



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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June 3, 2021

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

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, June 24, 2021 at 10:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project, and the Draft Mitigated Negative Declaration, that is located in the Coastal Zone. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

**CASE#:** CDP\_2019-0049

**DATE FILED:** 12/6/2019

**OWNER/APPLICANT:** NATSUKI FUKASAWA AND RICHARD CIONCO

**AGENT:** WYNN COASTAL PLANNING & BIOLOGY

**REQUEST:** Standard Coastal Development Permit to construct a single family residence and ancillary development. Associated improvements include carport and decking around the single family residence and a paved driveway. The project includes the construction of a bioswale and a curtain drain. Associated utilities include construction of a septic system and a well.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**LOCATION:** In the Coastal Zone, 4.7± miles south of Point Arena town center, on the west side of Iversen Lane (CR 532), 0.25± miles northeast of the intersection of State Route 1 (SR 1), and Iversen Rd. (CR 503), located at 46880 Iversen Lane, Gualala; APN: 142-010-52-05.

**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** JESSIE WALDMAN

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

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 West Fir Street, Fort Bragg, California, or by e-mail to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) no later than June 23, 2021. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org).

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

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

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

IGNACIO GONZALEZ, Interim Director of Planning and Building Services



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

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**JUNE 24, 2021  
CDP\_2019-0049**

**SUMMARY**

**OWNER/APPLICANT:** NATSUKI FUKASAWA AND RICHARD CIONCO  
2724 6TH AVE  
SACRAMENTO, CA 95818

**AGENT:** WYNN COASTAL PLANNING & BIOLOGY  
703 NORTH MAIN STREET  
FORT BRAGG, CA 95437

**REQUEST:** Standard Coastal Development Permit to construct a single family residence and ancillary development. Associated improvements include carport and decking around the single family residence and a paved driveway. The project includes the construction of a bioswale and a curtain drain. Associated utilities include construction of a septic system and a well.

**LOCATION:** In the Coastal Zone, 4.7± miles south of Point Arena town center, on the west side of Iversen Lane (CR 532), 0.25± miles northeast of the intersection of State Route 1 (SR 1), and Iversen Rd. (CR 503); located at 46880 Iversen Lane, Gualala; APN: 142-010-52-05.

**TOTAL ACREAGE:** 1± Acre

**GENERAL PLAN:** General Plan, Coastal Element Chapter 4.9, Rural Residential, five acre minimum parcel size or alternative density of one acre minimum, RR5(1)

**ZONING:** Mendocino Coastal Zone Code, Rural Residential, five acre minimum parcel size or alternative density of one acre minimum with demonstration of adequate water, RR5(1)

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**APPEALABLE:** Yes, Within 300 Feet of Bluff (Map 39: Saunders Reef)

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** JESSIE WALDMAN

**BACKGROUND**

**PROJECT DESCRIPTION:** Standard Coastal Development Permit to construct a single family residence and ancillary development. Associated improvements include carport and decking around the single family residence, and a paved driveway. The project includes the construction of a bioswale, and a curtain drain. Associated utilities include construction of a septic system and a well.

**APPLICANT'S STATEMENT:**

Per the submitted CDP Questionnaire, date stamped December 6, 2019, the response to question number 1 states:

*"Develop a 1,850 square foot single-family residence with attached carport, septic and driveway."*

Per the Biological Scoping, Wetland Delineation, Lotus Blue, Behren's Silverspot Butterfly and Botanical Survey Report, prepared by Wynn Coastal Planning and Biology (WCPB, 2019, pg. 4), date stamped December 6, 2019, the Project Description states,

*"The proposed development consists of building a single-family residence, carport and associated infrastructure in the least environmentally impacting area."*

In response to Planning Staff requesting clarification regarding the 18" culvert, interceptor drain, bioswale and curtain drain, the Agent, Wynn Coastal Planning and Biology (WCPB), submitted a clarification letter, date stamped August 27, 2020, as shown in the Wynn Clarification Letter, (WCPB, August 13, 2020), which states:

*"The typo is within the Report of Compliance on Page 3 and mentions Bishop pine forest. Bishop pine forest is not within the study area and should be omitted from the report. Rather than Bishop pine forest, the sentence should instead list the resources observed on the property which are: wetland, stream, slough sedge sward, and tufted hairgrass meadow."*

*The 18" culvert is not the same as the interceptor drain. The 18" culvert extends from beneath the Iversen Lane roadway and contributes the stream that extends along the southern parcel boundary.*

*The proposed interceptor drain discussed within the Report is the same as the curtain drain discussed in the septic plan; these terms are often used interchangeably. The interceptor drain is not currently installed, but rather is proposed development. WCPB biologists surveyed wetland areas in the direct vicinity of where the drain would be installed to ensure that the drain would not be placed within a wetland. Wetlands form where water remains in the upper 12 inches of soil; the interceptor drain would target water within the soil that is deeper than this. The aim of the interceptor drain is to divert uphill groundwater at the level of the leach field pipes from reaching the proposed septic fields. Any water that daylights from the interceptor drain will be diverted to a proposed bioswale that aims to extend and feed into the existing wetland. The bioswale will be hand contoured and planted with site appropriate native plants. A depiction of the proposed bioswale is shown in Figure 1."*

**RELATED APPLICATIONS:**

**On-Site**

- Parcel subject to this application is Lot 40, as numbered, and designated upon the map of the Iversen Landing Unit No. 2, Tract No. 115, filed for record September 10, 1968 on page 3 of 3 in Map Case 2, Drawer 11, Page 82 of Mendocino County Records.



### Neighboring Property

- APN: 142-010-19 – Vacant; CE 110-00 (Test Well)
- APN: 142-010-51 – Vacant; CE 64-05 (Test Well); CDP\_19-2006 (Single Family Residence)
- APN: 142-031-01 - Vacant
- APN: 142-031-02 - Vacant
- APN: 142-032-02 - CE 27-03 (Test Well); CE 88-03 (Test Well); CDP\_2016-0019 (Single Family Residence)
- APN: 142-010-18 - PA 84-68 (Single Family Residence)

**SITE CHARACTERISTICS:** The project site is located in the Coastal Zone, 4.7± miles south of Point Arena town center, on the west side Iversen Lane (CR 532), 0.25± miles northeast of the intersection of State Route 1 (SR 1) and Iversen Rd. (CR 503). The project site is located within the Iversen Landing Unit No. 2 subdivision, where the adjacent parcels to the east and south are developed with residential uses, and the adjacent parcel to the north is vacant, as shown on the *Aerial Imagery (Vicinity)* and *Aerial Imagery* maps. The project site borders SR 1 to the west and is mapped within 300 feet of the bluff top, as shown on the *Appealable Areas* map. The subject parcel is not located within a mapped Highly Scenic area, however is located within 200 feet of SR 1, thus considered to be subject to Special Treatment Areas. 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*. The site is mapped on the attached *Ground Water Resources Map* as being located within a Critical Water Area. The site is mapped on the attached *LCP Land Capabilities and Natural Hazards Map* as “Non-Prime” in terms of agricultural lands, and in terms of seismicity, the bulk of the parcel is mapped as “Beach Deposits, and Stream Alluvium, and Terraces (Zone 3) – Intermediate Shaking”. The attached *LCP Habitats and Resources Map* does not show any sensitive resources being located on the subject parcel.

The parcel is highly constrained by Environmentally Sensitive Habitat Areas (ESHA). The habitat on the parcel consists of three types of presumed ESHAs (*WCPB, 2019, pg. 1*), which are:

- **Stream ESHA** – A 290 foot linear channel runs along the eastern side of the property.
- **Wetland ESHA** - A 0.3 acre coastal act wetland also occurs on the site.
- **Rare Plant Community ESHA** – One special status plant community was identified on the property, with **Slough sedge sward (*Carex obnupta* Herbaceous Alliance G4 S3)**, and **Tufted hair grass meadow (*Descampsia cespitosa* Herbaceous Alliance G5 S4)**.

Multiple studies were submitted, and are kept on file with the Mendocino County Department of Planning & Building Services, which are as follows:

- Biological Scoping, Wetland Delineation, Lotis Blue, Behren’s Silverspot Butterfly & Botanical Survey Report, prepared by Wynn Coastal Planning & Biology, Inc., (*WCPB, 2019*)
  - Reduced Buffer Analysis, (*Appendix I of WCPB, 2019*)
  - Report of Compliance (*Appendix J of WCPB, 2019*)
- Wynn Clarification Letter, prepared by Wynn Coastal Planning & Biology, Inc., (*WCPB, August 24, 2020*).
- Exhibit 1 - Biological Scoping Supplement, prepared by Wynn Coastal Planning & Biology, Inc., (*WCPB, August 13, 2020*).
- Exhibit 2 - Drainage & Landscaping Plan, prepared by Wynn Coastal Planning & Biology, Inc., (*WCPB, August 13, 2020*).

- Takings Analysis, prepared by Wynn Coastal Planning & Biology, Inc., (WCPB)

**SURROUNDING LAND USE AND ZONING:** Listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR) 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 28: Schooner Gulch* maps. The proposed single family residence and ancillary development is consistent with the surrounding land uses and development.

	GENERAL PLAN	ZONING	LOT SIZES	USES
<b>NORTH</b>	Rural Residential RR5(RR1)	Rural Residential RR5(RR1)	1.0± Acres	Vacant
<b>EAST</b>	Rural Residential RR5(RR1)	Rural Residential RR5(RR1)	1.0± Acres	Residential
<b>SOUTH</b>	Rural Residential RR5(RR1)	Rural Residential RR5(RR1)	2.0± Acres	Residential
<b>WEST</b>	Rural Residential RR5(RR1)	Rural Residential RR5(RR1)	1.0± Acres	Vacant

**AGENCY COMMENTS:** On January 3, 2020, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. Upon supplemental documentation, and clarifications submitted to the proposed project, a second referral was sent on October 29, 2020 to California Coastal Commission (CCC), California Department of Fish & Wildlife (CDFW) and United States Fish & Wildlife Services (USFWS). Their submitted recommended conditions of approval are contained at the end of the project Staff Report. A summary of the submitted agency comments are listed below.

REFERRAL AGENCIES	January 3, 2020 COMMENTS	October 29, 2020 COMMENTS
Archaeological Commission	Comments	N/A
Assessor's Office	No Response	N/A
Building Division (FB)	No Comment	N/A
California Coastal Commission (CCC)	Comments	No Response
California Department of Fish & Wildlife (CDFW)	Comments	Comments
CALFIRE (Land Use)	No Comment	N/A
California Native Plant Society	No Response	N/A
Cloverdale Rancheria	No Response	N/A
Department of Transportation (DOT)	Comments	N/A
Environmental Health (DEH)(FB)	No Comment	N/A
Gualala Municipal Advisory Council (GMAC)	Comments	N/A
Sonoma State University	Comments	N/A
South Coast Fire District	Comments	N/A
Planning Division (Ukiah)	No Response	N/A
Redwood Valley Rancheria	No Response	N/A
Sherwood Valley Rancheria	No Response	N/A
United States Fish & Wildlife Services (USFWS)	N/A	Comments

**LOCAL COASTAL PROGRAM CONSISTENCY**

The proposed development is consistent with the goals and policies of the Local Coastal Program, Coastal Element and Zoning Codes as detailed below.

Land Use: The proposed project is located within the boundaries of the Local Coastal Program (LCP) area, as shown on the *LCP Land Use Map 28: Schooner Gulch* map. The subject parcel is classified as Rural Residential (RR) by the Mendocino County General Plan, as shown on the *General Plan Classifications Map*. The Rural Residential (RR) classification, per Mendocino County Coastal Element (MCCE) Chapter

2.2, states:

*"... is intended to encourage local small scale food production in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, or other characteristics. The RR 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, 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, as shown on the *Zoning Display Map*, per Mendocino County Code (MCC) Section 20.376.005, which states:

*"... 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 proposed project, which includes construction of a single family residence, carport, and associated utilities, is a principally permitted use within the RR district, pursuant to MCC Chapter 20.376. 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. The subject parcel is 1.0± acres in size and is considered consistent to lot size requirements. The proposed developments will be located at the most eastern portion of the subject parcel, as shown on the *Site Plan*. The proposed project will comply with the minimum property setback requirements for the RR District for the parcel size, which are 20 feet for each front and rear yard and 6 feet for each side. A corridor preservation setback of 25 feet applies along Iversen Lane (CR 532), and 45 feet applies along State Route 1 (SR 1), resulting in a front yard setback of either 45 feet from Iversen Lane (CR 532) corridor centerline and a rear yard setback of either 65 feet from SR 1 or 20 feet from the property line, whichever is greater. As currently proposed, the single family residence and carport will be located outside the 20 foot front and rear yard setbacks and 6 foot side yard setbacks, and will be consistent with the corridor preservation setbacks.

The maximum building height allowed in the RR District is 28 feet above the natural grade for non-Highly Scenic Areas, such as the project site. As currently proposed, the development will be a maximum height of 28 feet, as shown on the *Elevations drawing*. The proposed development will be located at the most eastern portion of the subject parcel, as shown on the *Site Plan*. The proposed development will establish an overall lot coverage of 3 percent, which is consistent with the maximum 20 percent allowable lot coverage. A minimum of two off-street parking spaces are required for the residential unit; the site has adequate capacity for the required parking.

The subject parcel is located within the Coastal Zone of Mendocino County, mapped within an appeal area (within 300 feet of the bluff top), as shown on the *LCP Land Use Map 28: Schooner Gulch and Appealable Areas maps*.

As currently proposed, the project will conform to development standards of MCC Chapters 20.376, 20.456, 20.472, and 20.532 of Division II of Title 20 of MCC.

Visual Resources: The parcel is not located in a designated Highly Scenic Area; therefore, it is not subject to the policies within the Coastal Element relating to visual resources, except for the following regulations that apply to all parcels within the Coastal Zone. 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..."*

MCC Section 20.504.010 of the Coastal Zoning Code (Visual Resources and Special Treatment Areas) states:

*"The purpose of this section is to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas."*

MCC Section 20.504.020(C) of the Coastal Zoning Code (Special Communities and Neighborhoods) states:

- "(1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*
- (2) New development shall be sited such that public coastal views are protected.*
- (3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.*
- (4) Building materials and exterior colors shall be compatible with those of existing structures."*

MCC Section 20.504.025(A) of the Coastal Zoning Code (Special Treatment Areas) states:

*"... areas of visual significance include special treatment areas shown on the Land Use Map and a 200 foot minimum designated scenic corridor along both sides of Highway 1 from Ten Mile River to the Sonoma County line not shown on the Land Use Map. The designated width of this corridor is a minimum of two hundred (200) feet running parallel to Highway 1 or inland to the first line of trees nearest the road. However, in no place does the corridor extend more than three hundred fifty (350) feet from the shoulder of the road. These include archaeological and paleontological sites and timber production zones.*

*Special Treatment Area buffer zones were also located adjacent to all publicly owned preserves and recreation areas, including national, state, regional, county and municipal parks. These buffer zones include those forested areas within the Coastal Zone within two hundred (200) feet of all such publicly owned preserves and recreation areas.*

*It is the intent of timber harvesting regulations within the Special Treatment Areas to minimize the visual effect of timber harvesting in order to protect the area's special scenic and natural qualities."*

MCC Section 20.504.035 of the Coastal Zoning Code (Exterior Lighting Regulations) states:

- (A) *“Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.*
- (2) *Where possible, all lights, whether installed for security, safety, or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.*
- (3) *Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas.”*

**Conditions 9 and 10** are recommended to require an exterior lighting plan and an exterior finish schedule plan consistent with Mendocino County Coastal Element Policies 3.5-1, 3.5-3, 3.5-4, and Mendocino County Code Sections 20.504.020(C) and 20.504.035, be provided to the Planning Division of Planning and Building Services for approval from the Coastal Permit Administrator, or to the satisfaction of the Director of Planning and Building Services.

With added conditions, the proposed project will be consistent with MCC Chapter 20.504 and regulations for parcels to be developed within Special Treatment Areas.

Habitats and Natural Resources: Both the Coastal Element (MCCE) and the Mendocino County Code (MCC) address Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, document potential negative impacts, and recommend appropriate mitigation measures.

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, 2019), prepared a *Biological Scoping Survey, Wetlands Delineation, Lotus Blue Butterfly, Behren’s Silverspot Butterfly, and Botanical Survey Report*, which included a *Buffer Analysis* and a *Biological Report of Compliance* (WCPB, October 2019) that provided recommendations for *“mitigation and avoidance measures in **Section 8**, were developed to ensure that all impacts form the proposed development will have a less than significant effect on sensitive resources”* (WCPB, 2019, pg. 23).

Wynn determined that three types of presumed ESHAs were identified within the study area, (WCPB, 2019, pg. 1):

- **Stream ESHA** – A 290 foot linear channel runs along the eastern side of the property.
- **Wetland ESHA** - A 0.3 acre coastal act wetland also occurs on the site.
- **Rare Plant Community ESHA** – One special status plant community was identified on the property with **Slough sedge sward (*Carex obnupta* Herbaceous Alliance G4 S3)** and **Tufted hair grass meadow (*Descgampsia cespitosa* Herbaceous Alliance G5 S4).**

Both the stream and wetland are considered ESHA, as defined in MCC Section 20.308.040(G). The wetland is considered a Coastal Act Wetland and was determined to not be federally protected wetlands. Wynn did not observe any special status wildlife while on the property. Primary wildlife species that are of concern on the site include the Foothill Yellow-legged Frog (*Rana boylei*), the Northern Red-legged Frog (*Rana aurora*), and the California Red-legged Frog (*Rana draytonii*). California Department of Fish and Wildlife (CDFW) generally disagreed with the statements made by Wynn in their October 21, 2019 Report, but felt that the

proposed buffer to the wetland swale identified on the parcel is adequate to minimize any potential impact to *Rana* species with the potential to occur on the parcel. With regards to nesting birds, it was noted that the wetland swale on the property and the eastern portion of the parcel will remain in its natural state and will continue to provide potential nesting habitat on the property and function as a wildlife corridor. CDFW agreed with these statements and found them adequate to ensure that impacts to nesting birds are minimized and a wildlife corridor maintained.

Mendocino County Code requires that a sufficient buffer be established around all identified ESHA. A Buffer Zone Analysis was included as Appendix I in the report from Wynn and recommends a minimum 50 foot buffer area between the stream, Coastal Act Wetlands, and the proposed development. There is no location on the parcel where development would not occur within 50 feet of the identified stream and the Coastal Act Wetlands (*WCPB, 2019, Appendix I, pg. 1*). Due to the presence of ESHA on the site, the previously noted *Biological Report of Compliance* was prepared for the project describing the sensitivity of the resources present and showing the least impacting location for the proposed development.

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 CDFW. These measures are recommended as **Conditions 13 through 20**.

The proposed project is considered the only feasible, least environmentally damaging alternative that avoids sensitive plant ESHA, and related ESHA buffer requirements, that satisfies the investment backed expectation of the owner. Mitigation Measures were recommended in the Report of Compliance and **Conditions 13 through 20** are recommended to ensure the project does not have an adverse impact on the sensitive resources at the site.

The proposed project will not interfere substantially with the movement of any native resident or migratory fish, wildlife species, established native resident, or migratory wildlife corridors with incorporated mitigation measures. Since the parcel is presently undeveloped it may be host to several nesting birds and act as a wildlife corridor for animals traveling to the coast. In consultation with CDFW, it was determined that the wetland swale area will continue to function as a wildlife corridor allowing movement through the property. In addition, protection of the southern portion of the property in its natural state will continue to provide potential nesting habitat on the property.

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 impervious surfaces and minimize vegetation removal. As stated above, MCC 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 economic 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 below.

In summary, the proposed project cannot be found consistent with LCP policies relating to ESHA; however, the proposed project is the least impactful alternative and the proposed mitigation measures required by **Conditions 13 through 20** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development, restore, and enhance ESHA located on the parcel.

Hazards Management: The property is located 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 California Department of Forestry and Fire Protection (CalFire). The project was referred to CalFire and South Coast Fire District (SCFD) for input; Staff received no response from either agency at the time of writing this report. A State Fire Safe Regulations Application Form, CalFire File Number 560-19, is required and issued for the project. A standard condition requiring the applicant to secure all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction ensures any fire

protection policy or plan will be addressed.

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

Grading, Erosion, and Run Off: The project will require grading for purposes of construction of the single family residence, carport, and ancillary development, resulting in approximately 210 cubic yards of disturbed soils. The proposed single family residence is a two-story structure where the lower level will be a "half-basement" method of design construction, as shown on *Elevations FR* and *Elevations LR*. Best Management Practices (BMP's) will be implemented at the time of construction and protection measures recommended for the adjacent ESHA.

As part of the proposed development, a bioswale will be established to catch and retain water, and redistribute outflow of the curtain drain. The bioswale will be located between the proposed septic system and the carport, as shown on the *Site Plan*. **Conditions 13 through 20** are recommended to ensure the proposed development protects grading, erosion and runoff protection and hazard area policies as well as enhancing the adjacent wetland, creating new wetland habitat. The bioswale should be planted with native wetland plants appropriate for the site. The bioswale mitigation measure aims to prevent any potential impacts to the Coastal Act wetland and stream in a non-erosive way. (*WCPB, 2019, Appendix J, pg. 9*).

If the amount of grading requires a permit from the Building Division, the Coastal Permit Administrator, or their designee, shall review and approve the grading permit to determine its consistency with MCC Chapters 20.492 and 20.500 regulations. Grading activities, including maintaining driveway and parking areas, and any work associated with an Encroachment Permit, shall comply with MCC Chapters 20.492 and 20.500 regulations.

A standard condition 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.

With added conditions, the 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*. As proposed, the project will include converting an existing test well into a production well, and the installation of an on-site septic system (ST23276). The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic, where DEH responded with recommendations requiring that issuance of a septic permit be obtained prior to issuance of a building permit, and final of the aforementioned septic permit be completed prior to final of said building permit for the proposed development. **Conditions 11 and 13 through 20** are recommended to ensure the proposed development has septage, leach field approval, and adequate water supply which will be consistent with RR land use classifications, DEH regulations and MCC Chapter 20.516.

With added conditions, the project is consistent with the Local Coastal Program policies related to groundwater resources and DEH requirements, including Coastal Element Policy 3.8.

Archaeological/Cultural Resources: The applicant submitted an Archaeological Survey Report, prepared by Marlene McVey, M.A. of Alta Archaeological Consulting, LLC, dated March 21, 2018. The project and survey were reviewed by the Mendocino County Archaeological Commission on July 8, 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.

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

With added conditions, Staff recommends that the project is consistent with Mendocino County policies for the protection of the paleontological and archaeological resources.

Transportation/Circulation: The project will not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from developing on this site were considered when the Coastal Element land use designations were assigned. Additionally, the site is located within the Iversen Landing Unit No. 2 Subdivision, created in 1968, where multiple parcels have already been developed and have homes which are occupied; therefore, construction of a single family residence, carport, and ancillary development is not anticipated to generate a significant amount of additional traffic beyond what presently exists.

Access to the site will be provided from Iversen Lane (CR 532). The proposed project was referred to Mendocino County Department of Transportation (DOT) for input, to which DOT commented that the proposed project requires construction of a standard driveway approach and that any work within the County Road right-of-way requires an encroachment permit from their office. **Condition 12** is recommended to ensure the proposed project has access, prior to final of a building permit, consistent with DOT regulations and MCC Chapter 20.516.

With added conditions, the project is consistent with MCC Chapter 20.516 regulations and policies for transportation, circulation, utilities and public services protection.

Public Access: The site is located east of State Route 1 (SR 1), west of Iversen Lane (CR 532), and is not designated as a potential public access trail location as shown on the *LCP Land Use Map 28: Schooner Gulch* map. The nearest existing public access to the shore is located at the Island Cove Shoreline Access to the south and on the west side of SR 1. The proposed project will not create impacts to existing or proposed public access.

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.

Section 30010 of the California Coastal Act 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."*

In this case, prohibiting development within fifty feet of an ESHA would deprive the owner of all economic use of the property. There are no alternative development options where the project can be at least fifty feet from ESHA, as a stream, wetland, and rare plant community are present on the site.

Some factors courts examine to determine if a regulatory taking has occurred involve the presence of reasonable investment-backed expectations, the degree to which a regulation may interfere with those reasonable investment-backed expectations, and whether or not a regulation deprives an owner of all economic use of the property. Staff believes there was a reasonable investment backed expectation that the scale of the residential development proposed is consistent with similar properties in the vicinity. The Takings Analysis includes an outline of the cost the applicant has incurred since purchasing the site in 2016, in an effort to develop the property. The purchase price of \$151,434 for approximately one acre of vacant land is a substantial investment. 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 applicant has spent approximately \$233,560 to purchase the property, design the residence, prepare surveys and studies, and complete permits necessary for future development of the site. The largest expenditures were related to land costs (e.g. purchase of land).

In order to assess the applicant's expectation to build an approximately 1,760 square foot single family residence, 580 square feet of decking, patios, and a 370 square foot attached carport; to be built on approximately one acre, was similar to comparable single family homes in the area. The proposed development is roughly equal to the square footage of development in the area found during Staff's review. The analysis of the comparable development is included in the Takings Analysis, kept on file with the Mendocino County Department of Planning & Building Services.

MCC Section 20.376.010 states, the principally permitted use types in the RR district, which 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, 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.

The property was purchased with an investment-backed expectation that construction of a single family residence would be permitted. Alternatives to the proposed development, including different development projects, and alternative locations, were considered and analyzed by a qualified professional, as required by MCC Sections 20.496.020(A)(4)(b) and 20.532.060(E). The proposed project is considered the most feasible, least environmentally damaging alternative that avoids sensitive plant ESHA, and related ESHA buffer requirements that satisfies the investment backed expectation of the owner. Mitigation Measures were recommended in the Report of Compliance and **Conditions 13 through 20** are recommended to ensure the project does not have an adverse impact on the sensitive resources located 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 recommended for adoption.

### **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 to construct a single family residence, carport, and ancillary development, 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 while the attached carport is a permitted accessory use 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 of a single family residence, carport, and ancillary development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. Driveway improvements and a County approved septic system and well are to be installed; 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 zoning district, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, and preserves the integrity of the Rural Residential zoning

district. With compliance with the conditions of approval, the proposed single family residence, carport and associated utilities would satisfy all development requirements for the district; 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 13 through 20** 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 of a single family residence, carport and ancillary developments will 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 South Coast Transfer Station (several miles away). The existing level of service at peak hour conditions at this location is considered Level of Service B. 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 not located between the first public road and the sea, and is not designated as a potential public access point; and
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, and 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 resource 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 permits for the proposed development of the single family residence, carport and ancillary developments to support the single family residence as required by the Building Inspection Division of the Department of Planning and Building Services, Department of Transportation and 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 one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. 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.
10. 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.
11. Prior to issuance of a Building Permit, the issuance of a septic permit shall be obtained, AND prior to final of aforementioned Building Permit, final approval of the aforementioned septic permit shall be completed, per Division of Environmental Health regulations.
12. Prior to final of a Building Permit, the property owner shall furnish evidence of access to the parcel, per Department of Transportation regulations and MCC Chapter 20.516, as follows:
  - a. Construct a residential driveway approach onto Iversen Lane (CR 532), in accordance with Mendocino County Road and Development Standards No. A51A, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete, or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted; and,
  - b. An encroachment permit shall be obtain from the Mendocino County Department of Transportation (DOT) for any work within County rights-of-way.

13. \*\* Mitigation and Avoidance Measures proposed in the *Response to Agency Comments and Drainage Plan*, dated August 13, 2020, by Wynn Coastal Planning and Biology Consulting. Prior to final of a Building Permit or Septic Permit, the property owner, or its agents shall submit a drainage plan for approval from the Coastal Permit Administrator, or to the satisfaction of the Director of Planning and Building Services, which shall be consistent with **Conditions 13 through 20**, and shall not include invasive plants, and any landscaping on the parcel shall consist of native, regionally appropriate, plants compatible with the adjacent plant communities. The Draft Landscape/Drainage Plan submitted to Planning & Building Services as Exhibit 2 of Wynn Coastal Planning & Biology's "Response to County Request for Information #1" letter, dated August 24, 2020 satisfies this condition.
14. \*\* Mitigation and Avoidance Measures proposed in the *Response to Agency Comments and Landscaping Plan*, dated August 13, 2020, by Wynn Coastal Planning and Biology Consulting. Prior to final of a Building Permit or Septic Permit, the property owner, or its agents shall submit a landscaping plan for approval from the Coastal Permit Administrator, or to the satisfaction of the Director of Planning and Building Services, which shall be consistent with **Conditions 13 through 20**, and shall not include invasive plants, and any landscaping on the parcel shall consist of native, regionally appropriate, and plants compatible with the adjacent plant communities. The Draft Landscape/Drainage Plan submitted to Planning & Building Services as Exhibit 2 of Wynn Coastal Planning & Biology's "Response to County Request for Information #1" letter, dated August 24, 2020, coupled with Table 1 "Recommended native plants for the native plant buffer..., revised February 16, 2021" submitted to Planning & Building Services as Enclosure 1 of Wynn Coastal Planning & Biology's "Response to County Request for Information #2" letter, dated February 17, 2021 satisfies this condition.
15. \*\* Mitigation and Avoidance Measures proposed in the *Biological Scoping, Wetland Delineation, Lotus Blue, Behren's Silverspot Butterfly & Botanical Survey Report*, dated October 21, 2019, by Wynn Coastal Planning and Biology Consulting, Standard Best Management Practices (BMPs) are required to 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 see mixes for soil stabilization.
16. \*\* Mitigation and Avoidance Measures proposed in the *Biological Scoping, Wetland Delineation, Lotus Blue, Behren's Silverspot Butterfly & Botanical Survey Report*, dated October 21, 2019, by Wynn Coastal Planning and Biology Consulting are required in order to provide for the protection of **rare plant communities** and **special status animal habitat**, construction areas shall not extend beyond the area necessary to complete the project and shall not encroach into ESHA buffer beyond that approved under this permit, as follows:
  - a. During construction, materials, including but not limited to lumber, concrete, finishwares, hand tools, power tools, generators, vehicles, and heavy equipment, etc., shall be stored in non-ESHA areas, such as the existing driveway, and shall be clearly designated by high-visibility construction fencing or other signage.
  - b. Orange construction fencing will be erected between both the Harlequin Lotus, Early Blue Violet, and the project-related activity areas and also along the eastside of the driveway between Seadrift Avenue, and the onsite ditch. An exclusion fence will be erected around all project-related activity areas. Fencing will be designed to protect Harlequin Lotus from the relevant areas, as described in Figure 5, Section 5, Mitigation and Avoidance Measures, and Section 8 Discussion of the *Biological Scoping and Botanical Survey Report (WCPB, 2019)* (5.1 & 5.2 Impact, page 14 of WCPB).
17. \*\* Mitigation and Avoidance Measures proposed in the *Biological Scoping, Wetland Delineation, Lotus Blue, Behren's Silverspot Butterfly & Botanical Survey Report*, dated October 21, 2019, by Wynn Coastal Planning and Biology Consulting are required to minimize impacts for development to Coastal Act wetlands, slough sedge sward, and stream. These measures will serve to prevent negative impacts

to potential resources located within 100 feet of the proposed development, as follows:

- a. **8.1. Potential Impact 1: Potential Impact to Birds** (*WCPB, 2019, pg. 23*): Construction in the study area has the potential to disturb special status birds during the nesting season. Removal of vegetation, construction activity near trees, and vegetated areas has the potential to disturb bird nesting.
  - i. **8.1.1. Measure 1a: Seasonal Avoidance:** No surveys are recommended if activity occurs in the **non-breeding season** (September to January). If development is to occur during the **breeding season** (February to August), a preconstruction survey is recommended within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development (**Table 1**).
  - ii. **8.1.2. Measure 1b: 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 may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
  - iii. **8.1.3. Measure 1c: Construction activities during daylight hours:** Construction should occur during daylight hours to limit disturbing construction noise and minimize artificial lights.
- b. **8.2. Potential Impact 2: Potential Impact to Bats** (*WCPB, 2019, pg. 23*): Construction in the study area has the potential but is unlikely to impact special status bat species. No special features such as hollow trees, abandoned buildings, or other cave analogs, which could serve as roosting or hibernation refugium, are present; therefore, the potential for negative impacts to bats is minimal.
  - i. **8.2.1. Measure 2a: Pre-construction surveys for bats:** Construction will ideally occur between September 1st and October 31, after the young have matured, and prior to the bat hibernation period. **If it is necessary to disturb potential bat roost sites between November 1 and August 31**, pre-construction surveys should be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roosts are observed, no ground disturbance activities shall occur within a minimum 100 foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active roost until all young are no longer dependent upon the roost. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings 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. If bats are found, a minimum 50 ft. buffer should be implemented around the roost tree.
  - ii. **8.2.2. Measure 2b: Construction activities during daylight hours:** Construction should occur during daylight hours to limit disturbing construction noise and minimize artificial lights. Construction activities will involve walking across areas where amphibians may be traveling. Staging of materials, and removal of construction debris could also disturb special status amphibians that may be hiding underneath these materials. To minimize impacts to amphibians, the following avoidance measures should be followed.
- c. **8.3. Potential Impact 3: Potential impact to amphibians in upland areas** (*WCPB, 2019, pg. 24*): Construction activities will involve walking across areas where amphibians may be traveling. Staging of materials, and removal of construction debris could also disturb special status amphibians that may be hiding underneath these materials. To minimize impacts to amphibians, the following avoidance measures should be followed.
  - i. **8.3.1. Measure 3a: Contractor education:** Within two weeks prior to construction activities, project contractors will be trained by a qualified biologist in the identification of the frogs and

- salamanders that occur along the Mendocino County coast. Workers will be trained to differentiate between special status and common species, and instructed on actions and communications required to be conducted in the event that a special status amphibians are observed during construction.
- ii. **8.3.2. Measure 3b: Pre-construction search:** During ground disturbing activities, construction crews will begin each day with a visual search around the staging and impact area to detect the presence of amphibians.
  - iii. **8.3.3. Measure 3c: Careful debris removal:** During construction and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.
  - iv. **8.3.4. Measure 3d: Reduce footprint of impact:** Orange construction fencing should be used to buffer any presumed onsite ESHAs (wetland, stream, and slough sedge sward) within 100 ft. of development. The orange construction fencing aims to protect the presumed ESHAs that amphibians may live in. Construction fencing will serve as a visual reminder to keep materials, and limit walking to within the designated boundaries. Construction fencing should be placed in a way that allows the construction crew to have sufficient space to work safely and efficiently while protecting the onsite resources.
  - v. **8.3.5. Measure 3e: Construction activities during daylight hours:** Some special status amphibians are more active at night. Construction should occur during daylight hours to minimize disturbing construction noise and artificial lights.
  - vi. **8.3.6. Measure 3f: Limit ground disturbing construction to dry season:** Ground disturbing construction within 100 feet of the stream should occur during the dry season, which is generally April 1 to October 31 of any year.
  - vii. **8.3.7. Measure 4g: No construction during rain event:** If a rain event occurs during the ground disturbance period, all ground disturbing activities will cease for a period of 48 hours, starting after the rain stops. Prior to resuming construction activities, trained construction crew member(s) will 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 will stop all ground disturbing work and will 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.
- d. **8.4. Potential Impact 4: Potential Impact to Soil and Vegetation - ground compaction and vegetation disturbance from materials and vehicles (WCPB, 2019, pg. 25):**
- i. **8.4.1. Mitigation 4a: Limiting Erosion:** The proposed project has the potential to create some erosion during ground disturbance. To limit any erosion that could enter any ESHAs downslope of the project area, straw wattles should be placed at the base of the orange construction fencing discussed in **Section 8.3.4**.
  - ii. **8.4.2. Mitigation 4b: Staging Area Plan:** Stage all building materials and construction vehicles in upland areas as far away from presumed ESHAs as possible.
- e. **8.5. Potential Impact 5: Potential Impact to Wetland (WCPB, 2019, pg. 25):** The interceptor drain and drain outlet has the potential to divert groundwater from above the Coastal Act wetland. The drain outlet also has the potential to create erosion, which may cause sediment to enter the Coastal Act wetland and stream. To mitigate for change to groundwater and potential erosion. It is recommended that a bioswale is created at the end of the interceptor drain outlet.

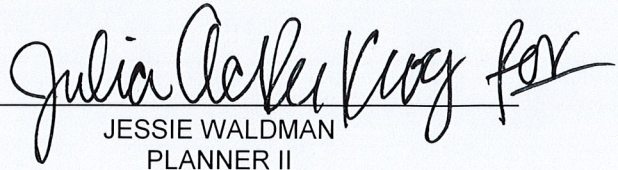




acceptable to the Coastal Permit Administrator, that imposes the conditions of the permit as covenants, conditions, and restrictions on use and enjoyment of the property.

6/3/2021

DATE

  
JESSIE WALDMAN  
PLANNER II

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

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Map (Vicinity)
- C. Aerial Map
- D. Topographical Map
- E. Site Map
- F. Floor Plan Main
- G. Floor Plan Lower
- H. Elevations FR
- I. Elevations LR
- J. Zoning Display Map
- K. General Plan Classifications
- L. LCP Land Use Map 28: Schooner Gulch
- M. LCP Land Capabilities & Natural Hazards
- N. LCP Habitats & Resources
- O. Appealable Areas
- P. Adjacent Parcels
- Q. Fire Hazards Map
- R. Ground Water Resource Area
- S. Slope Map
- T. Soils Map

**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 April 26, 2021, at: <https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element>

(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code. Accessed April 26, 2021, at: [https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT20\\_ZOOR\\_DIVIIMECOCOZOCO](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20_ZOOR_DIVIIMECOCOZOCO)

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 28 – Schooner Gulch [map]. 1985. Accessed April 26, 2021, at: <https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps>.

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

Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed April 26, 2021, at: [http://www.co.mendocino.ca.us/planning/pdf/12x36\\_Coastal\\_Groundwater\\_Areas.pdf](http://www.co.mendocino.ca.us/planning/pdf/12x36_Coastal_Groundwater_Areas.pdf)

(WCPB) Wynn Coastal Planning & Biology, Biological Scoping, Wetland Delineation, Lotis Blue, Behren's Silverspot Butterfly & Botanical Survey Report, Reduced Buffer Analysis and Report of Compliance. (WCPB, 2019)

(WCPB) Wynn Coastal Planning & Biology Wynn Clarification Letter, prepared by Wynn Coastal Planning & Biology, Inc., (WCPB, August 24, 2020)






(WCPB) Wynn Coastal Planning & Biology, Exhibit 1 - Biological Scoping Supplement. (WCPB, August 13, 2020)

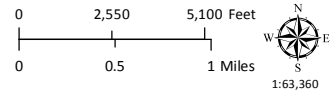
(WCPB) Wynn Coastal Planning & Biology, Exhibit 2 - Drainage & Landscaping Plan. (WCPB, August 13, 2020)

(WCPB) Wynn Coastal Planning & Biology, Exhibit 3 - Takings Analysis. (WCPB, August 13, 2020)



CASE: **CDP 2019-0049**  
 OWNER: **CIONCO/FUKASAWA**  
 APN: **142-010-52-05**  
 APLCT: **Natsuki Fukasawa & Richard Cionco**  
 AGENT: **Blair Foster**  
 ADDRESS: **46880 Iversen Lane, Gualala**

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



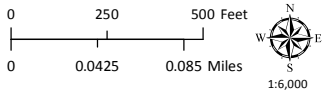
LOCATION MAP  
 ATTACHMENT A





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- Named Rivers
- Public Roads
- Private Roads
- Driveways/Unnamed Roads

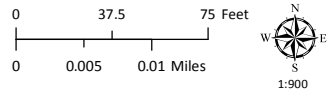




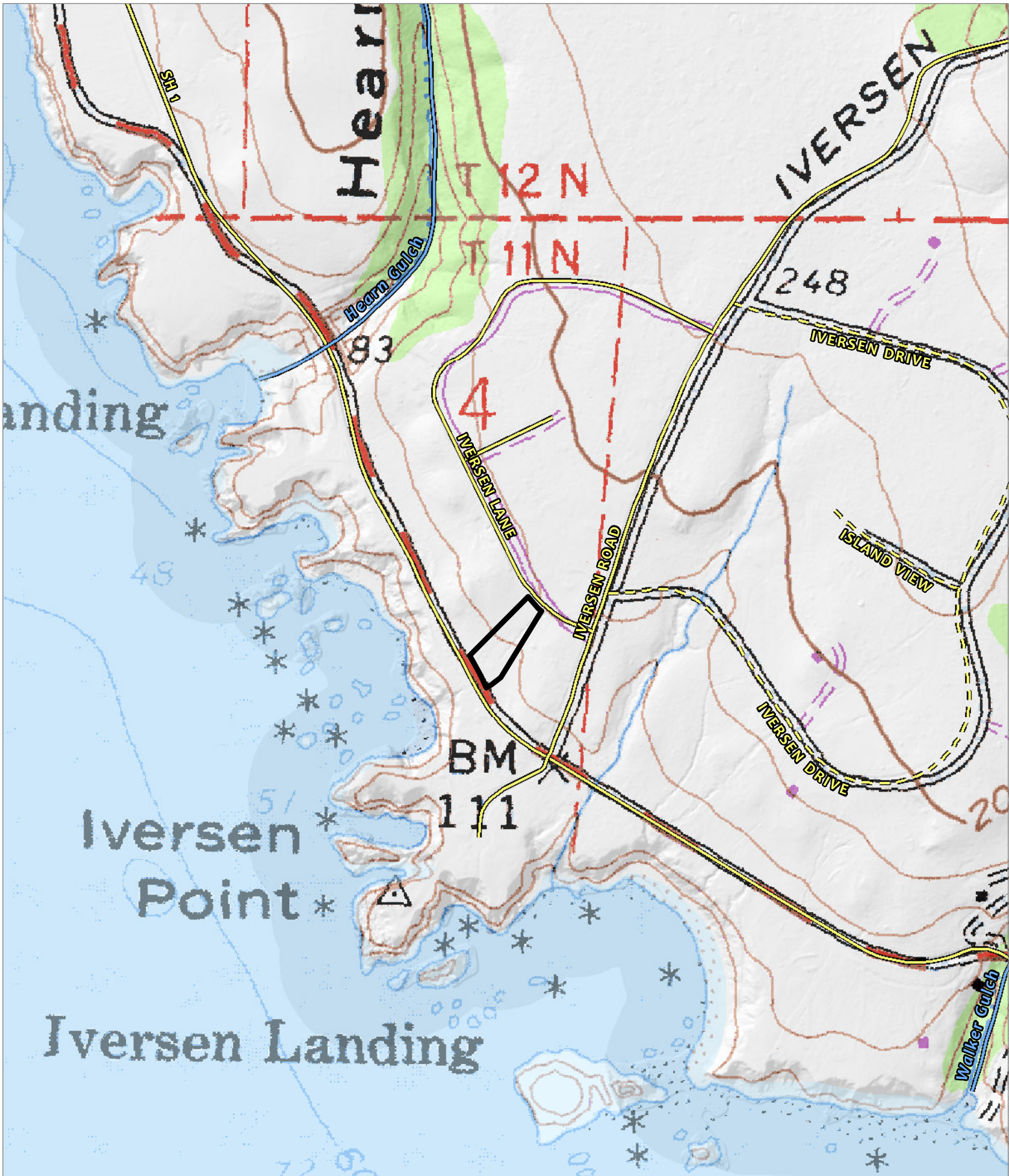


CASE: CDP 2019-0049  
OWNER: CIONCO/FUKASAWA  
APN: 142-010-52-05  
APLCT: Natsuki Fukasawa & Richard Cionco  
AGENT: Blair Foster  
ADDRESS: 46880 Iversen Lane, Gualala

 Public Roads

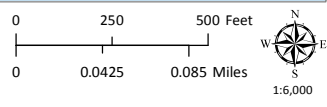


AERIAL IMAGERY  
ATTACHMENT C



CASE: CDP 2019-0049  
 OWNER: CIONCO/FUKASAWA  
 APN: 142-010-52-05  
 APLCT: Natsuki Fukasawa & Richard Cionco  
 AGENT: Blair Foster  
 ADDRESS: 46880 Iversen Lane, Gualala

- Named Rivers
- Driveways/Unnamed Roads
- Public Roads
- Private Roads



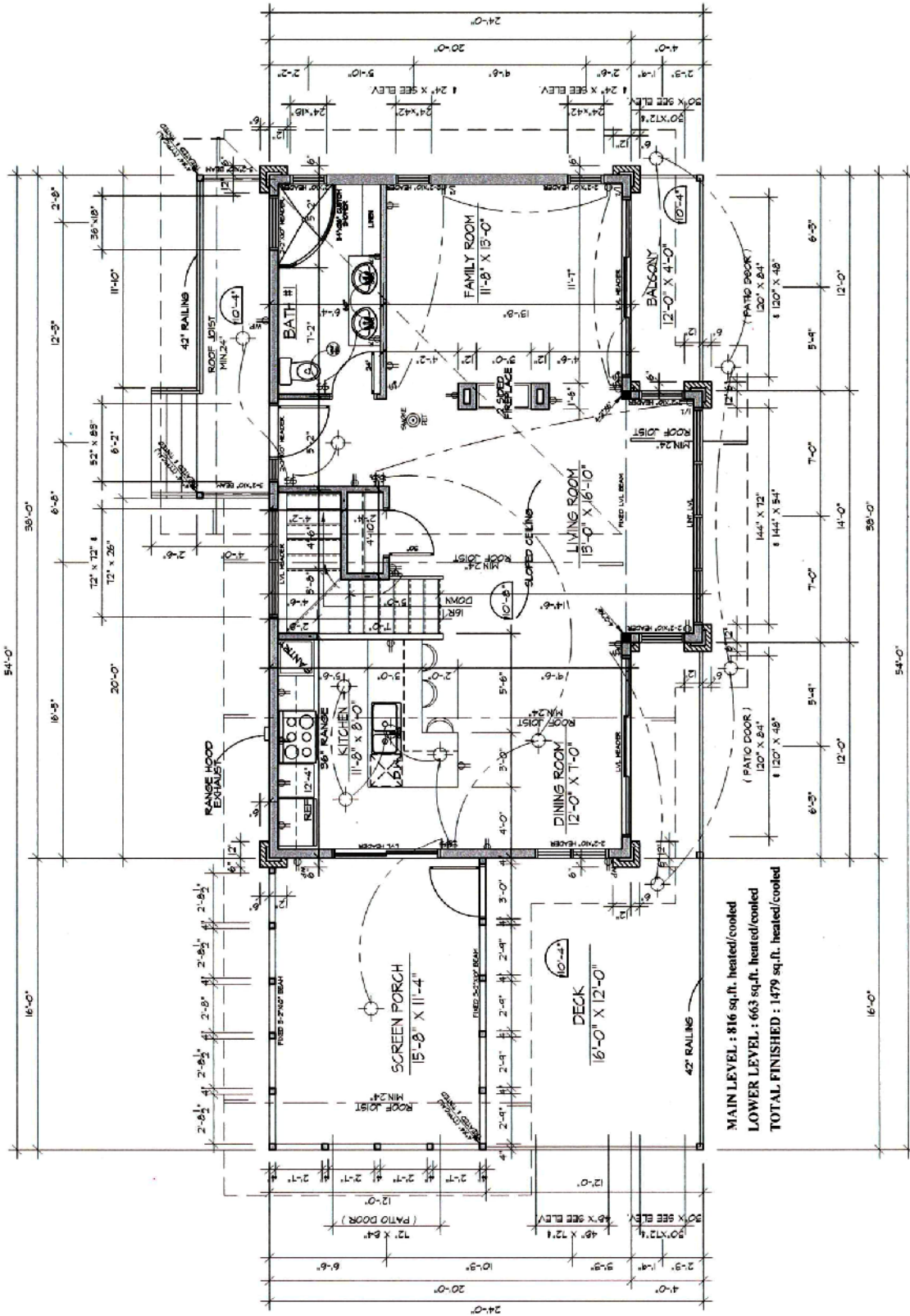
TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET  
 ATTACHMENT D











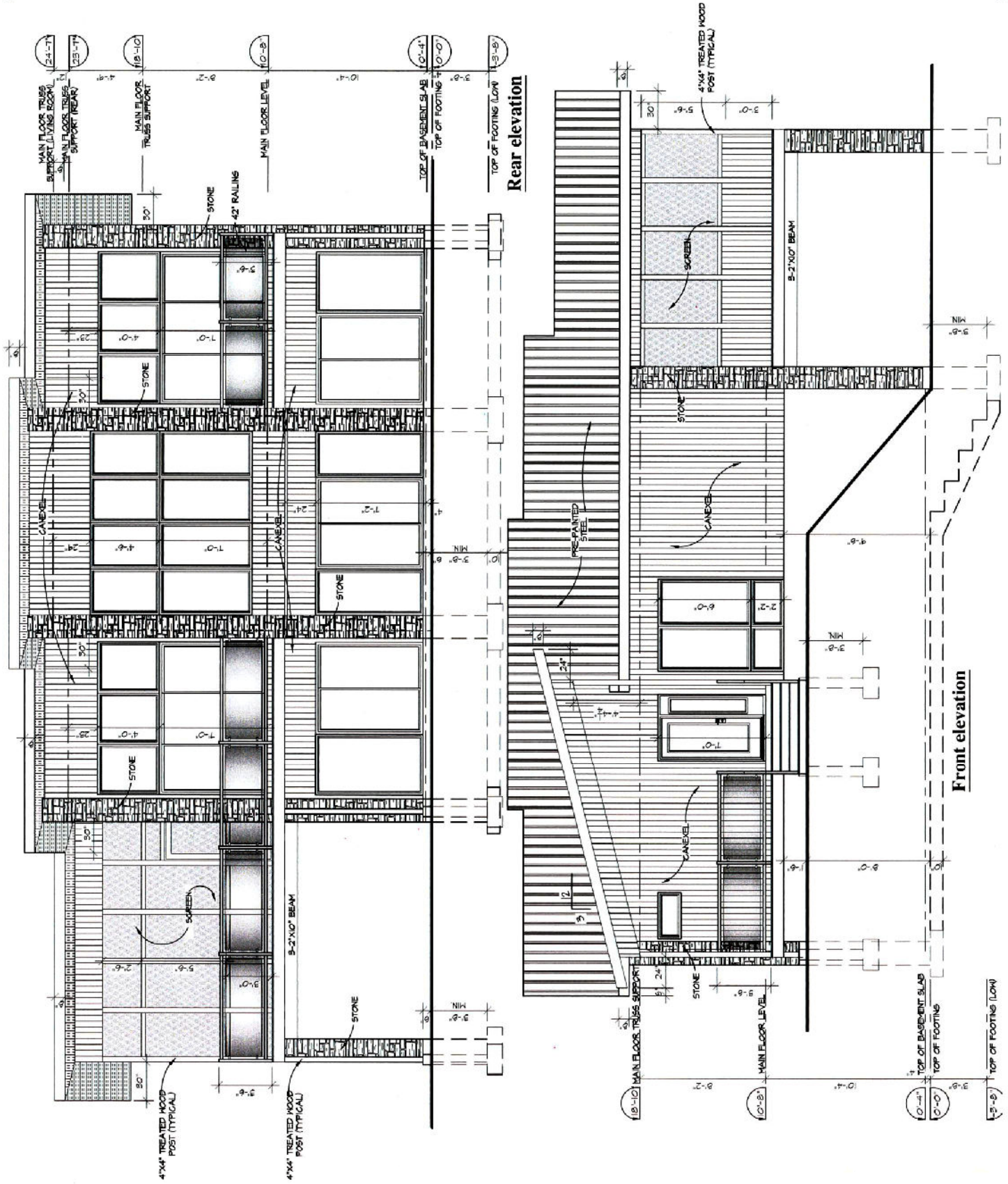
**MAIN LEVEL : 816 sq.ft. heated/cooled**  
**LOWER LEVEL : 663 sq.ft. heated/cooled**  
**TOTAL FINISHED : 1479 sq.ft. heated/cooled**

CASE: CDP 2019-0049  
 OWNER: CIONCO/FUKASAWA  
 APN: 142-010-52-05  
 APLCT: Natsuki Fukasawa & Richard Cionco  
 AGENT: Blair Foster  
 ADDRESS: 46880 Iversen Lane, Gualala

NO SCALE

LOWER FLOOR PLAN  
 ATTACHMENT G





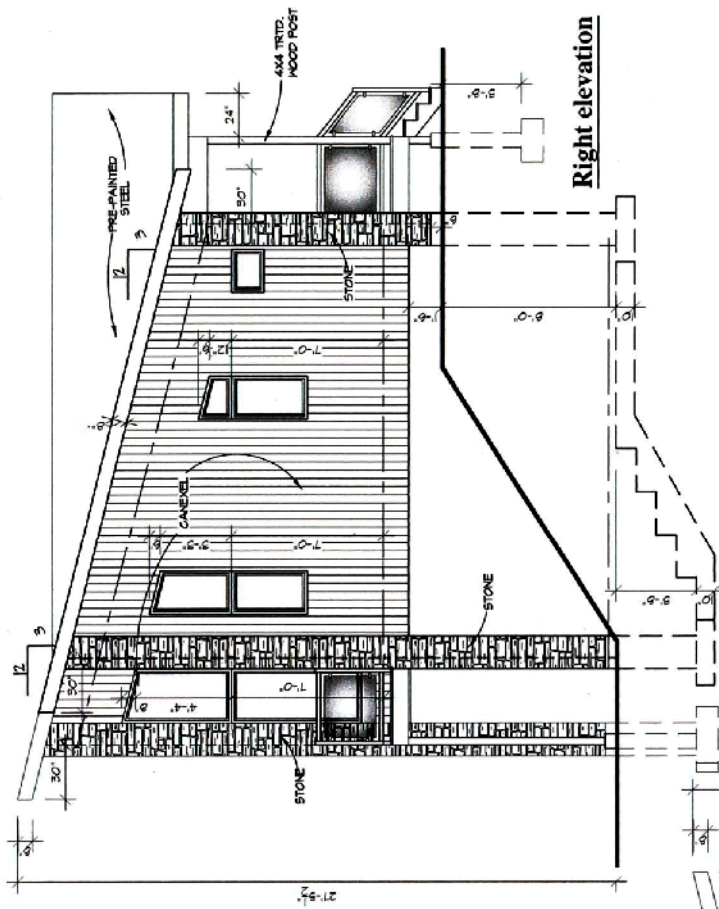
Rear elevation

Front elevation

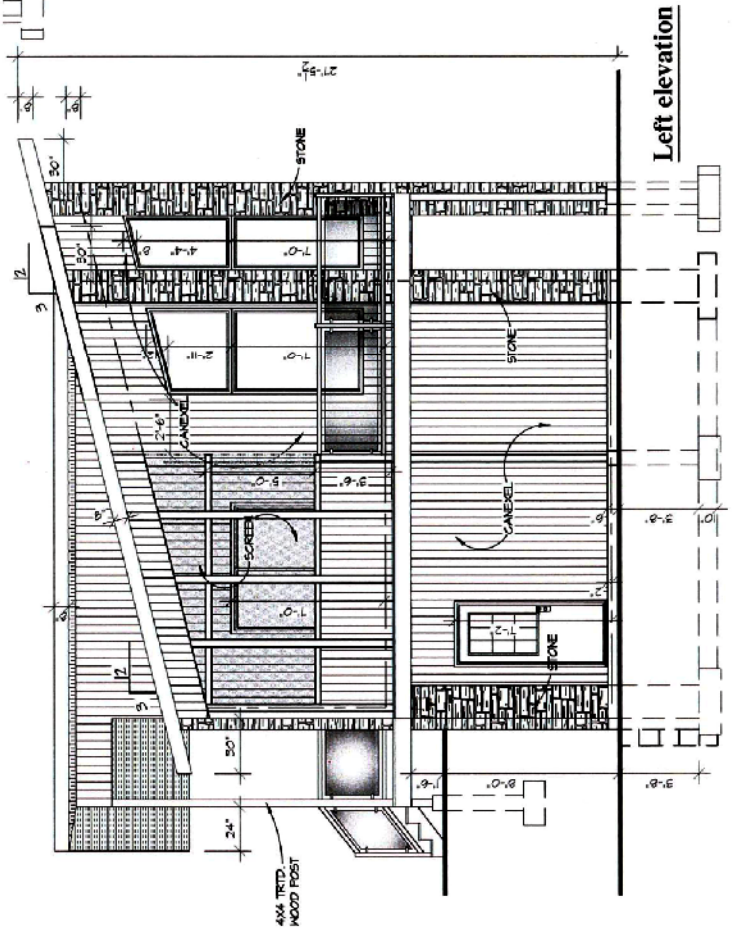
CASE: CDP 2019-0049  
 OWNER: CIONCO/FUKASAWA  
 APN: 142-010-52-05  
 APLCT: Natsuki Fukasawa & Richard Cionco  
 AGENT: Blair Foster  
 ADDRESS: 46880 Iversen Lane, Gualala

NO SCALE

MENDOCINO COUNTY PLANNING DEPARTMENT - 12/08/2019



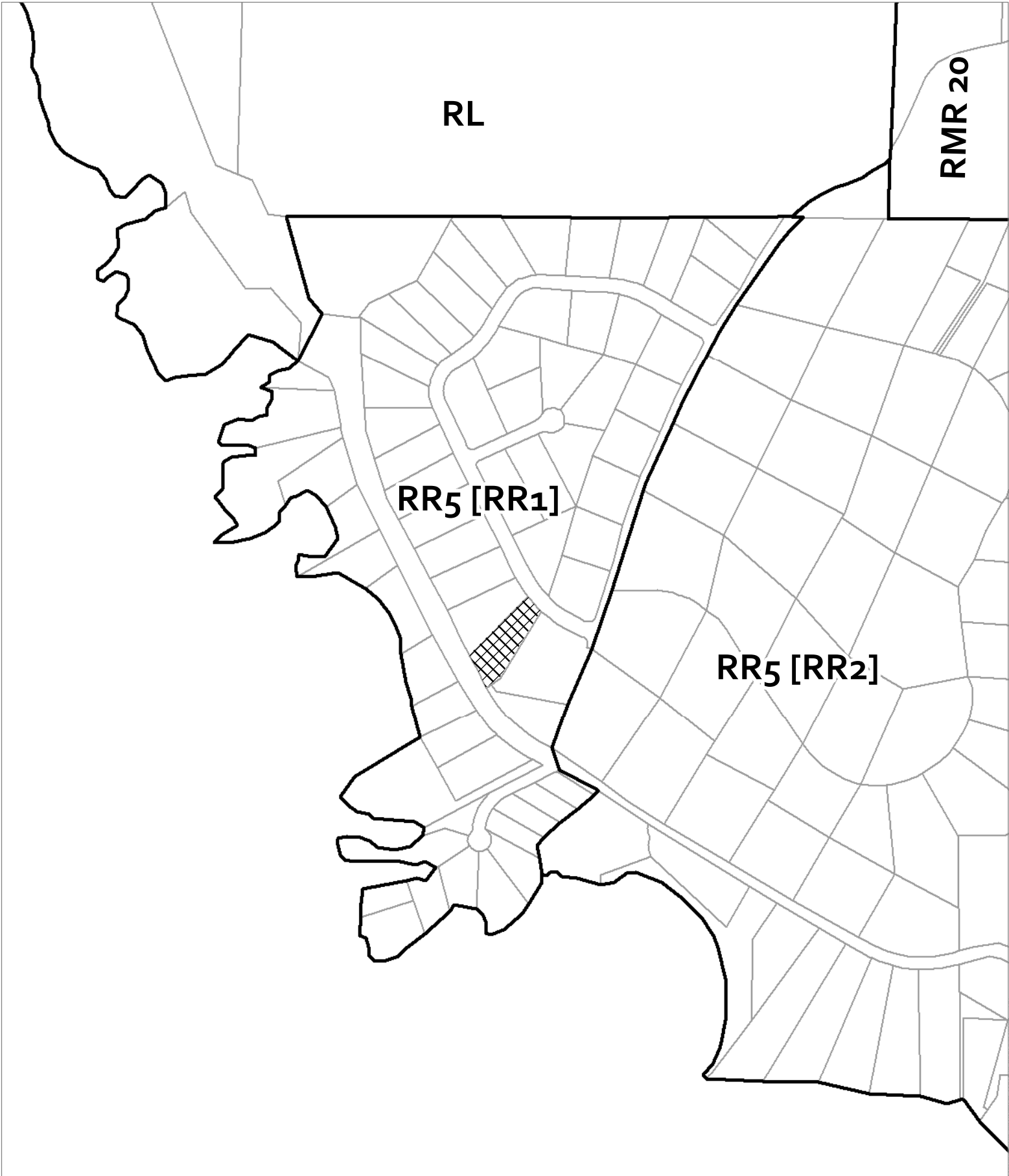
**Right elevation**



**Left elevation**



CASE: CDP 2019-0049  
 OWNER: CIONCO/FUKASAWA  
 APN: 142-010-52-05  
 APLCT: Natsuki Fukasawa & Richard Cionco  
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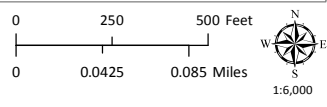
NO SCALE



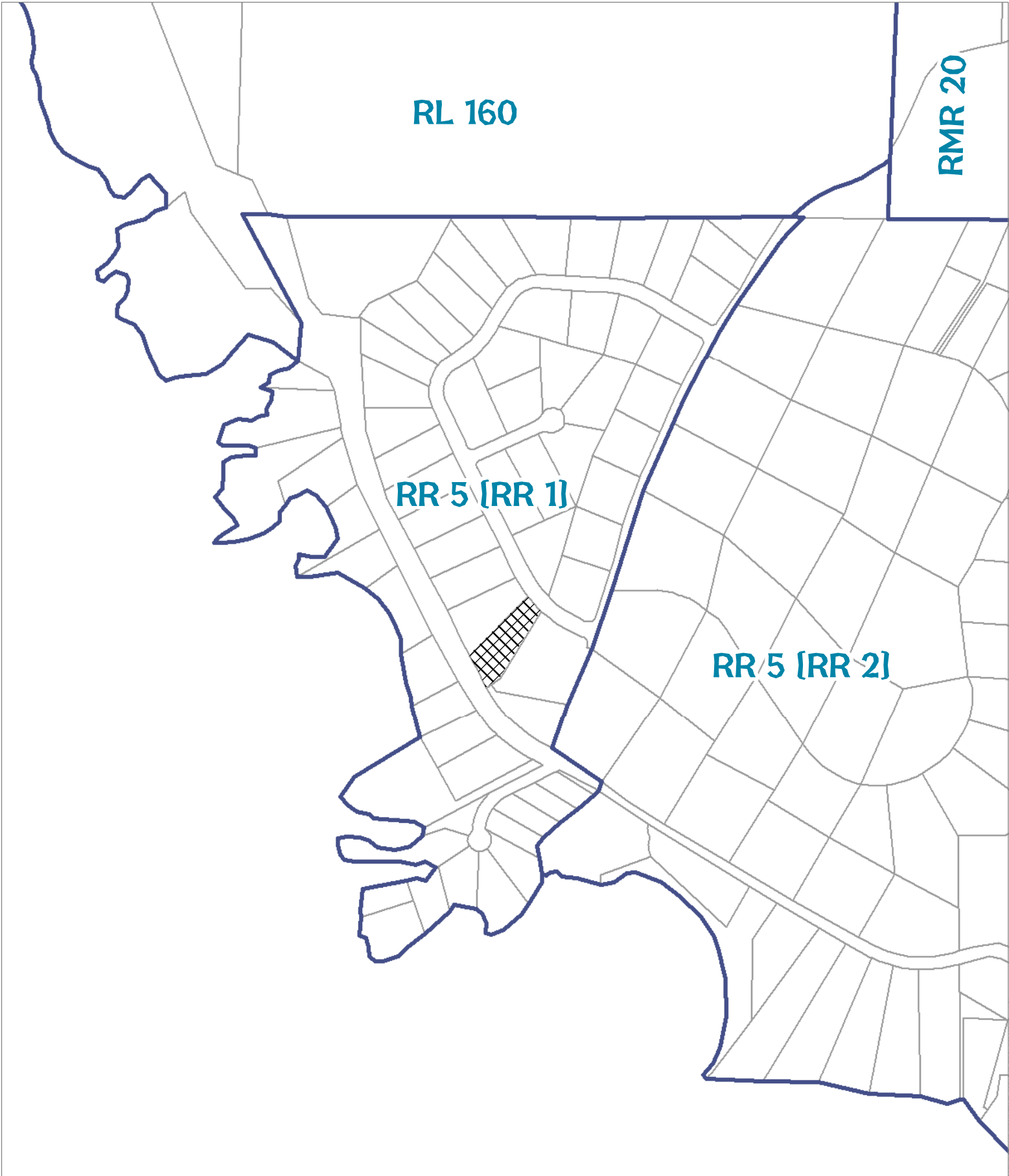
MENDOCINO COUNTY PLANNING DEPARTMENT - 12/08/2009

CASE: **CDP 2019-0049**  
 OWNER: **CIONCO/FUKASAWA**  
 APN: **142-010-52-05**  
 APLCT: **Natsuki Fukasawa & Richard Cionco**  
 AGENT: **Blair Foster**  
 ADDRESS: **46880 Iversen Lane, Gualala**

-  Zoning Districts
-  Assessors Parcels





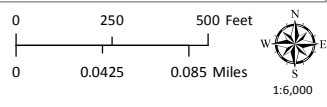




MENDOCINO COUNTY PLANNING DEPARTMENT - 12/08/2019

CASE: CDP 2019-0049  
 OWNER: CIONCO/FUKASAWA  
 APN: 142-010-52-05  
 APLCT: Natsuki Fukasawa & Richard Cionco  
 AGENT: Blair Foster  
 ADDRESS: 46880 Iversen Lane, Gualala

-  General Plan Classes
-  Assessor's Parcels







**SHORELINE ACCESS/CIRCULATION**

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

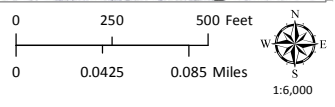
**NATURAL ENVIRONMENT**

- 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

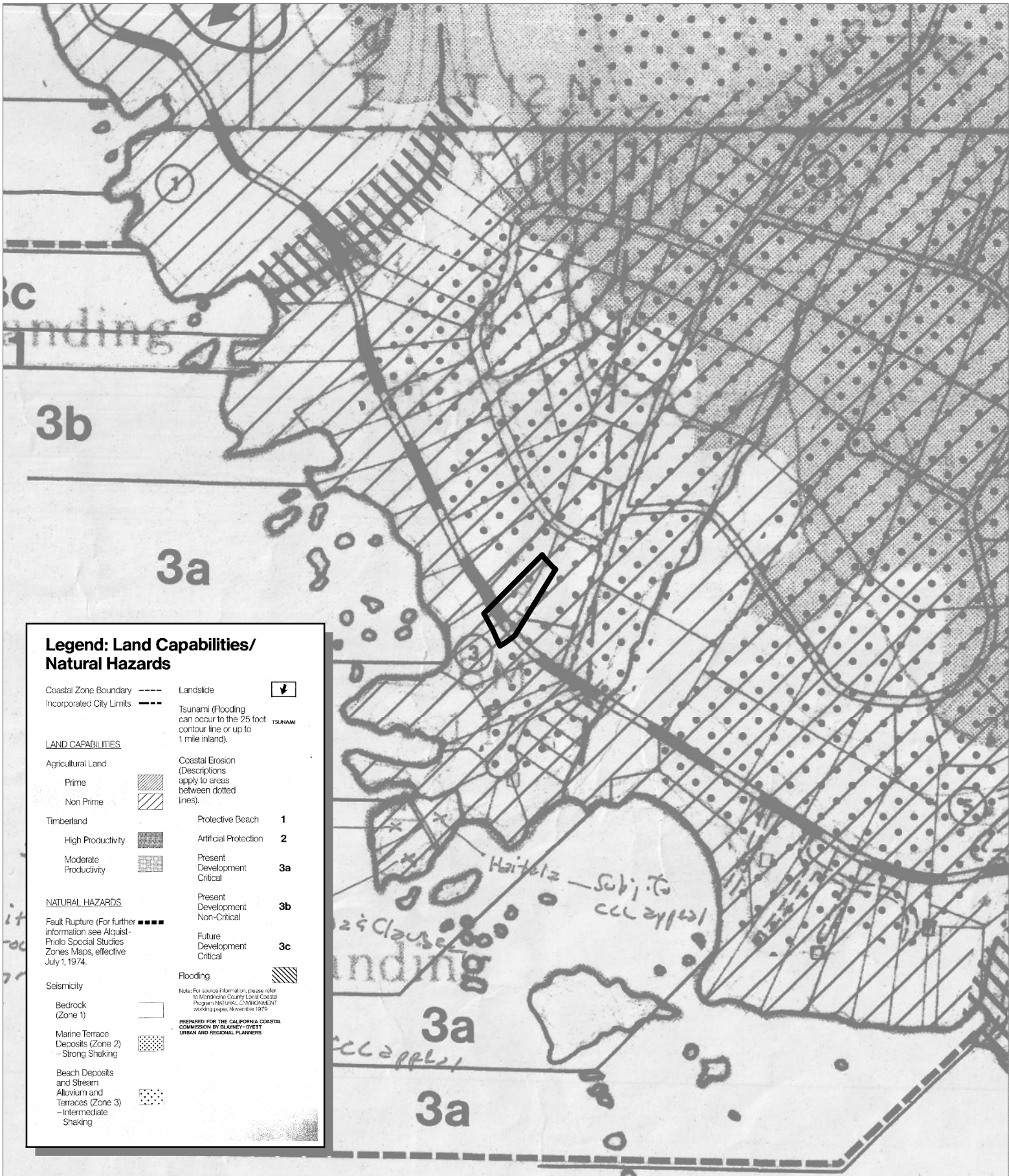
**BOUNDARIES**

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

CASE: CDP 2019-0049  
 OWNER: CIONCO/FUKASAWA  
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 ADDRESS: 46880 Iversen Lane, Gualala







**Legend: Land Capabilities/ Natural Hazards**

Coastal Zone Boundary -----  
 Incorporated City Limits - - - - -

**LAND CAPABILITIES**

Agricultural Land  
 Prime [diagonal lines]  
 Non Prime [cross-hatch]

Timberland  
 High Productivity [grid]  
 Moderate Productivity [stippled]

**NATURAL HAZARDS**

Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974.) - - - - - X

Seismicity  
 Bedrock (Zone 1) [white]  
 Marine Terrace Deposits (Zone 2) - Strong Shaking [cross-hatch]  
 Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [stippled]

Landslide [arrow symbol]  
 Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland.) [dotted lines]

Coastal Erosion (Descriptions apply to areas between dotted lines). [dotted lines]

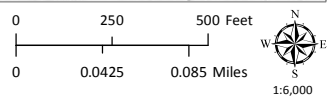
Protective Beach 1 [diagonal lines]  
 Artificial Protection 2 [cross-hatch]  
 Present Development Critical 3a  
 Present Development Non-Critical 3b  
 Future Development Critical 3c

Flooding [diagonal lines]

Note: For source information, please refer to Mendocino County Local Coastal Program MAPS, CDR/DAVID/INT working paper, November 1979.

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAINY-BRYET URBAN AND REGIONAL PLANNERS

CASE: CDP 2019-0049  
 OWNER: CIONCO/FUKASAWA  
 APN: 142-010-52-05  
 APLCT: Natsuki Fukasawa & Richard Cionco  
 AGENT: Blair Foster  
 ADDRESS: 46880 Iversen Lane, Gualala



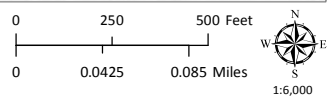




**Legend: Habitats/Resources**

Coastal Zone Boundary	----	OTHER UPLAND HABITATS
Incorporated City Limits	----	Scrub
<b>MARINE AND FRESHWATER HABITATS</b>		
Open Water	W	Pygmy Forest
Kelp	[Pattern]	Pygmy Type Forest
Rocky Intertidal Area	[Pattern]	Barren
Mudflat	[Pattern]	Coastal Prairie Grassland
Beach	[Pattern]	Hardwood Forest/ Grassland
Dunes	[Pattern]	Agricultural Land
Marsh	[Pattern]	Farmstead
Saltwater	[Pattern]	Pasture
Freshwater	[Pattern]	Urban (Also shown with a dominant vegetation)
Brackish	[Pattern]	Sand/Gravel (Extractive Use)
Stream	[Line]	
Perennial	—	<b>SPECIAL HABITATS</b>
Intermittent	---	Seabird and Marine Mammal Rookery
<b>WOODED HABITATS</b>		
Coastal Forest	[Pattern]	Marine Mammal Haulout Area
Redwood	[Pattern]	Spawning Area
Hardwood	[Pattern]	Anadromous Stream
Woodland	[Pattern]	Wildlife Habitat
Riparian	[Pattern]	Plant Habitat
Cutover	[Pattern]	
<small>Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL DIVISION/MILIT working draft November 1979.</small>		
<small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAYNEY-DYETT URBAN AND REGIONAL PLANNERS</small>		
<b>DESIGNATED RESOURCE PROTECTION AREA</b>		
State Park or Reserve	—	
Area of Special Biological Significance	—	
Natural Area	—	
Forestry Special Treatment Area	—	
<b>VISUAL RESOURCES</b>		
View Limit	—+—+—	
Viewshed Corridor	—	

CASE: CDP 2019-0049  
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MENDOCINO COUNTY PLANNING DEPARTMENT 12/08/2019





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

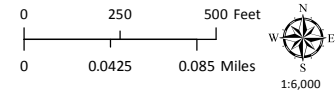
**Permit Jurisdiction**  
This area includes only lands below the mean high tide line and lands where the public trust may exist.

**Appeal Jurisdiction**  
This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal bluff.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to PRC § 53031.9(b), and §53000.9(a)(1) and (a)(2). In addition, developments may also be appealable pursuant to PRC § 53000.9(d), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area called in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plan may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

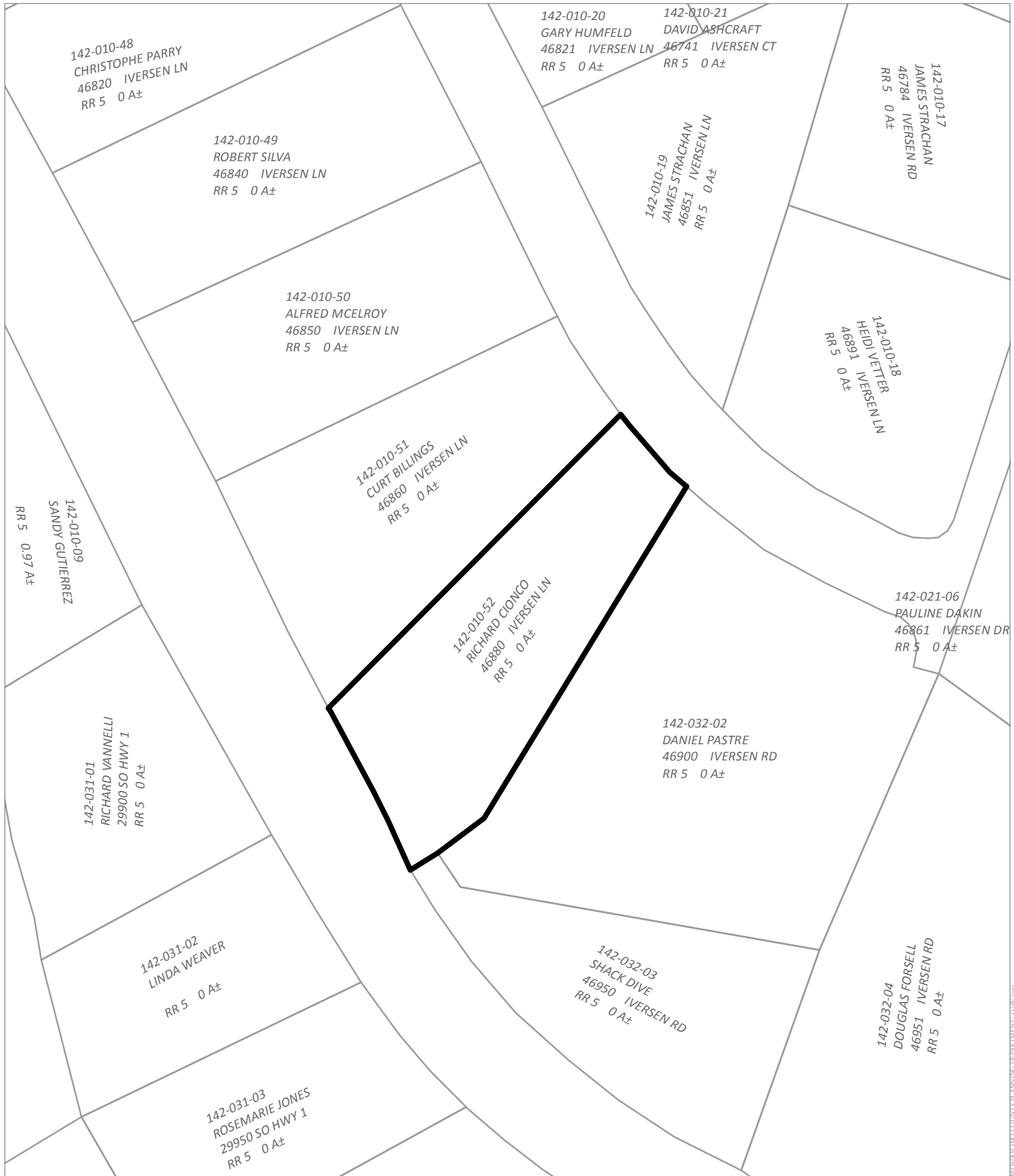
0 1000 3000 5000 6260  
FEET

CASE: **CDP 2019-0049**  
 OWNER: **CIONCO/FUKASAWA**  
 APN: **142-010-52-05**  
 APLCT: **Natsuki Fukasawa & Richard Cionco**  
 AGENT: **Blair Foster**  
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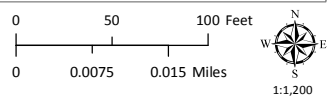
MENDOCINO COUNTY PLANNING DEPARTMENT 12/18/2019





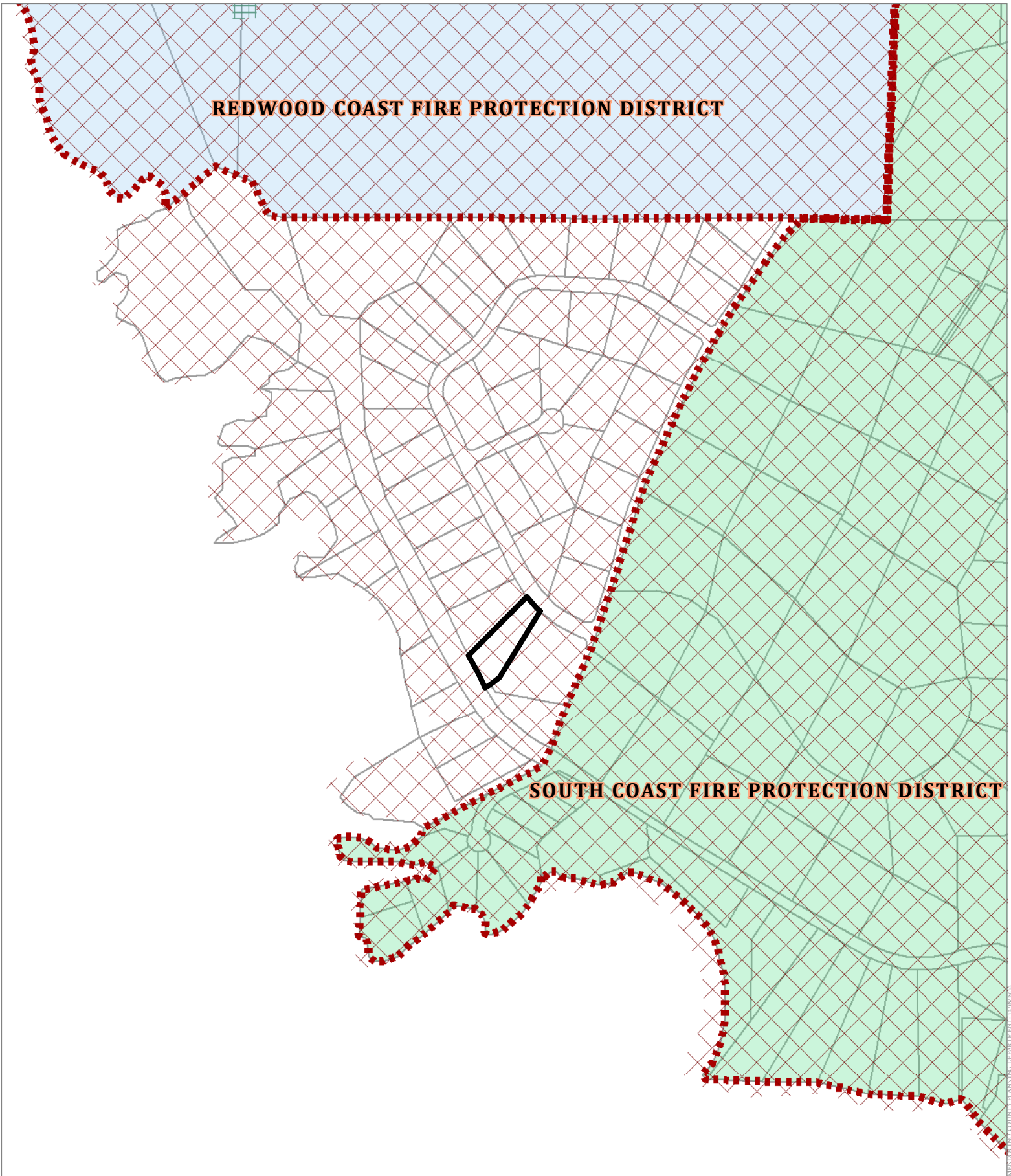
CASE: **CDP 2019-0049**  
 OWNER: **CIONCO/FUKASAWA**  
 APN: **142-010-52-05**  
 APLCT: **Natsuki Fukasawa & Richard Cionco**  
 AGENT: **Blair Foster**  
 ADDRESS: **46880 Iversen Lane, Gualala**

 Assessor's Parcels







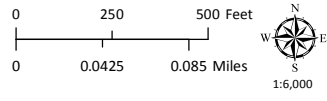
ADJACENT PARCELS  
ATTACHMENT P

MENDOCINO COUNTY PLANNING DEPARTMENT 12/08/2009

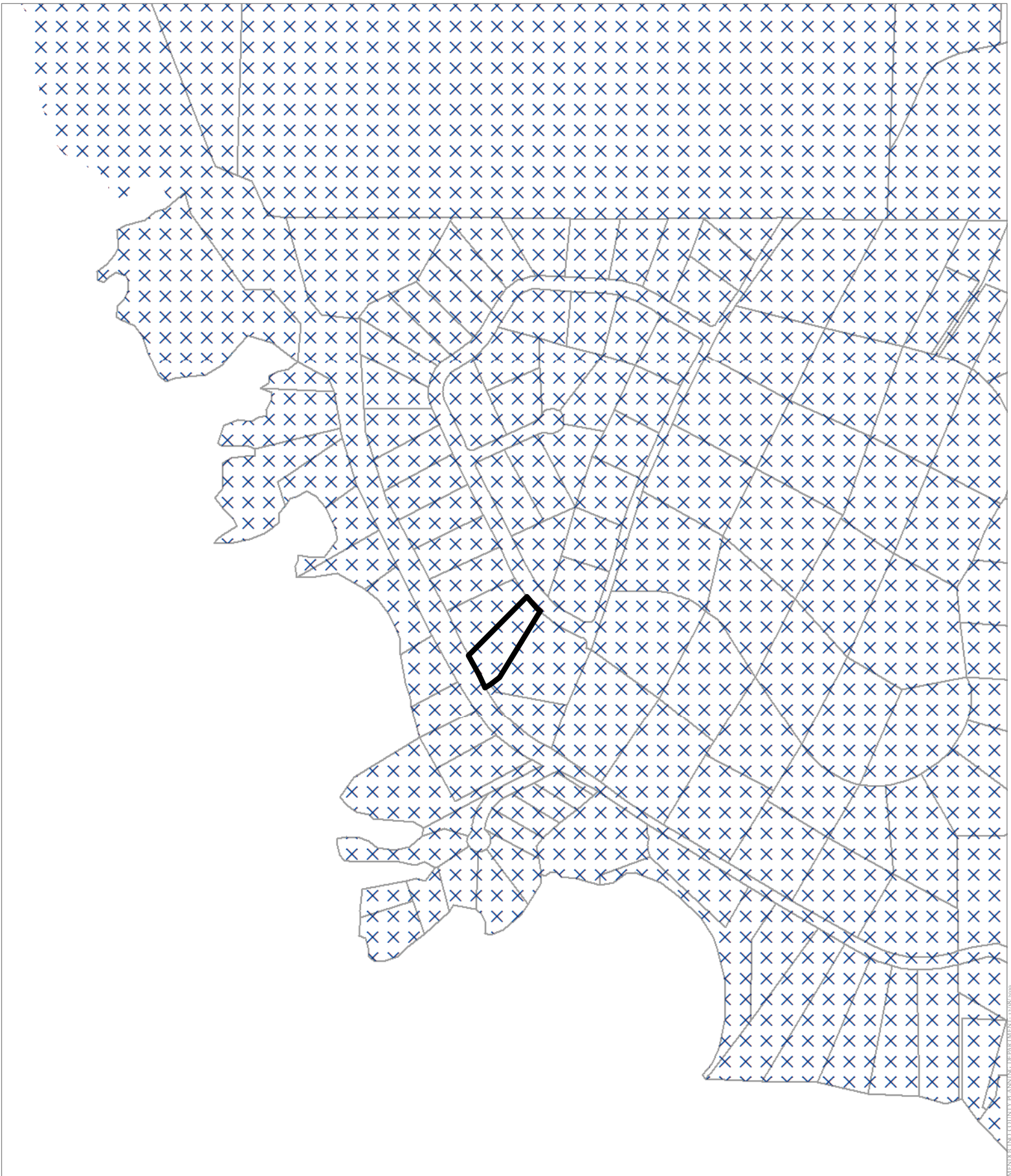


CASE: CDP 2019-0049  
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 APLCT: Natsuki Fukasawa & Richard Cionco  
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 ADDRESS: 46880 Iversen Lane, Gualala

	High Fire Hazard		Assessors Parcels
	Moderate Fire Hazard		County Fire Districts



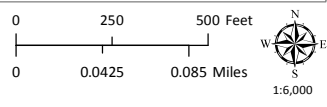
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA



MENDOCINO COUNTY PLANNING DEPARTMENT 12/08/2019

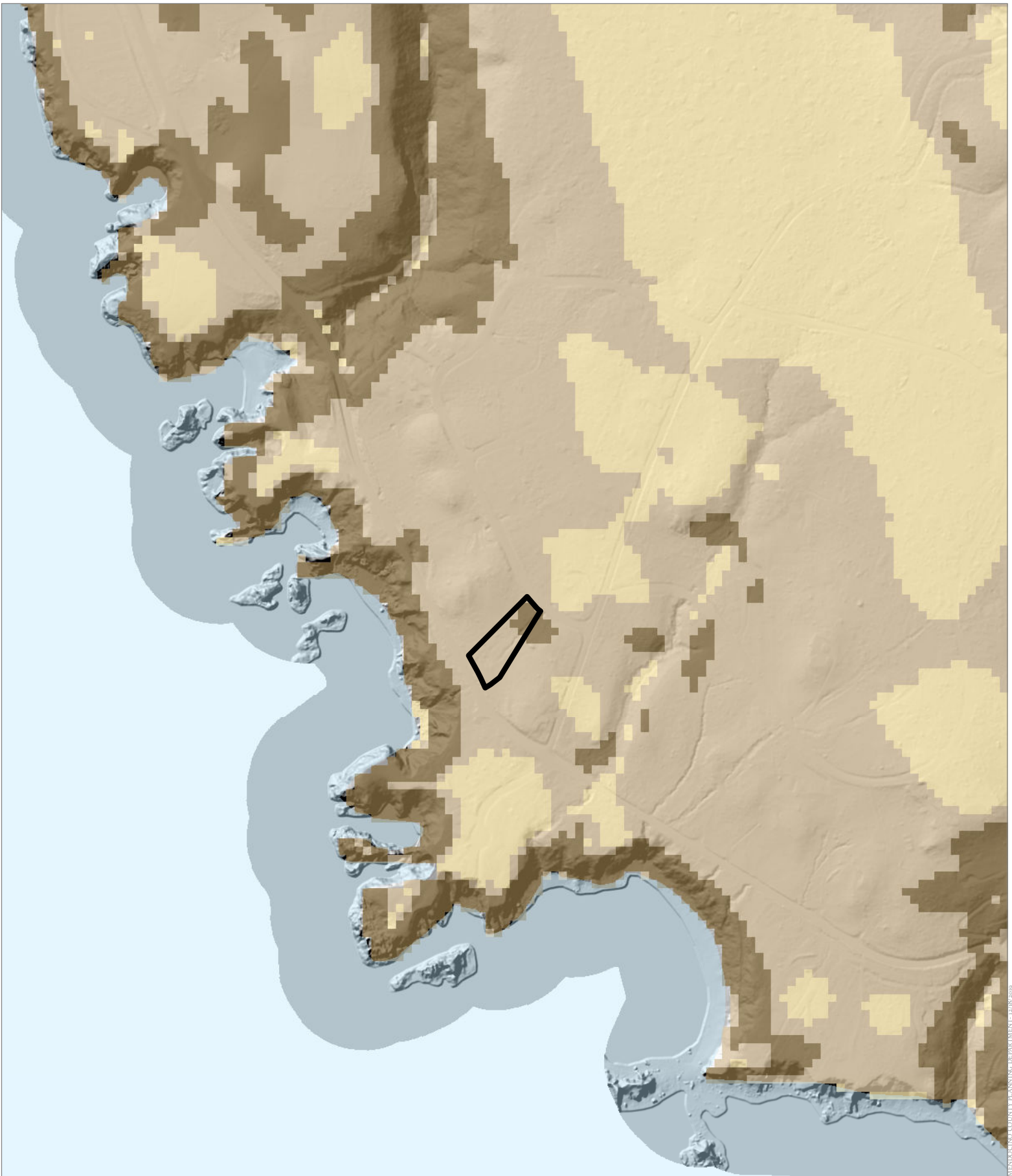
CASE: **CDP 2019-0049**  
 OWNER: **CIONCO/FUKASAWA**  
 APN: **142-010-52-05**  
 APLCT: **Natsuki Fukasawa & Richard Cionco**  
 AGENT: **Blair Foster**  
 ADDRESS: **46880 Iversen Lane, Gualala**

- Critical Water Areas
- Assessors Parcels

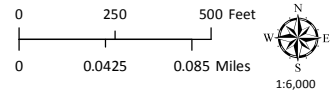
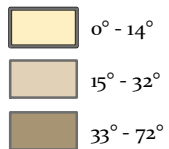


**GROUND WATER RESOURCES**  
**ATTACHMENT R**

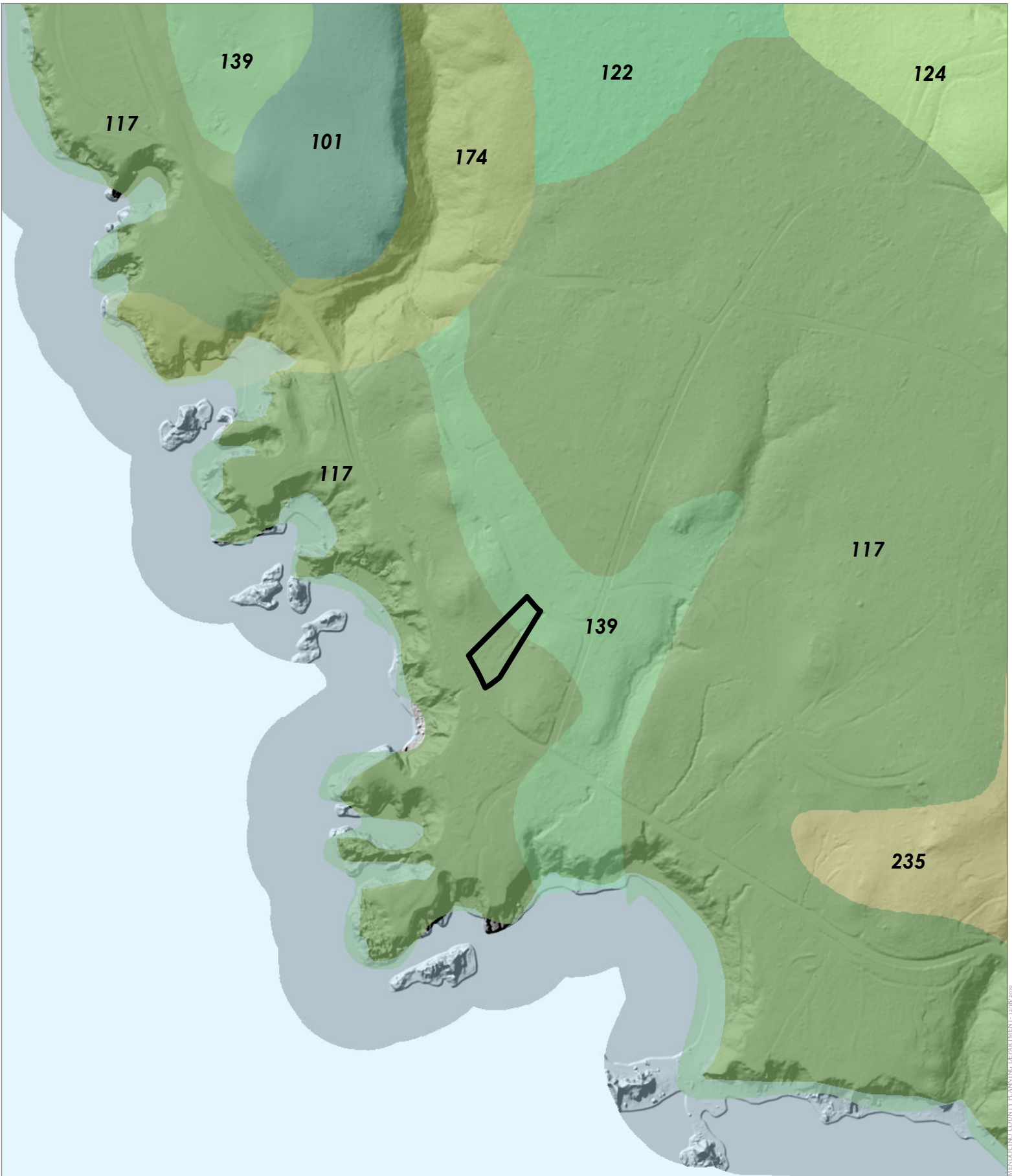




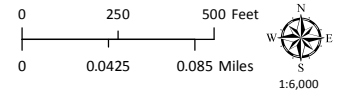
CASE: **CDP 2019-0049**  
 OWNER: **CIONCO/FUKASAWA**  
 APN: **142-010-52-05**  
 APLCT: **Natsuki Fukasawa & Richard Cionco**  
 AGENT: **Blair Foster**  
 ADDRESS: **46880 Iversen Lane, Gualala**



ESTIMATED SLOPE  
 ATTACHMENT S



CASE: CDP 2019-0049  
 OWNER: CIONCO/FUKASAWA  
 APN: 142-010-52-05  
 APLCT: Natsuki Fukasawa & Richard Cionco  
 AGENT: Blair Foster  
 ADDRESS: 46880 Iversen Lane, Gualala



<b>Section I</b>	<b>Description Of Project.</b>
<p><b>DATE:</b> JUNE 2, 2021  <b>CASE#:</b> CDP_2019-0049  <b>DATE FILED:</b> DECEMBER 6, 2019  <b>OWNER/APPLICANT:</b> NATSUKI FUKASAWA &amp; RICHARD CIONCO  <b>AGENT:</b> WYNN COASTAL PLANNING &amp; BIOLOGY  <b>PROJECT COORDINATOR:</b> JESSIE WALDMAN, PLANNER II  <b>REQUEST:</b> Standard Coastal Development Permit to construct a single family residence and ancillary development. Associated improvements include carport and decking around the single family residence and a paved driveway. Including the construction of a bioswale and a curtain drain. Associated utilities include construction of a septic system and a well.  <b>ENVIRONMENTAL DETERMINATION:</b> Mitigated Negative Declaration  <b>LOCATION:</b> In the Coastal Zone, 4.7± miles south of Point Arena town center, on the west side of Iversen Lane (CR 532), 0.25± miles northeast of the intersection of State Route 1 (SR 1), and Iversen Rd. (CR 503), located at 46880 Iversen Lane, Gualala; APN: 142-010-52-05.</p>	
<b>Section II</b>	<b>Environmental Checklist.</b>
<p><i>“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).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.</i></p>	

**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.

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

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

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

a - d) **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.<sup>1</sup> 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. It 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 east of State Route 1 and is accessed via a County 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 eastern portion 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.

<sup>1</sup> [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB998](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB998)

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.

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

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

a - e) **No impact:** The project site is located in an area designated as “Grazing Land” by the State of California Department of Conservation. The parcel is zoned Rural Residential, 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.<sup>2</sup>

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.

<p align="center"><b>III. AIR QUALITY.</b></p> <p><b>Where available, the significance criteria established by the applicable air quality management, or air pollution control district may be relied upon to make the following determinations. Would the project:</b></p>	<p align="center"><b>Potentially Significant Impact</b></p>	<p align="center"><b>Less Than Significant with Mitigation Incorporated</b></p>	<p align="center"><b>Less Than Significant Impact</b></p>	<p align="center"><b>No Impact</b></p>
<p>a) Conflict with, or obstruct implementation of any applicable air quality plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Violate any air quality standard, or contribute substantially to an existing, or projected air quality violation?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Create objectionable odors affecting a substantial number of people?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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 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.

<sup>2</sup> County of Mendocino GIS

- 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; and
  - 2) All unpaved surfaces, unless otherwise treated with suitable chemicals, or oils, shall have a posted speed limit of 10 miles per hour; and
  - 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; and
  - 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts; and
  - 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour; and
  - 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 are 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, which is 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.

<b><u>IV. BIOLOGICAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat, or other sensitive natural community identified in local, or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident, or migratory fish, or wildlife species, or with established native resident, or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies, or ordinances protecting biological resources, such as a tree preservation policy, or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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) **Potentially Significant Unless 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, 2019) prepared a *Biological Scoping Survey, Wetlands Delineation, Lotus Blue Butterfly, Behren's Silverspot Butterfly & Botanical Survey Report*, which included a *Buffer Analysis*, and a *Biological Report of Compliance* (WCPB, October 2019). Where the studies provided recommendations for "mitigation and avoidance measures in **Section 8** were developed to ensure that all impacts from the proposed development will have a less than significant effect on sensitive resources" (WCPB, 2019, pg. 23). This document is kept on file with the Mendocino County Department of Planning & Building Services.

Wynn determined that the property "slopes from an elevation of about 150 feet on the eastern edge along Iversen Lane to about 110 feet on the western edge along Highway 1" (WCPB, 2019, pg. 4). Wynn identified three potential ESHA within the study area: a *Stream*, a *Wetland*, and a *Rare Plant Community - Slough Sedge Swards (Carex obnupta Herbaceous Alliance G4 S3)* and *Tufted hair grass meadow (Deschampsia cespitosa Herbaceous Alliance G5 S4)* (WCPB, 2019, pg. 1).

Wynn also "identified ... plant communities, one of which is special status and presumed ESHA – *Slough Sedge Swards (Carex obnupta Herbaceous Alliance G4 S3)*, and *Tufted hair grass meadow (Deschampsia cespitosa Herbaceous Alliance G5 S4)*. The other plant communities identified were *Monterey Cypress Stand (Hesperocyparis macrocarpa Semi-Natural Alliance)*, *Coyote Brush Scrub (Baccharis pilularis Shrubland Alliance G5 S5)*, and *Tufted Hairgrass Meadow (Deschampsia cespitosa Herbaceous Alliance G5 S4)*" (WCPB, 2019, pg. 5). Wynn identified two plant species, which are potential ESHA on the study site, including *Harlequin lotus (Hosackia gracillis CNPS 4.2)* and *Early blue violet (Viola adunca CNPS 4.2)*, (WCPB, 2019, pg. 14).

Wynn determined the primary plant community present on the parcel is *Coyote Brush Scrub (Baccharis pilularis Shrubland Alliance G5 S5)* (WCPB, 2019, pg 15). No other sensitive plant communities, and plant species were observed on the parcel. The majority of habitat on the parcel consists of the *Coyote Brush Scrub* noted above, where "grasses between the coyote brush were dominated by invasive non-native species, and did not have a significant (>10% combined) component" (WCPB, 2019, pg 15), and shrub understory consists of non-native introduced species, and an herbaceous layer of grasses, sedges, and non-native species.

Wynn determined the site also contains "one Coastal Act wetland (0.3 acres) in the study area. The topographic position (base of surrounding slopes) and underlying soil characteristics for this area has enabled water drainage to collect seasonally in small depressions and at the lowest elevations in the central portion of the property. Vegetation in the wetland area includes tufted hairgrass (*Deschampsia cespitosa ssp. cespitosa*), blue-eyed grass (*Sisyrinchium bellum*), *Harlequin lotus (Hosackia gracilis)*, *wonder woman sedge (Carex gynodynama)*, *slough sedge (Carex obnupta)*, *iris leaf rush (Juncus xiphioides)*, *slender rush (Juncus occidentalis)*, *Baltic rush (Juncus balticus)*, *Pacific common rush (Juncus effusus)*, and *bird's foot trefoil (Lotus corniculatus)*" (WCPB, 2019, pg. 19).

"South of the Coastal Act Wetland, along the southern property boundary, is a constructed channel that has been treated as a stream for the purpose of this report. An 18" culvert was observed extending approximately 4ft from beneath Iversen Lane into the channel. No defined stream occurs on the upslope side of the culvert east of the road, the culvert and channel appears to be primarily for the drainage of surface water runoff of the area northeast of the parcel across Iversen lane. The stream channel is cut 4 ft deep at Iversen Lane and is approximately 290 ft long. The depth of the channel becomes shallower toward the southwest until at its lower end water is conveyed into the lower end of the Coastal Act Wetland and the stream channel is no longer discernable. There are no distinct riparian zones along the stream. Overstory trees surrounding the channel are primarily Monterey cypress (*Hesperocyparis macrocarpa*). Vegetation within the channel was sparse and consisted primarily of *Pacific rush (Juncus effusus)*. Some wax myrtle shrubs (*Morella californica*) were also present in the channel" (WCPB, 2019, pg. 19).



Both the stream, and wetland are considered Environmentally Sensitive Habitat Areas (ESHA), as defined in MCC Section 20.308.040(G). The wetland is considered a Coastal Act Wetland, and was determined to not be federally protected wetlands. Wynn did not observe any special status wildlife while on the property. Primary wildlife species that are of concern on the site including the Foothill Yellow-legged Frog (*Rana boylei*), the Northern Red-legged Frog (*Rana aurora*), and the California Red-legged Frog (*Rana draytonii*). The California Department of Fish and Wildlife generally disagreed with the statements made by Wynn in their October 21, 2019 Report but felt that the proposed buffer to the wetland swale identified on the parcel is adequate to minimize any potential impact to *Rana* species with the potential to occur on the parcel. With regards to nesting birds, it was noted that the wetland swale on the property, and the eastern portion of the parcel will remain in its natural state, and will continue to provide potential nesting habitat on the property, and function as a wildlife corridor. The California Department of Fish and Wildlife agreed with these statements, and found them adequate to ensure that impacts to nesting birds are minimized, and a wildlife corridor maintained.

Mendocino County Code requires that a sufficient buffer be established around all identified ESHA. A Buffer Zone Analysis was included as Appendix I in the report from Wynn, and recommends a minimum 50 foot buffer area between the stream, and Coastal Act Wetlands, and the proposed development. There is no location on the parcel where development would not occur within 50 feet of the identified stream, and the Coastal Act Wetlands (WCPB, 2019, Appendix I, pg. 1). Due to the presence of ESHA on the site, the previously noted *Biological Report of Compliance* was prepared for the project describing the sensitivity of the resources present, and showing the least impacting location for the proposed development.

The property was purchased with an investment-backed expectation that construction of a single family residence would be permitted.

Alternative locations for the proposed residence, carport, driveway, and septic system were also considered, resulting with a smaller overall footprint. *“Due to the presumed ESHAs onsite, the proposed development location for the single-family residence, carport, well and septic system will partially occur within the 50ft presumed wetland and stream ESHA buffers. The only access to the property is via Iversen Lane where the development will occur on the north-eastern side of the property. This is the least impacting development location, as it does not occur directly within any of the onsite presumed ESHAs. If development were to occur in another location, the development would occur within or closer to presumed ESHAs in comparison to the preferred project location described above. The size of the single family residence has been reduced from the original proposal to reduce the potential for impact,”* (WCPB, 2019, Appendix J, pg. 9). Wynn determined that the least impacting location is on the north-eastern side of the Study Area (identified in their report), based upon the presence of the on-site 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 *Biological Scoping Survey, Wetlands Delineation, Lotus Blue Butterfly, Behren’s Silverspot Butterfly & Botanical Survey Report*, which included a *Buffer Analysis*, and a *Biological Report of Compliance* (WCPB, 2019).

The proposed project is considered the most feasible, least environmentally damaging alternative that avoids sensitive plant ESHA, and related ESHA buffer requirements that satisfies the investment backed expectation of the owner. Mitigation Measures were recommended in the Report of Compliance, and **Conditions 13 through 20** are recommended to ensure the project does not have an adverse impact on the sensitive resources at the site.

The wetland swale that was identified on the parcel is considered a Coastal Act Wetland based upon a 50% hydric vegetation cover but was determined to not be a federally protected wetland as it did not contain the other indicators. Mitigation measures such as the buffer being established from the identified Coastal Act wetland will minimize any potential impact. Since the wetland identified is not a federally protected wetland, no impact has been determined for the purposes of this Initial Study.

The proposed project will not interfere substantially with the movement of any native resident, or migratory fish or wildlife species, or with established native resident, or migratory wildlife corridors with incorporated mitigation measures. Since the parcel is presently undeveloped it may be host to several nesting birds, and act as a wildlife corridor for animals traveling to the coast. In consultation with the California Department of

Fish and Wildlife, it was determined that the wetland swale area will continue to function as a wildlife corridor allowing movement through the property. In addition, protection of the southern portion of the property in its natural state will continue to provide potential nesting habitat on the property. Therefore, with incorporation of mitigation measures related to a minimum buffer between the proposed development, and the identified wetland swale, and the general location of the proposed development, impacts are considered less than significant.

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 impervious surfaces, and 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 economic 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, and attachments. Impacts will be less than significant with the recommended mitigation measures.

In summary, the proposed project cannot be found consistent with LCP policies relating to ESHA; however, the proposed project is the least damaging alternative, and the proposed mitigation measures required by **Condition 13**, and **Condition 20** 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 13 through 20 of project):

13. \*\* Mitigation and Avoidance Measures proposed in the *Response to Agency Comments and Drainage Plan*, dated August 13, 2020, by Wynn Coastal Planning and Biology Consulting. Prior to final of a Building Permit or Septic Permit, the property owner, or its agents shall submit a drainage plan for approval from the Coastal Permit Administrator, or to the satisfaction of the Director of Planning and Building Services, which shall be consistent with **Conditions 13 through 20**, and shall not include invasive plants, and any landscaping on the parcel shall consist of native, regionally appropriate, plants compatible with the adjacent plant communities. The Draft Landscape/Drainage Plan submitted to Planning & Building Services as Exhibit 2 of Wynn Coastal Planning & Biology's "Response to County Request for Information #1" letter, dated August 24, 2020 satisfies this condition.
14. \*\* Mitigation and Avoidance Measures proposed in the *Response to Agency Comments and Landscaping Plan*, dated August 13, 2020, by Wynn Coastal Planning and Biology Consulting. Prior to final of a Building Permit or Septic Permit, the property owner, or its agents shall submit a landscaping plan for approval from the Coastal Permit Administrator, or to the satisfaction of the Director of Planning and Building Services, which shall be consistent with **Conditions 13 through 20**, and shall not include invasive plants, and any landscaping on the parcel shall consist of native, regionally appropriate, and plants compatible with the adjacent plant communities. The Draft Landscape/Drainage Plan submitted to Planning & Building Services as Exhibit 2 of Wynn Coastal Planning & Biology's "Response to County Request for Information #1" letter, dated August 24, 2020, coupled with Table 1 "Recommended native plants for the native plant buffer...", revised February 16, 2021" submitted to Planning & Building Services as Enclosure 1 of Wynn Coastal Planning & Biology's "Response to County Request for Information #2" letter, dated February 17, 2021 satisfies this condition.
15. \*\* Mitigation and Avoidance Measures proposed in the *Biological Scoping, Wetland Delineation, Lotis Blue, Behren's Silverspot Butterfly & Botanical Survey Report*, dated October 21, 2019, by Wynn Coastal Planning and Biology Consulting, Standard Best Management Practices (BMPs) are required to 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 see mixes for soil stabilization.
16. \*\* Mitigation and Avoidance Measures proposed in the *Biological Scoping, Wetland Delineation, Lotis Blue, Behren's Silverspot Butterfly & Botanical Survey Report*, dated October 21, 2019, by Wynn Coastal Planning

and Biology Consulting are required in order to provide for the protection of rare plant communities, and special status animal habitat, construction areas shall not extend beyond the area necessary to complete the project, and shall not encroach into ESHA buffer beyond that approved under this permit, as follows:

- a. During construction, materials, including but not limited to lumber, concrete, finishwares, hand tools, power tools, generators, vehicles, heavy equipment, etc. shall be stored in non-ESHA areas, such as the existing driveway, and shall be clearly designated by high-visibility construction fencing, or other signage.
  - b. Orange construction fencing will be erected between both the Harlequin Lotus, and Early Blue Violet, and the project-related activity areas, and also along the eastside of the driveway between Seadrift Avenue, and the onsite ditch. An exclusion fence will be erected around all project-related activity areas. Fencing will be designed to protect Harlequin Lotus from the relevant areas, as described in Figure 5, Section 5 Mitigation and Avoidance Measures, and Section 8 Discussion of the *Biological Scoping and Botanical Survey Report (WCPB, 2019)* (5.1 & 5.2 Impact, page 14 of *WCPB*).
17. \*\* Mitigation and Avoidance Measures proposed in the *Biological Scoping, Wetland Delineation, Lotus Blue, Behren's Silverspot Butterfly & Botanical Survey Report*, dated October 21, 2019, by Wynn Coastal Planning and Biology Consulting are required to minimize impacts for development to Coastal Act wetlands, slough sedge sward, and stream. These measures will serve to prevent negative impacts to potential resources located within 100 feet of the proposed development, as follows:
- a. 8.1. Potential Impact 1: Potential Impact to Birds (*WCPB, 2019, pg. 23*): Construction in the study area has the potential to disturb special status birds during the nesting season. Removal of vegetation, and construction activity near trees, and vegetated areas has the potential to disturb bird nesting.
    - i. 8.1.1. Measure 1a: Seasonal Avoidance: No surveys are recommended if activity occurs in the non-breeding season (September to January). If development is to occur during the breeding season (February to August), a preconstruction survey is recommended within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development (Table 1).
    - ii. 8.1.2. Measure 1b: 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 may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
    - iii. 8.1.3. Measure 1c: Construction activities during daylight hours: Construction should occur during daylight hours to limit disturbing construction noise, and minimize artificial lights.
  - b. 8.2. Potential Impact 2: Potential Impact to Bats (*WCPB, 2019, pg. 23*): Construction in the study area has the potential but is unlikely to impact special status bat species. No special features such as hollow trees, abandoned buildings, or other cave analogs, which could serve as roosting, or hibernation refugium, are present; therefore, the potential for negative impacts to bats is minimal.
    - i. 8.2.1. Measure 2a: Pre-construction surveys for bats: Construction will ideally occur between September 1<sup>st</sup> and October 31<sup>st</sup>, after the young have matured, and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1<sup>st</sup> and August 31<sup>st</sup>, pre-construction surveys should be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roosts are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active roost until all young are no longer dependent upon the roost. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings 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. If bats are found, a minimum 50ft buffer should be implemented around the roost tree.



- ii. 8.2.2. Measure 2b: Construction activities during daylight hours: Construction should occur during daylight hours to limit disturbing construction noise, and minimize artificial lights. Construction activities will involve walking across areas where amphibians may be traveling. Staging of materials, and removal of construction debris could also disturb special status amphibians that may be hiding underneath these materials. To minimize impacts to amphibians, the following avoidance measures should be followed.
- c. 8.3. Potential Impact 3: Potential impact to amphibians in upland areas (*WCPB, 2019, pg. 24*): Construction activities will involve walking across areas where amphibians may be traveling. Staging of materials, and removal of construction debris could also disturb special status amphibians that may be hiding underneath these materials. To minimize impacts to amphibians, the following avoidance measures should be followed.
  - i. 8.3.1. Measure 3a: Contractor education: Within two weeks prior to construction activities, project contractors will be trained by a qualified biologist in the identification of the frogs, and salamanders that occur along the Mendocino County coast. Workers will be trained to differentiate between special status, and common species, and instructed on actions, and communications required to be conducted in the event that a special status amphibians are observed during construction.
  - ii. 8.3.2. Measure 3b: Pre-construction search: During ground disturbing activities, construction crews will begin each day with a visual search around the staging, and impact area to detect the presence of amphibians.
  - iii. 8.3.3. Measure 3c: Careful debris removal: During construction, and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing, or other damage to amphibians.
  - iv. 8.3.4. Measure 3d: Reduce footprint of impact: Orange construction fencing should be used to buffer any presumed onsite ESHAs (wetland, stream, and slough sedge sward) within 100ft of development. The orange construction fencing aims to protect the presumed ESHAs that amphibians may live in. Construction fencing will serve as a visual reminder to keep materials, and limit walking to within the designated boundaries. Construction fencing should be placed in a way that allows the construction crew to have sufficient space to work safely, and efficiently while protecting the onsite resources.
  - v. 8.3.5. Measure 3e: Construction activities during daylight hours: Some special status amphibians are more active at night. Construction should occur during daylight hours to minimize disturbing construction noise, and artificial lights.
  - vi. 8.3.6. Measure 3f: Limit ground disturbing construction to dry season: Ground disturbing construction within 100 feet of the stream should occur during the dry season, which is generally April 1 to October 31 of any year.
  - vii. 8.3.7. Measure 4g: No construction during rain event: If a rain event occurs during the ground disturbance period, all ground disturbing activities will cease for a period of 48 hours, starting after the rain stops. Prior to resuming construction activities, trained construction crew member(s) will 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 will stop all ground disturbing work, and will 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.
- d. 8.4. Potential Impact 4: Potential Impact to Soil and Vegetation - ground compaction, and vegetation disturbance from materials, and vehicles (*WCPB, 2019, pg. 25*):
  - i. 8.4.1. Mitigation 4a: Limiting Erosion: The proposed project has the potential to create some erosion during ground disturbance. To limit any erosion that could enter any ESHAs downslope of the project area, straw wattles should be placed at the base of the orange construction fencing discussed in Section 8.3.4.

- ii. 8.4.2. Mitigation 4b: Staging Area Plan: Stage all building materials, and construction vehicles in upland areas as far away from presumed ESHAs as possible.
  - e. 8.5. Potential Impact 5: Potential Impact to Wetland (*WCPB, 2019, pg. 25*): The interceptor drain, and drain outlet has the potential to divert groundwater from above the Coastal Act wetland. The drain outlet also has the potential to create erosion, which may cause sediment to enter the Coastal Act wetland, and stream. To mitigate for change to groundwater, and potential erosion, it is recommended that a bioswale is created at the end of the interceptor drain outlet.
    - i. 8.5.1. Mitigation 5a: Bioswale Creation: To mitigate for this potential impact, a bioswale should be created at the end of the drain outlet (Figure 2). The bioswale will hold any water that is diverted from the curtain drain. This bioswale should be planted with appropriate native wetland plants. Any overflow water from the bioswale should be redistributed into the wetland downslope in a slow flow, non-erosive way.
  - f. 8.6. Potential Impact 6: Invasive Plants and Landscaping (*WCPB, 2019, pg. 26*): After the single family residence is built, landscaping surrounding the residence has the potential to occur. In some cases, landscaping can become invasive, and spread to surrounding areas that could out compete native flora, and degrade habitat that native fauna may use.
    - i. 8.6.1. Measure 6a: Mitigating for development within 50ft of presumed ESHAs: Due to development that is being proposed within 100ft of presumed ESHAs, additional planting of site-appropriate natives should occur between the development, and the presumed wetland. Ideally, local genetic stock plants would be used. However, many native California cultivars with desirable traits exist, and may be used.
    - ii. 8.6.2. Measure 6b: Plant native vegetation: While many ornamental landscapes on the California coast use non-native plants, invasive plants should not be planted. Some invasive plants commonly seen by Wynn Coastal Planning & Biology's staff biologists on the coast that should be avoided are: Iceplant (*Carpobrotus edulis*, *C. chiloensis*, & *Delosperma* sp.), cotoneaster (*Cotoneaster franchetii* & *C. pannosus*), English ivy (*Hedera helix*), cape ivy (*Delairea odorata*), pampas grass (*Cortaderia jubata* & *C. selloana*), cape weed (*Arctotheca calendula* & *A. prostrata*), Monbretia (*Crocasmia xrocosmiiflora*), blue gum eucalyptus (*Eucalyptus globulus*), redhot poker (*Kniphofia uvaria*), periwinkle (*Vinca major*), bulbil bugle lily (*Watsonia meriana*), and calla lily (*Zantedeschia aethiopica*).
18. \*\* Mitigation and Avoidance Measures proposed in Section 5 of the Report of Compliance, Appendix J of the *Biological Scoping, Wetland Delineation, Lotis Blue, Behren's Silverspot Butterfly & Botanical Survey Report*, dated October 21, 2019, by Wynn Coastal Planning and Biology Consulting are required to reduce potential impacts to the Coastal Act wetland, and Stream. It is recommended that a bioswale is created at the interceptor drain outlet (Figure 2). The bioswale will catch, and retain water allowing it to enhance the adjacent wetland, and create new wetland habitat. The bioswale should be planted with native wetland plants appropriate for the site. Any outflow water should be redistributed back into the presumed wetland in a non-erosive way. The bioswale mitigation measure aims to prevent any potential impacts to the Coastal Act wetland, and stream. As discussed in Section 8 of the Biological report, native plants appropriate for the site should be planted between the proposed single family residence, and the delineated wetland to act as an additional visual, and physical buffer, which will help to discourage people from disturbing the presumed ESHA in the future. The addition of native shrubs such as wax myrtle, and cascara buckthorn along the channel will create riparian habitat, and functions that will enhance the stream.
19. \*\* 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 OR CURRENT FEE shall be made payable to the Mendocino County Clerk, and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved), or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement

becoming null, and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

20. \*\* Prior to issuance of any building, or septic permit in reliance of this Coastal Development Permit, the applicant shall record, and execute a deed restriction against the property, in form, and content acceptable to the Coastal Permit Administrator, that imposes the conditions of the permit as covenants, conditions, and restrictions on use, and enjoyment of the property.

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

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

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 March 8, 2018 by Marlene McVey 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 July 8, 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.

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

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

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.

<b>VII. GEOLOGY AND SOILS.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people, or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion, or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit, or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks, or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource, or site for unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- a, c) **No Impact:** 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 inland, east 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 "Beach Deposits and Stream Alluvium and Terraces (Zone 3) – Intermediate Shaking". The subject parcel is not mapped as an area with potential liquefaction. The soil unit upon which the parcel is located is not known to have a potential of liquefaction. Mapping does not show any landslides within close proximity to the project site. Additionally, the project site is relatively level therefore concerns regarding landslide potential are minimal. Due to the fact that the project site could experience some risk involving earthquake hazards, but not significant risks, no impact would occur.
- 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. This is 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.

- 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, and 139 – Dystropepts with 30 to 75 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 Soil Survey notes that 139 – Dystropepts “Included in mapping are small areas of Abalobadiah and Vizcaino soils, areas of Rock outcrop, and areas of mass wasting along ocean bluffs. Also included are small areas that have slopes of 15 to 30 percent or 75 to 99 percent. Included areas make up about 25 percent of the total acreage of the unit. The percentage varies from one area to another.”

Dystropepts are shallow, or moderately deep to bedrock, and are well drained. A representative profile has a surface layer of dark grayish brown loam about 11 inches thick. The next layer is dark grayish brown very gravelly clay loam about 8 inches thick. Hard, and soft, fractured shale is at a depth of about 19 inches. Permeability and available water capacity are extremely variable in the Dystropepts. The effective rooting depth is limited by bedrock at a depth of 10 to 40 inches. Surface runoff is rapid or very rapid, and the hazard of water erosion is severe or very severe.

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 3-10 inches	Percentage passing sieve number--				Liquid limit	Plas-ticity index
			Unified	AASHTO		4	10	40	200		
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 ST23276. Therefore, there will be no impact.
- f) **Less Than Significant Impact:** The potential exists for unique paleontological resources, or site for 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.

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

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

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 CO<sub>2</sub>e (CO<sub>2</sub> 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 CO<sub>2</sub>e.

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.

<b><u>IX. HAZARDS AND HAZARDOUS MATERIALS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public, or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public, or the environment through reasonably foreseeable upset, and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions, or handle hazardous, or acutely hazardous materials, substances, or waste within one-quarter mile of an existing, or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>IX. HAZARDS AND HAZARDOUS MATERIALS.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and as a result, would it create a significant hazard to the public, or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing, or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with an adopted emergency response plan, or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on hazards, and hazardous materials if it were to create a significant hazard to the public, or the environment through reasonably foreseeable upset, and accident conditions involving the release of hazardous materials into the environment; emit hazardous emissions, or handle hazardous, or acutely hazardous materials, substances, or waste within one-quarter mile of an existing, or proposed school; be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and as a result, would create a significant hazard to the public, or the environment; resulting 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 storm water 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 South Coast 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.<sup>3</sup> Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire). The project application was referred to CalFire and the South Coast Fire District (SCFD) for input; SCFD 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 560-19) 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.

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

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

<b>X. HYDROLOGY AND WATER QUALITY.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
e) Conflict with, or obstruct implementation of a water quality control plan, or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- 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 groundwater 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, 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. Under the project, potable water would be provided by a proposed on-site well as the site is not located within a water district. The proposed water system will be permitted through the Mendocino County Division of Environmental Health (DEH). The new well will be required to be constructed in accordance with DEH Standards and will comply with all relevant local and state regulations. DEH reviewed the project and commented on the proposed development. DEH noted there are limited areas for the well to be developed within, but no other concerns were expressed. 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. As a result, the project would not impede or redirect flood flows, and no impact would occur.

- d) **No Impact:** The project site is not located in a mapped flood zone area by FEMA. The parcel is not a blufftop parcel but is located one parcel away from the bluff. The project site is not mapped as a tsunami inundation zone nor is there any large bodies of water 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.

<b>XI. LAND USE AND PLANNING. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan, or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

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.

<b>XIII. NOISE. Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to, or generation of excessive groundborne vibration, or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary, or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport, or public use airport, would the project expose people residing, or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

<b><u>XIV. POPULATION AND HOUSING.</u> Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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.

<u>XV. PUBLIC SERVICES.</u>	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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Medical Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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 560-19) 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.

<b><u>XVI. RECREATION.</u> Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Increase the use of existing neighborhood, and regional parks, or other recreational facilities such that substantial physical deterioration of the facility would occur, or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities, or require the construction, or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

a - b) **No Impact:** The project will not result in any impact to recreation in the area as the proposed project includes the establishment of one additional parcel. This small increase in residential parcels will not increase use of recreational facilities such that substantial physical deterioration nor required expansion of recreational facilities will be a result, and therefore no impact will occur.

<b><u>XVII. TRANSPORTATION/TRAFFIC.</u> Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections), or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- 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 east of State Route 1 (SR 1). The nearest data breakpoint in the study is located approximately one-eighth mile west of the property at the intersection of Iversen Road/ Iversen Point Road and State Route 1. The existing level of service at peak hour conditions at this location is Level of Service C. 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 560-19) 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.

<b><u>XVIII. TRIBAL CULTURAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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 July 8, 2018 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**. The project was referred to three local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria. As of this date, no response has been received from the three local tribes. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

<b><u>XVIX. UTILITIES AND SERVICE SYSTEMS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves, or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state, or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management, and reduction statutes, and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- a) **Less Than Significant Impact:** The infrastructure necessary for electrical, telecommunications, 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 a proposed on-site well as the site is not located within a water district. The proposed water system will be permitted through the Mendocino County Division of Environmental Health (DEH). The new well will be required to be constructed in accordance with DEH Standards, and will comply with all relevant local and state regulations. DEH reviewed the project and commented on the proposed development, where comments pointed to the septic system with no reference for water sources, or wells. 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, septic permit number ST23276. DEH noted the project is proposing a one-bedroom residence and a non-standard septic system for one-bedroom has been approved, where the septic permit (ST23276) shall be issued and finalized prior to the issuance and final of a building permit for the residence; no other concerns were expressed. This is recommended as **Condition 11**. 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 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.

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

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

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 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, and 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, 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.

<u>XXI. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly, or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 with Mitigation Incorporated:** 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 around 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 with Mitigation Incorporated:** 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.

6/3/2021  
DATE

Julia Ackley King Fox  
JESSIE WALDMAN  
PLANNER II