COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD CDP

JUNE 10, 2021
CDP_2020-0024

SUMMARY

OWNER/APPLICANT:	PAUL & JANIS BOOTHE 4400 CHIMNEY HILL DRIVE COLLEGE STATION, TX 77840
AGENT:	WYNN COASTAL PLANNING, INC. 703 NORTH MAIN STREET FORT BRAGG, CA 95437
REQUEST:	Standard Coastal Development Permit to construct a single-family residence, including attached decking, patios and garage. The request includes the installation of mitigation fencing, a primary septic system and future vested opportunity to install a replacement septic system. Associated development includes establishment of a propane tank, a gravel driveway, trenching for underground utilities and connection to community water district.
LOCATION:	In the Coastal Zone, 0.5± miles south of the town of Albion center, within the Pacific Reefs subdivision, on the northeast side of Pacific Reefs Road (private), 0.5± mile west of its interaction with State Route 1 (SR 1); located at 34350 Pacific Reefs Road, Albion; APN: 123-340-13.
TOTAL ACREAGE:	1.3± Acres
GENERAL PLAN:	General Plan, Coastal Element Chapter 4.9, Rural Residential, 5-acre minimum with an alternate density of 1-acre minimum, RR:5(1)
ZONING:	Rural Residential, five acre minimum or alternate density of one acre minimum, with a Development Limitations combining district (RR5(1)DL)
SUPERVISORIAL DISTRICT:	5 (Williams)
ENVIRONMENTAL DETERMINATION:	Mitigated Negative Declaration
RECOMMENDATION:	APPROVE WITH CONDITIONS
STAFF PLANNER:	JESSIE WALDMAN

BACKGROUND

PROJECT DESCRIPTION: A Standard Coastal Development Permit to construct a single-family residence, including attached decking, patios and garage. Associated development consists of the installation of mitigation fencing, a primary septic system, a propane tank, a gravel driveway, trenching for underground utilities and connection to the Pacific Reefs community water system. The applicant also requests the probable future repair/replacement of the septic system.

APPLICANT'S STATEMENT: *Construct a 2,413sf single-family residence with 1303 sq. ft of decks and*

patio, a 385 sq. ft. attached garage and 377 sf of gravel walkways; building height of 18' above natural grade; total square footage of single-family residence with attached garage is 2798 sq. ft.

Install septic system, propane tank, trenching for utilities, 2,300 sq. ft. gravel driveway and mitigation fencing.

Request installation of primary septic system and approval and vesting for the probable future development of the approved septic replacement field, including associated probable future repair/replacement of the septic tank from existing infrastructure to the approved replacement field.

RELATED APPLICATIONS ON-SITE:

- Parcel 13 within the Pacific Reefs Subdivision (Map 2, Drawer 3, Page 40 of Mendocino County Records)
- ST24188 – Septic System

NEIGHBORING PROPERTIES:

- APN: 123-340-11 - LCP 88-131, CCC-1-88-209W – Single Family Residence
- APN: 123-340-12 - PA 79-98 – Single Family Residence
- APN: 123-340-14 - LCP 90-75, CCC-1-90-193 – Single Family Residence
- APN: 123-340-15 - CDP 53-2002 & CDP 39-2008 – Single Family Residence & Art Studio
- APN: 123-340-17 - Vacant
- APN: 123-340-18 - CDP 78-2005 & CDV 10-2005 – Single Family Residence
- APN: 123-340-20 - CDP 79-2003 – Single Family Residence

SITE CHARACTERISTICS: The project site is vacant and located within the Pacific Reefs Subdivision, in the Coastal Zone, south of the town of Albion, on the northeast side of Pacific Reefs Road (private), 0.5± miles west of its intersection with State Route 1 (SR 1), as shown on the *Location & Aerial Maps*. The project site is a bluff top parcel, as shown of the *Topographic Map.* The attached *Estimated Slope Map* shows estimated slopes between 33 and 72 degrees; the proposed project is located within the most level portion of the parcel. The site is mapped on the attached *LCP Land Capabilities and Natural Hazards Map* as having "Non-Prime" in terms of agricultural lands and in terms of seismicity, the bulk of the parcel is mapped as "Bedrock (Zone 1)". The attached *LCP Habitats and Resources Map* does not show any sensitive resources being located on the subject parcel, but does show Special Habitats "Plant Habitats" on adjacent parcels to the west of the site. The site is mapped as a "High Fire Hazard" area and is located within a State Responsibility Area, as shown on the attached *Fire Hazard Zones and Responsibility Areas Map.* A significant portion of the site is constrained by Environmentally Sensitive Habitat Areas (primarily wetlands and their associated vegetation). The steep slopes to the northwest part of the parcel, leading to the Pacific Ocean, are mapped as "Estuarine Marine Wetland" by the National Wetlands Inventory; as shown on the attached *Wetlands Map*. The site is mapped on the attached *Ground Water Resources Map* as being located within a Critical Water Area; however, the site is located within the Pacific Reefs Water District (PRWD) and has been granted water service. Soils present on the parcel are Cabrillo-Heeser complex (0-5% slopes), as shown on the attached *Local Soils Map*.

As part of the original application submitted for the proposed project, supplemental studies were provided by the Applicant, which are kept on file with the Mendocino County Department of Planning & Building Services, and include the following:

- Biological Scoping, Wetlands Delineation & Botanical Survey Report, prepared by Wynn Coastal Planning & Biology, Inc. (WCPB), dated August 21, 2020
- Updated Geotechnical Investigation Report, prepared by Brunsing Associates, Inc. (Brunsing), dated July 24, 2019
- CalFire #71-20 – Setback exception granted with address and driveway standard

- Taking Analysis, prepared by Wynn Coastal Planning & Biology, Inc. (WCPB), dated August 31, 2020
- Archaeological Survey, prepared by Alta Archaeological Consulting, dated April 8, 2019

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR) with Development Limitations (DL) Combining District, where the adjacent parcels are developed with residential uses, as shown on the *Aerial Imagery (Vicinity), Aerial Imagery* and *Local Coastal Program (LCP) Land Use Map 18: Albion* maps. The single-family residence and ancillary development is consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Pacific Ocean	Pacific Ocean	Pacific Ocean	Pacific Ocean
EAST	Rural Residential RR5(1)	Rural Residential RR5(1)(DL)	1.0± Acres	Residential
SOUTH	Rural Residential RR5(1)	Rural Residential RR5(1)	1.0± Acres	Residential
WEST	Rural Residential RR5(1)	Rural Residential RR5(1)(DL)	1.0± Acres	Residential

LOCAL COASTAL PROGRAM CONSISTENCY: The proposed development is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Codes as detailed below:

Land Use: The proposed development is located within the boundaries of the Local Coastal Program (LCP) area, as shown on the *LCP Land Use Map 18: Albion* Map. The project site is classified as Rural Residential (RR) by the Mendocino County General Plan, as shown on the *General Plan Classifications* map.

The Coastal Element Chapter 2.2 Rural Residential classification states:

> *"… is intended 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."*

The proposed project, which involves developing a vacant parcel, by constructing a single-family residence and appurtenant structures and utilities, is consistent with principally permitted uses and ancillary development with the Rural Residential Land Use classifications, per Mendocino County Coastal Element Chapter 2.2.

Zoning: The project site is located within a Rural Residential (RR) zoning district with a portion of the parcel located within an associated Development Limitations (DL) combining district, as shown on the *Zoning Display Map*. The parcel's zoning designation (RR5(1)) requires a 5-acre minimum parcel size, which may be reduced to a 1-acre minimum with demonstration of adequate water for such a reduction. No development is proposed within the area of the parcel subject to the DL combining district. The established parcel is 1.3± acres in size, as shown on the *Adjacent Parcels* map.

The RR district, per Mendocino County Code (MCC) Section 20.376.005, states:

> "… is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability."

The DL district, per MCC Section 20.416.005, states:

> *"… is intended only to be used in conjunction with another land use classification on parcels or portions of parcels that according to available data have serious constraints that may prevent or seriously limit development. Such constraints include slopes over thirty (30) percent, erosion or landslide potential or other geophysical hazards."*

The proposed project will be located outside the required setbacks; 20 feet front and rear, and 6 feet on side yard setbacks and outside the 25 foot corridor preservation setback, as shown on the *Site Plan* map. The proposed developments will result in an overall lot coverage of 11.8 percent, which is consistent with the 20 percent allowable. As currently proposed, the development will be a maximum height of 16 feet 10 inches and will be consistent with the RR district maximum of 28 foot building height allowance, as shown on the *Elevations NW* and *Elevations SE* maps. A minimum of two off-street parking spaces are required per residential unit, and the proposed are shown on the attached *Site Plan* map.

The proposed project, will comply with the minimum setback requirements from the parcel boundary lines, corridor preservation setbacks and bluff edges, maximum building heights and lot coverage percentages, as shown on the *Site Plan*, per MCC Chapter 20.376, Chapter 20.444 and Chapter 20.472.

The proposed development, a single-family residence, appurtenant structures and utilities, is consistent with MCC Section 20.376.010 and Section 20.416.015 and Division II of Title 20 of Mendocino County Codes.

Visual Resources: The site is not mapped as a Highly Scenic Area, therefore, the proposed development is subject to only to the Policy 3.5-1 of the Coastal Element, which states:

> *"The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas…"*

The proposed residence would not be visible from State Route 1, or any park, beach or recreation areas, and would not be out of character with surrounding development. With an average building height of 16 feet 10 inches, the residence complies with the 28 foot height limitation.

Condition 9 is recommended to require an exterior finish schedule for proposed materials and colors which will be visually compatible with the character of the surrounding area consistent with Mendocino County Coastal Element Policies 3.5-1 and Chapter 20.488.015(C) of the Mendocino County Code.

Condition 10 is recommended to require exterior lighting to be kept to the minimum necessary for safety and security purposes and to be downcast and shielded, and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Mendocino County Coastal Element Policies 3.5-1 and Section 20.504.035 of the Mendocino County Code.

Staff recommends the Coastal Permit Administrator adopt conditions 9 and 10 to ensure consistency with visual resource policies. With added conditions, the proposed project, will not increase view obstruction from nearby public areas, and is visually compatible with the character of surrounding areas and will be consistent with Mendocino County Coastal Element Policies 3.5-1 and MCC Chapters 20.488 and 20.504 regulations for parcels to be developed along the ocean and scenic coastal areas.

Hazards Management: Mendocino County Coastal Element Chapter 3.4, Hazards Management, addresses seismic, geologic, and natural forces within the Coastal Zone.

The proposed project is located on a bluff top to the Pacific Ocean and is within an area of "High Fire Hazard" severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Albion Little River Fire Protection District (ALRVFD). A State Fire Safe Regulations Application Form, CalFire File Number 71-20, for the project was submitted by the Applicant to CalFire, where the applicant received a setback exception letter, dated April 14, 2020, which states:

> "*Due to the extenuating circumstances, parcel size, and facts as to why the structure needs to be built closer than 30 feet from the property line, but will maintain this offices policy of setbacks no less than 6 feet, CalFire will not require any mitigations for the exception*".

The proposed project was referred to both fire protection agencies, while no response from ALRVFD has been received by staff at this time. CalFire provided comment requiring the proposed project follow the recommended conditions of approval as outlined under CalFire File Number 71-20, kept on file with the Mendocino County Department of Planning & Building Services.

Condition 4 is recommended to achieve compliance with CalFire fire safe standards. With the inclusion of this condition, the proposal would be consistent with Mendocino County policies and CalFire fire safe standards for fire protection.

Condition 5 is recommended to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction and ensures any fire protection policy or plan will be addressed.

Since the proposed project is located on a blufftop parcel, geological investigations are required. Brunsing Associates, Inc. (Brunsing) prepared an Updated Geotechnical Investigation, dated July 24, 2019, to a previously performed geotechnical investigation conducted in 2005, also prepared by Brunsing.

Seawalls, breakwaters, and other structures altering natural shoreline processes or retaining walls are not proposed. It is the policy of the California Coastal Commission and Mendocino County to require recordation of a deed restriction as a condition of development on blufftop parcels, prohibiting the construction of seawalls and requiring that permitted improvements be removed from the property if threatened by bluff retreat. The restriction requires that the landowner be responsible for any clean-up associated with portions of the development that might fall onto a beach or into the ocean. In accordance with a staff memorandum dated June 1, 2004, **Condition 12** is recommended by staff requiring the property owner to record a deed restriction prior to the final occupancy of any building permit associated with the Coastal Development Permit.

The Updated Geotechnical Investigation, dated July 24, 2019, kept on file with the Mendocino County Department of Planning & Building Services, concluded that a bluff setback of 46 feet for future improvements will guarantee a structural life of 75 years and includes a safety factor of 1.5 consistent with MCC Section 20.500.020 (B)(1). Recommendations for setbacks, site grading, foundation support, seismic design criteria, concrete slab-on-grade, retaining walls and site drainage were also provided. The proposed project will be consistent with the recommended 46 foot bluff setback. **Condition 13** is recommended to require the projects consistency with the recommendations of the updated geotechnical investigation report for the project.

With added conditions, the proposed project will be consistent with MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunami, landslides, and erosion), fire and flood hazards.

Habitats and Natural Resources: Several studies were completed for the proposed project by Wynn Coastal Planning & Biology (WCPB) in August 2020, including a Biological Scoping, Wetland Delineation and Botanical Survey Report, a Reduced Buffer Analysis and a Report of Compliance, all of which are kept on file with the Mendocino County Department of Planning & Building Services.

The various studies found four (4) Environmentally Sensitive Habitat Areas (ESHA); including wetlands, rare plant and rare wildlife community areas located on the parcel and within 100 feet of the proposed development and are as follows:

(1) *A 0.2± acre Coastal Act Wetland is located at the southwest portion of the parcel; and*
(2) *Two special status plant communities were located on the parcel, including northern coastal bluff scrub and slough sedge sward*; and
(3) *Two special status plans species communities were located on the parcel, including headland wallflower and Mendocino paintbrush*; and
(4) *A presumed larval host plan, harlequin lotus, for the Federally Endangered lotis blue butterfly was observed on the adjacent parcel, to the southwest, within the 50 feet presumed ESHA Buffer*.

Mendocino County Code requires that a sufficient buffer be established around all identified ESHA. A Reduced Buffer Analysis was included as Appendix F, in the Biological Scoping Survey, Wetland Delineation and Botanical Survey Report from WCPB and recommends a minimum 50 foot buffer area between sensitive habitats and the proposed development where feasible.

Due to the presence of ESHA on site, the Report of Compliance, included as Appendix G in the Biological Scoping Survey, Wetland Delineation and Botanical Survey Report from WCPB, was prepared for the project describing the sensitivity of the resources present and showing the least impactful location for the proposed development. WCPB concluded the 50 foot Reduced Buffer Analysis for slough sedge sward, Northern Coastal Bluff scrub and Harlequin lotus will sufficiently protect these resources from the proposed development.

Although, the proposed driveway location is approximately 10 feet from the edge of identified Coastal Act Wetland, the proposed single-family residence and septic system locations are more than 50 feet from the edge of the identified Coastal Act Wetland, yet directly impact identified Headland Wallflower.

Alternative locations for the proposed residence, septic and driveway were considered. Brunsing cautioned against development that could lead to the saturation of weak soils at the bluffs edge, which necessitates maintaining the 46 foot geotechnical bluff setback recommended for the septic and leach field. The driveway location was determined to be the least environmentally damaging location due to sensitive habitats and constraints for the septic. WCPB also reviewed alternative building site locations, and determined due to the recommended 46 foot geotechnical bluff setback, the best sites identified for the driveway and septic are the proposed locations, as shown on the *Site Plan*. The proposed single-family residence is located to the farthest distance possible outside of the Coastal Act wetlands and ESHA buffers with consideration of the other setbacks (yards, geotechnical and other ESHA buffers). The septic system has been designed to adhere to all regulations. All other project alternatives will have a greater negative impact due to encroaching in ESHA buffers and/or contributing to potential failure of sensitive bluff edges. The proposed project location does impact identified ESHA yet allows the property owner to develop a residence that is similar in size and scale to residences on adjacent properties in the same vicinity and zone as the project site.

A low wooded or row mitigation fence is proposed at a 15 foot setback from the bluff top edge, which conflicts with the recommended avoidance measures within the updated geotechnical report prepared by Brunsing, dated July 24, 2019, which recommends "*No development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing*".

The California Coastal Commission (CCC) provided comments recommending the mitigation fence be located at the recommended geotechnical 46 foot setback "*… to ensure that property owners understand on the ground where the deed restricted area is located, the County should require that the proposed "mitigation fencing" (permanent symbolic fencing) be located at the geologic setback line rather that at the bluff edge as proposed".*

California Department of Fish and Wildlife (CDFW) provided comments recommending specific mitigation and restoration measures regarding Headland Wallflower impacts, location of mitigation fence, landscaping methods and staging areas during construction to avoid impact to ESHA,

Mitigation measures have been identified by the project biologist to prevent and/or minimize potential impacts from the proposed development to identified ESHA. Mitigation measures, including restoration measures and proposed buffer areas were suggested in the Report of Compliance and are supported by California Department of Fish and Wildlife (CDFW).

The proposed project is not consistent with all LCP policies relating to ESHA, despite the identification of the least environmentally damaging alternative, the lack of feasible alternatives on site, the proposed mitigation measures to offset project impacts, and siting development to minimize vegetation removal. As stated above, Section 20.496.020(A)(1) reads in part, "*the buffer area shall be measured from the outside edge of Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width*." The project is inconsistent with this LCP policy; however, no alternative exists on the parcel that could be found to be consistent with this LCP policy. Prohibiting development within fifty (50) feet of an ESHA would deprive the owner of all use of the property. Consequently, staff evaluated if denial of the project would result in an unconstitutional taking of private property for public use, which is addressed in further detail in the Staff Report.

In summary, the proposed project cannot be found consistent with LCP polices relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 13 through 23** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development, and restore and enhance ESHA located on the parcel.

Grading, Erosion, and Run-Off: The area of the proposed single family residence and ancillary development is gently sloped towards the north, away from the subject parcel towards the bluff top edge, as shown on the *Topographic Map* and *Site Plan* map. As proposed, grading will occur at the time of construction of the proposed single family residence and ancillary development, including a septic system and the connection to utilities, including a driveway, water and electricity. The project would require minimal grading as the site is relatively level in the building area and will only require approximately 20 cubic yards of dirt movement.

As previously discussed with this staff report the parcel is located on a bluff top and an Updated Geotechnical Investigation, dated July 24, 2019, to a previously performed geotechnical investigation conducted in 2005, was prepared by Brunsing Associates, Inc. (Brunsing). Based upon review of various resources and on-site investigation, Brunsing concluded that a bluff setback of 46 feet for future improvements will guarantee a structural life of 75 years and includes a safety factor of 1.5 which is consistent with MCC Section 20.500.020 (B)(1). Recommendations for setbacks, site grading, foundation support, seismic design criteria, concrete slab-on-grade, retaining walls and site drainage were also provided. The proposed project complies with the recommended bluff setback.

Conditions 4 and 5 requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any grading, erosion and runoff protection and hazard area policies or plans will be addressed.

Recommendations for setbacks, site grading, foundation support, seismic design criteria, concrete slab-on-grade, retaining walls and site drainage were provided. **Conditions 12, 13, 20 and 23** are recommended to require the projects consistency with the recommendations of Brunsing's updated geotechnical investigation report for the project.

With added conditions, the proposed project is consistent with MCC Chapter 20.492 regulations for Grading, Erosion and Runoff Standards.

Groundwater Resources: The site is designated on the Mendocino County Coastal Groundwater Study Map as a Critical Water Resource Area, as shown on the *Ground Water Resources* map. Under the

project, potable water would be provided by the Pacific Reefs Water District (PRWD). The proposed project would be served by an on-site septic system. The applicant requests the probable future repair/replacement of the septic system. An initial septic system design has been approved by the Mendocino County Division of Environmental Health (DEH), septic permit number ST24188. The septic permit, ST24188, does not proposed to install the replacement system. The Department of Environmental Health (DEH) would require either a revision or a new septic permit for the installation of the replacement system. The replacement system shall be subject to current Local Coastal Program policies and DEH regulations at the future time of a replacement septic permit being requested and reviewed.

Staff finds the proposed project would not adversely affect groundwater resources. **Condition 4** is recommended to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure any groundwater protection policy or plan will be addressed.

With added conditions, the proposed project will be consistent with the Local Coastal Program policies related to groundwater resources and DEH.

Archaeological/Cultural Resources: The applicant submitted an Archaeological Survey prepared by Alta Archaeological Consulting, dated April 8, 2019. The project and survey were reviewed by the Mendocino County Archaeological Commission, on November 18, 2020, where the survey was accepted. Since resources were not identified in the survey, the Archaeological Commission recommended **Condition 8**, which advises the applicant of the "Discovery Clause." The "Discovery Clause" prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the recommended conditions, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resources.

The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria. As of this date, no response was received from any of the three local tribes.

Transportation/Circulation: The project would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. Access to the site would be provided from Pacific Reefs Road (private). The Mendocino County Department of Transportation had no comments on the proposed project. A minimum of two parking spaces are required for the project per MCC Section 20.472.015 and are shown on the site plan. Staff finds the proposed project to be consistent with transportation and circulation requirements.

Public Access: The project site is not designated as a potential public access point on the certified LCP maps. Public access would not be feasible on this site due to the extensive sensitive habitats. Staff finds the proposed project to be in conformance with public access policies contained in Mendocino County Code.

Takings Analysis: Despite the identification of the least environmentally damaging alternative, the proposed project is not consistent with Section 20.496.020 (A)(1), which reads in part, "*the buffer area shall be measured from the outside edge of Environmentally Sensitive Habitat Areas and shall not be less than fifty feet in width.*" The proposed project is sited less than fifty feet from ESHA boundaries.

California Coastal Act Section 30010 addresses 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."

The applicant and their sibling acquired the lot from their parents in an inheritance gift in approximately 1976, where the fair market value at that time was approximately $15,000.00. The applicant acquired one-hundred percent (100%) ownership of the lot in an exchange in kind in 2004, where the fair market value at that time was approximately $373,000.00. The subject parcel was created in 1964 and purchased by the applicant's parents for an unknown value sometime between 1964 and 1976. The purchase of the parcel predates the Coastal Act and the establishment of the current regulatory requirements that are impacting the proposed project's consistency with local regulations. The applicant has spent approximately $27,794.00 in the last five years to maintain the parcel. The applicant considered alternatives to the proposed development, including different development projects and alternative locations, were considered and analyzed by qualified professionals through preparing surveys and studies for future development of the site.

The proposed single-family residence is located to the farthest distance possible outside of the Coastal Act wetlands and ESHA buffers with consideration of the other setbacks (yards, geotechnical and other ESHA buffers). The septic system has been designed to adhere to all regulations. All other project alternatives will have a greater negative impact due to encroaching in ESHA buffers and/or contributing to potential failure of sensitive bluff edges. In WCPB's opinion the project as proposed is in the least impacting location. If all avoidance, minimization and compensatory mitigation measures presented in the biological report are adhered to, the project should have a less than significant effect on all special status resources present.

Alternative projects to the proposed development were considered, as discussed in further detail below. Alternative A would develop within the 50 foot buffer of Northern coastal bluff scrub and therefore potentially impact additional resources. In addition to removing invasive iceplant and spreading of Headland Wallflower seeds along the bluff edge, Wynn Coastal Planning and Biology (WCPB) would recommend a mix of native, northern coastal bluff scrub species be planted within the northern coastal bluff scrub 50 foot buffer zone to help boost the health and resilience of the current population to make up for impacts created by the additional encroachment. All other mitigation and avoidance measures listed for the proposed development would be recommended as well.

Alternative B may impact the northern coastal bluff scrub by increasing erosion along the bluff edge. The geologist for this project cautioned against development that could lead to the saturation of the weak soils at the bluff edge. If this alternative were pursued WCPB would recommend additional plantings of soil stabilizing species between the septic system and the bluff edge. WSPB would recommend additional wax myrtles be planted south of the house along and within the 50 foot buffer of the Coastal Act wetland to act as a natural barrier from light pollution from the single-family residence at night. All other mitigation and avoidance measures listed for the proposed development would be recommended as well.

The two (2) largest limitations were related to Coastal Act wetlands and ESHA buffers with consideration of the other setbacks (yards, geotechnical and other ESHA buffers), as required by MCC Sections 20.496.020(A)(4)(b), 20.500.020(B) and 20.532.060(E). In this case, prohibiting development within fifty feet of an ESHA would deprive the owner of all access to the property. There are no alternative development options where the project can be at least fifty feet from ESHA, as the majority of the site is ESHA or its associated buffer.

MCC Section 20.376.010 states the principally permitted use types in the RR district include, single-family residential, vacation home rental, light agriculture, row and field crops, tree crops and passive recreation. Due to the prevalence of ESHA on the parcel, all principally permitted uses except for passive recreation would require encroachment into a fifty foot ESHA buffer. The allowed agricultural uses would require substantial site disturbance and clearing and are not a viable way to use the property. Passive recreation use would be the only option that would be less impactful than the construction of a single family residence and possibly not require any activities meeting the definition of development under the Coastal Act. Passive recreation uses do not afford the property owner an economically viable use.

In order to assess if the applicant's expectation to develop the parcel with a 2,400± square foot single

family residence, 385± square foot attached garage, and 1,300± square feet of decking and patios on approximately one (1) acre, was similar to comparable single family homes in the area, demonstrated through a Takings Analysis, which is kept on file with the Mendocino County Department of Planning & Building Services. The average overall square footage of single family residences in the area was 2,400 square feet with an average overall footprint of 2,800 square feet. The proposed development is roughly equal to the square footage of development in the area over all years reviewed.

Staff believes, at the time of original purchase, there was a reasonable investment backed expectation that that the scale of the residential development proposed is consistent with similar properties in the vicinity. Considering the property is zoned for residential development as a principally permitted use, and residential development exists on adjacent properties, a reasonable person would have believed that the property could have been developed with a single family residence.

The proposed project is considered the most feasible, least environmentally damaging alternative that avoids sensitive plant ESHA and related ESHA and geotechnical buffer requirements which satisfies the investment backed expectation of the owner. Mitigation Measures were recommended in the Report of Compliance and are recommended as **Conditions 13 through 23** to ensure the project does not have an adverse impact on the sensitive resources at the site.

ENVIRONMENTAL DETERMINATION: The Coastal Permit Administrator finds that 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, a Mitigated Negative Declaration is adopted.

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

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program, 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 proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The proposed project will be served by the Pacific Reefs Water District and an on-site sewage disposal system. The proposed driveway, off Pacific Reefs Road (private), is adequate to serve the proposed development. Drainage and other necessary facilities have been considered in the project design; and

3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Rural Residential (RR) zoning and Development Limitations (DL) combining districts, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, and preserves the integrity of the RR zoning and DL combining district. With compliance with the conditions of approval, the proposed single-family residence, appurtenant structures, and associated utilities would satisfy all development requirements for the districts; and

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 12 through 23** 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 proposed development would not have any adverse impact on any known archaeological or paleontological resources, and **Condition 8** is in place when archaeological sites or artifacts are discovered; and

6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. Solid waste service is available either as curbside pick-up or at the Albion Transfer Station (several miles away). While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site; and

7. Pursuant with MCC Section 20.532.095(B), the proposed development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea; and is not designated as a potential public access point.

8. Pursuant to 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. Adjacent properties in the vicinity were reviewed to determine that the size and scale of development is in conformance with adjacent properties. Mitigation measures have been recommended to reduce any potential impacts from the proposed project. As conditioned, the proposed development will not significantly degrade the resources as identified.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by ""):**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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

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

5. The Applicants shall secure all required building permits for the proposed development of the appurtenant structures, and associated utilities as required by both the Building Inspection Division of the Department of Planning and Building Services and the Department of Environment Health.

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

    a. The permit was obtained or extended by fraud.

    b. One or more of the conditions upon which the permit was granted have been violated.

    c. The use for which the permit was granted is conducted so as to be detrimental to the public

health, welfare or safety, or to be a nuisance.

d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

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

8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner 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 Code.

9. Prior to issuance of a Building Permit, the property owner shall furnish exterior finish schedule consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.015(C), for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.

10. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.035, for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.

11. Prior to the final occupancy of any building permit associated with the Coastal Development Permit, the Applicants, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:

    a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; 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. 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 project shall be fully the responsibility of the applicant; 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 structures on the parcel, including septic infrastructure, when bluff retreat reaches the point where the structures are threatened. In the event that portions of the subject structures or other improvements associated with the subject structures fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; 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.

12. ** Mitigation and Avoidance Measures proposed in the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, shall be incorporated into the design and construction of the proposed project. Prior to the final occupancy of any building permit associated with the Coastal Development Permit, the applicant shall submit evidence that qualified geotechnical or civil engineer has reviewed the final grading and foundation plans. No development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing.

13. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.1 are required to provide for the protection of potential special status birds during nesting season, as follows:

    a. Seasonal Avoidance: No surveys are required if construction activity occurs in the non-breeding season (September to January). If construction activity is to occur during the breeding season (February to August), a pre-construction survey is required within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development. A copy of the survey, if required, shall be submitted to Planning and Building Services.

    b. Nest Avoidance: If active special status bird nests are observed, no ground disturbing activities shall occur within a 100-foot exclusion zone. These exclusion zones vary depending upon species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest sit weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.

    c. Construction shall occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

14. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.2 are required to provide for the protection of potential special status bat species, as follows:

    a. No pre-construction surveys are required if construction can occur between September 1st and October 31st. If it is necessary to disturb potential bat roost sites between November 1st and August 31st, pre-construction surveys shall be performed by a qualified biologist within 14 days prior to the onset of development activities.

    b. Pre-construction bat surveys involve surveying trees, rock outcroppings, and building subject to construction for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied.

    c. If active bat roosts are observed, no ground disturbance activities within potential to impact bats shall occur within a minimum 50-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active roost until all young are no longer dependent upon the roost.

    d. Construction shall occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

15. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.3 are required to provide for the protection of potential special status amphibians, as

follows:

a. Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers shall be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that any special status amphibians are observed during construction.

b. During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.

c. During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.

d. If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops.

   Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. If no special status amphibians are found during inspections, ground-disturbing activities may resume.

   If a special status amphibian is detected, construction crews shall stop all ground disturbing work and contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from CDFW will then be needed prior to reinitiating work. CDFW will need to be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians.

e. A row of genetically native and locally sourced wax myrtles (Morella californica) will be planted along the north edge of the Coastal Act Wetland. These wax myrtles will served to increase the benefit of the buffer distance between the proposed development and the Coastal Act Wetland, which is potential resting, hiding and feeding habitat (but likely to be breeding habitat) for amphibians. The wax myrtles will also help shield this area from light coming from the residence.

16. ** Mitigation and Avoidance Measures proposed in the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, and the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.4 are required to prevent potential impacts to soil and vegetation, as follows:

    a. Stage all building materials, including excavated soils, and construction vehicles in upland areas outside any ESHAs and their buffers.

    b. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization.

17. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.5 are required to prevent potential impacts to Wetland, as follows:

    a. Silt fencing and orange construction fencing paired with straw wattles shall be installed between the Coastal Act wetland and the proposed development, separating the wetlands and their buffer zones from the construction related impact area. No materials storage, heavy equipment use or other impacts shall occur with the fenced off wetlands area. Straw wattles shall be properly installed to intercept liquids leaving the construction area. All fencing shall be maintained in a

functional manner through the duration of construction and until all disturbed soil is stabilized. Fencing shall be checked and appropriate maintenance shall occur on a weekly basis and after each rain event.

b. Ground disturbing construction should only occur during the dry season. If a rain event occurs during the ground disturbance period, all ground disturbance activities will cease for a period of 48 hours after the rain stops.

c. A row of genetically native and locally sourced wax myrtles (Morella californica) will be planted along the northern edge of the Coastal Act wetland. These wax myrtles will serve to increase the benefit of the buffer distance between the proposed development and the Coastal Act wetland and will enhance the functionality of the Coastal Act wetland as habitat.

18. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.6 are required to prevent potential impacts to special status Slough Sward and Northern Coastal Bluff Scrub Natural Communities, as follows:

    a. A suitable buffer shall be established between special status plant communities and proposed developments. A reduced buffer analysis has been conducted and a buffer distance of 50 feet was determined to be suitable to protect the resources present. No construction or materials staging shall occur within 50 feet of the special status plant communities identified and mapped as presumed ESHA. It is required that CDFW concurs that 50 feet is an appropriate buffer distance.

    b. Silt fencing and orange construction fencing shall be installed along the northern edge of the building envelops as close as possible to the 50 foot buffer from the northern coastal bluff scrub. This fencing will also serve to protect the Mendocino Paint brush and Headland Wallflower plants growing within the habitat bluffward of the fence. The slough sedge sward is also Coastal Act wetland and will be protected by fencing and straw wattles as discussed in section 7.5 of the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting.

    c. A row of genetically native and locally sourced wax myrtles (Morella californica) will be planted along the north edge of the Coastal Act Wetland, which included the slough sedge sward. These wax myrtles will served to increase the benefit of the buffer distance between the proposed development and slough sedge sward and will enhance the functionality of the slough sedge sward as habitat.

19. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.7 are required to prevent potential impacts to Harlequin Lotus Butterfly Habitat, as follows:

    a. A suitable buffer shall be established between the harlequin lotus plants, which are potential habitat of the lotis blue butterfly, and proposed developments. A reduced buffer analysis has been conducted and a buffer distance of 50 feet was determined to be suitable to protect the resources present. No construction or materials staging shall occur within 50 feet of the special status plant communities identified and mapped as presumed ESHA. It is required that United States Fish and Wildlife Services and CDFW concurs that 50 feet is an appropriate buffer distance.

    b. The population of harlequin lotus cannot be effectively fenced because it occurs on a neighboring parcel to the southwestern side of the Pacific Reef Road, opposite the subject parcel. This road is in use by neighbors and must be used to access the project site. Construction contractors shall be informed of the presence of the harlequin lotus, the reasons for its protection, and will be instructed not to park on or use this area for any staging or vehicle turn-around purposes.

20. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.8 are required to prevent potential impacts to Headland Wallflower, as follows:

    a. Potential impact to Headland Wallflower within the northern coastal bluff scrub habitat can be avoided by following the mitigations recommended for that natural community within the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.6 and a Mitigation Monitoring and Reporting Plan is recommended.

    b. Headland Wallflower is precluded from growing within an approximately 2,000 square foot portion of the subject parcel by heavy mats of invasive iceplant. This area, which is at the break in slope of the bluff top edge, is an ideal topographical location for Headland Wallflower. Special care shall be taken to avoid overspray and chemical drift into areas vegetated with native plants, as follows:

    c. A low wooded or row mitigation fence shall be installed, set back from the bluff top edge and consistent with the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, where no development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing, to denote sensitive natural habitat to its north and to discourage entry into this area. The proposed location of the permanent mitigation fence should be placed to maximize exclusion of human impacts to the restoration area. This location is which will be converted to native habit supporting Headland Wallflower. The area north of the permanent mitigation fence shall be maintained as native habitat.

    d. Five Headland Wallflowers are located outside of the Northern coastal bluff scrub habitat and may be directly impacted by construction or the proposed single-family residence and septic system. Headland Wallflowers are biennial or short-lived perennial plants that grow vegetatively the first year, go dormant during winter and then regrow and got to seed that following year (and sometimes survive to seed again an additional year or two). Headland Wallflowers have a deep taproot and are unlikely to be successfully transplanted unless very young, so transplanting is not recommended. Seed will be collected from individuals prior to construction and dispersed north of the single-family residence within an area vegetated with ice plant at the time of the biological surveys. The iceplant in this area will be removed prior to seeding creating new habitat for the Headland Wallflower along the blufftop edge.

21. ** Mitigation Measures and Restoration proposed in the Report of Compliance, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 4 are required to prevent potential impacts to Environmentally Sensitive Habitat Area (ESHA), as follows:

    a. The proposed single-family residence is located to the farthest distance possible outside of the Coastal Act wetlands and ESHA buffers with consideration of the other setbacks (yards, geotechnical and other ESHA buffers). The septic system has been designed to adhere to all regulations. All other project alternatives will have a greater negative impact due to encroaching in ESHA buffers and/or contributing to potential failure of sensitive bluff edges. In WCPB's opinion the project as proposed is in the least impacting location. If all avoidance, minimization and compensatory mitigation measures presented in the biological report at adhered to, the project should have a less than significant effect on all special status resources present.

22. ** Mitigation Measures and Restoration proposed by California Department of Fish and Wildlife (CDFW) and California Coastal Commission (CCC), are required to prevent potential impacts to Environmentally Sensitive Habitat Area (ESHA), as follows:

    a. Prior to the issuance of the Coastal Development Permit, the owners shall furnish a staging plan with planting of native, regional appropriate species for review and approval by California Department of Fish and Wildlife. Any recommendations of California Department of Fish and Wildlife as a result of review of that survey shall be adhered to, and

b. Prior to the issuance of the Coastal Development Permit, the owners shall furnish a landscaping plan with planting of native, regional appropriate species for review and approval by California Department of Fish and Wildlife. Any recommendations of California Department of Fish and Wildlife as a result of review of that survey shall be adhered to.

23. ** Mitigation Measures and Restoration proposed by California Department of Fish and Wildlife (CDFW) and California Coastal Commission (CCC), are required to prevent potential impacts to Environmentally Sensitive Habitat Area (ESHA), as follows:

    a. ** Prior to the final occupancy of any building permit associated with the Coastal Development Permit, the Applicants, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:

        i. No plant species listed as problematic, invasive or "noxious weed" by the California Native Plant Society, California Invasive Plant Council, State of California or the federal government shall be allowed to naturalize or persist on the site; and

        ii. Restoration activities should avoid removal of native species to the greatest extent feasible; and

        iii. Use of hand tools is recommended; and

        iv. Use of herbicide is discouraged for removal of iceplant. If herbicide is to be used, the Habitat and Mitigation Monitoring Plan (HMMP) should provide specifications on application. Compensatory mitigation success should include full eradication of iceplant above break in slope of the headlands (i.e. not along bluff face) as a goal; and

        v. The proposed location of the permanent mitigation fencing should be placed to maximize exclusion of human impacts to the restoration area; and

        vi. As mitigation activities includes the propagation of headland wallflower by scattering seeds in cleared area, the HMMP needs to address and identify potential contingency measures if no individuals germinate; and

        vii. The applicant shall submit evidence that qualified geotechnical or civil engineer has reviewed the final grading and foundation plans. No development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing.

24. ** 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 (CDFW) 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 $2,530.25 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 applicant has the sole responsibility to insure timely compliance with this condition.**

Staff Report prepared by:

DATE

JESSIE WALDMAN
PLANNER II

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

ATTACHMENTS:

A. Location Map
B. Aerial Imagery (Vicinity)
C. Aerial Imagery
D. Topographical Map
E. Site Plan
F. Floor Plan
G. Elevations NW
H. Elevations SE
I. Exterior Finishes
J. Zoning Display Map
K. General Plan Classifications
L. LCP Land Use Map 18: Albion
M. LCP Land Capabilities & Natural Hazards
N. LCP Habitats & Resources
O. Appealable Areas
P. Adjacent Parcels
Q. Fire Hazard Zones & Responsibility Areas
R. Wetlands
S. Ground Water Resource Areas
T. Estimated Slope
U. Western Soils Classifications
V. Farmland Classifications

SUMMARY OF REFERRAL AGENCIES COMMENTS:

Albion Little River Fire District	No Comment
Archaeological Commission	Comments
Assessors	No Comment
Building Division (FB)	No Comment
CalFire (Land Use)	Comment
California Coastal Commission (CCC)	Comments
California State Clearinghouse	No Response
California Dept. of Fish and Wildlife (CDFW)	Comments
California Native Plant Society (CNPS)	No Response
Cloverdale Rancheria	No Response
Department of Transportation	No Comment
Environmental Health (EH)(FB)	Comments
Pacific Reefs Water District (PRWD)	No Response
Planning Division (Ukiah)	No Comment
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	No Response

Initial Study available online at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator

REFERENCES:

(Coastal Element) Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan, Coastal Element. 1985. Accessed February 26, 2021, at: https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element

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Mendocino County Department of Planning & Building Services. June 2011. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed February 26, 2021, at: https://www.mendocinocounty.org/government/planning-building-services/county-maps.

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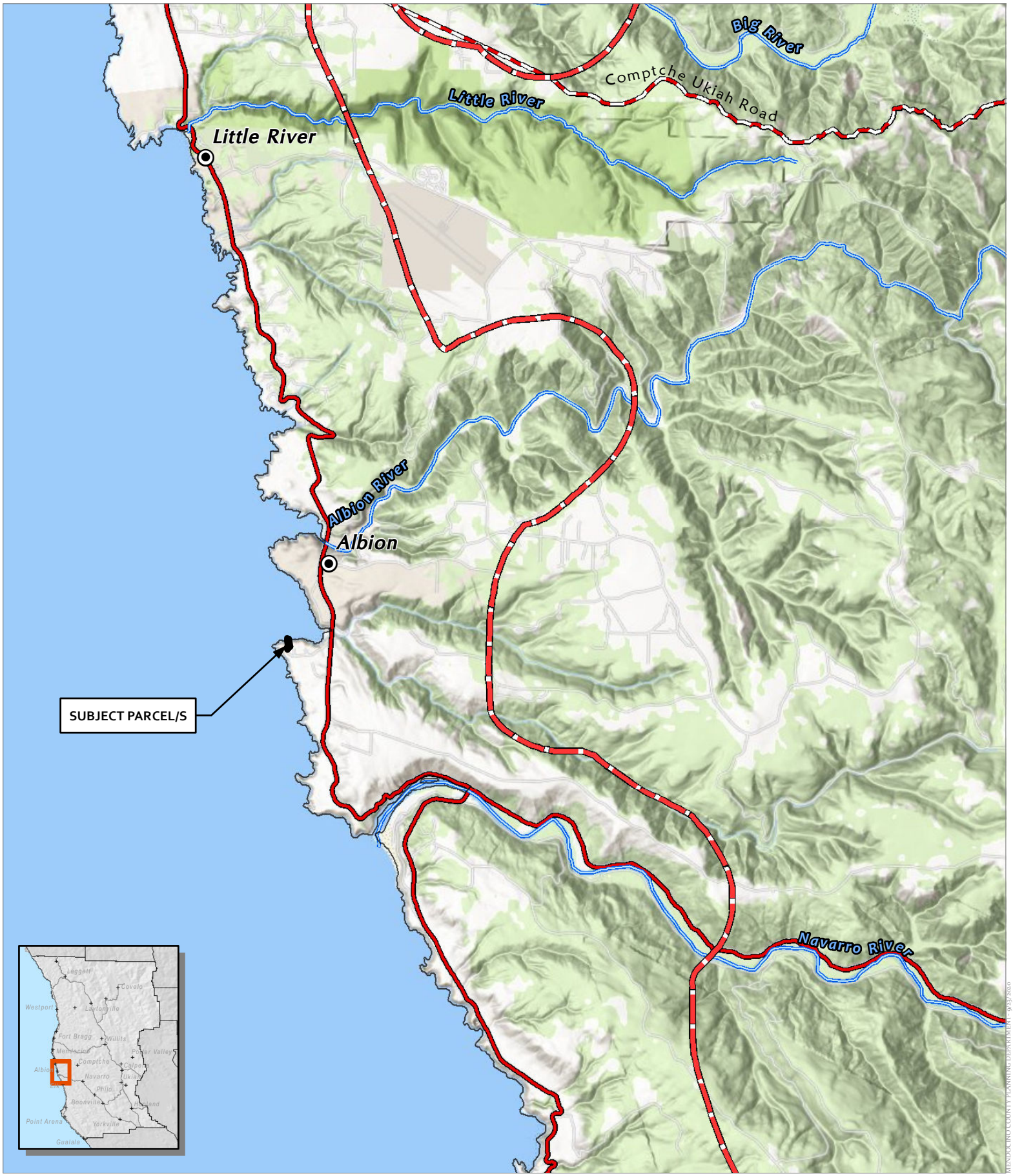


CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

Major Towns & Places
Highways
Coastal Zone Boundary
Major Roads
Major Rivers

0 2,550 5,100 Feet
0 0.5 1 Miles
1:63,360

MENDOCINO COUNTY PLANNING DEPARTMENT 09/27/2020

LOCATION MAP

ATTACHMENT A

CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

Named Rivers
Public Roads
Private Roads
Driveways/Unnamed Roads

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

AERIAL IMAGERY

ATTACHMENT B

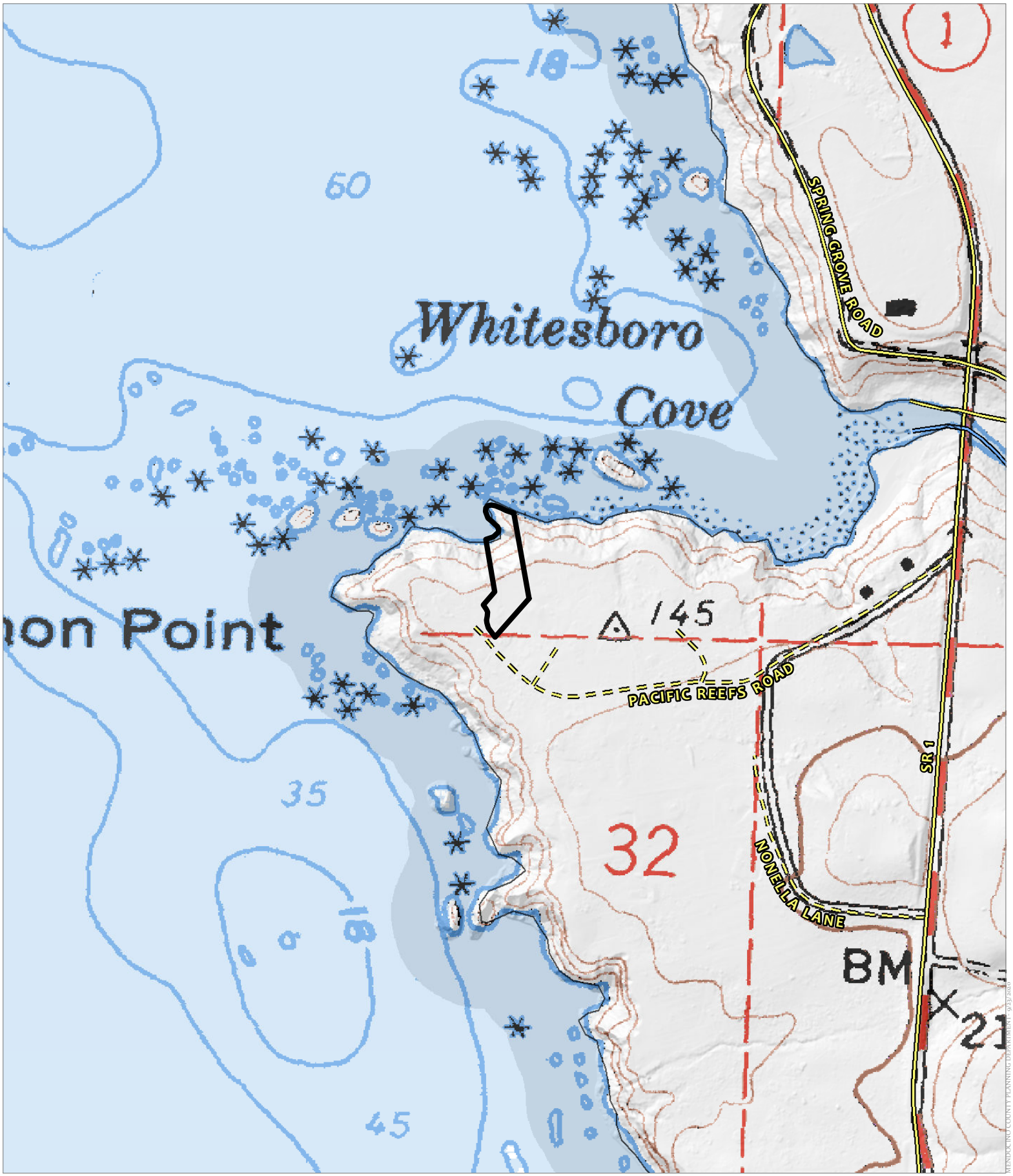
CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

= = = Private Roads

0 50 100 Feet
0 0.0075 0.015 Miles
N W E S
1:1,200

AERIAL IMAGERY

ATTACHMENT C



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Named Rivers
Public Roads
Private Roads
Driveways/Unnamed Roads

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

ATTACHMENT D

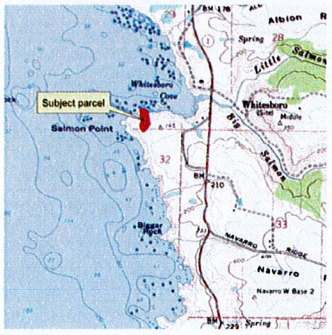
Lands of Boothe
Section 29 & 32, Township 16 North,
Range 17 West, Mount Diablo Meridian
Mendocino County, CA

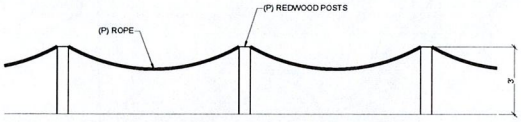
General Notes

General Plan Designation	RR 5 (1) : R
Zoning District	RR : 5
Urban/Rural	Rural
Highly Scenic Area	No
Proposed Land Use	SFR
Appealable to Coastal Commission	Yes
Entitlement Permit Type	CDP
Yard Setbacks	20' front & rear, 6' sides
CalFire Setbacks	Exempt per CalFire # 71-20
Corridor Preservation Setback	25' from centerline of Pacific Reefs Road
Height Limit	28'
Environmental Constraints	Yes
Potential Geologic Hazards	Yes, 46' setback
Landscaping	No
Water Source	Pacific Reefs Water District
Wastewater Disposal	On site septic
Tree Removal	None
CDP Lot Coverage Tabulation Gross Site Area (Parcel 2)	
Gross Site Area	1.293 ac (56,323.08 sf)
Maximum allowable lot coverage	20% (11,264.62 sf)
Lot Coverage	
(P) Footprint Residence	2,413 sf
(P) Footprint Attached Garage	385 sf
(P) Footprint - Patio & Walkways	1,680 sf
Proposed Total Building Footprint	4,478 sf
(P) Driveway & Parking	2,172 sf
Total Driveway & Parking	2,172 sf
Total Lot Coverage (Footprint)	6,650 sf (11.81%)

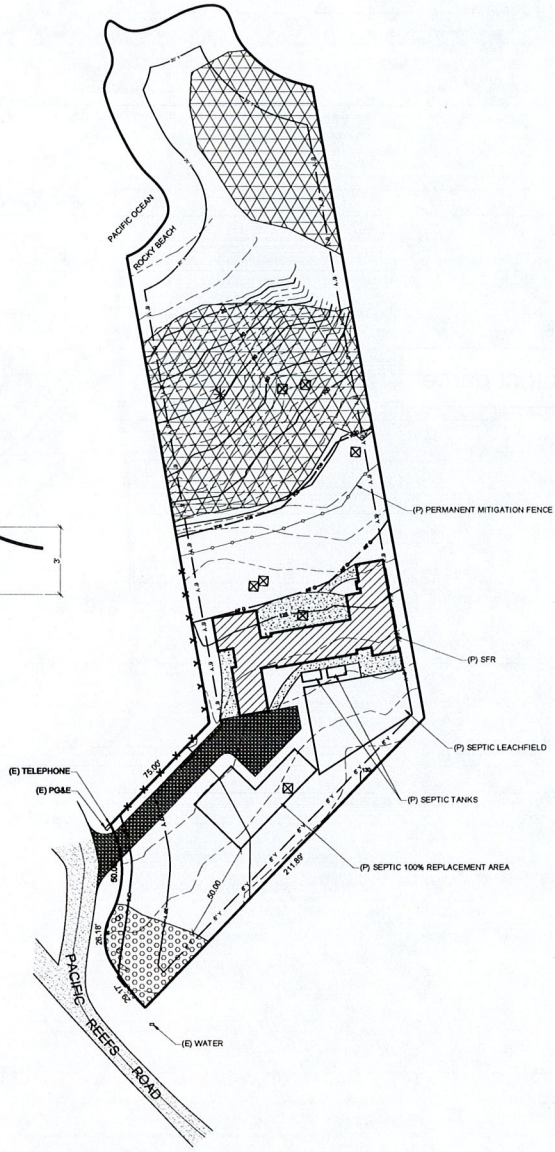
Sensitive Resources

Legend	Type	Distance from Development
⊠	HEADLAND WALLFLOWER	0'±
✳	MENDOCINO COAST INDIAN PAINTBRUSH	115'±
	NORTH COAST BLUFF SCRUB	51'±
	COASTAL ACT WETLAND	5'±





PROPOSED PERMANENT MITIGATION FENCE



LEGEND

- ⊠ HEADLAND WALLFLOWER
- ✳ MENDOCINO COAST INDIAN PAINTBRUSH
- NORTH COAST BLUFF SCRUB
- COASTAL ACT WETLAND
- (E) GRAVEL DRIVEWAY
- (P) GRAVEL DRIVEWAY
- 50' BUFFER
- 100' BUFFER
- (E) FENCE
- CORRIDOR PRESERVATION SETBACK
- YARD SETBACK
- TOP OF BLUFF (FEBRUARY 2019)
- 46' GEOTECHNICAL SETBACK (PER BACE)

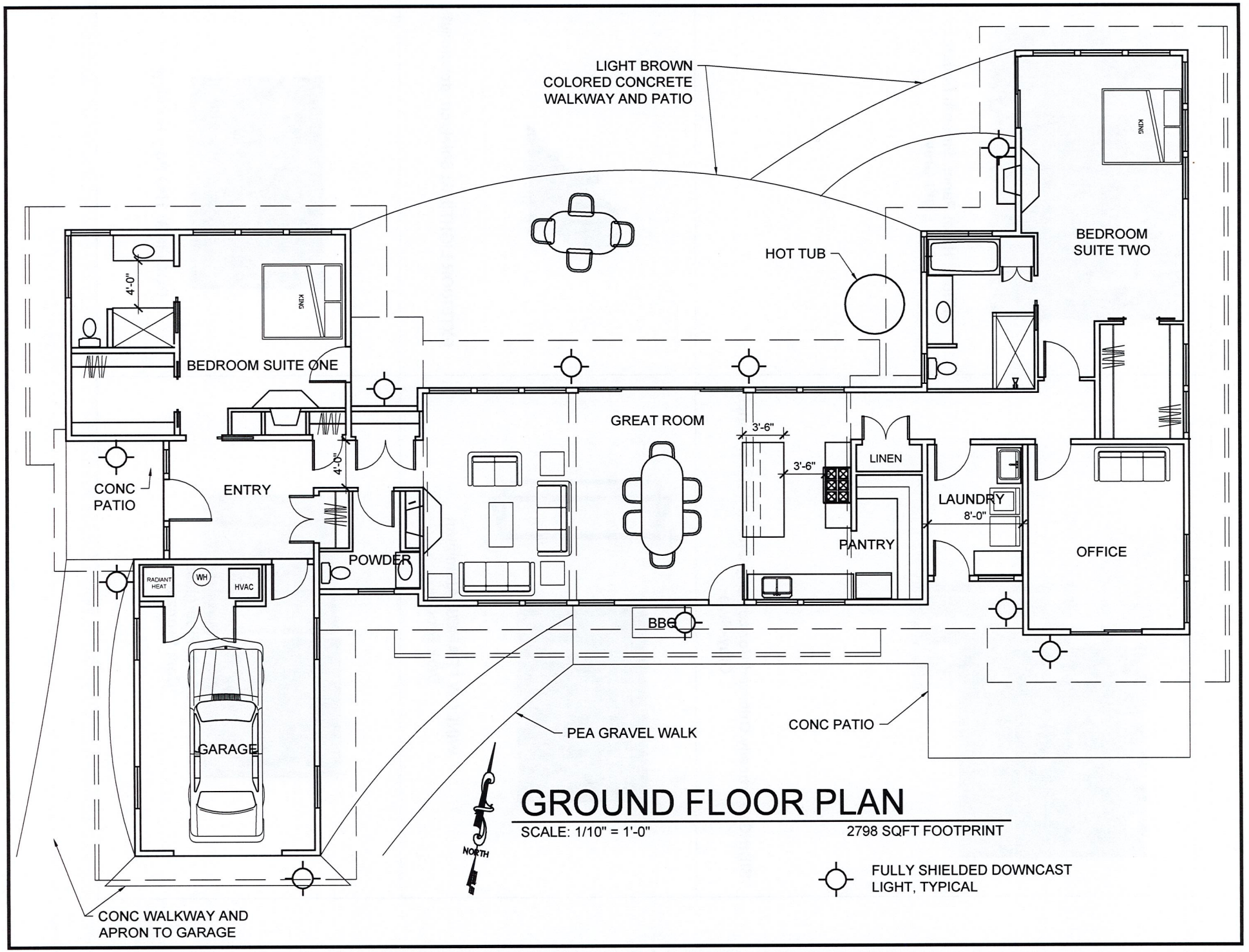
SITE PLAN | 1 : 30 | 1

SHEET 1 OF 1 SHEETS	REVISION	BY	DATE	APN: 123-310-13-00
				DRAWN BY: TH
				DATE: 8/27/2020
				SCALE: AS SHOWN
				APPROVED BY: TJ

LANDS OF BOOTHE
34350 Pacific Reefs Road
Albion, CA 95410

Wynn COASTAL PLANNING & BIOLOGY
703 North Main Street, Fort Bragg CA 95437
ph: 707.964.2537 fx: 707.964.2622 www.WCPlan.com

Design review, not meant for construction.



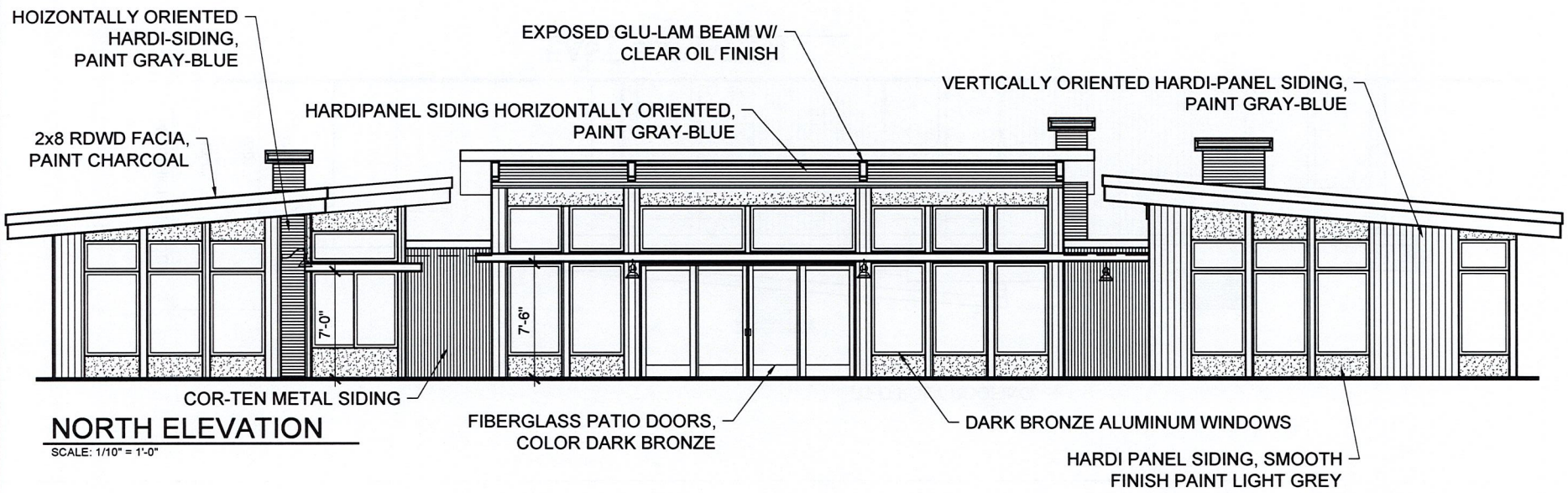
GROUND FLOOR PLAN

SCALE: 1/10" = 1'-0"

2798 SQFT FOOTPRINT

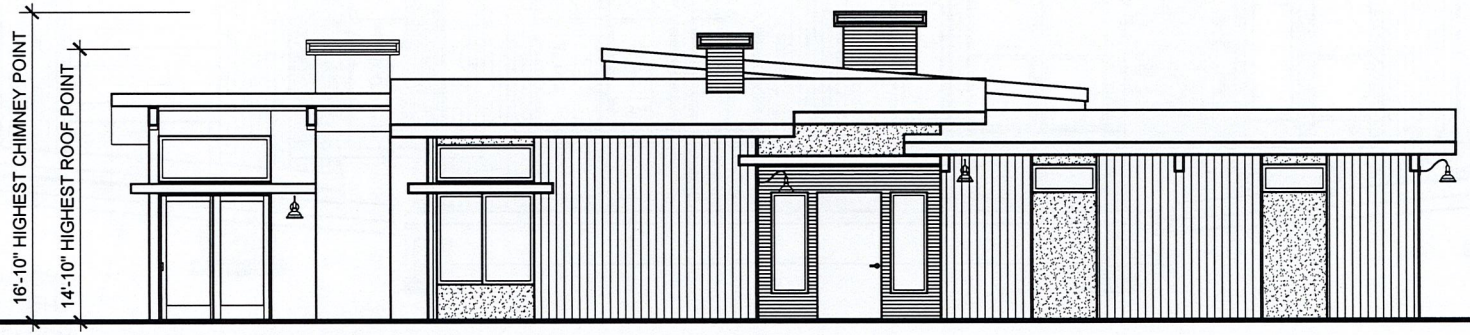
FULLY SHIELDED DOWNCAST
LIGHT, TYPICAL

ATTACHMENT F



NORTH ELEVATION

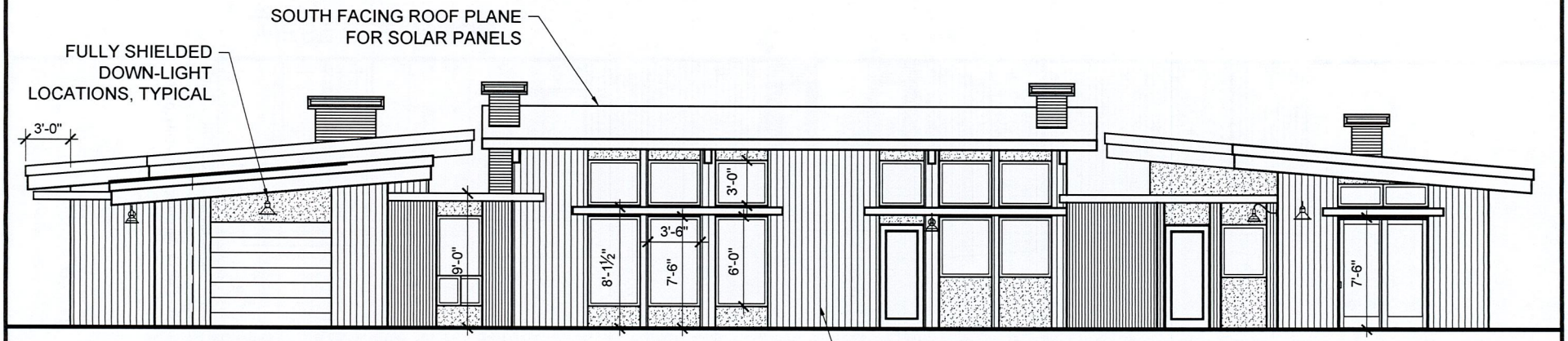
SCALE: 1/10" = 1'-0"



WEST ELEVATION

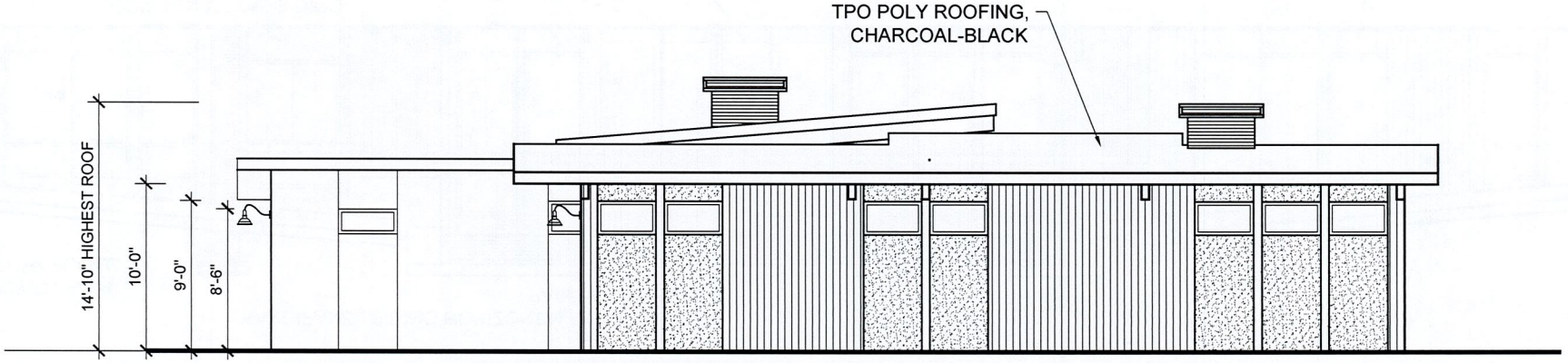
SCALE: 1/10" = 1'-0"

ATTACHMENT G



SOUTH ELEVATION

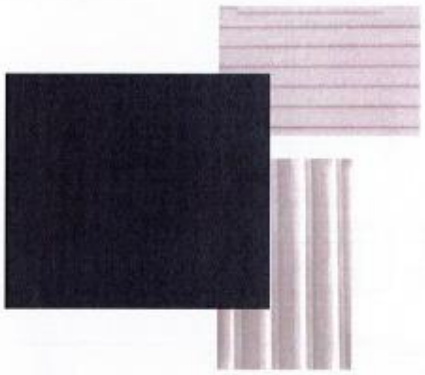
SCALE: 1/10" = 1'-0"



EAST ELEVATION

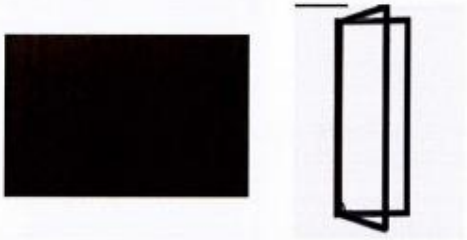
SCALE: 1/10" = 1'-0"

ATTACHMENT H



SIDING: Vertically Oriented/Horizontally Oriented Hardi-Panel, Gray-Blue

SIDING: Hardi Panel, Smooth Finish; Light Grey



WINDOW FRAMES: Aluminum Dark Bronze

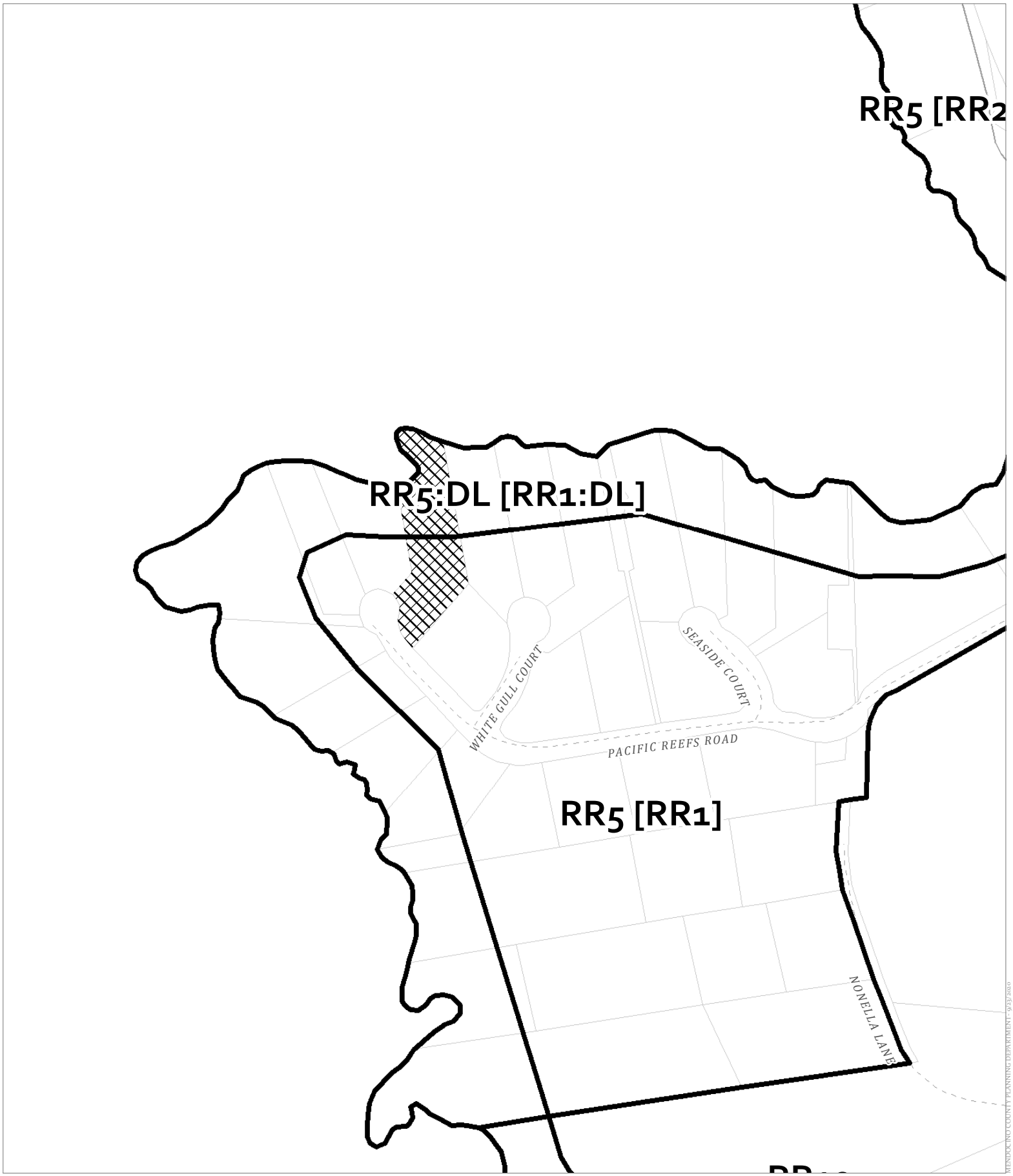
EXTERIOR LIGHTING: Shielded, downcast

DOORS: Fiberglass, Dark Bronze

ROOFING: TPO Poly Roofing

ROOFLINE: 2x8 RDWD FACIA, PAINTED CHARCOL

Siding: Cor-ten Metal; Bronze



CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

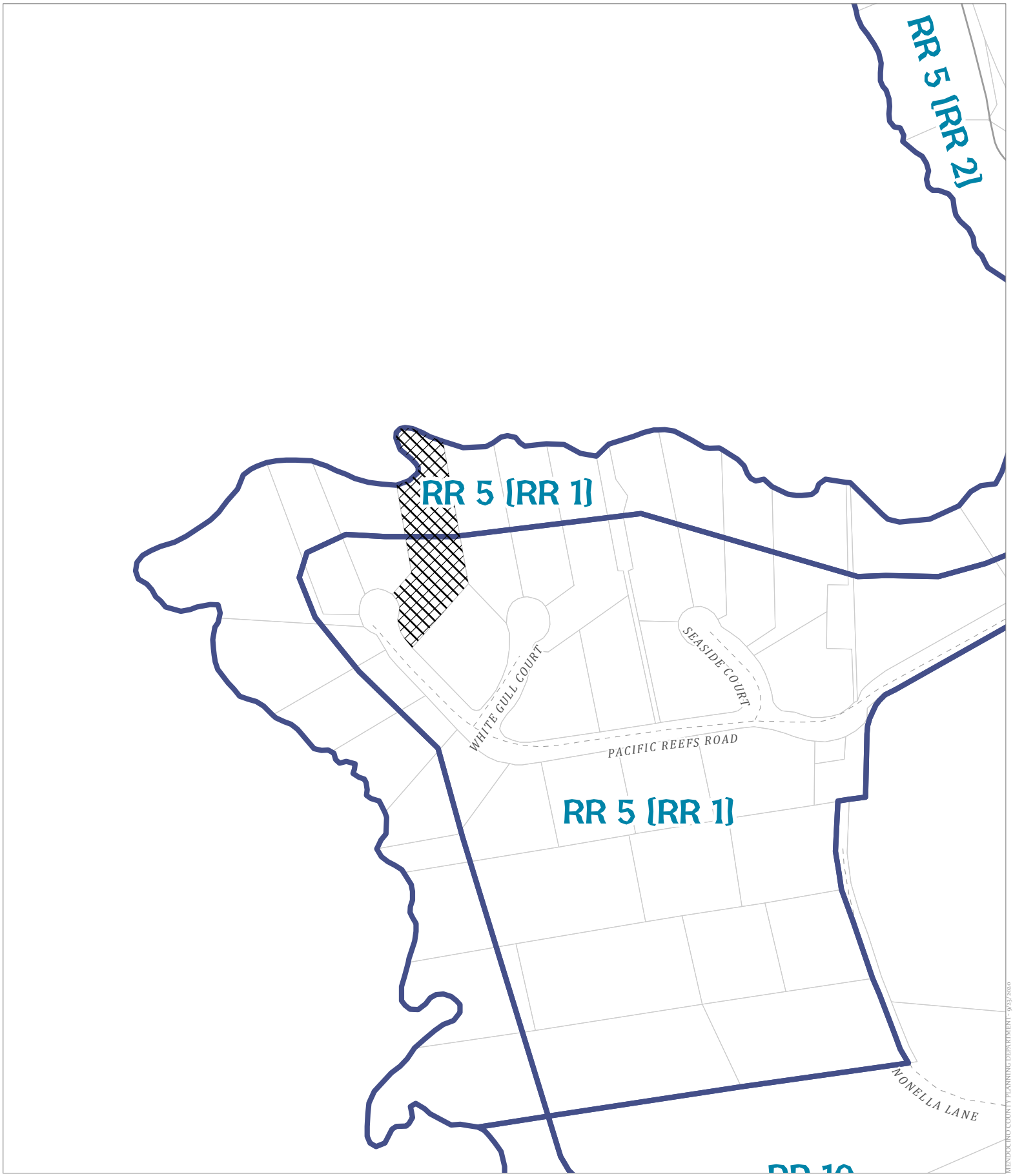
Zoning Districts
Public Roads
Assessors Parcels

0 150 300 Feet
0 0.025 0.05 Miles
1:3,600

ZONING DISPLAY MAP

ATTACHMENT J

MENDOCINO COUNTY PLANNING DEPARTMENT - 09/2020



CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

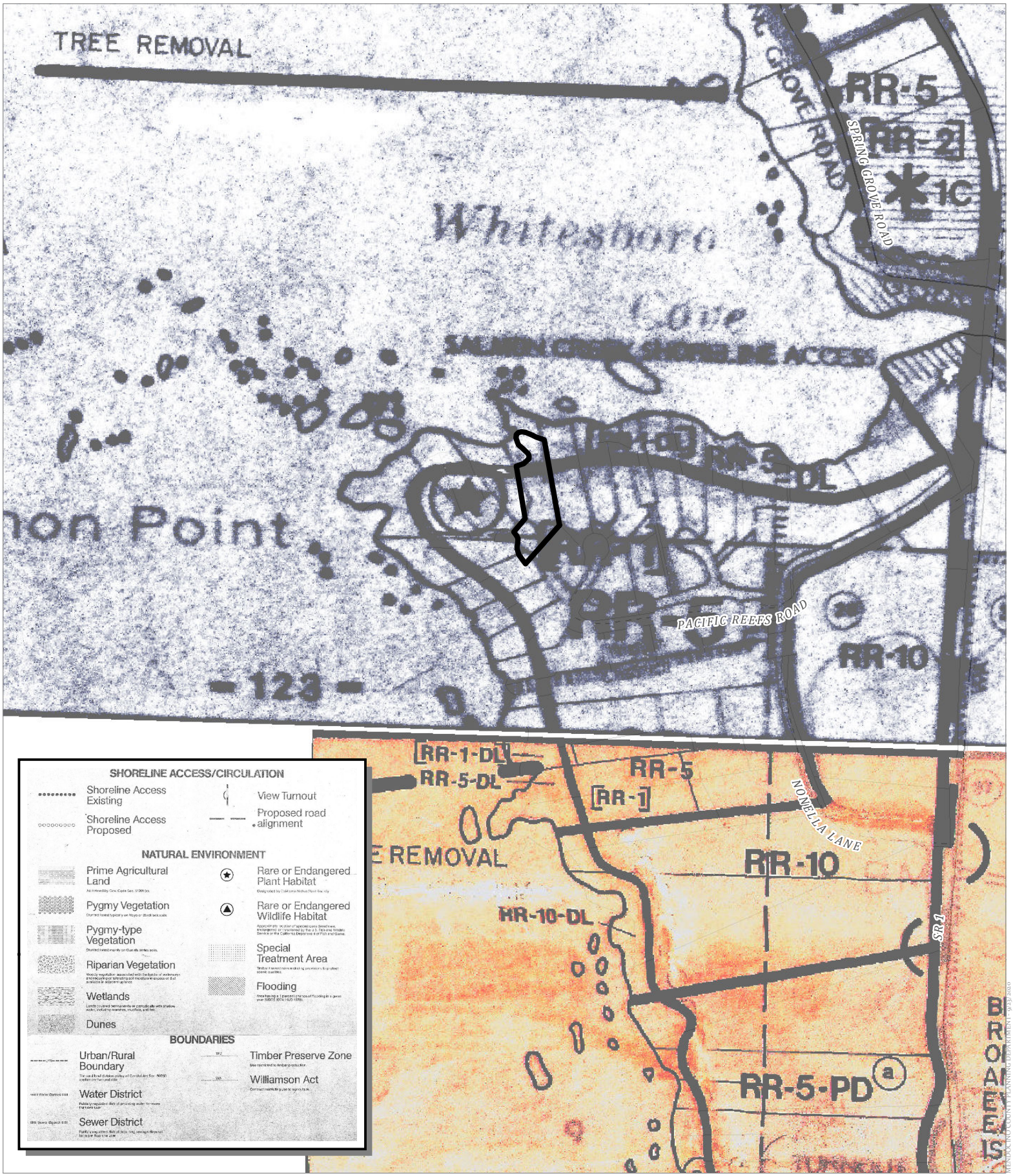
General Plan Classes
Public Roads
Assessors Parcels

0 150 300 Feet
0 0.025 0.05 Miles
1:3,600

GENERAL PLAN CLASSIFICATIONS

ATTACHMENT K

MENDOCINO COUNTY PLANNING DEPARTMENT - 09/07/2020



SHORELINE ACCESS/CIRCULATION

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

NATURAL ENVIRONMENT

- Prime Agricultural Land
- Pygmy Vegetation
- Pygmy-type Vegetation
- Riparian Vegetation
- Wetlands
- Dunes
- Rare or Endangered Plant Habitat
- Rare or Endangered Wildlife Habitat
- Special Treatment Area
- Flooding

BOUNDARIES

- Urban/Rural Boundary
- Water District
- Sewer District
- Timber Preserve Zone
- Williamson Act

CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

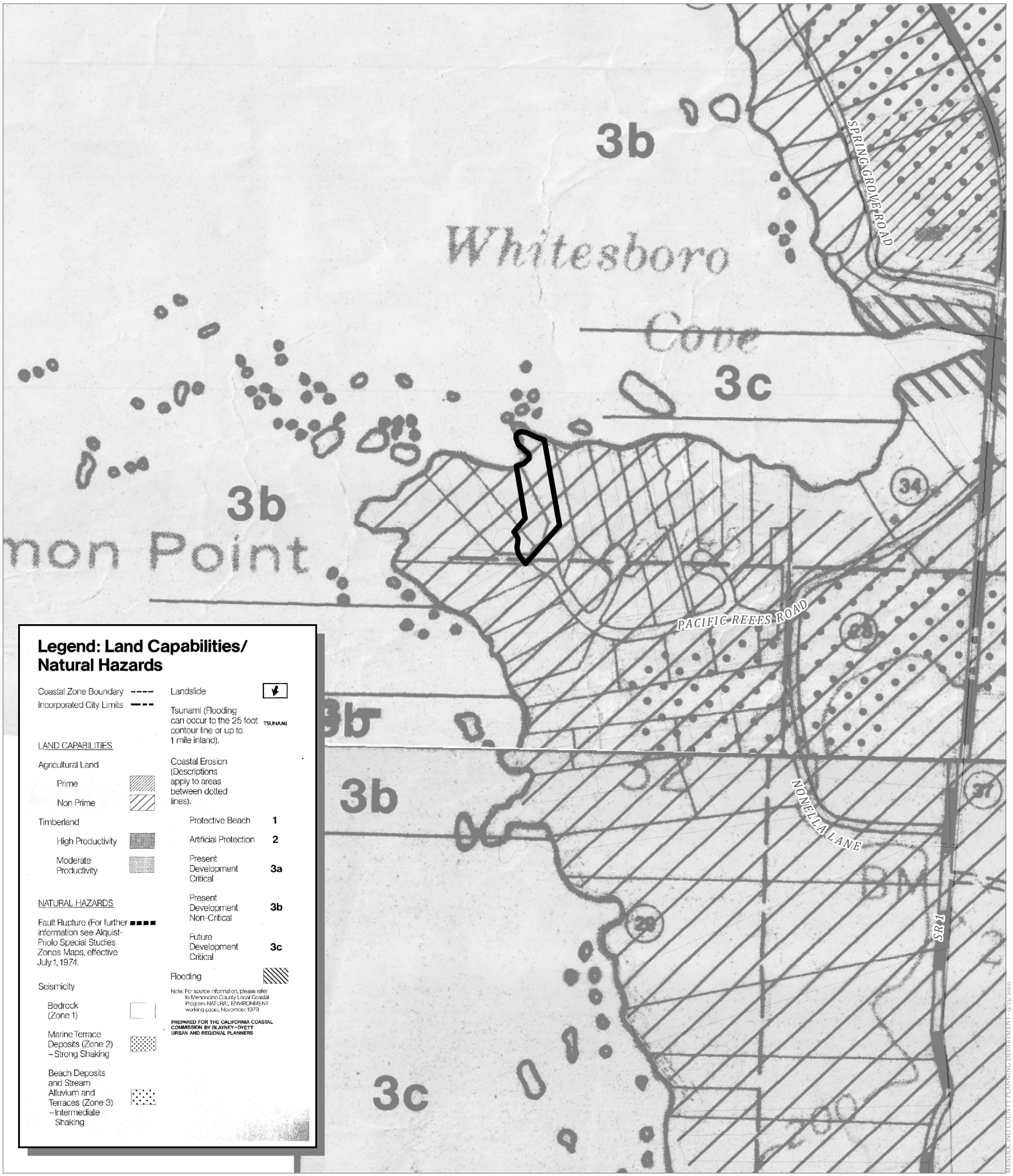
Public Roads

Assessors Parcels

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

LCP LAND USE MAP 18: ALBION

ATTACHMENT L



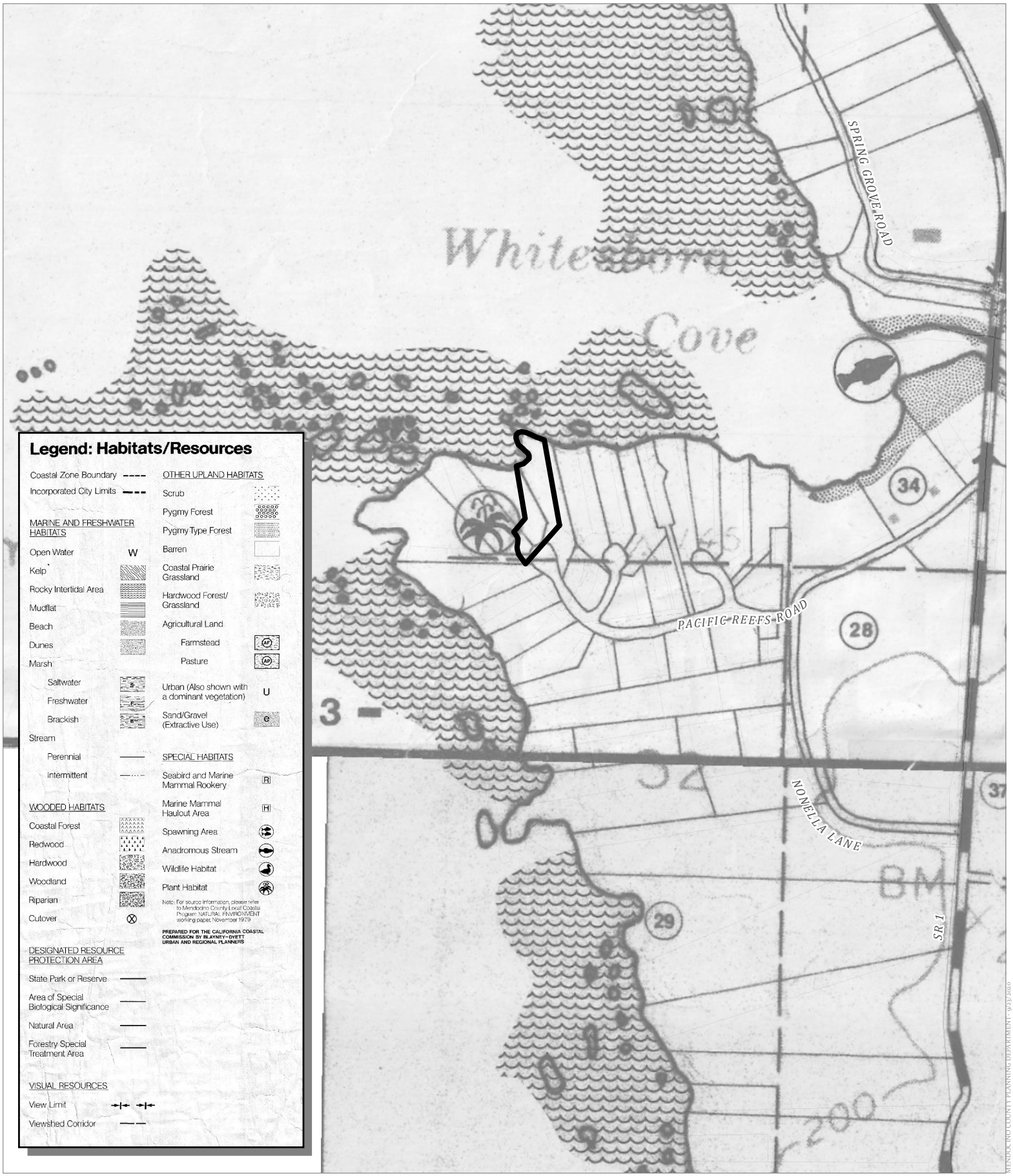
CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

Public Roads

Assessors Parcels

LCP LAND USE CAPABILITIES & NATURAL HAZARDS

ATTACHMENT M



Legend: Habitats/Resources

Coastal Zone Boundary
Incorporated City Limits

MARINE AND FRESHWATER HABITATS
Open Water W
Kelp
Rocky Intertidal Area
Mudflat
Beach
Dunes
Marsh
Saltwater
Freshwater
Brackish
Stream
Perennial
Intermittent

WOODED HABITATS
Coastal Forest
Redwood
Hardwood
Woodland
Riparian
Cutover

DESIGNATED RESOURCE PROTECTION AREA
State Park or Reserve
Area of Special Biological Significance
Natural Area
Forestry Special Treatment Area

VISUAL RESOURCES
View Limit
Viewshed Corridor

OTHER UPLAND HABITATS
Scrub
Pygmy Forest
Pygmy Type Forest
Barren
Coastal Prairie Grassland
Hardwood Forest/ Grassland
Agricultural Land
Farmstead AF
Pasture AP
Urban (Also shown with a dominant vegetation) U
Sand/Gravel (Extractive Use) G

SPECIAL HABITATS
Seabird and Marine Mammal Rookery R
Marine Mammal Haulout Area H
Spawning Area
Anadromous Stream
Wildlife Habitat
Plant Habitat

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAYNEY-DYETT URBAN AND REGIONAL PLANNERS

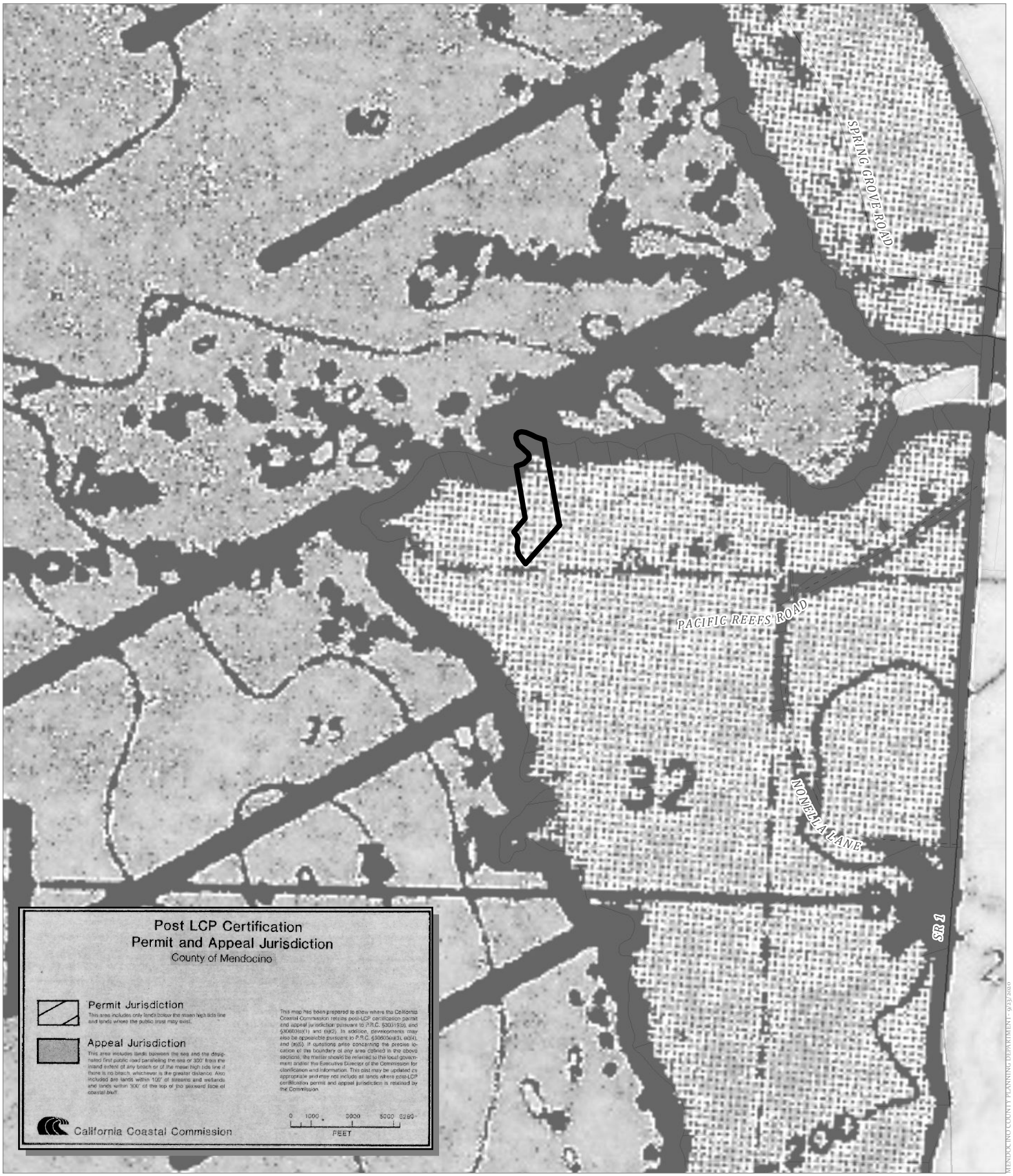
CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

Public Roads
Assessors Parcels

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

LCP HABITATS & RESOURCES

ATTACHMENT N



CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

Public Roads

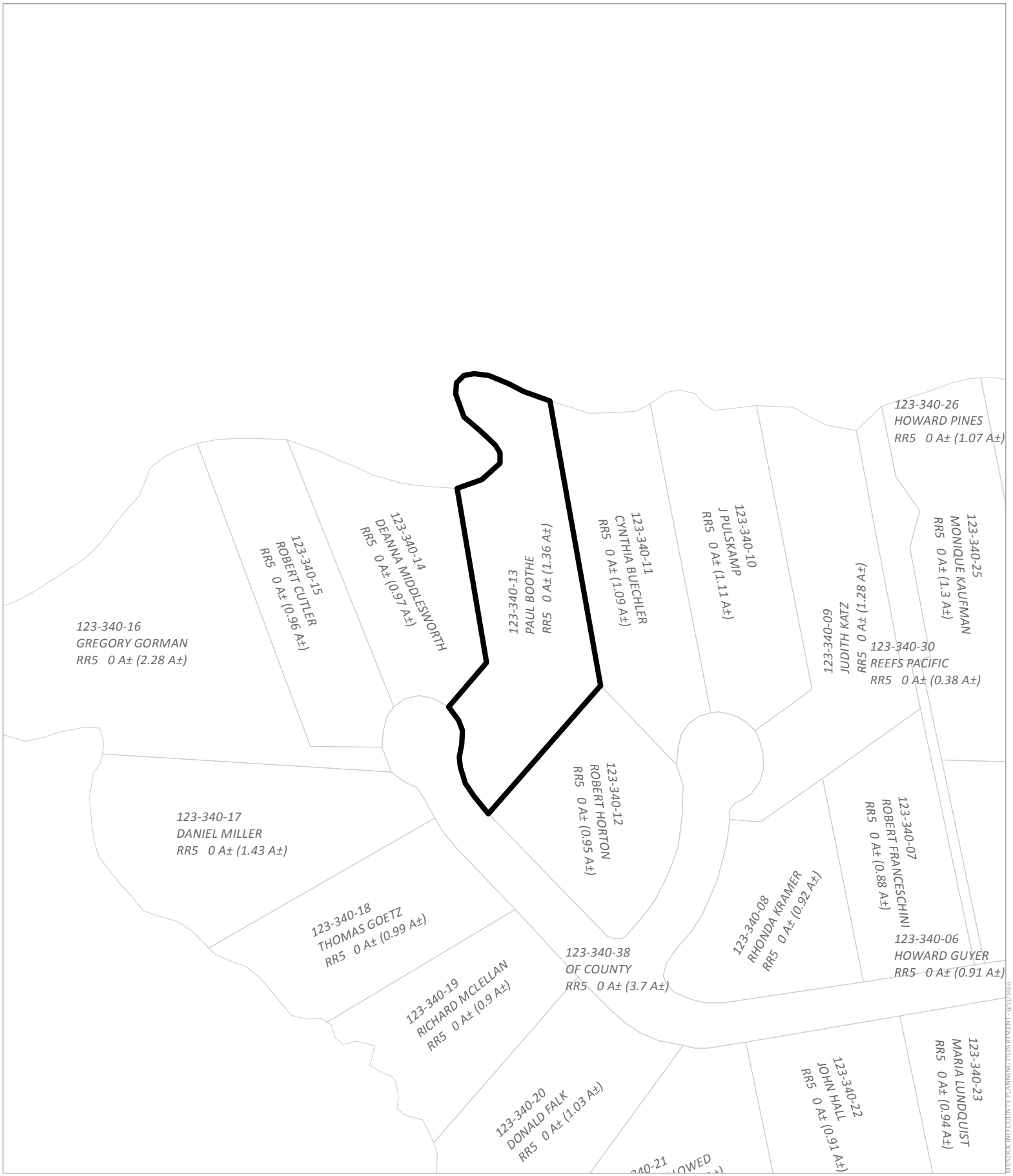
Assessors Parcels

0 250 500 Feet
0 0.0425 0.085 Miles
N W E S
1:6,000

MENDOCINO COUNTY PLANNING DEPARTMENT - 9/27/2020

POST LCP CERTIFICATION & APPEAL JURISDICTION

ATTACHMENT O



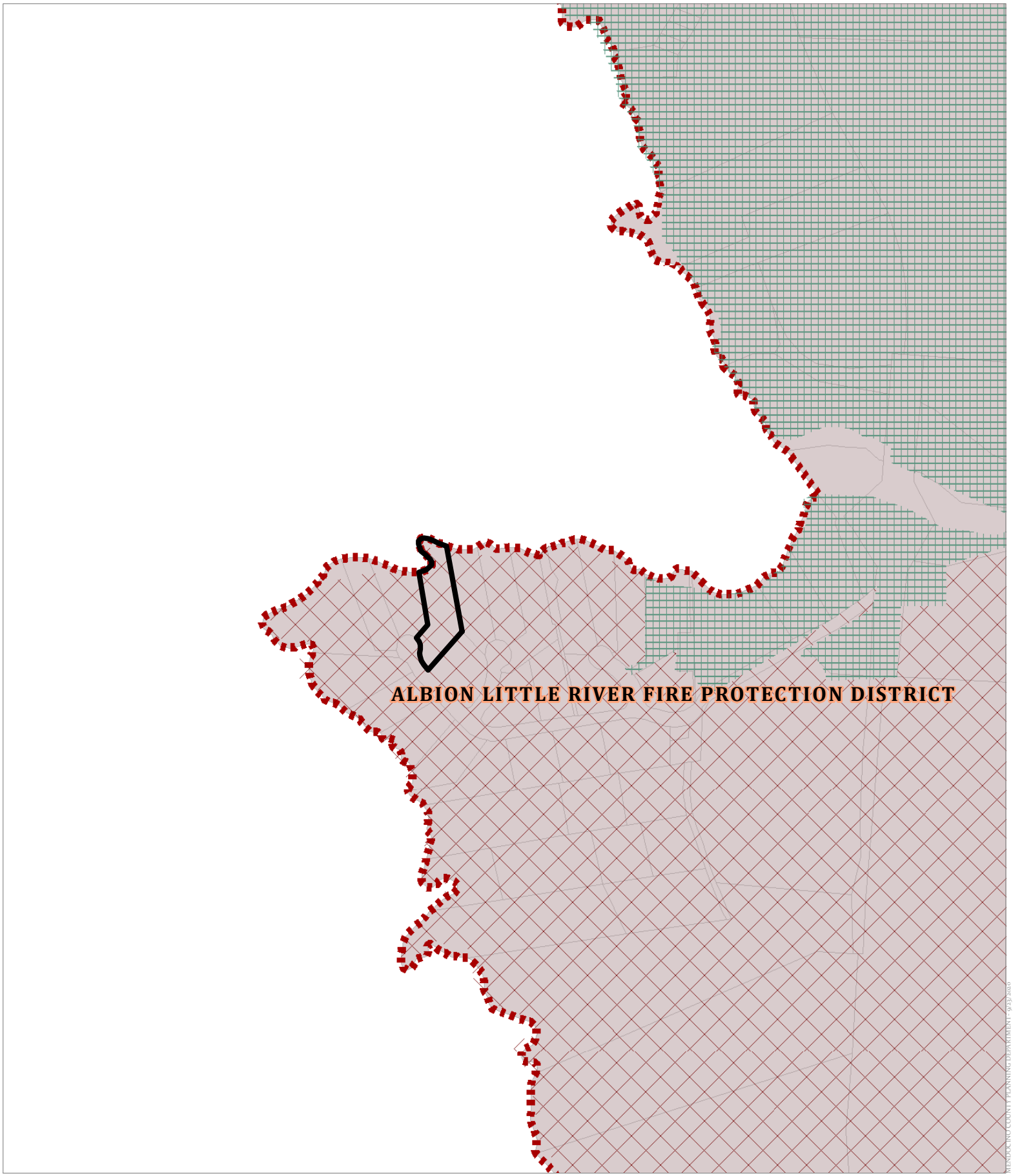
CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

Assessors Parcels

0 75 150 Feet
0 0.0125 0.025 Miles
1:1,800

ADJACENT PARCELS

ATTACHMENT P



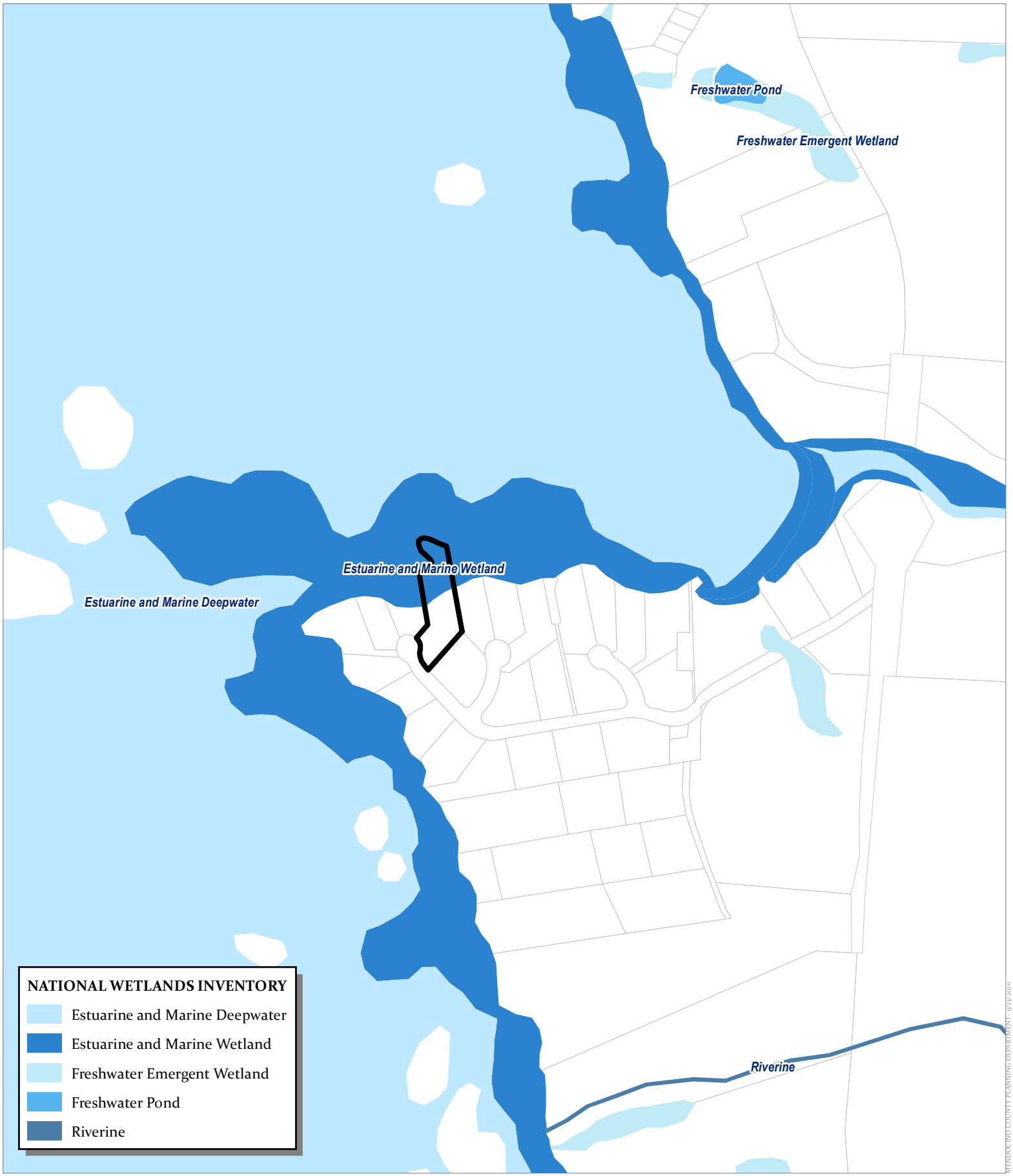
CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

High Fire Hazard
Moderate Fire Hazard
County Fire Districts
Assessors Parcels

0 250 500 Feet
0 0.0425 0.085 Miles
N W E S
1:6,000

FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

ATTACHMENT Q



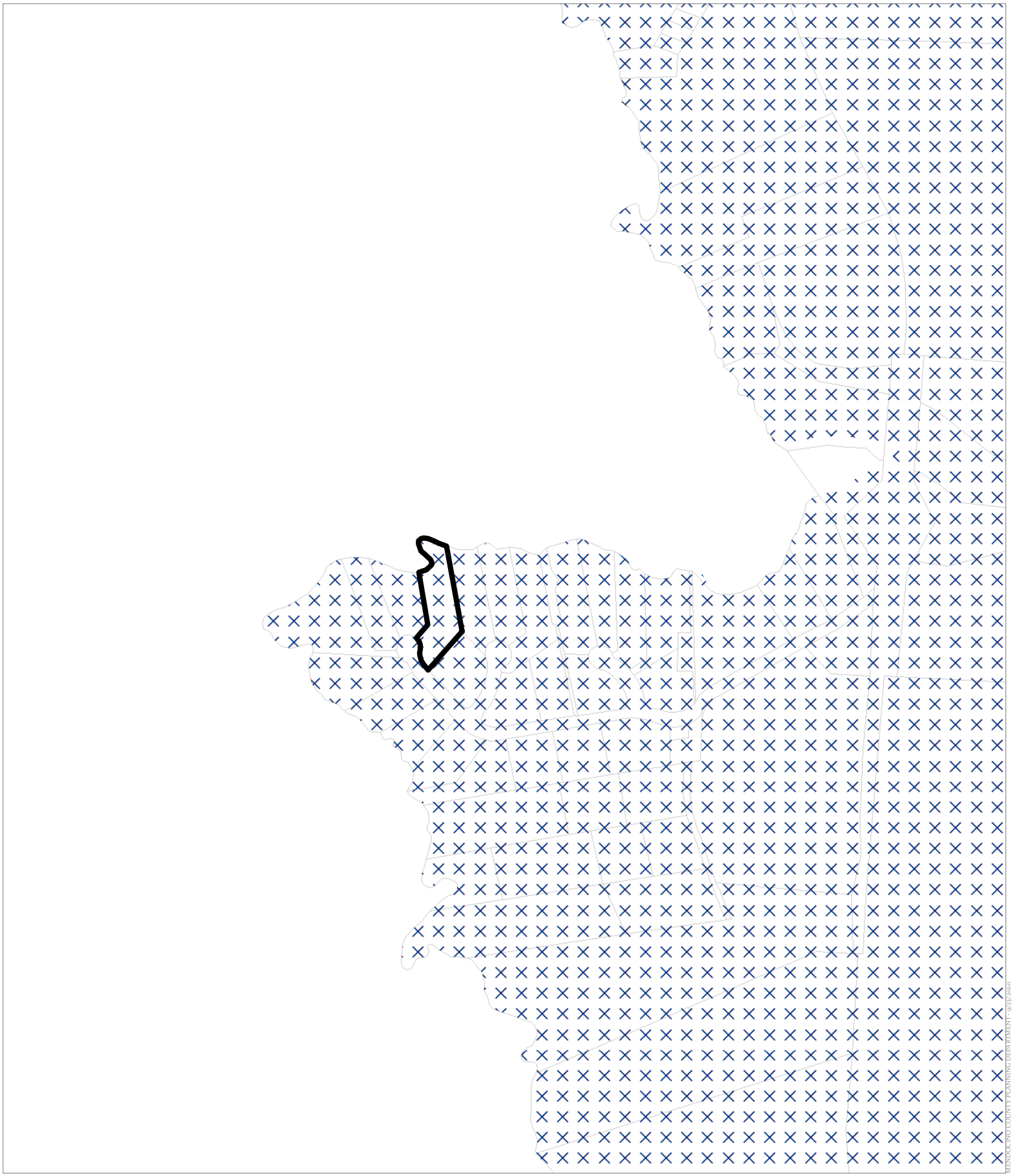
CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

Assessors Parcels

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

WETLANDS

ATTACHMENT R



CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

Critical Water Areas

Assessors Parcels

0 250 500 Feet

0 0.0425 0.085 Miles

N W E S

1:6,000

GROUND WATER RESOURCES

ATTACHMENT S

CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

0° - 14°
15° - 32°
33° - 72°

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

ESTIMATED SLOPE

MENDOCINO COUNTY PLANNING DEPARTMENT - 08/07/2020

ATTACHMENT T

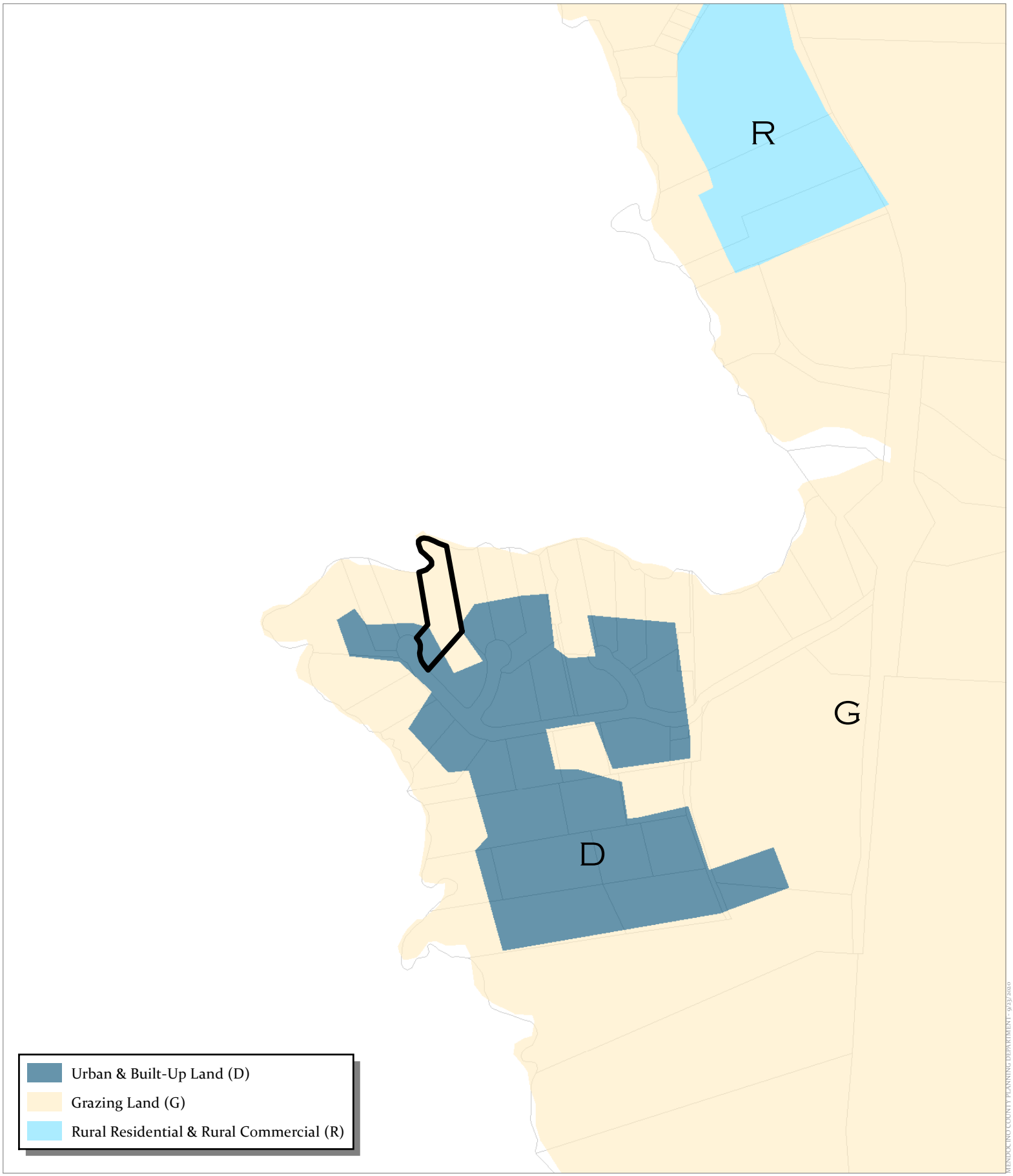
CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

MENDOCINO COUNTY PLANNING DEPARTMENT - 09/29/2020

WESTERN SOIL CLASSIFICATIONS

ATTACHMENT U



CASE: CDP 2020-0024
OWNER: BOOTHE, Paul & Janis
APN: 123-340-13
APLCT: Paul & Janis Boothe
AGENT: Tara Jackson
ADDRESS: 34350 Pacific Reefs Road, Albion

FARMLAND CLASSIFICATIONS

ATTACHMENT V

Section I Description Of Project.

DATE: May 11, 2021
CASE#: CDP_2020-0024
DATE FILED: 9/9/2020
OWNER: PAUL & JANIS BOOTHE
APPLICANT: PAUL & JANIS BOOTHE
AGENT: WYNN COASTAL PLANNING & BIOLOGY
REQUEST: Standard Coastal Development Permit to develop a vacant parcel by constructing a single-family residence, including attached decking, patios and garage. The request includes the installation of mitigation fencing, a primary septic system and future vested opportunity to install a replacement septic system. Associated development includes establishment of a propane tank, a gravel driveway, trenching for underground utilities and connection to community water district.
ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration
LOCATION: In the Coastal Zone, 0.5± miles south of the town of Albion center, located within the Pacific Reefs subdivision, on the northeast side of Pacific Reefs Road (private), 0.5± mile west of its interaction with State Route 1 (SR 1); located at 34350 Pacific Reefs Road, Albion; APN: 123-340-13.
STAFF PLANNER: JESSIE WALDMAN

Section II 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 (See Section III). 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 "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

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

"**Potentially Significant Impact**" means there is substantial evidence that an effect may be significant.
"**Potentially Significant Unless Mitigation Incorporated**" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.
"**Less Than Significant Impact"** means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.
"**No Impact"** means that the effect does not apply to the Project, or clearly will not impact nor be impacted by the Project.

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

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

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.

a - c) **Less than significant impact:** A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view. Although there are scenic resources throughout Mendocino County that are visible from roads and highways; only one roadway in Mendocino County, State Route 128, has been designated as a State Scenic Highway by California State Assembly Bill 998, approved on July 12, 2019.[1] The site of the proposed project is near, but not adjacent to nor takes access from, a major "visually interesting" roadway of the state, State Route 1. State Route 1 is part of the California Freeway and Expressway System, and traverses through the Los Angeles metro area, Monterey, Santa Cruz, San Francisco metro area, and Leggett, is part of the National Highway System, a network of highways that are considered essential to the country's economy, defense, and mobility by the Federal Highway Administration. State Route 1 is eligible to be included in the State Scenic Highway System; however, only a few stretches between Los Angeles and San Francisco have officially been designated as a "scenic highway", meaning that there are substantial sections of highway passing through a "memorable landscape" with no "visual intrusions".

The subject parcel lies west of State Route 1 and is accessed via a Private Road. The subject parcel is located in a residential area where homes are interspersed with trees and other natural vegetation. The proposed project will be in character with the surrounding environment and nestled in the southern portion

[1] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB998

of the parcel such that natural vegetation will still remain around it. While the addition of any development will change the current visual character of the site, the addition of a residence that is similar in size and scale to those on adjacent properties will be a less than significant impact to the visual character.

d) **Less than significant impact:** MCC Sections 20.504.020(C) and 20.504.035 provides exterior lighting and finish regulations intended to protect coastal visual resources in Highly Scenic Areas, Special Treatment Areas and Special Communities of the Coastal Zone. Exterior lighting is required to be within the zoning district's height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel. Building materials and exterior colors shall be compatible with those of existing structures. With adherence to the zoning code standards the project will have a less than significant impact in terms of creating a new source of light or glare which could adversely affect day or nighttime views in the surrounding area.

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

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.

a - e) **No impact:** The project site is located in an area designated as "Urban & Built-Up Land (D)" and "Grazing Land (G)" by the State of California Department of Conservation. All development will be located within the area mapped as "Urban & Built-Up Land", with the exception of the driveway. The parcel is zoned Rural Residential with a Development Limitations Combining District, as are surrounding parcels, and while limited agricultural uses are permitted in the Rural Residential zoning district, approval of this application would not convert any agriculturally zoned lands to non-agricultural uses. The project would

not convert any land designated "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance" to non-agricultural uses.

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten year agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses. The subject site is not under, nor is it adjacent to any parcels currently under Williamson Act contract.[2]

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

Given the lack of farmland or forest land on the project site and the land use designations for the surrounding areas incentivizing desired uses that would be inherently incompatible with both farmland and timber lands, the proposal would have no potential to convert farmland to non-agricultural use or forest land to non-forest use.

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

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.

a - b) **No impact:** The project is located within the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The Project Site is located within the Mendocino County Air Quality Management District (MCAQMD), which is responsible for enforcing the state and

[2] County of Mendocino GIS

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. The proposed project does not propose any activities that would conflict with the District's air quality plan and the project is subject to any requirements of the MCAQMD; therefore, there will be no impact.

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

While the project will not include a new point source, it may contribute to area source emissions by generating wood smoke from residential stoves or fireplaces. The County's building permit plan check process ensures that this and similar combustion source requirements are fulfilled before construction is permitted to begin, consistent with the current air quality plan. Therefore, the County's building permit approval process will help to ensure new development, including this project, is consistent with and will not obstruct the implementation of the air quality plan.

The generation of dust during grading activities, another type of area-source emission, will be limited by the County's standard grading and erosion control requirements contained in MCC Sections 20.492.010; -020. These policies limit ground disturbance and require immediate revegetation after the disturbance. These existing County requirements will help to ensure PM10 generated by the project will not be

significant and that the project will not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals.

The project will establish a single-family residence in a low-density rural residential coastal setting where residential development exists on adjacent parcels. Residential uses are consistent with the County's land use plan. Approval of this project will not permit large-scale development that may result in a cumulatively considerable net increase in air pollution, including PM10.

d - e) **No impact:** There are no sensitive receptors located within the vicinity of the project, nor will the project generate substantial pollutant concentrations as the project proposes residential development in a residential neighborhood. There are no short-term or long-term activities or processes associated with the single-family residence that will create objectionable odors. Nor are there any uses in the surrounding area that are commonly associated with a substantial number of people (i.e., churches, schools, etc.) that could be affected by any odor generated by the project. Therefore, the project will have no impact in terms of exposure of sensitive receptors to pollutant concentrations or creation of objectionable odors affecting a substantial number of people.

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

Thresholds of Significance: The project would have a significant effect on biological resources if it would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and 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, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

a – f) **Less than Significant with Mitigation Incorporated:** Several studies were prepared for the proposed project in order to identify sensitive resources on the parcel and also to provide recommendations to prevent potential impacts to documented sensitive resources as a result of the project. Wynn Coastal Planning & Biology *(WCPB)* prepared a *Biological Scoping Survey, Wetland Delineation & Botanical Survey Report,* which included a *Reduced Buffer Analysis* and a *Report of Compliance (WCPB, August 2020*), kept on file with the Mendocino County Department of Planning & Building Services. WCPB's reports provided recommendations for mitigation measures in **Section 7** to ensure that all impacts from the proposed development will have a less than significant effect on sensitive resources *(WCPB, 2020, pg. 26).*

The various studies found four (4) Environmentally Sensitive Habitat Areas (ESHA); including wetlands, rare plant and rare wildlife community areas located on the parcel and within 100 feet of the proposed development and are as follows:

(1) *A 0.2± acre Coastal Act Wetland is located at the southwest portion of the parcel; and*

(2) *Two special status plant communities were located on the parcel, including northern coastal bluff scrub and slough sedge sward*; and

(3) *Two special status plans species communities were located on the parcel, including headland wallflower and Mendocino paintbrush*; and

(4) *A presumed larval host plan, harlequin lotus, for the Federally Endangered lotis blue butterfly was observed on the adjacent parcel, to the southwest, within the 50 feet presumed ESHA Buffer*.

Due to the presence of ESHA on site, the Report of Compliance, included as Appendix G in the Biological Scoping Survey, Wetland Delineation and Botanical Survey Report from WCPB, was prepared for the project describing the sensitivity of the resources present and showing the least impacting location for the proposed development. WCPB concluded the 50 foot Reduced Buffer Analysis for slough sedge sward, Northern Coastal Bluff scrub and Harlequin lotus will sufficiently protect these resources from the proposed development.

However, the proposed driveway location is approximately 10 feet from the edge of identified Coastal Act Wetland. And the proposed single-family residence and septic system location is more than 50 feet from the edge of the identified Coastal Act Wetland, yet directly impacting identified Headland Wallflower.

Alternative locations for the proposed residence, septic and driveway were considered. The septic location is necessitated as Brunsing cautioned against development that could lead to the saturation of the weak soils at the bluff edge, as recommended to maintain the 46 foot geotechnical bluff setback. Driveway alternatives were considered but due to sensitive habitats and constraints for the septic, the proposed location was determined to be the least environmentally damaging. WCPB reviewed alternative building site locations for the residence, septic and driveway and determined due to the recommended 46 foot geotechnical bluff setback, where the best sites identified for the driveway and septic that the proposed location, is the best site, as shown on the *Site Plan*. The proposed single-family residence is located to the farthest distance possible outside of the Coastal Act wetlands and ESHA buffers with consideration of the other setbacks (yards, geotechnical and other ESHA buffers). The septic system has

been designed to adhere to all regulations. All other project alternatives will have a greater negative impact due to encroaching in ESHA buffers and/or contributing to potential failure of sensitive bluff edges. The proposed project location does impact identified ESHA yet allows the property owner to develop a residence that is similar in size and scale to residences on adjacent properties in the same vicinity and zone as the project site.

A low wooded or row mitigation fence is proposed at a 15 foot setback from the bluff top edge, which conflicts with the recommended avoidance measures within the updated geotechnical report prepared by Brunsing, dated July 24, 2019, which recommends "*No development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing*".

The California Coastal Commission (CCC) provided comments recommending the mitigation fence be located at the recommended geotechnical 46 foot setback "*… to ensure that property owners understand on the ground where the deed restricted area is located, the County should require that the proposed "mitigation fencing" (permanent symbolic fencing) be located at the geologic setback line rather that at the bluff edge as proposed".*

California Department of Fish and Wildlife (CDFW) provided comments recommending specific mitigation and restoration measures regarding Headland Wallflower impacts, location of mitigation fence, landscaping methods and staging areas during construction to avoid impact to ESHA,

Mitigation measures have been identified by the project biologist to prevent and/or minimize potential impacts from the proposed development to identified ESHA. Mitigation measures, including restoration measures and proposed buffer areas were suggested in the Report of Compliance and are supported by California Department of Fish and Wildlife (CDFW).

The proposed project is not consistent with all LCP policies relating to ESHA, despite the identification of the least environmentally damaging alternative, the lack of feasible alternatives on site, the proposed mitigation measures to offset project impacts, and siting development to minimize vegetation removal. As stated above, Section 20.496.020(A)(1) reads in part, "*the buffer area shall be measured from the outside edge of Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width*." The project is inconsistent with this LCP policy; however, no alternative exists on the parcel that could be found to be consistent with this LCP policy. Prohibiting development within fifty (50) feet of an ESHA would deprive the owner of all use of the property. Consequently, staff evaluated if denial of the project would result in an unconstitutional taking of private property for public use, which is addressed in further detail in the Staff Report.

In summary, the proposed project cannot be found consistent with LCP polices relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 12 through 24** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development, and restore and enhance ESHA located on the parcel.

Mitigation Measures (**Conditions of Approval 12 through 24** of project):

12. ** Mitigation and Avoidance Measures proposed in the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, shall be incorporated into the design and construction of the proposed project. Prior to the final occupancy of any building permit associated with the Coastal Development Permit, the applicant shall submit evidence that qualified geotechnical or civil engineer has reviewed the final grading and foundation plans. No development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing.

13. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.1 are required to provide for the protection of potential special status birds during nesting season, as follows:

    a. Seasonal Avoidance: No surveys are required if construction activity occurs in the non-breeding

season (September to January). If construction activity is to occur during the breeding season (February to August), a pre-construction survey is required within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development. A copy of the survey, if required, shall be submitted to Planning and Building Services.

b. Nest Avoidance: If active special status bird nests are observed, no ground disturbing activities shall occur within a 100-foot exclusion zone. These exclusion zones vary depending upon species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest sit weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.

c. Construction shall occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

14. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.2 are required to provide for the protection of potential special status bat species, as follows:

a. No pre-construction surveys are required if construction can occur between September 1st and October 31st. If it is necessary to disturb potential bat roost sites between November 1st and August 31st, pre-construction surveys shall be performed by a qualified biologist within 14 days prior to the onset of development activities.

b. Pre-construction bat surveys involve surveying trees, rock outcroppings, and building subject to construction for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied.

c. If active bat roosts are observed, no ground disturbance activities within potential to impact bats shall occur within a minimum 50-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active roost until all young are no longer dependent upon the roost.

d. Construction shall occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

15. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.3 are required to provide for the protection of potential special status amphibians, as follows:

a. Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers shall be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that any special status amphibians are observed during construction.

b. During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.

c. During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.

d. If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops.

Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. If no special status amphibians are found during inspections, ground-disturbing activities may resume.

If a special status amphibian is detected, construction crews shall stop all ground disturbing work and contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from CDFW will then be needed prior to reinitiating work. CDFW will need to be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians.

e. A row of genetically native and locally sourced wax myrtles (Morella californica) will be planted along the north edge of the Coastal Act Wetland. These wax myrtles will served to increase the benefit of the buffer distance between the proposed development and the Coastal Act Wetland, which is potential resting, hiding and feeding habitat (but likely to be breeding habitat) for amphibians. The wax myrtles will also help shield this area from light coming from the residence.

16. ** Mitigation and Avoidance Measures proposed in the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, and the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.4 are required to prevent potential impacts to soil and vegetation, as follows:

a. Stage all building materials, including excavated soils, and construction vehicles in upland areas outside any ESHAs and their buffers.

b. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization.

17. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.5 are required to prevent potential impacts to Wetland, as follows:

a. Silt fencing and orange construction fencing paired with straw wattles shall be installed between the Coastal Act wetland and the proposed development, separating the wetlands and their buffer zones from the construction related impact area. No materials storage, heavy equipment use or other impacts shall occur with the fenced off wetlands area. Straw wattles shall be properly installed to intercept liquids leaving the construction area. All fencing shall be maintained in a functional manner through the duration of construction and until all disturbed soil is stabilized. Fencing shall be checked and appropriate maintenance shall occur on a weekly basis and after each rain event.

b. Ground disturbing construction should only occur during the dry season. If a rain event occurs during the ground disturbance period, all ground disturbance activities will cease for a period of 48 hours after the rain stops.

c. A row of genetically native and locally sources wax myrtles (Morella californica) will be planted along the northern edge of the Coastal Act wetland. These wax myrtles will serve to increase the benefit of the buffer distance between the proposed development and the Coastal Act wetland and will enhance the functionality of the Coastal Act wetland as habitat.

18. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.6 are required to prevent potential impacts to special status Slough Sward and Northern Coastal Bluff Scrub Natural Communities, as follows:

a. A suitable buffer shall be established between special status plant communities and proposed developments. A reduced buffer analysis has been conducted and a buffer distance of 50 feet was determined to be suitable to protect the resources present. No construction or materials staging shall

occur within 50 feet of the special status plant communities identified and mapped as presumed ESHA. It is required that CDFW concurs that 50 feet is an appropriate buffer distance.

b. Silt fencing and orange construction fencing shall be installed along the northern edge of the building envelops as close as possible to the 50 foot buffer from the northern coastal bluff scrub. This fencing will also serve to protect the Mendocino Paint brush and Headland Wallflower plants growing within the habitat bluffward of the fence. The slough sedge sward is also Coastal Act wetland and will be protected by fencing and straw wattles as discussed in section 7.5.

c. A row of genetically native and locally sourced wax myrtles (Morella californica) will be planted along the north edge of the Coastal Act Wetland, which included the slough sedge sward. These wax myrtles will served to increase the benefit of the buffer distance between the proposed development and slough sedge sward and will enhance the functionality of the slough sedge sward as habitat.

19. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.7 are required to prevent potential impacts to Harlequin Lotus Butterfly Habitat, as follows:

a. A suitable buffer shall be established between the harlequin lotus plants, which are potential habitat of the lotis blue butterfly, and proposed developments. A reduced buffer analysis has been conducted and a buffer distance of 50 feet was determined to be suitable to protect the resources present. No construction or materials staging shall occur within 50 feet of the special status plant communities identified and mapped as presumed ESHA. It is required that USFWS and CDFW concurs that 50 feet is an appropriate buffer distance.

b. The population of harlequin lotus cannot be effectively fence because it occurs on a neighboring parcel to the southwestern side of the Pacific Reef Road, opposite the subject parcel. This road is in use by neighbors and must be used to access the project site. Construction contractors shall be informed of the presence of the harlequin lotus, the reasons for its protection, and will be instructed not to park on or use this area for any staging or vehicle turn-around purposes.

20. ** Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.8 are required to prevent potential impacts to Headland Wallflower, as follows:

a. Potential impact to Headland Wallflower within the northern coastal bluff scrub habitat can be avoided by following the mitigations recommended for that natural community within the Biological Scoping, Wetland Delineation & Botanical Survey Report (August 21, 2020) by Wynn Coastal Planning and Biology Consulting Section 7.6 and a Mitigation Monitoring and Reporting Plan is recommended.

b. Headland Wallflower is precluded from growing within an approximately 2,000 square foot portion of the subject parcel by heavy mats of invasive iceplant. This area, which is at the break in slope of the bluff top edge, is an ideal topographical location for Headland Wallflower. Special care shall be taken to avoid overspray and chemical drift into areas vegetated with native plants, as follows:

c. A low wooded or row mitigation fence shall be installed, set back from the bluff top edge and consistent with the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, where no development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing, to denote sensitive natural habitat to its north and to discourage entry into this area. The proposed location of the permanent mitigation fence should be placed to maximize exclusion of human impacts to the restoration area. This location is which will be converted to native habit supporting Headland Wallflower. The area north of the permanent mitigation fence shall be maintained as native habitat.

d. Five Headland Wallflowers are located outside of the Northern coastal bluff scrub habitat and may be directly impacted by construction or the proposed single-family residence and septic system. Headland Wallflowers are biennial or short-lived perennial plants that grow vegetatively the first year, go dormant during winter and then regrow and got to seed that following year (and sometimes survive

to seed again an additional year or two). Headland Wallflowers have a deep taproot and are unlikely to be successfully transplanted unless very young, so transplanting is not recommended. Seed will be collected from individuals prior to construction and dispersed north of the single-family residence within an area vegetated with ice plant at the time of the biological surveys. The iceplant in this area will be removed prior to seeding creating new habitat for the Headland Wallflower along the blufftop edge.

21. ** Mitigation Measures and Restoration proposed in the Report of Compliance, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 4 are required to prevent potential impacts to Environmentally Sensitive Habitat Area (ESHA), as follows:

    a. The proposed single-family residence is located to the farthest distance possible outside of the Coastal Act wetlands and ESHA buffers with consideration of the other setbacks (yards, geotechnical and other ESHA buffers). The septic system has been designed to adhere to all regulations. All other project alternatives will have a greater negative impact due to encroaching in ESHA buffers and/or contributing to potential failure of sensitive bluff edges. In WCPB's opinion the project as proposed is in the least impacting location. If all avoidance, minimization and compensatory mitigation measures presented in the biological report at adhered to, the project should have a less than significant effect on all special status resources present.

22. ** Mitigation Measures and Restoration proposed by California Department of Fish and Wildlife (CDFW) and California Coastal Commission (CCC), are required to prevent potential impacts to Environmentally Sensitive Habitat Area (ESHA), as follows:

    a. Prior to the issuance of the Coastal Development Permit, the owners shall furnish a staging plan with planting of native, regional appropriate species for review and approval by California Department of Fish and Wildlife. Any recommendations of California Department of Fish and Wildlife as a result of review of that survey shall be adhered to, and

    b. Prior to the issuance of the Coastal Development Permit, the owners shall furnish a landscaping plan with planting of native, regional appropriate species for review and approval by California Department of Fish and Wildlife. Any recommendations of California Department of Fish and Wildlife as a result of review of that survey shall be adhered to.

23. ** Mitigation Measures and Restoration proposed by California Department of Fish and Wildlife (CDFW) and California Coastal Commission (CCC), are required to prevent potential impacts to Environmentally Sensitive Habitat Area (ESHA), as follows:

    a. ** Prior to the final occupancy of any building permit associated with the Coastal Development Permit,, the Applicants, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:

        i. No plant species listed as problematic, invasive or "noxious weed" by the California Native Plant Society, California Invasive Plant Council, State of California or the federal government shall be allowed to naturalize or persist on the site, and

        ii. Restoration activities should avoid removal of native species to the greatest extent feasible, and

        iii. Use of hand tools is recommended, and

        iv. Use of herbicide is discouraged for removal of iceplant. If herbicide is to be used, the Habitat and Mitigation Monitoring Plan (HMMP) should provide specifications on application. Compensatory mitigation success should include full eradication of iceplant above break in slope of the headlands (i.e. not along bluff face) as a goal, and

        v. The proposed location of the permanent mitigation fencing should be placed to maximize exclusion of human impacts to the restoration area, and

vi. As mitigation activities includes the propagation of headland wallflower by scattering seeds in cleared area, the HMMP needs to address and identify potential contingency measures if no individuals germinate.

vii. The applicant shall submit evidence that qualified geotechnical or civil engineer has reviewed the final grading and foundation plans. No development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing.

24. ** 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 (CDFW) 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 $2,530.25 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 applicant has the sole responsibility to insure timely compliance with this condition.**

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

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.

a - d) **Less Than Significant Impact:** 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*". 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.*" No cultural resources have been identified as being directly or indirectly impacted as a result of the proposed project. Identification of any unique resources or features with the potential to be affected would trigger the application of California Code of Regulations, Title 14, Division 6, Chapter 3; California Environmental Quality Act Section 21083.2; and Mendocino County Code, Division IV, governing discovery or identification of potential resources or features. No component of the proposed intends to allow for or facilitate disturbance of sites that contain human remains or internment locations. MCC Section 22.12.090 governs discovery and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by

which said discovery shall be handled. An Archaeological Survey Report was conducted on April 8, 2019 by Alex DeGeorgey of Alta Archaeological Consulting (ALTA), where determination was made that no cultural resources were identified within the project area and is not anticipated to have an adverse effect on significant historical resources. The project was reviewed by the Mendocino County Archaeological Commission on November 18, 2020, where the survey was accepted. The Archaeological Commission has recommended a condition of approval that the applicant provide a survey after vegetation removal has occurred on the parcel and prior to construction activities. This is recommended as **Condition 8**. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

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

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

a - b) **Less Than Significant Impact:** 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).

Permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The 2019 Building Energy Efficiency Standards are designed to reduce wasteful, uneconomic, inefficient or unnecessary consumption of energy, and enhance outdoor and indoor environmental quality. It is estimated that single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards (CEC, 2016).

The proposed project would not 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, nor would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As noted above, permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The proposed project is not anticipated to use or waste significant amounts of energy or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. A less than significant impact would occur.

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

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

a, c) **Less than Significant with Mitigation Incorporated:** The proposed project will not expose people or structures to substantial adverse effects including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. The nearest active fault is the San Andreas Fault which is located approximately 3.5 miles off-shore, west from the project site. As with all parcels within Mendocino County the site would experience some seismic ground shaking as a result of an earthquake occurring. The Local Coastal Plan Map for Land Capabilities

and Natural Hazards designates the site as “Present Development Critical (3a)” and “Bedrock (Zone 1)”. As the proposed project is located on a blufftop parcel, an Updated Geotechnical Investigation, dated July 24, 2019, to an initial investigation report, conducted in May 2005, were both prepared by Brunsing Associates, Inc., for the project as supplement to the request and is maintained on file with the Mendocino County Department of Planning & Building Services.

The purpose of the updated geotechnical investigation was to evaluate the geologic conditions at the property, primarily site soil and bedrock conditions in order to provide conclusions and recommendations regarding slope stability, bluff setback, sea level rise, site grading, support of concrete slabs-on-grade, structure foundation support, and a limited geologic hazard assessment and to provide recommendations for the foundation of the planned development. Brunsing Associates, Inc. (2019) describes the potential seismic hazards at the project site as it relates to fault surface rupture, liquefaction and lateral spreading, tsunamis, ground shaking and landslide and slope stability during the estimated structural life of 75 years for the proposed project. Brunsing (2019) reviewed main geological and geotechnical considerations affecting the proposed construction are loose and porous near-surface soils, potential settlement, bluff stability, bluff erosion and retreat rate, strong seismic shaking from future earthquakes and potential for liquefaction.

In regards to fault surface rupture, Brunsing (2019) notes that there is no evidence recent faulting at the subject lot, nor are any active faults recognized to be present within the lot area. There is presence of ancient faults within the coastal bluffs is common and should not impact the proposed residence due to their inactivity. Therefore, they concluded that the potential for fault rupture at the site is low.

In regards to slope stability and bluff setback and sea level rise analysis, Brunsing (2019) determined a projected retreat of approximately 12 feet over the next 75 years. Using a safety factor of 1.5, the resulting bluff setback would be 18 feet. Adding an additional 28 feet as a result of stability analysis, the bluff setback should be 46 feet.

In regards to site grading, specifically clearing and stripping and building areas, areas to be graded should be cleared of existing vegetation, rubbish, and debris. After clearing, surface soils that contain organic matter should be stripped. In general, the depth of required stripping will be about 4 to 6 inches; deeper stripping and grubbing may be required to remove stumps and concentrations of organic matter or roots. The cleared materials should be removed from the site; however, strippings can be stockpiled for later use in landscape areas. Brunsing (2019) should observe the soils exposed by the recommended excavations. The depth of over excavation should also allow for at least 18 inches of compacted fill under planned concrete slab-on-grade.

In regards to structure foundation support and support of concrete slabs-on-grade, the weak soils in their present condition are not suitable for slab support. The building site is mantled with weak topsoil and terrace deposits, underlain by denser terrace deposits and deeper, supporting bedrock. The topsoil consists of silty sands that are loose, porous, and moderately compressible. These soils could undergo erratic and detrimental settlement under the planned structure foundation loads. The loose to medium dense sandy terrace deposits below the topsoil may also be susceptible to detrimental settlement; the clean sand zones could be subject to densification during moderate or strong earthquake shaking. The topsoil and terrace deposits are not considered suitable for support of the planned structure foundation loads. Utilizing a foundation system of drilled reinforced-concrete piers with interconnecting grade beams will allow the planned residence to gain uniform support within the stronger weathered bedrock underlying the terrace sands, mitigating the detrimental effects of differential settlement. Structure foundations and concrete slabs placed directly upon weak or porous soils could undergo damaging differential settlement due to porous soil collapse when loaded in a saturated condition. Foundation-supporting elements must penetrate through these weak soils using drilled piers.

In regards to limited geologic hazard assessment, no evidence of recent faulting was observed by Brunsing or shown in the site vicinity on the published geologic maps that we reviewed for this investigation. The presence of ancient faults within the coastal bluffs is common and should not impact the proposed residence due to their inactivity. Therefore, the potential for fault rupture at the site is considered low.

In regards to tsunami potential at the subject site, Brunsing (2019) determined that based upon the infrequency of large tsunamis and the elevation of the site at least 100 feet above sea level the potential hazard from tsunamis is low.

Due to the potential for strong ground shaking at the project site, Brunsing (2019) recommends that in order to reduce potential building damage due to this hazard that the structures should be designed and constructed in strict accordance with current building codes, taking into account that appropriate seismic design parameters should be incorporated into the design and construction of the project.

A mitigation measure (**Condition 12**) is recommended to require the projects consistency with the recommendations of the various geotechnical reports for the project in order to reduce potential hazards to less than significant levels.

Mitigation Measure (**Condition of Approval 12** of project):

12. ** Mitigation and Avoidance Measures proposed in the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, shall be incorporated into the design and construction of the proposed project. Prior to the final occupancy of any building permit associated with the Coastal Development Permit, the applicant shall submit evidence that qualified geotechnical or civil engineer has reviewed the final grading and foundation plans. No development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing.

b) **Less Than Significant Impact** As with any development within Mendocino County, the proposed 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. As a result, the proposed project would not result in substantial soil erosion or the loss of topsoil and a less than significant impact would occur.

A mitigation measure (**Condition 16**) is recommended to require the projects consistency with the recommendations of the various geotechnical reports for the project in order to reduce potential hazards to less than significant levels.

Mitigation Measure (**Condition of Approval 16** of project):

16. ** Mitigation and Avoidance Measures proposed in the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, and the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.4 are required to prevent potential impacts to soil and vegetation, as follows:

a. Stage all building materials, including excavated soils, and construction vehicles in upland areas outside any ESHAs and their buffers.

b. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization.

d) **Less Than Significant Impact:** Expansive soils generally comprise cohesive, fine-grained clay soils and represent a significant structural hazard to buildings erected on them, especially where seasonal fluctuations in soil moisture occur at the foundation-bearing depth. The subsurface soils at the property are mapped as soil units 117 – Cabrillo-Heeser complex with 0 to 5 percent slopes by the Soil Survey of Mendocino County, California, Western Part. The Soil Survey notes that 117 – Cabrillo-Heeser complex "*…unit is about 50 percent Cabrillo sandy loam and 30 percent Heeser sandy loam. The Cabrillo and Heeser soils occur as areas so intricately intermingled that it was not practical to map them separately at the scale used.*" Therefore it is unclear if the exact soils on the site are Cabrillo or Heeser. The Cabrillo-

Heeser complex is sandy loam primarily however it is noted that the Cabrillo soils are sandy clay loam in the lower 15 inches of the subsoil. Permeability is moderately rapid in the Heeser soil but the Soil Survey notes that the Cabrillo soil can have moderately slow permeability and can be characterized by seasonally saturated soil conditions. The below graphic was taken from the Soil Survey of Mendocino County, California, Western Part and describes the plasticity of the soils.

Soil name and map symbol	Depth	USDA texture	Classification		Frag-ments	Percentage passing sieve number--				Liquid limit	Plas-ticity index
			Unified	AASHTO	3-10 inches	4	10	40	200		
	In				Pct					Pct	
117:											
Cabrillo--------	0-26	8-20	1.45-1.55	2.0-6.0	0.11-0.13	4.5-6.0	Low-------	0.24	5	3	3-8
	26-35	20-35	1.40-1.50	0.2-0.6	0.14-0.16	4.5-6.0	Moderate	0.20			
	35-50	25-40	1.35-1.45	0.2-0.6	0.14-0.16	4.5-6.0	Moderate	0.24			
	50-60	8-20	1.50-1.65	2.0-6.0	0.06-0.09	4.5-6.0	Low-------	0.20			
Heeser----------	0-34	6-12	1.45-1.55	2.0-6.0	0.10-0.12	5.1-6.5	Low-------	0.24	3	3	3-8
	34-65	4-10	1.50-1.65	6.0-20	0.07-0.10	5.6-6.5	Low-------	0.20			
139. Dystropepts											

Due to the fact that the primary soil characteristic is sandy loam, impacts are considered less than significant.

e) **No Impact:** The subject property has soils that are capable of supporting a septic system. A septic system design has been approved by the Mendocino County Division of Environmental Health, septic permit number ST24188. Therefore, there will be no impact.

f) **Less Than Significant Impact:** The potential exists for unique paleontological resources or site or unique geological features to be encountered within the project area, as ground-disturbing construction activities, including grading and excavation, would be required for the proposed project. However, in the event that any archaeological or paleontological resources are discovered during site preparation, grading or construction activities, notification would be required, pursuant to County Code Chapter 22.12 – Archaeological Resources. As such, a less than significant impact would occur.

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

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.

a - b) **No Impact:** Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission, which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued

updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those, which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO2e (CO2 equivalent) of operation emission on an annual basis. This project as proposed, creating one additional single-family residence, will have no impact and be below the threshold for project significance of 1,100 metric tons CO2e.

Additionally, Mendocino County's building code requires new construction to include energy efficient materials and fixtures. Given the limited scale of the new house, the GHG generated by the project will not have a significant impact on the environment.

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

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

pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment; result in a safety hazard or excessive noise for people residing or working in the project area if located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; or impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

a - b) **Less Than Significant Impact:** The project will establish a residential use involving the routine transport, use and disposal of hazardous materials in small or limited quantities. These materials include construction materials, household cleaning supplies, and other materials including but not limited to fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. Storage of these materials in the open 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, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility such as the nearby Albion Transfer Station. 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. Consequently, potential impacts involving the transport, use or disposal of hazardous materials is less than significant.

c) **No Impact:** The proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The nearest school to the project site is several miles away. Due to the project location and residential nature, there will be no impact.

d) **No Impact:** The proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the development of a single-family residence and associated improvements on the subject parcel would not create a significant hazard to the public or the environment.

e - f) **No Impact:** The project site is not subject to any airport land use plan, nor is the project site located within the vicinity of a private airstrip. As a result of the project's location outside of any airport influence area or private airstrip, there will be no impact in terms of safety hazards for people residing or working in the project area.

g) **No Impact:** The project will not result in any physical change to the existing roadway that would impair its use as an evacuation route. Staff is not aware of an adopted emergency response or emergency evacuation plan for the area. Evacuation from this residential neighborhood would likely be via the existing County roads, which the project will not interfere with. Therefore, there will be no impact as a result of the project.

h) **Less Than Significant Impact:** The proposed project will not increase any existing wildland fire hazard in the area. Residential development is located on surrounding properties and the addition of one new single-family residence will not substantially increase the existing hazard in the area. The parcel is located in an area classified with a "High Fire Hazard" severity rating.[3] Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire). The project application was referred to CalFire and the Albion Little River Fire Protection District (ALRVFD) for input; ALRVFD had no comment, whereas CalFire responded with a recommended condition to comply with the minimum fires safety standards for Hazardous Fire Areas, per the Public Resources Code. CalFire has submitted recommended conditions of approval (CDF 71-20) for address standards, driveway standards, and defensible space standards. With adherence to the CalFire recommendations the project will have a less than significant impact in terms of exposure of people to risks related to wildland fires. **Condition 4** is recommended to achieve compliance with CalFire fire safe standards. With adherence to the CalFire recommendations the project will have a less than significant impact in terms of exposure of people to risks related to wildland fires.

[3] Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas* [map]

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

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

a) **Less Than Significant Impact:** The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The permanent structures proposed on-site would be constructed in accordance with the most recent standards set by all regulatory agencies, including but not limited to the County and state and local water quality control boards [State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB)]. Since the majority of the site would remain undeveloped, stormwater runoff would continue to flow naturally and infiltrate into the soil. In addition, the preservation of existing vegetation, to the extent feasible, will help to filter potential pollutants from stormwater flows. In addition, the project's proposed septic system would be installed in compliance with all standards and regulations. As a result, the proposed project would have a less than significant impact.

b) **Less Than Significant Impact:** The project site is located within a mapped "Critical Water Resource" area by the Mendocino County Coastal Groundwater Study. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, as significant water use is not anticipated under the project. Additionally, since the majority of the site would remain undeveloped, stormwater would continue to infiltrate the ground. Additionally, since the majority of the site would remain undeveloped, stormwater would continue to infiltrate the ground. Under the project, potable water would be provided by Pacific Reefs Water District. A less than significant impact would occur.

c) **Less Than Significant Impact:** Although the existing drainage patterns of the site may be slightly altered through the addition of impervious surfaces associated with the permanent structures proposed on the site, the project would not result in substantial erosion or siltation on- or off-site as the project would be subject to Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.). Chapter 16.30 requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm drainage system (off-site). In addition, due to the small development footprint of the project, infiltration into the site's soils would continue, reducing the potential for increased peak runoff flow and removing potential pollutants from stormwater flow. As a result, the introduction of limited impervious surfaces and the slight modification to existing topography resulting from the development and driveway construction would not result in substantial erosion or siltation, and a less than significant would occur.

The project would not 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. Storm drainage infrastructure within the vicinity of the site is limited. Although development is proposed on-site, due to the proposed development footprint, site drainage would continue follow a natural flow pattern and infiltrate into the ground. A less than significant impact would occur.

The project site is not located in a mapped flood zone area by FEMA, though there is a flood zone area noted along the bluff edge (farthest from the development). As a result, the project would not impede of redirect flood flows and no impact would occur.

d) **No Impact:** The portion of the property proposed to be developed is not located in a mapped flood zone area by FEMA. The parcel is a blufftop parcel and there is a mapped flood zone along the bluff edge, which is the furthest from the proposed development and the bluff is approximately 100 feet tall. In regards to tsunami potential at the subject site, it was determined by Brunsing (2019) that based upon the infrequency of large tsunamis and the elevation of the site at least 100 feet above sea level the potential hazard from tsunamis is low. There are no large bodies of water in close proximity that may result in a seiche affecting the parcel. As a result, the project would not risk the release of pollutants due to inundation and no impact would occur.

e) **Less Than Significant Impact:** As discussed above, the project would be required to comply with Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.), which requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm drainage system (off-site). Compliance with these regulations would facilitate the implementation of water quality control efforts at the local and state levels. Therefore, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. A less than significant impact would occur.

XI. LAND USE AND PLANNING. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Physically divide an established community?	☐	☐	☐	☒

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

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.

a) **No Impact:** The project site is situated in a long established rural residential area, and proposed adjacent to existing residential development. The low-density development will be consistent with the established community. Therefore, there will no division of an established community as a result of the project.

b) **Less Than Significant with Mitigation Incorporated:** The proposed project is consistent with all policies of the Local Coastal Program of the General Plan and the MCC, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas; however, denial of the project based on this policy would constitute a regulatory taking, as described in the Staff Report. The Findings included with the project Staff Report address the analysis of alternatives, the mitigation measures proposed to offset impacts, and evidence supporting the investment backed expectation of the applicant to develop the parcel with a single-family residence.

c) **No Impact:** The proposed development is not located in an area subject to a habitat conservation plan or natural community conservation plan. Therefore, there will be no impact as a result of the project.

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

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

a - b) **No Impact:** The project is not located in an area of known mineral resources. No impact is expected and no mitigation is required.

XIII. NOISE. Would the project result in:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

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

a - d) **Less Than Significant Impact:** 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. With the exception of short-term construction related noise, the proposed development will not create a new source of noise that will impact the community. Noise created by the single-family residence is not anticipated to be significant, and no mitigation is required. The permanent residence proposed under the project and associated improvements, are similar to and compatible with the uses that already exist in the area.

Construction of the residence and associated improvements, and use of construction equipment would cause temporary increases in noise; however, these impacts would only be associated with construction and would be temporary in nature. In addition, 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 and would be temporary in nature. Standard permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. 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.

Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. Due to the location of the project is a residential neighborhood and since a single-family residence is all that is proposed at the site under this project, it is determined that a less than significant impact would occur.

e - f) **No Impact:** The proposed project is not located within an airport zone or within the vicinity of a private airstrip; therefore, there is no possible exposure of people to excessive noise due to project location.

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

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.

a - c) **No Impact:** The project would permit a new single-family residence in a zoning district and General Plan land use designation intended for residential development. 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. The project will not require the displacement of any person living or working the area. No impacts are expected, and no mitigation is required.

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

Other public facilities?	☐	☐	☒	☐

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

a) **Less Than Significant Impact:** There are no elements of the proposed project that would impact the ability of the County or other local services providers to provide public services to the site or local community.

The site is located within the State Responsibility Area (SRA) and is served by the California Department of Forestry and Fire Protection (CalFire). The site is mapped as located within a "High" fire hazard severity zone (Mendocino County Maps - Fire Hazard Severity Map, 2007). CalFire has submitted recommended conditions of approval (CDF 71-20) for address standards, driveway standards, and defensible space standards. Compliance with CalFire conditions would ensure a less than significant impact would occur.

Police protection services within the unincorporated area of the County, including the site, is provided by the Mendocino County Sheriff's Office. Due to the fact that the parcel is already served by Mendocino County Sheriff's Office and the additional population anticipated to be served as a result of the project is not significant, a less than significant impact would occur.

Since the proposed project is solely for a single-family residence, the project is not anticipated to substantially increase the usage of local schools, local parks or recreational facilities such that new facilities would be needed. In addition, the usage of other public facilities, such as regional hospitals or libraries, would also not be anticipated to substantially increase. A less than significant impact would occur.

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

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.

a - b) **No Impact:** The project site is located west of Highway 1, but is not designated as a potential public access trail location on the Local Coastal Plan maps. There is no evidence of prescriptive access on the site, nor would the development of one new single-family residence generate enough recreation demand to require the construction of additional facilities. The project would have no impact on public access or recreation, and no mitigation is required. The project will not result in any impact to recreation in the area, nor would it require the construction of new or expanded facilities, which could cause an adverse impact on the environment. Therefore, no impact will occur as a result of the project.

XVII. TRANSPORTATION/TRAFFIC. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

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.

a - b) **Less Than Significant Impact:** The State Route 1 Corridor Study Update provides traffic volume data for State Route 1 (SR 1). The subject property is located west of State Route 1 (SR 1) on a private road. The nearest data breakpoint in the study is located approximately one mile south of the property at the intersection of Navarro Ridge Road and State Route 1. The existing level of service at peak hour conditions at this location is Level of Service B. Since the site is currently undeveloped, there will be an increase in traffic to and from the site under both construction and operation of the project. It is expected that construction of the project will result in a slight increase in traffic to and from the site, as construction workers arrive and leave the site at the beginning and end of the day, in addition to minor interruption of traffic on adjacent streets, when heavy equipment necessary for project construction is brought to and removed from the site. Once construction is complete, these workers would no longer be required at the site. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site. The development proposed on-site is not be expected to significantly impact the capacity of the street system, level of service standards established by the County, or the overall effectiveness of the circulation system, nor substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities, as a substantial increase in traffic trips or use of alternative transportation facilities is not anticipated. A less than significant impact would occur.

c) **No Impact:** The proposed project is for a single-family residence with no tall structures that could potentially result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. No airport is located in close proximity to the proposed project; therefore, there will be no impact.

d) **No Impact:** The proposed project is for a single-family residence and does not propose any activities or development that would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Therefore, there will be no impact.

e) **Less Than Significant Impact:** CalFire has submitted recommended conditions of approval (CDF 71-20) for address standards, driveway standards, and defensible space standards. With adherence to the CalFire recommendations the project will have a less than significant impact in terms of emergency access.

f) **No Impact:** The proposed project will not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The proposed project proposes a new single-family residence in a residential neighborhood and access to the parcel is provided via existing County roads. There is no adopted policy or plan applicable to the project site that would be violated. Therefore, there will be no impact.

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

Thresholds of Significance: The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change in the significance of a cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place,

cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1.

a - b) **Less Than Significant Impact:** Per Chapter 3 (Development Element) of the Mendocino County General Plan (2009), 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.

As discussed under Section V (Cultural Resources) above, the project was reviewed by the Mendocino County Archaeological Commission on November 18, 2020 where it was determined that no archaeological survey is required at this time. The Archaeological Commission has recommended a condition of approval that the applicant provide a survey after vegetation removal has occurred on the parcel and prior to construction activities. This is recommended as **Condition 8,** which advises the applicant of the "Discovery Clause." The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria. As of this date, no response was received from any of the three local tribes and did not have substantive comments. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

XVIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and	☐	☐	☒	☐

regulations related to solid waste?				

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

a) **Less Than Significant Impact:** The infrastructure necessary for electrical, telecommunications, and on-site water supply and wastewater collection connections will be installed as part of the proposed project; however, in order to ensure significant environmental effects would not occur, the respective utility providers and installers would implement applicable Best Management Practices (BMPs) to reduce the potential for impacts, including but not limited to erosion during construction, to occur. A less than significant impact would occur.

b) **Less Than Significant Impact:** Under the project, potable water would be provided by Pacific Reefs Water District. Pacific Reefs Water District is subject to permitting and compliance with the State related to their provision of water. A standard condition of approval requires that the project is subject to all permitting and requirements of all other local, state and federal agencies with jurisdiction over the project which would address any concerns about the Water District and ability to provide water in drought years. A less than significant impact would occur.

c) **No Impact:** The proposed project would be served by an on-site septic system. A septic system design has been approved by the Mendocino County Division of Environmental Health (DEH), septic permit number (ST24188), where the project is proposing a three-bedroom residence. The septic permit (ST24188) shall be issued and finalized, prior to the issuance and final of a building permit for the residence, respectively, but no other concerns were expressed. This is recommended as **Condition 5.** Since the project would be served by an on-site system, no impact would occur.

d - e) **Less Than Significant Impact:** A significant amount of solid waste is not anticipated under the project and all solid waste generated under the project would be disposed of in accordance to all federal, state, and local statutes and regulations related to solid waste including state and local waste diversion requirements. A local service provider for solid waste service, which will likely consist of curbside pick up, will serve the proposed project. As noted in Chapter 3 (Development Element) of the Mendocino County General Plan (2009), 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. Based on information provided on CalRecycle's website, 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 (2019). As such, the proposed would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled	☐	☐	☒	☐

spread of a wildfire?				
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	☐	☐	☒	☐

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

a) **Less Than Significant Impact:** 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).

As discussed under Section IX, Hazards and Hazardous Materials, above, there are no components of the project that would impair an adopted emergency response plan or emergency evaluation plan, including the adopted County EOP. CalFire conditioned the project to require the Applicant to provide adequate driveway and roadway width for emergency response vehicles, provide an adequate emergency water supply on-site, and maintain defensible space for fire protection purposes in order to ensure State Fire Safe Regulations are met. As a result, a less than significant impact would occur.

b) **Less Than Significant Impact:** Under the proposed project, it is not anticipated that wildfire risks would be exacerbated due to slope, prevailing winds, and other factors. The site is relatively level and forested with Shore Pine forest and understory of various plants. The project would require compliance with CalFire's Fire Safe Regulations to ensure adequate fire protection measures and access. As a result, a less than significant impact would occur.

c) **Less Than Significant Impact:** The site is currently vacant and undeveloped, and the proposed project would require the installation and maintenance of associated infrastructure, including internal access roads and underground utility line (electricity, water, and on-site septic) installation and connections. However, the developed footprint is not significant in size and during infrastructure installation and associated maintenance, appropriate Best Management Practices (BMPs) would be implemented. A less than significant impact would occur.

d) **Less Than Significant Impact:** The proposed project would not 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, as the site is relatively level and located in a rural area with similar residential development on surrounding parcels. A less than significant impact would occur.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant effect on mandatory findings of significance if it would have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory; have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.); or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

a) **Less Than Significant Impact:** Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and it has been determined that it would not:

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

Potential environmental impacts from the approval of a Coastal Development Permit to construct a residence and associated improvements, have been analyzed in this document and mitigation measures have been included in the document to ensure impacts would be held to a less than significant level.

Primary concerns center on the fact that the project may result in impacts associated with biological resources that would be significant if left unmitigated. However, implementation of mitigation measures and conditions recommended by Staff and consulting agencies would fully mitigate all potential impacts on these resources to levels that are less than significant.

b) **Less Than Significant Impact:** No cumulative impacts have been identified as a result of the proposed project. Individual impacts from the project would not significantly contribute to cumulative impacts in the area. A less than significant impact would occur.

c) **Less Than Significant Impact:** Based on the findings in this Initial Study and as mitigated and conditioned, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings either directly or indirectly. Potential environmental impacts associated with approval of the project have been analyzed and, as mitigated, all potential impacts can be reduced to a less-than-significant level.

DETERMINATION: On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

DATE

JESSIE WALDMAN
PLANNER II