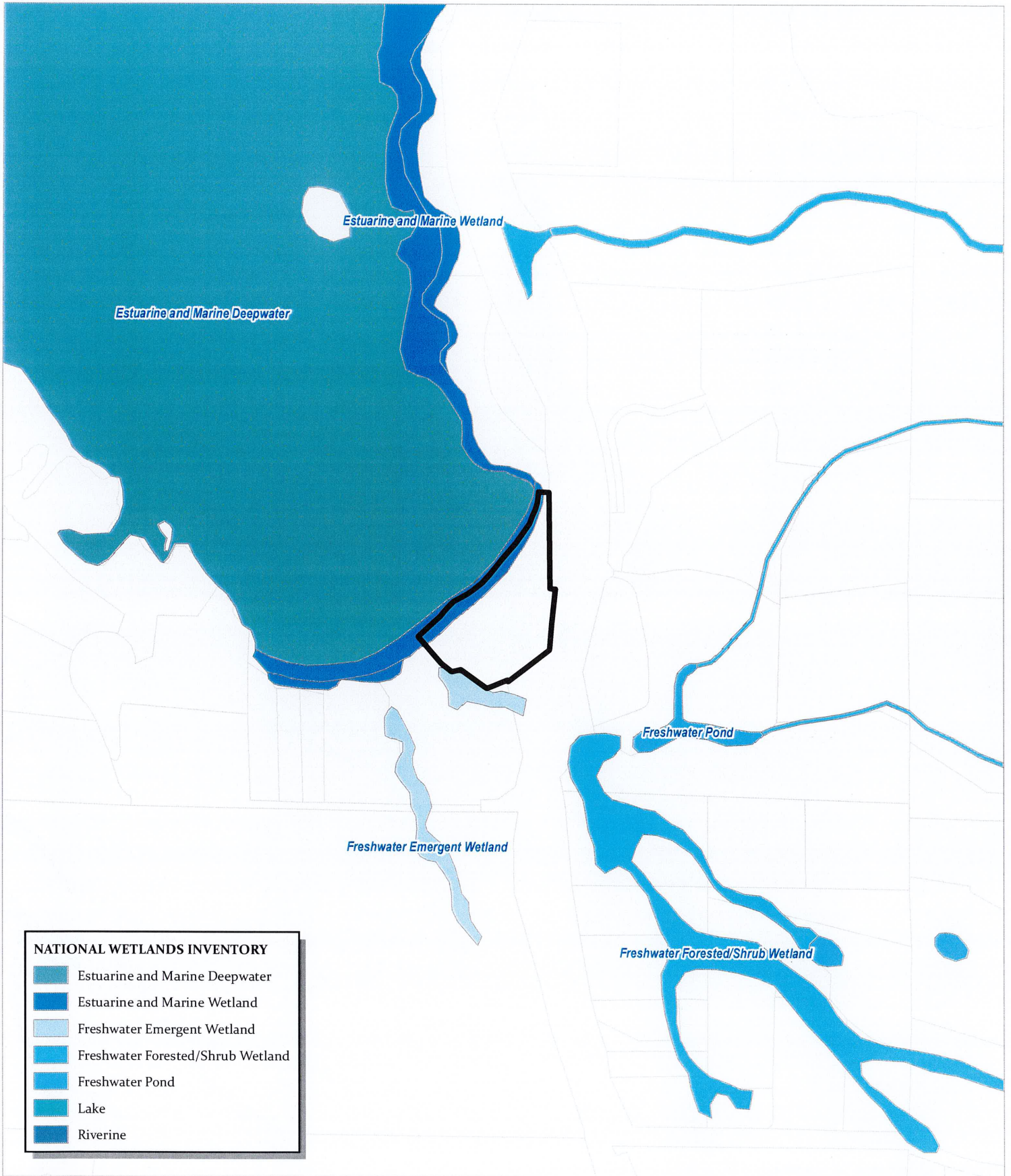


CASE: CDP 2018-0011  
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FLOOD & TSUNAMI HAZARD AREAS

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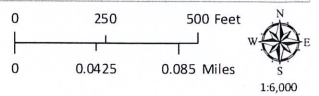
ATTACHMENT M



**NATIONAL WETLANDS INVENTORY**

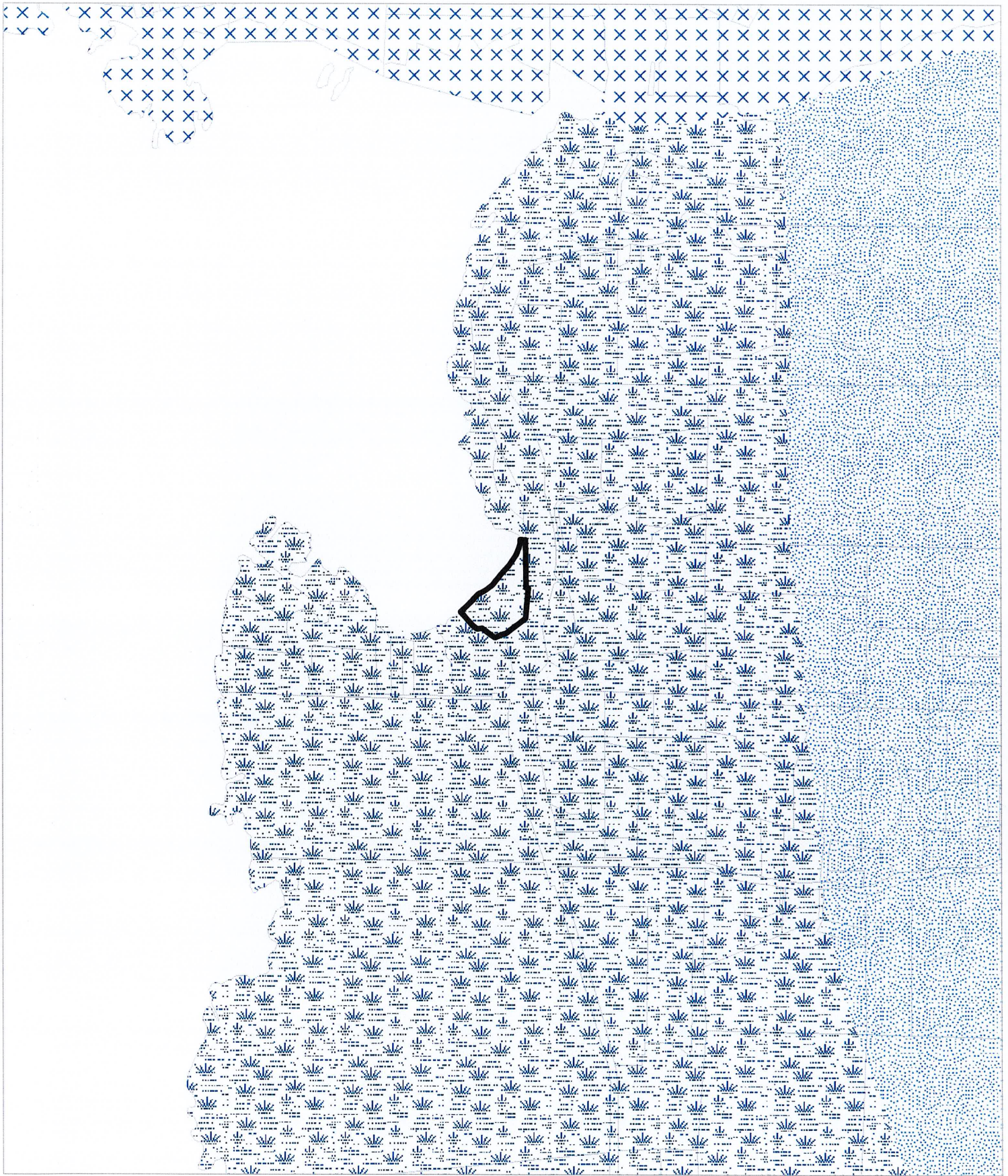
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine

CASE: CDP 2018-0011  
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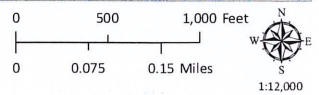
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-  Critical Water Areas
-  Sufficient Water Resources
-  Marginal Water Resources






GROUND WATER RESOURCES

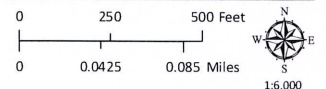
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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES





CASE: CDP 2018-0011  
 OWNER: Williamstown Friendly Village  
 APN: 119-340-18  
 APLCT: Brian Temple  
 AGENT: Amy Wynn  
 ADDRESS: 9350 N. Hwy. 1, Mendocino

-  Tree Removal Area
-  Highly Scenic Area
-  Highly Scenic Area (Conditional)

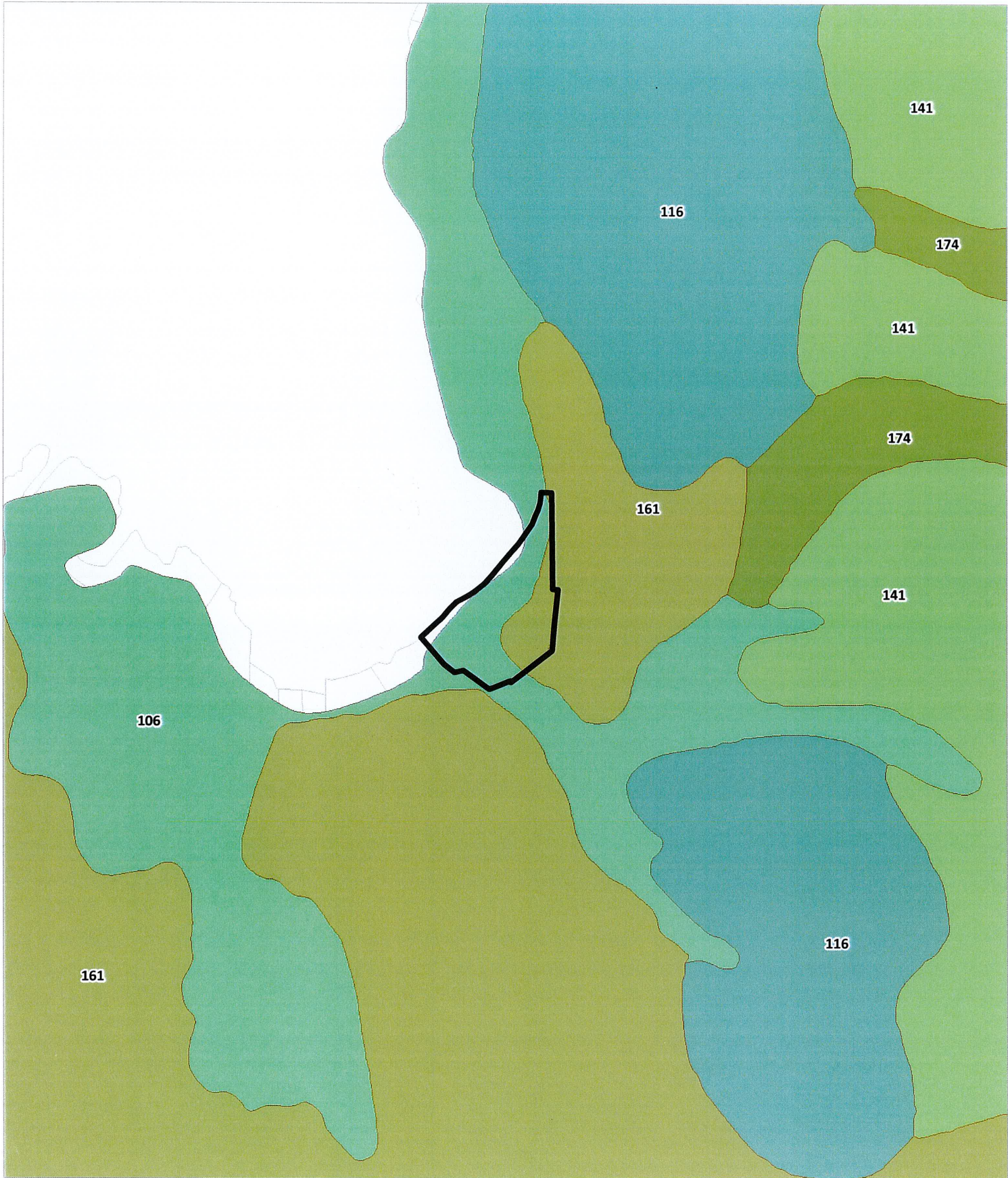


HIGHLY SCENIC & TREE REMOVAL AREAS


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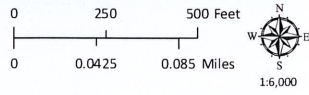
ATTACHMENT P





CASE: CDP 2018-0011  
 OWNER: Williamstown Friendly Village  
 APN: 119-340-18  
 APLCT: Brian Temple  
 AGENT: Amy Wynn  
 ADDRESS: 9350 N. Hwy. 1, Mendocino

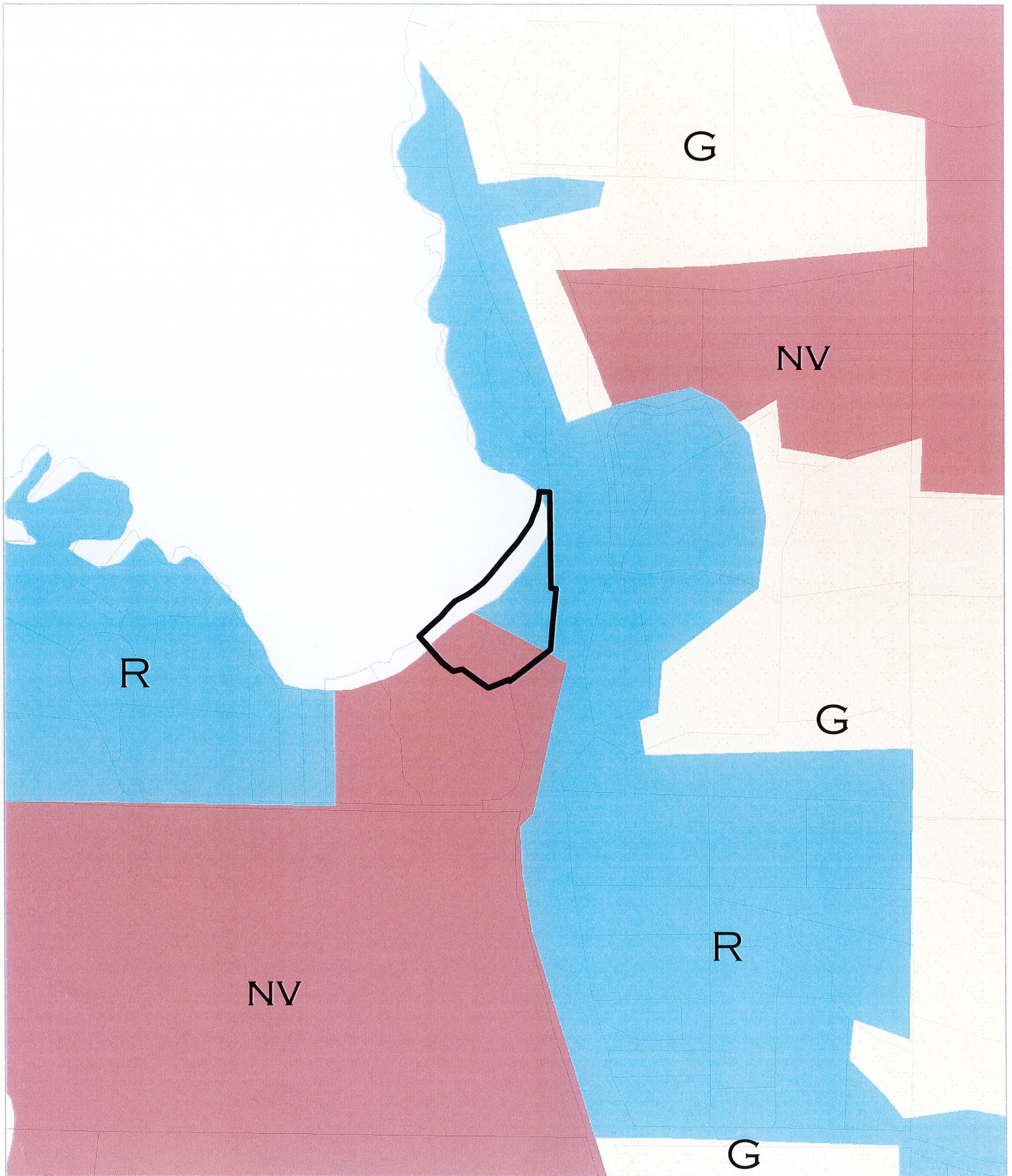
 Western Study Soil Types



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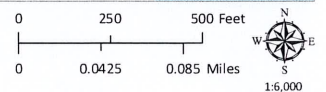
LOCAL SOILS  
 ATTACHMENT Q





CASE: CDP 2018-0011  
 OWNER: Williamstown Friendly Village  
 APN: 119-340-18  
 APLCT: Brian Temple  
 AGENT: Amy Wynn  
 ADDRESS: 9350 N. Hwy. 1, Mendocino

- Grazing Land (G)
- Non-Ag & Natural Vegetation (nv)
- Rural Residential & Rural Commercial (R)



IMPORTANT FARMLAND  
 ATTACHMENT R

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**CEQA INITIAL STUDY - MITIGATED NEGATIVE DECLARATION**

**DATE:** September 23, 2020  
**CASE NUMBER:** CDP\_2018-0011  
**OWNER:** Willamstown Friendly Village, LLC  
**APPLICANT:** Brian Temple, Williamstown Friendly Village  
**PROJECT REQUEST:** Standard Coastal Development Permit for geotechnical soil support to the northwest corner foundation of the existing residence. The purpose of the project is to reinforce the structural integrity of the existing residence as well as fulfill conditions of the Emergency Permit (EM\_2017-0007) issued to the applicant in November of 2017.  
**LOCATION:** In the Coastal Zone, 1.7± miles south of the Town of Mendocino, lying on the west side of State Route 1, 0.1± miles south of its intersection with the southern end of Brewery Gulch Road (AKA Frontage Road B, CR 500B), addressed at 9350 North Highway 1, Mendocino (APN: 119-340-18).

**ENVIRONMENTAL CHECKLIST.**

“**Significant effect on the environment**” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382). Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist. This includes explanations of “no” responses.

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

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input checked="" type="checkbox"/>	Geology /Soils	<input checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials
<input checked="" type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources
<input checked="" type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	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 significant.

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.

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

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

**Discussion:** The 2009 County General Plan Update notes that Mendocino County is predominantly rural. Most of the land in the county is in forest or in agricultural production. Both forest and agricultural lands are considered open spaces that add to the quality of life of county residents and tourists. Various state and county parks protect areas with scenic value, including several important redwood groves. Some ecological communities in the county provide exceptional scenic value. Mountainous and sometimes rugged ridgelines frame the eastern and western boundaries of the county, providing visually distinct valley regions in the area. Some areas are densely forested with evergreen trees, while others are relatively open in comparison, dominated by mature oak trees set amid scrub and grasslands. Water, in the form of creeks, streams, rivers, Mendocino Bay and Pacific Ocean, is often a prominent feature in the landscape.

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 19<sup>th</sup> century villages, including the Town of Mendocino, each with distinctive character, complement the natural landscape. Scenic resources are the basis of the coast's tourist and retirement economies, and a source of continuing pleasure for residents. In addition to incorporating the California Coastal Act requirements, the Mendocino County General Plan Chapter 7 (Coastal Element Chapter 3.5) provides specific policies and recommendations for improving and/or maintaining Mendocino County's unique scenic resources and visual character. Coastal Element Policies protect views to and along the ocean and scenic coastal areas by ensuring new development is subordinate to the character of the setting and by designating 'highly scenic areas.' Designated Highly Scenic Areas have standards for



minimizing visual impacts of development through careful building placement, height limits, and maintaining natural landforms.

The project site is located approximately 1 mile south of the Town of Mendocino with direct access to State Route 1. Located on a bluff top overlooking Mendocino Bay, the site is designated a "Highly Scenic Area" and "Tree Removal Area." The subject property is located within an established rural residential area with an existing residence on-site. Surrounding lands support a Bishop pine forest mixed in the overstory with Douglas fir, grand fir, and non-native Monterey cypress and Monterey pine. The residential stabilization is entirely underground and not visible. No trees have been removed. To support Coastal Element Policy 3.5-5, recommended Condition #13 would prohibit the planting of trees and require the existing Bishop pines to be maintained.

**a) b) and c) No Impact:** The project has no impact on a scenic vista or scenic resources within a state scenic highway. Under CEQA, visual resources that uniquely contribute to the public benefit are considered to be scenic resources. One roadway in Mendocino County, State Route (SR) 128, has been designated as a State Scenic Highway by California State Assembly Bill 998, approved on July 12, 2019. According to CalTrans, SR 1 and SR 20 are "eligible" for designation as scenic highways, but have not been officially designated as such.<sup>1</sup> The project site is located in a designated Highly Scenic Area and development is not visible from State Route 1, nor does it have any effect on a scenic vista, including views of the coast. Furthermore, since the project is located underground, the development is not visible. No impact would occur.

**d) No Impact:** The project does not significantly degrade the existing visual character or quality of the site and its surroundings, conflict with development regulations, or create a new source of significant light or glare. Exterior lighting would be downcast and shielded, as established by General Plan policies (i.e. Coastal Element Policy 3.5-15 and Resource Management Element Policy RM-134) and Mendocino County Code (MCC) Section 20.504.035. While no exterior lighting is proposed, recommended Condition #18 would require the property owner to satisfy MCC Section 20.504.035 requirements.

**Conclusion:** The project has no impact on aesthetics. **(No Impact)**

<b>II. AGRICULTURE AND FORESTRY RESOURCES.</b> <b>Would the project:</b>	<b>Potential y Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>1</sup> California Department of Transportation (Caltrans). *California Scenic Highway Mapping System*. Mendocino County. Accessed October 3, 2017. Available at: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/).



<b>II. AGRICULTURE AND FORESTRY RESOURCES.</b> <b>Would the project:</b>	<b>Potential y Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on agriculture and forestry resources if it would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (hereafter “farmland”), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); Result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use.

**Discussion:** The Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. Maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. For environmental review purposes under the California Environmental Quality Act (CEQA), the five categories of farmland are:

1. **Prime Farmland (P):** Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
2. **Farmland of Statewide Importance (S):** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
3. **Unique Farmland (U):** Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
4. **Farmland of Local Importance (L):** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
5. **Grazing Land (G):** Land on which the existing vegetation is suited to the grazing of livestock.

Mendocino County’s Agricultural Resource Policy RM-102’s objective states: *The County will work to protect important farmlands under the State Farmland Mapping and Monitoring Program.*

MCC Section 10A.13.020 states that the County's declared policy is to conserve, protect and encourage intensive agricultural production, thereby protecting agricultural lands and operations.



MCC Section 22.08.010 states *the Williamson Act and subsequent amendments, found that the preservation of a maximum amount of a limited supply of prime agricultural land is necessary to the state's economic resources.*

Approximately 46 percent of Mendocino County is in National Forest land managed by the U.S. Forest Service or in private Timber Production Zones. Other forests are located on land managed by the Bureau of Land Management and other public agencies. Mendocino County's Forest Resources Policies state:

1. Policy RM-111: The County considers timber growing and harvesting to be the highest and best use of land zoned Timberland Production.
2. Policy RM-113: Protect the county's timber resources by discouraging the conversion of fragmentation of lands zone "TPZ" (Timber Production Zones) to housing or some other use that permanently precludes its use for timber production, or timber growing.
3. Policy RM-121: Protect forest conservation and timber harvesting operations by minimizing conflicts posed by non-resource uses.
4. Policy RM-124: Require parcel sizes on subdivision of commercial timberland to be sufficient to provide for productive economic timber use and practical managements. Parcels split of TPZ lands shall also require provision for adequate timber access routes conformance with a timber management plan.

The project is within the Coastal Zone of Mendocino County. The Coastal Element contains specific development standards for coastal properties and also relies on certain countywide policies included in Coastal Element Chapter 3.2 *Agriculture* and others. 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.

**a), b), c), d) and e) No Impact:** Mendocino County General Plan Chapter 7 (Coastal Element) and Mendocino County Coastal Zoning Code (MCC), respectively classify and designate the site as Rural Residential (R) and Non-Ag & Natural Vegetation (nv). The site is not classified as Agriculture nor is it mapped as important farm land.<sup>2</sup> The subject property does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Additionally, the subject property is not located within or adjacent to lands or within a Williamson Act contract, Timberland Production, or Forest Lands. Therefore, no impact to agricultural or forestry resources would occur as a result of the project's construction.

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

<b>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:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>2</sup> Mendocino County Department of Planning & Building Services. 1991. *Important Farmland* [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
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on air quality if it would conflict with or obstruct implementation of applicable air quality plans; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; expose sensitive receptors to substantial pollutant concentrations; or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Discussion: Mendocino County is located within the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. Additionally, the Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Acts, as well as local air quality protection regulations. 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.

MCAQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County has been determined to be in attainment for all Federal criteria air pollutants and in attainment for all State standards except Particulate Matter less than 10 microns in size (PM10). In January of 2005, MCAQMD adopted a Particulate Matter Attainment Plan establishing a policy framework for the reduction of PM10 emissions, and has adopted Rule 1-430 which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly-dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and
- 7) The operator shall keep a daily log of activities to control fugitive dust. In December, 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to

reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM<sub>2.5</sub>. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

Receptors include sensitive receptors and worker receptors. Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (these sensitive land uses may also be referred to as sensitive receptors). Worker receptors refer to employees and locations where people work.

The project does not include any activities that would impact air quality resources long term, however, there may be short-term impacts associated with the equipment used during construction. The site is located off of State Route 1. The project does not include installation of a wood burning stove, nor does it increase Vehicle Miles Traveled (VMT).

**a), b), c) and d) Less Than Significant Impact:** The 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

Anticipated emissions during operation of the project include:

- Combustion emissions associated with operation of on-road motor vehicles

The most common source of PM<sub>10</sub> 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 and there is no proposed use that would be anticipated to result in a significant increase of any criteria pollutant. The *Particulate Matter Attainment Plan* 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<sub>10</sub> within the vicinity of the site.



During the construction, the project has the potential to increase PM<sub>10</sub> 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 completion, any bare soil created by the construction phase of the project would be revegetated as soon as feasible with native vegetation and/or native seed. A less than significant impact would occur.

The site is located in an established rural residential area. The project would not create significant objectionable odors during its normal operation or during construction and is not in a location that would affect substantial numbers of people. The project will not increase VMT. Therefore, a less than significant impact would occur.

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

<b>IV. BIOLOGICAL RESOURCES: Would the project:</b>	<b>Potentiall y Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project may have a significant effect on biological resources if it has 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; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, etc.) through direct removal, filling, hydrological interruption, or other

means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

**Discussion:** Mendocino County's Biology and Ecology Resources Policy RM-28 states:

*All discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction.*

Many species of plants and animals within the State of California have low populations, limited distributions, or both. Such species may be considered "rare" and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to agricultural and urban uses. A sizable number of native species and animals have been formally designated as threatened or endangered under State and Federal endangered species legislation. Others have been designated as "Candidates" for such listing and the California Department of Fish and Wildlife (CDFW) have designated others as "Species of Special Concern". The California Native Plant Society (CNPS) has developed its own lists of native plants considered rare, threatened or endangered. Collectively, these plants and animals are referred to as "special status species."

Section 404 of the Clean Water Act defines wetlands as *those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog and similar areas.*

Mendocino County currently has one active Habitat Conservation Plan (HCP) with the California Department of Fish and Wildlife, which provides protections for the Point Arena Mountain Beaver. The Fisher Family HCP (Permit #TE170629-0) covers 24 acres of coastal scrub and was adopted December 3, 2007 for a period of 50 years. The Fisher Family HCP applies to parcel APN 027-211-02 located at 43400 Hathaway Crossing, Point Arena. Additionally, since 2003, the Mendocino Redwood Company (MRC) has managed the County's only Natural Community Conservation Plan which covers all lands owned by the MRC to preserve regionally important habitat.

Mendocino County's Biology and Ecology Resources Policy RM-28 states: *all discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction.*

Section 404 of the Clean Water Act defines wetlands as *those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog and similar areas.*<sup>3</sup>

<sup>3</sup> EPA Regulations listed at 40 CFR 230.0(t) - [https://www.epa.gov/sites/production/files/2015-03/documents/cwa\\_section404b1\\_guidelines\\_40cfr230\\_july2010.pdf](https://www.epa.gov/sites/production/files/2015-03/documents/cwa_section404b1_guidelines_40cfr230_july2010.pdf)



Mendocino County's Watershed Policy RM-1 requires *adequate buffers for all projects potentially impacting stream corridors and/or their associated riparian habitat*. The County's ecosystem policy RM-27 further requires projects to *identify and maintain wildlife movement corridors to support biodiversity and healthy natural processes*. Fisheries policy RM-96 encourages public agencies and private property owners to *support the restoration of spawning and nursery habitat in all salmonid-bearing streams and rivers*.

Mendocino County's Biological Resource Policy RM-79 encourages *farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources*. The policy promotes techniques and features to address habitat contiguity, wildlife corridors, maintaining compatibility with adjacent uses, and maintaining habitat for sensitive plant and animal species. The County has set action items intended to address maintenance of habitats for sensitive species:

- Action Item RM79.1: Work with agencies and organization to educate the public about effective ways to protect listed plant and animal species and preserve sensitive habitats.
- Action Item RM79.2: Seek private and public funding for fish habitat restoration programs such as the County Fish and Game Advisory Committee, community salmon and steelhead rearing, and other efforts.
- Action Item RM79.3: Promote conservation easements to protect wildlife habitat, wetlands and other sensitive environments.
- Action Item RM79.4: Provide information to landowners, developers, and the public on the importance and value of maintaining wildlife corridors.

Coastal areas in Mendocino County are subject to Mendocino County's Local Coastal Program, which includes Mendocino County General Plan Chapter 7 (Coastal Element) Policies and Mendocino County Coastal Zoning Code (MCC), which implements General Plan policies, including policies regarding Environmentally Sensitive Habitat Areas (ESHAs). The purpose of MCC Chapter 20.496, *Environmentally Sensitive Habitats and Other Resource Areas*, is to ensure that environmentally sensitive habitat and other designated resource areas, which constitute significant public resources, are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations.<sup>4</sup> ESHAs include anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.<sup>5</sup>

The project site is a 4.9± acre property developed with a single-family residence and located on a bluff above Mendocino Bay. The site and surrounding lands are part of a larger Bishop Pine Forest ESHA. No tree removal is proposed. Mitigation measures are recommended to reduce the effect of the project on the sensitive habitat area. Recommended Condition #13 protects any Bishop Pine trees and prohibits the planting of additional trees.

**a) and b) Less Than Significant with Mitigation Incorporated:** Following consultation with the project biologist, California Department of Fish and Wildlife, California Coastal Commission, and Planning and Building Services staff, a minimum 100-foot buffer area is recommended to protect the sensitive habitat area. The review of the geotechnical recommendations and site constraints support that there is no other feasible location for the residential stabilization improvements. Therefore, staff recommends the inclusion of several mitigation measures:

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<sup>4</sup> Mendocino County Coastal Zoning Code, § II-20.496.010 (1991).

<sup>5</sup> Mendocino County Coastal Zoning Code, § II-20.496.010 (1991).

**Mitigation Measure 1:** Bishop pine seedlings shall be identified and encouraged to establish. The location of Bishop pines shall be marked. The trees shall be protected and be avoided during yard work. (Condition # 14a)

**Mitigation Measure 2:** Future, planted vegetation, including understory planting, shall be limited to native plants, e.g. plants local to the watershed or genetically sourced from the Mendocino coast. (Condition # 14b)

**Mitigation Measure 3:** On-site vegetation may include shrubs, grass, and perennial herbs. Appropriate plants include *Ceanothus thyrsiflorus ssp. griseus*, *Gaultheria shallon*, *Frangula purshiana*, *Arctostaphylos uva-ursi*, *Vaccinium ovatum*, *Ribes sanguineum*, *Morella californica*, *Calamagrostis nutkaensis*, *Polystichum munitum*, *Carex harfordii*, *Lonicera hispidula*, *Monardella villosa*, *Stachys ridida*, *Diplacus aurantiacus*, *Maianthemum dilatatum*, *Piperia elongata*, *Scrophularia californica*, and *Clinopodium douglasii*. (Condition # 14c)

**Mitigation Measure 4:** Planting nonnative vegetation shall be avoided. Nonnative vegetation shall be removed. (Condition # 14d)

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

**c), d), e), and f) No Impact:** The project would not affect federally protected wetlands (including, but not limited to, marsh, vernal pool, etc.) through direct removal, filling, hydrological interruption, or other means. The project would not interfere 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. Under the project, no trees or vegetation would be removed. There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan applicable to the site.

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

<b><u>V. CULTURAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potential Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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



resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), *If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.*

Coastal archaeological sites and areas that have been subject to archaeological surveys have been mapped by the California Archaeological Sites Survey, and the data is kept in the Northwest Information Center at Sonoma State University. These records, the most complete set available, show seventy-nine (79) sites, distributed mainly along creek and river mouths and near present settlements, particularly between Cleone and Mendocino.<sup>6</sup> The maps also delineate twenty-six (26) archaeological survey areas ranging from 0.1-to-1,400-acres, only some of which include archaeological sites. To protect sites, the maps are confidential; however, landowners are entitled to know whether the sites are located on their property.

For small projects or where there is existing development, Planning and Building Services procedure is to not refer the projects to either California Historic Resource Information Center (CHRIS) or Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Archaeological Commission in 2005 and again in 2014. It was determined to be an appropriate guidance document for what projects would require archaeological review. Staff notes that a condition advises the property owners of a “Discovery Clause” which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project (See recommended Condition #8). As conditioned, the project would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources. As conducted, the project has been consistent with Mendocino County policies for cultural resources.

**a), b), and c) Less Than Significant Impact:** The Project takes place where there is existing development. As such, it was not referred to California Historical Resources Information System or the Mendocino County Archeological Commission. 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.

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

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

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

<p><b>VI. ENERGY.</b> <b>Would the project:</b></p>	<p><b>Potential y Significa nt Impact</b></p>	<p><b>Less Than Significant with Mitigation Incorporate d</b></p>	<p><b>Less Than Significa nt Impact</b></p>	<p><b>No Impact</b></p>
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<sup>6</sup> Mendocino County Coastal Element, §3.5 (2011).

<b>VI. ENERGY.</b> <b>Would the project:</b>	<b>Potential y Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on energy if it would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation.

**Discussion:** On October 7, 2015, Governor Edmund G. Brown, Jr. signed into law Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015 (De León, Chapter 547, Statutes of 2015), which sets ambitious annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy efficiency savings and demand reductions in electricity and natural gas final end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The proposed SB 350 doubling target for electricity increases from 7,286 gigawatt hours (GWh) in 2015 up to 82,870 GWh in 2029. For natural gas, the proposed SB 350 doubling target increases from 42 million of therms (MM) in 2015 up to 1,174 MM in 2029 (CEC, 2017).

As provided in Mendocino County General Plan Chapter 4 (Resource Management Element), the County primarily relies on imported electricity and natural gas for most of its energy needs. Additionally, facilities and activities using alternative energy sources are not widespread in the County, although a number of agencies and businesses promote the use of alternative energy.

**a) and b) No Impact:** Neither project construction nor operation is anticipated to result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources, and the foundation repair would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

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

<b>VII. GEOLOGY AND SOILS.</b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<b>VII. GEOLOGY AND SOILS.</b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on geology and soils if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Discussion:** 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.<sup>7</sup> 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.<sup>8</sup>

Of the five known faults, the San Andreas is the closest active fault to the subject parcel, located offshore approximately 6.8 miles west of the project site. The San Andreas Fault traverses the southwestern corner of the County and continues offshore north of Manchester. It is capable of generating very strong earthquakes, the last major event occurring in 1906 with a magnitude of 7.9 near San Francisco. This event caused severe shaking in Mendocino County and extensive structural damage along the southern

<sup>7</sup> Mendocino County General Plan, §3-17 (2009).

<sup>8</sup> State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

coastline of the County. Very little seismic activity has been recorded on the San Andreas Fault north of San Francisco since the 1906 event; however, the Fault is still considered active.

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

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

MCC Section 20.532.070(A)(3)(b) *Landsliding*, states in part that if landslide conditions are found to exist and cannot be avoided, positive stabilization measures shall be taken to mitigate the hazards. The residential stabilization structure is designed to allow natural shore processes to continue and to mitigate the landsliding hazard.

The soils on the project site are predominately classified as Western Soil #161.<sup>9</sup> Per the geological survey prepared by Brunsing Associates,

*the soils at the project site consist of Franciscan bedrock overlain by Pleistocene Epoch terrace deposits, consisting primarily of silty to relatively clean fine sands. The thickness of the terrace deposits varies from 41.5 to 54.5 feet near the northwest corner of the older portion of the residence to approximately 29.5 to 38.5 feet around the newer portion of the residence. There terrace soils appear to have a low expansion potential. The terrace clean and silty sands are loose in the upper portions of the bluff and medium dense to very dense in lower portions of the bluff. The terrace deposits are extremely erodible by both wind and rain.*

**a), c), d), and e) No Impact:** The site is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.<sup>10</sup> The project site is not located on an expansive soil per the geotechnical investigation conducted by Brunsing Associates, Inc.

**b) Less Than Significant Impact with Mitigation Incorporated:** As previously discussed, the project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, fiber rolls, and/or silt fencing structures, to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas, and 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. The project would not result in substantial soil erosion or the loss of topsoil and a less than significant impact would occur. Staff recommends the following mitigation measure:

**Mitigation Measure 5:** Irrigation of the lawn area between the house and bluff edge is prohibited.

<sup>9</sup> Mendocino County Planning and Building Services. 1991. *Local Soils* [map].

<sup>10</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].



The owners shall maintain drought-tolerant native vegetation within this area and remove any plants or ground coverings that are not drought-tolerant native vegetation. (Condition #15)

**f) Less Than Significant Impact:** As discussed under Section V, Cultural Resources, above, the Project is occurring on a parcel that was previously developed and was therefore not referred to CHRIS or local tribes.

A 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. The Standard Condition advises the applicants of the County's "Discovery Clause" which establishes procedures to follow in the event that resources, including archaeological, paleontological, 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 Applicant shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with MCC Section 22.12.090 of the Mendocino County Code.

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

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

<b><u>VIII. GREENHOUSE GAS EMISSIONS.</u></b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

**Discussion:** 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.<sup>11</sup> 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 soil support activities are not anticipated to generate significant greenhouse gas emissions or conflict with an applicable plan, policy or regulation. Given the relatively small size of the project scale, the project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional, or State level. The project will not generate additional vehicle miles traveled. There are no adopted local plans for reducing the emission of greenhouse gases.

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

<u>IX. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	Potential ly Significa nt Impact	Less Than Significant with Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on hazards and hazardous materials if it were to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment; result in a

<sup>11</sup> Mendocino County General Plan §4-16 (2009).



safety hazard or excessive noise for people residing or working in the project area if located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; or impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

**Discussion:** 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 project would establish geotechnical soil support for the residence on-site and would not involve transport, use, or disposal of hazardous materials. The project uses ultrafine portland cement (UFPC) grout injected within the matrix sands of the terrace deposit and, as necessary, either sodium silicate (SS) grout or acrylate grout injected into silty sand lenses within this sand matrix. The project site does not include any known hazardous waste sites, as mapped by the State Water Resources Quality Control Board (SWRQCB)<sup>12</sup> or the California Department of Toxic Substances Control (DTSC),<sup>13</sup> nor are there any listed sites within the vicinity of the project site.

**a), c), d), e), f), and g) No Impact:** The project is located in an established rural residential area that is near emergency service providers. The project is not located on a site which is on a list of hazardous material sites 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 within an airport land use plan or within two (2) miles of a public airport or public airport. The project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. 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 also within the service boundaries of the Mendocino Fire Protection District. Additionally, the parcel is located in an area characterized by a very high fire hazard severity rating. The project is required to provide adequate standards related to address, driveway, emergency water supply, defensible space, and maintaining defensible space. The property owner would be required to have a clearly posted address, adequate driveway width for emergency response vehicles, and maintain defensible space for fire protection purposes. 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.

**b) Less Than Significant Impact:** Improper storage of potentially hazardous materials such as construction materials may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean. This potential hazard is not significant if these materials are properly stored on the project site and then disposed at an approved collection facility. 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. Ultrafine Portland Cement (UFPC), frequently used in cement grouting methods as a ground stabilizer, was used in the residential stabilization project due to the material’s ability to permeate well into sandy ground and excellent strength. Hazards associated with UFPC arise during skin contact, inhalation, or ingestion. The UFPC used in the project is entirely underground and now poses little risk. Any unused UPFC has been removed from the project site. The project would not create a significant hazard to the public or the

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<sup>12</sup> State Water Resources Quality Control Board. *GeoTracker*. Accessed October 4, 2017. Available at: <https://geotracker.waterboards.ca.gov/>.

<sup>13</sup> State of California. Department of Toxic Substances Control. *EnviroStor*. Accessed October 4, 2017. Available at: <https://www.envirostor.dtsc.ca.gov/public/>.

environment through the routine transport, use, or disposal of hazardous materials or 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.

**Conclusion:** The project would have no impact on hazards and hazardous materials. **(Less Than Significant Impact)**

<b>X. HYDROLOGY AND WATER QUALITY. Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

**Discussion:** 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. The project contractor would be required to employ Best Management Practices (BMPs) to minimize erosion and avoid runoff into sensitive habitat areas. Straw bales, fiber 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 "Marginal Water Resources" area.<sup>14</sup> The project did not propose any development that would require additional water usage. Staff finds that an adequate water supply is available to serve the project.

The County's storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT). Though storm drainage infrastructure is limited within the vicinity of the project site, drainage ditches are currently located on either side of State Route 1. 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.*<sup>15</sup> This ordinance was developed and adopted by Mendocino County to comply with requirements of the County's Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the State Water Resources Control Board (SWRCB).

The location of the project 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.<sup>16</sup>

**a), c.iii), c.iv) and d) No Impact:** The "penetration grouting" method would not violate any water quality standards, waste discharge requirements, or otherwise substantially degrade surface or ground water quality. No impact would occur.

The project would not create or contribute runoff water which 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. The location of the project 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.<sup>17</sup>

**b), c.i), and c.ii) Less Than Significant Impact:** The "penetration grouting" method would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Additionally, though the project includes injecting an ultrafine cement into the matrix sand of the terrace deposit, it 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.

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<sup>14</sup> Mendocino County Department of Planning & Building Services. 1991. *Ground Water Resources* [map].

<sup>15</sup> Mendocino County Department of Planning & Building Services. Mendocino County General Plan. Chapter 3-16. 2009.

<sup>16</sup> Federal Emergency Management Agency. Flood Insurance Rate Map. Accessed December 7, 2019. Available at: <https://msc.fema.gov/portal/search>.

<sup>17</sup> Federal Emergency Management Agency. Flood Insurance Rate Map. Accessed December 7, 2019. Available at: <https://msc.fema.gov/portal/search>.

The project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, fiber rolls, and/or silt fencing structures, to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. Additionally, the project would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible. The project would not 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) Less Than Significant:** The project is located in a tsunami inundation zone. However, given the project is located atop a 105 foot high bluff, significant impacts from a tsunami are unlikely.

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

<b><u>XI. LAND USE AND PLANNING.</u></b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on land use and planning if it would physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

**Discussion:** The subject parcel is classified as Rural Residential specifying a minimum parcel size of 5 acres (RR5) of the Mendocino County General Plan Chapter 7 (Coastal Element). The zoning district for the site is Rural Residential (RR5) and is consistent with MCC Chapter 20.376. The project includes the geotechnical soil support development for an existing residence, which is consistent with the intent of the RR Classification and District, and consistent with surrounding development. The project, however, is not consistent with the policies of the Local Coastal Program of the General Plan and MCC Section 20.532.095 but, as conditioned, will pose a less than significant impact.

**a) No Impact:** The project would not divide an established community as the project is within an established rural residential area and would be consistent with surrounding development.

**b) Less Than Significant Impact:** The project does conflict with Mendocino County Code Section 20.496.020(A) *ESHA Development Criteria* as the structure would be located within a *Bishop Pine Forest ESHA*. As no other feasible site is available on the parcel for the structure, denial of the proposed development may cause a regulatory taking. In this case, prohibiting development within one hundred feet of the Bishop Pine Forest ESHA would deprive the owner of protecting their investment from an on-site landslide that poses an immediate threat to previously authorized development; the property owner's principle residence. Staff did visit the project site on June 26, 2020 and can confirm that no Bishop Pines are located in the immediate area of foundation stabilization. As such, no Bishop Pine trees were not impacted by the stabilization structure. The project does not conflict with any policy, or regulation since the use (residence and appurtenant structures and infrastructure) is principally permitted within the RR Classification and District.



**Conclusion:** The project would have no impact on land use and planning. **(Less Than Significant Impact)**

<b><u>XII. MINERAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on mineral resources if it would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

**Discussion:** A variety of mineral 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.<sup>18</sup> 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 project does not include mining.

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

<b><u>XIII. NOISE.</u></b> <b>Would the project result in:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>18</sup> Mendocino County General Plan, §4-8, *Mineral Resources* (2009).

**Thresholds of Significance:** The project would have a significant effect on noise if it would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generation of excessive groundborne vibration or groundborne noise levels; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport).

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

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 continued residential use would be similar to 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) 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 residential stabilization. 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 project 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.

**b) and c) No Impact:** The project, which involves residential foundation stabilization, would not result in the exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.

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



<b>XIV. POPULATION AND HOUSING.</b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on population and housing if it would induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure); or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

**Discussion:** The most recent American Community Survey for Mendocino County was in 2017, with an estimated population of 88,018. The county has undergone cycles of population boom followed by periods of slower growth. For example, the county population increased by approximately 25 percent between 1950 and 1960, but barely grew from 1960 to 1970. Between 1990 and 2000, the population of Mendocino County increased 7.4 percent, a much slower rate of growth than the 20 percent increase from 1980 to 1990. Population growth slowed further from 2000 to 2007, increasing only 4.6 percent.

Mendocino County’s Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government’s (MCOG) Regional Housing Needs Plan assigned the County a production goal of 1,349 housing units for the unincorporated area between 2019 and 2027. Goals and policies were set forth in order to facilitate the development of these housing units at a range of sizes and types to address this need.

**a) and b) No Impact:** Since the project involves residential foundation stabilization, it 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.

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

<u><b>XV. PUBLIC SERVICES.</b></u>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on public services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

**Discussion:** The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the Mendocino County Operational Area. The stabilization of an existing residential foundation would not create additional 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 Mendocino Fire Protection District.

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 at 700 South Franklin Street in Fort Bragg.

**a) No Impact:** The demand for fire and police services is not anticipated to change with the implementation of the project. The project would have no impact on local schools and would not increase the use of local parks. The project would not increase the use or otherwise affect other public facilities (e.g., libraries) in the project area.

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

<u><b>XVI. RECREATION.</b></u> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<b><u>XVI. RECREATION.</u></b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on recreation if it would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

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

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. 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.<sup>19</sup> Along the coast, State Parks are the best known and most heavily used recreation sites, as are boating access points and campgrounds. Mendocino County General Plan Chapter 7 (Coastal Element Chapter 3.6) encourages managing and maintaining both active and passive recreation to allow access to trails and the coastline for both residents and visitors.

The closest state protected area to the project is the Van Damme State Park, located approximately 1.3 miles south of the subject parcel.

**a) and b) No Impact:** Brewery Gulch Road south of Big River on the west side of Highway One will be preserved as an existing bluff top access affording spectacular views of Mendocino Bay and the town of Mendocino. The project will not increase the use of this access nor will it require the construction or expansion of recreational facilities.

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

<b><u>XVII. TRANSPORTATION.</u></b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>19</sup> Mendocino County General Plan, §3-10, *Parks and Recreation* (2009).

<b>XVII. TRANSPORTATION.</b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

**Discussion:** Regional and local access is provided by State Route 1. Pedestrian access to the site is minimal. There are no sidewalks that are adjacent to the site at this time. The project proposes residential stabilization. State CEQA Guidelines Section 15064.3 requires that transportation impacts be analyzed based on vehicle miles traveled (VMT). For a land use project, VMT exceeding an applicable threshold of significance may indicate a significant impact. The project was referred to both the California Department of Transportation (CalTrans) and Mendocino County Department of Transportation (MCDOT). MCDOT responded with "no comment", and CalTrans did not respond.

**a), b), c) and d) No Impact:** The project, which involves residential foundation stabilization, would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system or conflict with CEQA Guidelines Section 15064.3(b). The project would not increase hazards due to a design feature or result in inadequate emergency access. The project will not generate an increase in VMT and falls far below the State’s recommended 640 VMT per day threshold.

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

<b>XVIII. TRIBAL CULTURAL RESOURCES.</b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<b><u>XVIII. TRIBAL CULTURAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1.

**Discussion:** Per Mendocino County General Plan Chapter 3 (Development Element), 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.<sup>20</sup>

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.<sup>21</sup>

The project proposes residential foundation stabilization. All disturbance will occur at depths of at least 10 feet and piers will be drilled vertically through the overlying weak un-grouted terrace deposits and penetrate into the underlying grouted terrace deposit from the bluff top.

**a.i and a.ii) No Impact:** As noted above, the project is for residential foundation stabilization. A Standard Condition advising the applicant 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.

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

<sup>20</sup> Mendocino County General Plan, §3-7 (Cultural Resources). August 2009.

<sup>21</sup> Mendocino County General Plan, §3-7 (Cultural Resources). August 2009.

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

**Thresholds of Significance:** The project would have a significant effect on wildfire if it would impair an adopted emergency response plan or emergency evacuation plan; due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges.

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

The project site is located within the State Responsibility Area (SRA) and is served by the California Department of Forestry and Fire Protection (CalFire) and the Mendocino Fire Protection District.<sup>22</sup> The site is classified as being located within very high fire hazard severity area.<sup>23</sup> Wildfires often occur on grassy areas, and can spread to nearby dwellings. If the fires are unattended or exposed to winds, some forested areas, such as those of eucalyptus, may be particularly prone to forest fires. Certain species of non-native trees, such as Blue Gum Eucalyptus, can exacerbate wildfire risks.

**a) - d) No Impact:** There are no elements of the project that would impair an adopted emergency response plan or emergency evacuation plan. A project referral was sent to Calfire, but no comments

<sup>22</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

<sup>23</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].



were received. It is anticipated that the project will not be subject to State Fire Safe Regulations as no building construction is proposed.

**Conclusion:** The project would have no impact on wildfire safety. (No Impact)

<b><u>XVIX. UTILITIES AND SERVICE SYSTEMS.</u></b> <b>Would the project:</b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on utilities and service systems if it would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

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

Solid waste management in Mendocino County has undergone a significant transformation from waste disposal in landfills supplemented by transfer stations to a focus on transfer stations and waste stream

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

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

Mendocino County offers the typical utilities and services systems offered by more populated regions. The project site is currently served by an on-site well and an on-site septic system.

**a) - e) No Impact:** The project would not require the development of new or expanded water or wastewater treatment facilities, stormwater drainage, electric power, natural gas, telecommunication facilities, or increase water demand. The project is served by an on-site well and septic system. The project site is served by a landfill with sufficient permitted capacity to accommodate the project’s anticipated solid waste disposal needs and the project would comply with federal, State and local statutes and regulations related to solid waste. No impact would occur.

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

<b><u>XIX. MANDATORY FINDINGS OF SIGNIFICANCE.</u></b>	<b>Potential ly Significa nt Impact</b>	<b>Less Than Significant with Mitigation Incorporate d</b>	<b>Less Than Significa nt Impact</b>	<b>No Impact</b>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**a) Less Than Significant with Mitigation Incorporated:** 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.

**b), and c) Less Than Significant:** 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 with mitigation 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 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.

*a/29/2020*

DATE

*ed.*

MARK CLISER  
PLANNER II